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TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE MEETING ON OCTOBER 31, 2011 @ 5:30PM
FROM:	J. M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	DRAFT STUDY AND ICB EXTENSION WITHIN THE CITY OF LONDON THE CORPORATION OF CITY OF LONDON

RECOMMENDATION

THAT, on the recommendation of the Director of Land Use Planning and City Planner:

- i. the study, entitled "Planning for Methadone Clinics and Methadone Pharmacies – A Proposed Policy and Regulatory Framework" attached hereto as Appendix 3, and the study's appendices compiled in the Research Compendium, available at www.london.ca/methadonestudy, **BE RECEIVED** by Municipal Council for information;
- ii. the proposed Official Plan and Zoning By-law amendments relating to methadone clinics and methadone pharmacies, attached hereto as Appendix 2, **BE RECEIVED** by Municipal Council for information;
- iii. Staff **BE DIRECTED** to circulate the proposed amendments, methadone study and the study's appendices compiled in the Research Compendium to stakeholders and the general public for their comments and feedback and return with proposed amendments for consideration by Municipal Council; and
- iv. the by-law attached hereto as Appendix 1 **BE INTRODUCED** to extend the Interim Control By-law, which "holds the status quo" for methadone clinics and methadone dispensaries for a further four months (March 15, 2012); this will permit staff to bring forward final amendments to the City of London's Official Plan and Zoning By-law and accommodate the associated appeal periods, prior to the expiry of the Interim Control By-law.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- November 8, 2010 – Methadone Clinics Draft Report
- November 15, 2010 – Interim Control By-law Report
- January 31, 2011 – Interim Control By-law Appeal Report
- March 7, 2011 – Methadone Study Progress Report
- April 20, 2011 – Methadone Study Progress Report with Scott Burns Discussion Paper
- August 15, 2011 – Interim Control By-law – Ontario Municipal Board Decision

BACKGROUND

On November 15, 2010, Municipal Council passed By-law No. C.P. – 1476-298 to establish an interim control by-law to "hold the status quo" on methadone clinics and methadone dispensaries. The Interim Control By-law was passed for one (1) year to allow staff to study land use planning considerations related to methadone clinics and dispensaries.

Since November 15th, 2010, Staff have undertaken an extensive amount of research including:

- Identifying all methadone clinics and conducting site visits to each of these facilities, noting land use characteristics of each;
- Interviewing a wide variety of doctors that prescribe methadone at these clinics;
- Undertaking a telephone survey of each pharmacy in the City to identify those

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- pharmacies that dispense methadone;
- Conducting site visits to each of these methadone pharmacy facilities;
- Conducting personal interviews with business owners around Clinic 528 to understand the land use impacts associated with this facility;
- Conducting interviews with representatives from Beal Secondary School and the Thames Valley District School Board
- Conducting interviews with various stakeholders (in many cases more than once) including, but not limited to:
 - Representatives from the College of Physicians and Surgeons
 - Representatives from the College of Pharmacists
 - Representatives from the Canadian Association of Mental Health
 - Representatives from the London Middlesex Health Unit
 - The Chief and Deputy Chief of Police
 - Planners from other municipalities that have undertaken work on this subject
 - Representatives from the Old East Village BIA and Old East Village Community Association
 - Representatives from the London Intercommunity Health Centre
 - A volunteer group of methadone maintenance treatment clients
- Conducting on-line public surveys on the issue
- Holding a public meeting on the issue
- Researching background information and best practices with respect to planning for methadone clinics and methadone pharmacies
- Preparing analytical mapping of methadone clinics and methadone pharmacies
- Synthesizing and analyzing all of the data that has been collected
- Preparing draft Official Plan amendments and Zoning By-law amendments

In addition, Planning Staff hired Scott Burns Planning Consultants to undertake research and prepare a discussion paper that has been used as a platform for discussion with the public and stakeholders.

Planning Staff's efforts to complete this work within the 1 year period were interrupted when the Interim Control By-law approved by Council in November was appealed to the Ontario Municipal Board. Significant resources were expended on preparing the City's Planning evidence for this hearing, which was ultimately defended successfully by the City's Legal Office.

