

**Mark-up of Proposed Text Amendment**

Black Font = existing Zoning Bylaw text

Underline Italic Font = proposed addition to Zoning Bylaw

~~Strikethrough~~ = proposed deletion from Zoning Bylaw

*\*\*Notes\*\**

**7.8(2) Child Care Services** means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use Class typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care (providing child care to seven or more children within the care provider's residence).

**54.2 Schedule 1**

**Schedule 1 - Vehicular Parking Requirement**

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Community, Educational, Recreational and Cultural Service Use Classes	

**Rationale**

7.8(2)  
The Government of Alberta uses “group family care” terminology. Dayhomes with six or fewer children are exempt from regulations.

33. Child Care Services

a) Passenger pick-up/drop-off spaces shall be provided at the rate of 2 pick-up/drop-off spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children.

i) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off to the satisfaction of the Development Officer.

ii) Passenger pick-up/drop-off spaces shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pickup/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publically accessible pedestrian route.

iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.

54.2(33)a)  
Sign requirements are to preserve the Passenger pick-up/drop-off spaces for when they are needed and allow enforcement action to occur as needed. This is particularly a concern on leased school lands.

54.2(33)a)ii)  
Provides clear direction to Development Officers and applicants where pick-up spaces are to be located.

54.2(33)a)iii)  
Enables the parking resource to be shared more effectively during off-peak times.

The wording "without a variance" is preferred over indicating Class A or Class B developments because other variances may be required for the particular development.

b) employee parking shall be provided at the rate of:

i) 1 parking space for the first 2 employees, plus 0.5 spaces per additional employee per 33.5 m<sup>2</sup> of Floor Area; or

ii) 1 parking space per 117.0 m<sup>2</sup> of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or

Except:-

a. Dayhomes (providing care to 7 or more children within the residence of the child care provider):-  
1 parking space per non-resident employee, in addition to parking required for Primary Dwelling.

iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space per non-resident employee, in addition to parking required for Primary Dwelling. Where a Front Yard eDriveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this eDriveway as the provision of a second car a parking space that is in tandem.

54.2(33)b)

Employees can change substantially with the same number of children depending on program type. This gives providers more flexibility in the program types they offer without having to change their development permit.

Floor Area is the approach used for most other commercial uses.

The analysis showed that built up walkable areas warrant a different approach to parking requirements.

54.2(33)b)iii)

Clarifying that child care for less than 7 children is unregulated

Changing capitalization to denote defined terms.

## 57. General Performance Standards

### 57.1 General Performance Standards for Industrial Developments

Any development or Site used for any Permitted or Discretionary Use in the IB, IL, IM or IH Zones shall comply with the performance standards of this Section.

1. Any Use or activity in the IB or IL Zones shall comply with the following appearance standards:

*e. for Child Care Services uses, the applicant shall provide a Site plan that mitigates the risk of interference between pedestrian and vehicular traffic, to the satisfaction of the Development Officer.*

## 80. Child Care Services

A **Child Care Service** shall comply with the following regulations:

- ~~1. in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:
  - a. abutting a collector or arterial road;
  - b. on a corner Site;
  - c. adjacent to or in community facilities such as a school, park, church or community centre; or
  - d. adjacent to commercial areas or multi-family development;~~
- ~~2. Child Care Services in the HDR, RA7, RA8, RA9, RF5, RF6, RMU, TMU or UCRH Zones shall be in a separate facility, either within the principal building on the Site or in an Accessory or secondary building, with a separate access to ground level;~~
- ~~3. a Child Care Service in any Residential Zone shall not change the principal character or external appearance of the Dwelling in which it is located. If a new building is constructed, it must retain the character of a residential Dwelling. Any associated signage on the Dwelling must not detract from the residential character of the neighbourhood;~~
- ~~4. the Development Officer shall, when deciding whether to approve or refuse a Child Care Service in a Commercial Zone, take into account, among other~~

#### 57.1.1.e

This helps to account for situations that can arise but are not accounted for in the regulations. The direction builds criteria to help the Development Officer use his discretion appropriately.

#### 80.1

This wording does not provide clarity regarding whether the site has to meet one, some, or all of the conditions. The proposed wording makes it clear that only one needs to be satisfied.

#### 80.2

Medium and high density residential development is an ideal location for a child care service. This requirement made it difficult to establish a new development on the site. The proposed wording allows a child care service to be part of a residential development, but not part of an individual dwelling.

matters, traffic, noise and proximity to hazardous uses to ensure the proposed Child Care Service is in a safe location;

5. ~~no portion of a Child Care Service Use, including the building or bay of building and, where provided, on-site outdoor play space, shall be located within 50.0 m of a Major or Minor Service Station or a Gas Bar. This distance shall be measured from the pump island, fill pipes, vent pipes, or service station or gas bar building, depending on whichever is closest to the child care facility;~~
6. ~~parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as follows:
  - a. ~~— a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;~~
  - b. ~~— each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length; and~~
  - c. ~~— the drop-off area shall be located within 60.0 m from the main entrance of the Child Care Service facility;~~~~
7. ~~exterior lighting of the facility shall provide for a well-lit environment;~~
8. ~~where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:
  - a. ~~— noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or stormwater lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;~~
  - b. ~~— outdoor play space shall be located at ground level. If no reasonable opportunity exists for at Grade outdoor play space, the Development Officer may approve an above Grade outdoor play space provided that the following conditions are met:~~
  - i. ~~— secure perimeter fencing is provided that is at least 1.83 m in height and is located a reasonable distance from the edge of the~~~~

80.6  
Parking requirements proposed to be relocated to Section 54, Schedule 1A – Vehicle Parking Requirements, with the rest of the parking regulations.

