

Charter Bylaw 19679

Zoning Bylaw 12800 Alignment With Provincial Bills 39 and 48

Purpose

To make minor text amendments to align Zoning Bylaw 12800 with recently approved Provincial Bills 39 and 48 regarding Child Care Facilities and the Household definition, and to correct an unintentional outcome related to Charter Bylaws 19503 and 19429.

Readings

Charter Bylaw 19679 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree “That Charter Bylaw 19679 be considered for third reading.”

Advertising and Signing

This Charter Bylaw was advertised in the Edmonton Journal on June 4, 2021 and June 12, 2021. The Charter Bylaw can be passed following third reading.

Position of Administration

Administration supports this Charter Bylaw.

Report

Origin of the Amendment

On December 9, 2020, Bill 39 *Child Care Licensing (Early Learning and Child Care) Amendment Act* and Bill 48 *Red Tape Reduction Implementation Act, 2020 (No. 2)* received royal assent from the Legislative Assembly of Alberta. The bills give direction to municipalities to modernize regulations regarding Child Care Facilities (Bill 39) and restrict the authority for municipalities to include residential definitions in their bylaws that have the effect of distinguishing between any individuals on the basis of whether they are related or unrelated to each other (Bill 48).

Issues to be Addressed

There are two main issues to be addressed. First, the City is required to align Zoning Bylaw 12800 with the direction given through these bills pertaining to Child Care Services and residential definitions. Second, this change is time-sensitive - Bill 39 came into effect on February 1, 2021, and Bill 48 came into effect on June 2, 2021.

While the changes are driven at this time by a provincial requirement, they present an opportunity to modernize and provide a more inclusive view of Child Care Services and the Household definition in Zoning Bylaw 12800.

Changes to Child Care Facilities

The changes in Bill 39 *Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020* are intended to support Alberta's recovery plan, streamline the provincial licensing process for child care facilities, and increase transparency for parents seeking licenced child care.

Charter Bylaw 19679 aligns with these changes by differentiating between home-based child care and facility-based child care and enabling 24-hour care. Home Based Child Care is defined and included as part of the Major Home Based Business use. For consistency with provincial licencing requirements, a Home Based Child Care operation will not require a development permit when providing care for up to six children (not including the provider's own children). In addition, Charter Bylaw 19679 removes a barrier to Home Based Child Care operations within Multi-unit Housing or Row Housing, allowing the potential for child care opportunities within a greater variety of housing types.

Changes to the Household Definition

The changes made through Bill 48 *Red Tape Reduction Implementation Act, 2020 (No. 2)* are intended to cut red tape by one-third to reduce costs and regulatory burden for businesses while making it easier for Albertans to access government programs and services. Additionally, Bill 48 restricts the authority for municipalities to pass a bylaw in respect of the use of a building or part of a building for residential purposes that has the effect of distinguishing between any individuals on the basis of whether they are related or unrelated to each other.

Charter Bylaw 19679 aligns with Bill 48 by simplifying the existing Household definition and removing language that distinguishes individuals on the basis of relation. In doing so the change also removes the cap on the number of unrelated persons living together as a single housekeeping unit. Taken together, these changes recognize diverse household compositions and remove inequitable and potentially discriminatory language.

This change also necessitates administrative amendments to Secondary Suite, Garden Suite and Blatchford Lane Suite regulations.

'Clean-up' Amendments

Charter Bylaw 19429 passed on November 3, 2020 and was intended to allow secondary suites and garden suites to be developed in conjunction with a single detached house within the Griesbach Low Density Residential with Garden Suites

Zone (GLG) and Griesbach Low Density Residential Zone (GLD). Charter Bylaw 19429 unintentionally omitted an adjustment to section 87.19 (Special Land Use Provisions for Garden Suites) to contemplate the GLG and GLD zones, which this amendment would correct.

Charter Bylaw 19503, which passed on February 9, 2021, was an omnibus amendment to Zoning Bylaw 12800. In making further amendments to section 86.3 (Special Land Use Provisions for Secondary Suite), Charter Bylaw 19503 unintentionally deleted references to GLG and GLD that had only recently been added to 86.3 by way of Charter Bylaw 19429.

In order to restore the bylaw to advance Council's direction and intent, this amendment proposes changes to sections 86.3 and 87.19 of Zoning Bylaw 12800 which reflect the combined intentions of Charter Bylaws 19503 and 19429.

Public Engagement

A draft of this report was circulated to community leagues, the development industry, the Edmonton Council for Early Learning and Care, and child care providers with an opportunity to provide input on the proposed text amendments. The nature of the comments were related to the use of language and complexities associated with the interpretation of the proposed amendments and the Zoning Bylaw. Clarification was provided to the commenters and the amendments were adjusted to increase clarity throughout.

Attachments

1. Charter Bylaw 19679
2. Select Amendments - Mark-up and Rationale