Planning Staff are now bringing forward:

- The attached study entitled "Planning for Methadone Clinics and Methadone Pharmacies – A Proposed Policy and Regulatory Framework"
- Proposed Official Plan and Zoning By-law amendments to plan for methadone clinics and methadone pharmacies in London.

For the convenience of the reader, a large portion of background and support documents, (various reports, notes, and mapping) have been included as a Methadone Research Compendium. This document is to serve as a consolidated background document for the analysis presented in the study and should be considered part of the study, itself. The Methadone Research Compendium is included as a separate document and is provided to the Built and Natural Heritage Committee at the same time as this report. A digital copy of this document can be found on the City of London's website (www.london.ca/methadonestudy).

It is noteworthy that, further to a Council resolution of November 15, 2010, a companion report has been submitted by the Director of Building Controls and Chief Building Official relating to licensing of methadone clinics and methadone pharmacies. The research compendium was compiled for both this planning study and as a resource for the work undertaken by the Chief Building Official on licensing issues.

Next Steps

With direction from Municipal Council, Planning Staff will now circulate the proposed amendments to various stakeholders and conduct a final public meeting on the subject.

Due to the time required to defend Council's Interim Control By-law, there is a requirement for

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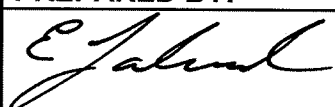
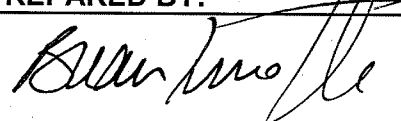

additional time to conduct this final consultation phase. Consultation is extremely important in order to ensure that the proposed policies represent good planning. Planning Staff is recommending that the Interim Control By-law elapse date be extended to March of 2011. Staff's August report indicated, in advance, that this was a possibility. This will allow sufficient time to conduct this final public consultation phase, bring forward amendments to Municipal Council at a Public meeting, and accommodate the appeal period prior to the Interim Control By-law lapsing.

The following table corresponds to the anticipated timeframe for bringing a final study with amendments forward to Municipal Council, as well as the ensuing appeal period and lapsing of interim control by-law.

Target Date	Milestone
October 31, 2011	Report to BNEC w/study
November 7, 2011	By-law to extend the Interim Control By-law
November & December 2011	Community meeting and stakeholder consultation meetings
January or February 2012	OP and Zoning amendments to Council for approval
February/March 2012	Appeal period
March, 2012	New Policy and Zoning in effect
March, 2012	Interim Control By-law Lapses

If Council approves the proposed Official Plan and Zoning amendments, and these amendments are subsequently appealed to the Ontario Municipal Board, Section 38 of the Planning Act provides that the interim control by-law will remain in effect until a decision is made by the Ontario Municipal Board as follows:

"if the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34(19), the interim control by-law continues in effect as if it had not expired until the date of the order of the Municipal Board".

PREPARED BY: 	PREPARED BY: 
ERIC LALANDE PLANNER I, CITY PLANNING AND RESERACH	BRIAN TURCOTTE SENIOR PLANNER, CITY PLANNING AND RESEARCH
SUBMITTED AND RECOMMENDED BY:	
	
J. M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

October 21, 2011
 EL/JF/el

attach.

List of Appendices:

1. Draft Extension of Interim Control By-law
2. Report: "Planning for Methadone Clinics and Pharmacies – A Possible Policy And Regulatory Framework"

Agenda Item # Page #

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File No. OZ-7873
Planner: E. Lalande/B. Turcotte

APPENDIX 1

**BY-LAW TO EXTEND THE
INTERIM CONTROL BY-LAW**

Agenda Item #	Page #

File No. OZ-7873
Planner: E. Lalande/B. Turcotte

Bill No.
2011

By-law No. C.P-

A by-law to amend By-law No. C.P.-1476-298, an interim control by-law, to extend the period of time that the by-law will be in effect

