

Bylaw 17643

Text Amendment to Zoning Bylaw 12800 to Reduce Barriers to Child Care Services

Purpose

To amend Zoning Bylaw 12800 to facilitate expansion of Child Care Services in Edmonton

Readings

Bylaw 17643 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 Bylaw 17643 be considered for third reading."

Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on Friday, May 6, 2016, and Saturday, May 14, 2016. The Bylaw can be passed following third reading.

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the February 23, 2016, Executive Committee meeting, the following motion was passed:

That Administration prepare amendments to Zoning Bylaw 12800, as generally outlined in Attachment 1 of the February 23, 2016, Sustainable Development report CR_2564, and return to a future City Council Public Hearing.

Report

The proposed bylaw amendment implements recommendations contained in earlier Executive Committee reports titled "Child Care Establishments in the Downtown Area - Regulatory Barriers in Providing Child Care Services across the City" (CR_1415) and "Downtown Daycare Provisions – Amendments to Zoning Bylaw" (CR_2564). The purpose of these reports was to evaluate barriers to expanding child care services in Edmonton, and reduce those barriers where possible, through amendments to Zoning Bylaw 12800. Attachment 1 contains the proposed bylaw and Attachment 2 contains the mark-up of the proposed bylaw.

Changes to Parking

One of the major barriers within Edmonton's influence is the minimum parking requirements, and as a result, several changes to how parking for child care services is regulated are proposed.

Summary of proposed changes to parking:

- changing parking requirements from a staff-based ratio to floor area based calculation
- allowing passenger pick-up and drop-off parking spaces as a time-restricted loading zone
- reducing staff parking requirements in areas that are well served by transit

Child Care Services in Industrial Areas

Expanding child care services into low-intensity industrial and employment areas is proposed in this bylaw. This change will increase opportunities to develop child care capacity in Edmonton by proposing to add the use to two industrial zones and proposing to replace the statement “hazardous uses” and “safe distance” in Section 80.4 with a list of specific defined uses deemed to be hazardous. Typically these uses will be vehicular oriented uses. Changes to what is considered a hazardous use, what a safe distance is, as well as general performance criteria for industrial areas are added to facilitate orderly expansion of child care into low-intensity industrial and employment areas. When on industrial lands, child care services are intended to be located adjacent to low-intensity industrial uses, which are typically found in commercial strip mall development and in office park or office campus type development. The intended outcome is clarity about what nearby uses would preclude a child care services facility.

Summary of proposed changes to facilitate expansion into industrial areas:

- allowing child care services as a discretionary use in Business Industrial Zone (IB) and Light Industrial Zone (IL);
- adding general performance standards for child care services in industrial zones (Section 57) to help the Development Officer frame their decision for the discretionary use; and
- identifying hazardous uses, and specifying what satisfies “a safe distance” from a hazardous use.

Child Care Services in Residential Areas

The change to the definition for child care emphasizes that the use refers only to those establishments with seven or more children. For clarification purposes, the proposed bylaw will still allow unlicensed care for up to six children with no Development Permit required as long as it is accessory to a home.

As it is currently written, the regulations in Section 80 - Child Care Services, are open to different interpretations and the list of required information is not comprehensive, which can delay the issuance of a development permit. The proposed changes clarify the requirements, remove subjective wording, and align the required information listed with the checklist in the child care services permit application forms (Attachment 3).

In Row Housing Zone (RF5), Medium Density Multiple Family Zone (RF6), Low Rise Apartment Zone (RA7), Medium Rise Apartment Zone (RA8), High Rise Apartment Zone (RA9), High Density Residential Zone (HDR), Residential Mixed Use Zone (RMU),

Terwillegar Mixed Use Zone (TMU) and Urban Character Row Housing Zone (UCRH) a child care services use must be in a separate building or have a separate entrance at ground level. This requirement is proposed to be replaced by a requirement that prohibits child care services from being part of a dwelling in any zone that allows apartment housing or row housing as a permitted use. The proposed change will provide more flexibility for site design and the location of child care services in a larger multi-unit development or mixed use building.

For ground-oriented residential development the current requirements list several location criteria for residential conversions to child care service, however it is not clear whether one or all of the requirements need to be met. The proposed amendments clarify that only one of the location criteria need to be met to develop a child care service. In addition, other changes will result in converted dwellings only being allowed on corner sites. The proposed changes also address some ongoing difficulties with enforcement by not allowing a child care service to be in housing that also contains a secondary suite or other home based business. These changes are proposed as a result of complaints with midblock child care services establishments.

The main complaints after a midblock child care service begins operating are:

- people coming and going regularly
- fences built in the front yard
- staff living on site
- signs put up in front, doesn't look like a residential home
- vehicles parked in the front lawn or in the front yard
- ten cars at a time between 7am and 8 am or 4pm and 6pm
- people blocking driveways to pick-up/drop-off children
- no longer a residential neighbourhood/use. Midblock would create too great of a negative impact on a residential neighbourhood
- children are staying into the evenings

Summary of proposed changes to clarify residential requirements:

- amending the definition for Child Care Services
- rewriting Section 80 - Child Care Services
- harmonizing submission requirements between Zoning Bylaw 12800 and the child care services checklist
- allowing apartment buildings to contain a child care service, so long as it is not part of a dwelling
- disallowing a secondary suite to contain a child care service
- specifying that in a ground-oriented residential area, a child care service is only allowed in a converted dwelling if it is either on a corner lot, beside a school, park, or other community use, or it is beside a commercial zone.

Policy

The proposed bylaw amendment supports *The Way We Grow*, Edmonton's Municipal Development Plan, objectives 6.1.1: Promote the growth of office employment opportunities across the city, with the Downtown as the primary focus, and 6.5.1: Work cooperatively and in partnership with school boards, other orders of government, health institutions and educational institutions to foster the sustainable development of Edmonton.

Corporate Outcomes

This report contributes to the Corporate Outcome "Edmontonians use facilities and services that promote healthy living" as the proposed amendments will reduce barriers to the expansion of child care services facilities.

Public Consultation

Administration completed a telephone survey of child care services facilities operating in Edmonton between March 6 and March 9, 2015. The results and analysis of the survey results were included in Sustainable Development report CR_1415 Attachment 2.

A follow-up telephone survey was completed between August and September 2015, asking the participants about parking, how children and staff get to the facilities, and to gather ideas to improve the wording in Zoning Bylaw 12800 regulations. Participants were then sent a draft copy of the proposed regulations for comment and feedback in November, 2015. The feedback informed the proposed bylaw amendments.

The feedback was used in the following ways:

- identifying respondents impressions about the primary and secondary barriers to child care services
- determining the overall capacity of child care spaces in the city, including identifying areas with long wait lists
- determining how employees commute to work and subsequently assessing the parking utilization
- determining respondents perceptions about parking requirements, passenger pick-up/drop-off areas
- determining respondents perceptions about changing from a parking requirement based on employees to one based on floor area

In addition, Administration maintained a project webpage through the duration of the project as a place where interested persons could obtain information about the proposed amendments.

An internal circulation of the proposed amendments occurred in February and March 2016. The development and zoning front counter staff who review child care service applications support the conversion of the staff parking ratio to a floor area requirement, and also the harmonization between the bylaw requirements and the checklist.

Attachments

1. Bylaw 17643
2. Mark-up of Proposed Text Amendment
3. Child Care Services Checklist