WHEREAS subsection 38 of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, permits the Council of a municipality to pass an interim control by-law, where the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS on November 15, 2010 the Council of The Corporation of the City of London passed By-law No. C.P.-1476-298 to establish an interim control by-law for the purposes of undertaking a study of land use planning policies related to methadone clinics and pharmacies;

AND WHEREAS By-law No. C.P.-1476-298 is in full force and effect for the period of one year from the date of the passing of the by-law;

AND WHEREAS subsection 38(2) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provides that the council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

AND WHEREAS it is desirable to extend the period of time during which By-law No. C.P.-1476-298 will be in effect from one year from the date of passing to sixteen months from the date of passing;

AND WHEREAS the proposed extension of the period of time during which By-law No. C.P.-1476-298 will be in effect does not exceed two years from the date of the passing of the By-law;

AND WHEREAS the proposed extension of the period of time for By-law No. C.P.-1476-298 conforms to the Official Plan;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 5 of By-law No. C.P.-1476-298 be amended by deleting the words "a period of one year" and replacing them with the words "a period of sixteen months".
2. This By-law shall be in force and effect on the day it was passed.

Agenda Item # Page #

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File No. OZ-7873
Planner: E. Lalande/B. Turcotte

PASSED in Open Council on November 7, 2011.

Joe F. Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – November 7, 2010
Second Reading – November 7, 2010
Third Reading - November 7, 2010

Agenda Item #	Page #

File No. OZ-7873
Planner: E. Lalande/B. Turcotte

APPENDIX 2
PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS

Agenda Item #	Page #

File No. OZ-7873
Planner: E. Lalande/B. Turcotte

Bill No. (number to be inserted by Clerk's Office)
 2011

By-law No. C.P.

A by-law to amend the Official Plan for the City of London, 1989 relating to methadone clinics and dispensaries.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on Insert date of Council meeting

Joe Fontana
 Mayor

Catharine Saunders
 City Clerk

First Reading - Insert date of Council meeting
 Second Reading - Insert date of Council meeting
 Third Reading - Insert date of Council meeting

Agenda Item #	Page #

File No. OZ-7873
Planner: E. Lalande/B. Turcotte

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add policy Section 6.2.11 Methadone Clinics and Methadone Pharmacies to the Official Plan for the City of London. Section 6 relates to Regional and Community Facilities.

B. LOCATION OF THIS AMENDMENT

1. This is a general text Amendment that applies to lands all lands located within the City of London.

C. BASIS OF THE AMENDMENT

This amendment was prepared based on information collected through a study initiated by municipal planning staff as under direction of Municipal Council. The study fulfilled the requirements of an interim control by-law which restricted the establishment of new methadone clinics and dispensaries.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 6.2.11 is amended by adding the following policy:

6.2.11 Methadone Clinics and Methadone Pharmacies	Methadone maintenance treatment represents an important facet of health care delivery within the City of London. Methadone Clinics are those clinics that are used for the prescription and/or dispensing of methadone. Methadone Pharmacies are used for selling or filling methadone prescriptions for customers. The Zoning By-law will define these uses more precisely.
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Land Use Planning Goals	Two primary goals will guide land use planning for Methadone Clinics and Methadone Pharmacies:
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- I. To plan for these important uses to best meet the needs of those who use Methadone Clinics and Methadone Pharmacies; and
- II. To avoid and mitigate potential land use conflicts that can be generated by Methadone Clinics and Methadone Pharmacies.

Permitted Locations	New and expanded clinics and pharmacies will be permitted in the following designations, subject to the Planning Criteria and Planning Impact Analysis policies of this Plan:
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- I. Regional Facility
- II. Enclosed Regional Commercial Node
- III. New Format Retail Commercial Node
- IV. Community Commercial Node
- V. Auto-oriented Commercial

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VI. Office Area

Evaluation
 Criteria for
 Required
 Zoning By-law
 Amendments

New and expanded Methadone Clinics and Methadone Pharmacies shall require a zoning by-law amendment to allow for a full community consultation process. Zoning amendments for new or expanded Methadone Clinics and Methadone Pharmacies will only be allowed where they meet all of the following criteria:

- I. Sites must be well served by public transit;
- II. Property boundaries for proposed Methadone Clinics and Methadone Pharmacies cannot be closer than 300m from an elementary or secondary school property (Public or Separate School Board);
- III. Methadone Clinic property boundaries will be separated from other Methadone Clinics by a minimum of 400m;
- IV. Methadone Pharmacy property boundaries will be separated from other Methadone Pharmacies by a minimum of 400m; and
- V. Sites must be large enough to accommodate all building and parking requirements.

Zoning By-law
 Requirements

The Zoning By-law will identify standards for new and expanded methadone clinics and methadone pharmacies to ensure:

- I. Adequate automobile parking;
- II. Adequate bicycle parking facilities; and
- III. Adequate waiting room floor areas.

Public Site Plan
 Requirements

The Zoning By-law will require that all proposals for new and expanded Methadone Clinics and Methadone Pharmacies will be subject to a Public site plan process.

The integration of Crime Prevention Through Environmental Design (CPTED) principles and the discrete location of clinic entrances will be considered through the site plan review process.

Expansion of
 Legal Non-
 conforming
 Uses
 Discouraged

The expansion of legal non-conforming Methadone Clinics and Methadone Pharmacies will be discouraged, unless the land use planning goals, evaluation criteria policies and the site plan requirement policies for these uses are all met.

2. Section 4.3.5.3.1 is amended by adding the following policy:

**4.3.5.3.1
 Methadone
 Clinics and
 Methadone
 Pharmacies**

Within the Enclosed Regional Commercial Node designation, methadone clinics and methadone pharmacies may be permitted, subject to a zoning by-law amendment and in accordance with the policies under section 6.2.11 of this Plan.

3. Section 4.3.6.3.1 is amended by adding the following policy:

**4.3.6.3.1
 Methadone
 Clinics and
 Methadone
 Pharmacies**

Within the New Format Retail Commercial Node designation, methadone clinics and methadone pharmacies may be permitted, subject to a zoning by-law amendment and in accordance with the policies under section 6.2.11 of this Plan.

4. Section 4.3.7.3.1 is amended by adding the following policy:

Agenda Item # Page #

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File No. OZ-7873
Planner: E. Lalande/B. Turcotte

**4.3.7.3.1
Methadone
Clinics and
Methadone
Pharmacies**

Within the Community Commercial Node designation, methadone clinics and methadone pharmacies may be permitted, subject to a zoning by-law amendment and in accordance with the policies under section 6.2.11 of this Plan.

5. Section 4.4.2.4.1 is amended by adding the following policy:

**4.4.2.4.1
Methadone
Clinics and
Methadone
Pharmacies**

Within the Auto-oriented Commercial designation, methadone clinics and methadone pharmacies may be permitted, subject to a zoning by-law amendment and in accordance with the policies under section 6.2.11 of this Plan.

6. Section 5.2.2.1 is amended by adding the following policy:

**5.2.2.1
Methadone
Clinics and
Methadone
Pharmacies**

Within the Office Area designation, methadone clinics and methadone pharmacies may be permitted, subject to a zoning by-law amendment and in accordance with the policies under section 6.2.11 of this Plan.

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File No. OZ-7873
Planner: E. Lalande/B. Turcotte

Proposed Amendment to Z.-1 Zoning By-law

Bill No. (number to be inserted by Clerk's Office)
2011

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to apply to all lands within the City of London.

WHEREAS The Corporation of the City of London has applied to add a new and separate zone within the By-law No. Z.-1 which may be applied to all lands within the City of London.

AND WHEREAS upon approval of Official Plan Amendment Number () this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- Section 2 Definitions to By-law No. Z.1 is amended by adding, in the appropriate alphabetical order, the following definitions:

“CLINIC, METHADONE” means a clinic, which wholly, or in part, is used for the prescription and/or dispensing of methadone and may include the provision of counselling and other support services, but does not include a hospital.”

“PHARMACY, METHADONE” means a pharmacy which wholly, or in part, is used for the selling, or filling, of methadone prescriptions, but does not include a hospital.”

- Section 4.26 Uses Permitted in Listed Zones to By-law No. Z.1 is amended by adding, in the appropriate alphabetical order, the following provision:

Use	Zone Permitted	Governing General Provision Section
Clinic, Methadone;	Subject to a Zoning By-law Amendment, any of the following zone categories: RO; OF; RSC; ASA; AC; RSA; CSA; CF.	4.36
Clinic, Pharmacy	Subject to a Zoning By-law Amendment, any of the following zone categories: RO; OF; RSC; ASA; AC; RSA; CSA; CF.	4.36

- Section 4.36 Clinics Methadone Services and Pharmacies, Methadone Services facility be added to Section 4 General Provisions as follows:

“4.36 Clinic, Methadone and Pharmacy, Methadone

Notwithstanding any other provision of this by-law, CLINIC, METHADONE or PHARMACY, METHADONE uses shall be permitted solely through amendment to this by-law.

New or expanding CLINIC, METHADONE uses are permitted only within the zones where specified as a permitted use. In order to prevent concentrations of these uses within specific areas, and notwithstanding their being listed as a permitted use, a minimum separation between the property boundaries of such facilities shall be no less than 400.0 metres (1312.3 ft.) measured in any one direction.

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New or expanding PHARMACY, METHADONE uses are permitted only within the zones where specified as a permitted use. In order to prevent concentrations of these uses within specific areas, and notwithstanding their being listed as a permitted use, a minimum separation between the property boundaries of such facilities shall be no less than 400.0 metres (1312.3 ft.) measured in any one direction.

New or proposed expansions to existing CLINIC, METHADONE or PHARMACY, METHADONE uses shall not be permitted notwithstanding their being listed as a permitted use within 300.0 metres (984.3 ft.) of an elementary or secondary school (Public or Separate School Board). This measure shall be taken from property boundary to property boundary.”

New or proposed expansions to existing CLINIC, METHADONE uses shall require a waiting room area no less than 15% of their total gross floor area.”

4. Section 4.19. 10) a) i) “Non-Residential Development” shall be amended by adding the following text in a separate paragraph at the end of the existing subsection:

“Notwithstanding this section, CLINIC, METHADONE and PHARMACY, METHADONE shall be calculated at the ratio provided for in Section 4.19. 8) b).”

5. Section 4.19. 10) b) “Parking Standard Areas 2 and 3 parking requirements are as follows:” shall be amended by adding, in the appropriate alphabetical order, the following uses:

“		PARKING AREA 2	STANDARD	PARKING AREA 3	STANDARD
	CLINIC, METHADONE	1 per 8 m ² (86 sq. ft.)		1 per 8 m ² (86 sq. ft.)	
	PHARMACY, METHADONE	1 per 15 m ² (161 sq. ft.)		1 per 15 m ² (161 sq. ft.)	
	”				

6. Section 4.19. 16) 5) e) “Non-Residential Development Exemptions” shall be amended by adding, in the appropriate alphabetical order, the following uses:

“e) For CLINIC, METHADONE or PHARMACY, METHADONE uses, notwithstanding any provisions of this by-law, the number of bicycle parking spaces provided shall be no less than 5 spaces.”

7. Section 4.19. 16) 7) “Bicycle Parking Incentives” shall be amended by adding the following sentence at the end of this subsection:

“This incentive shall not apply to CLINIC, METHADONE or PHARMACY, METHADONE uses.”

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

Agenda Item # Page #

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File No. OZ-7873
Planner: E. Lalande/B. Turcotte

This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on Insert date of Council meeting.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - Insert date of Council meeting
Second Reading - Insert date of Council meeting
Third Reading - Insert date of Council meeting

Agenda Item # Page #

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File No. OZ-7873
Planner: E. Lalande/B. Turcotte

APPENDIX 3

PLANNING FOR METHADONE CLINICS AND METHADONE PHARMACIES A PROPOSED POLICY AND REGULATORY FRAMEWORK

(Note: The appendices for this report are in a Research Compendium that has been posted on the web at www.london.ca/methadonestudy)