80.7  
This wording is vague and there are no criteria for a Development Officer to evaluate the application in a uniform way. The child care services checklist includes a requirement for a lighting plan to be provided.

building;

- ii. — roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area;
- c. — outdoor play space shall be securely enclosed on all sides with the exception of developments proposed on zoned Sites US and AP where existing play fields are proposed as outdoor play space;
- d. — in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment;
- e. — in any Non-residential Zone, the outdoor play space shall not be located in any Yard that abuts a public roadway unless the design, size and other characteristics of the proposed play space mitigate the potential impact from the roadway traffic upon children using the play space; and

~~9.~~ all Development Permit applications for Child Care Services shall include: plans that show all elevations; floor plans that show indoor play and rest areas, including the location of windows; a Site plan that shows the required on-site parking, drop-off facilities, and, where provided, on-site outdoor play areas, including the location and type of fixed play equipment, as well as fencing, landscaping and any buffering to be provided.

1. Child Care Services Site Plan and Development Application Content:

- a. In addition to the requirements of Section 13, every application for a Development Permit for a Child Care Services Use shall include a Site plan and floor plan that combined, includes all information required in the Child Care Services Checklist.

80.9  
The checklist goes into detail about the submission requirements. The checklist can be viewed in Attachment 2.

2. Location requirements:

- a. No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for the following Uses:
  - i. Automotive and Equipment Repair Shops
  - ii. Fleet Services
  - iii. Funeral, Cremation and Internment Services
  - iv. General Industrial Uses
  - v. Rapid Drive-through Vehicle Services, or
  - vi. Vehicle and Equipment Sales/Rentals.
  
- b. No portion of a Child Care Services Use, including the building, building bay or on-Site outdoor play space, where provided, shall be located on a Site or adjacent to a Site with an approved development permit for the following Uses:
  - i. Land Treatment
  - ii. Major Impact Utility Services, or
  - iii. Minor Impact Utility Services.
  
- c. No portion of a Child Care Services Use, including the building, building bay or on-Site outdoor play space, where provided, shall be located within 50 m of a Major Service Station, a Minor Service Station or a Gas Bar. This distance shall be measured from the pump island, fill pipes, vent pipes, or service station or gas bar building, to the Child Care Services Use.
  
- d. Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the

80.2(a) & (b)  
This list of uses replaces the subjective "hazardous uses" wording from the previous version 80.4. By listing specific defined uses the intended outcome is clarity about what nearby uses would preclude a child care services facility.

80.2(d)  
Reworded and some conditions, such as LRT lines and storm ponds removed. The children are under supervision by parents or child care service employees. As the LRT network expands it would limit the available locations for child care service establishments.

applicant shall design the building, entrances, playspaces, landscaping, and fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.

- e. Where Child Care Services is proposed on a Site zoned (IB) Business Industrial Zone, (IL) Light Industrial Zone, or (EIB) Ellerslie Business Industrial Zone, it shall only be allowed if the Site development forms part of an office park development or commercial strip mall.

### 3. Play space requirements

- a. Where outdoor play space is provided at ground level it shall be allowed in any Yard. It shall be fenced on all sides and all gates shall be self-latching. Fencing shall not be required where outdoor play space is proposed to share existing play equipment on Sites zoned (US) Urban Services Zone or (AP) Public Parks Zone, or if an exemption is permitted by the Government of Alberta.
- b. Where outdoor play space is provided above the first level such as on a Rooftop Terrace, balcony, or similar, the following regulations shall apply:
- i. Perimeter guard rails, or parapet walls, or a combination thereof that is at least 1.83 m in Height and provides a secure perimeter shall be installed and shall be consistent with the architectural materials and style of the building.
  - ii. Mechanical equipment and exhaust systems shall be designed to be integrated into the play space so the Development Officer is

80.2(e)

To keep the Child Care Service integrated into the neighbourhood and away from potentially incompatible industrial uses.

satisfied that it does not create adverse effects related to noise, fumes or safety, or shall be located a minimum of 2 m outside of the perimeter of the outdoor play space.

4. Development in Residential Zones

a. Where a Child Care Services Use is proposed in a building with a valid development permit for Apartment Housing or Row Housing, the Child Care Services shall not be part of a Dwelling.

80.4(a)  
Allows mixed-use residential development to contain a child care service.

b. Where a Child Care Services Use is proposed as part of a Dwelling, or is proposed in a converted Single Detached Housing, the Use shall only be located:

80.4(b)  
Clarifies that one of the conditions need to be met, not all conditions.

i. on a Corner Lot; or

ii. on a Site Abutting a Site that is actively used for a Community, Educational, Recreational and Cultural Service Use Class, or

iii. Abutting a Site with zoning that lists Apartment Housing, General Retail Stores or Convenience Retail Stores as a permitted Use.

80.4(c)  
Religious Assembly is commonly allowed in low-density residential zones.

c. A converted Dwelling shall not change the principal character or external appearance of the Dwelling in which it is located.

d. If a new building is constructed for a Child Care Service Use, it shall retain the external appearance of a residential Dwelling, unless it is built as part of a development where the primary use is a Religious Assembly Use.

80.5  
Reworded for clarity.

5. Sign Requirements

a. Signs shall conform to the regulations found in the Sign Schedule for the underlying

zone.”

**86. Secondary Suites**

6. a Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, Child Care Services or a Major Home Based Business. Except a Secondary Suite may be allowed where it unless the ~~Secondary Suite~~ is an integral part of a Major Home Based Business operating as Bbed and Bbreakfast ~~Operation in the case of a Major Home Based Business;~~

86.6  
Resolves a potential enforcement problem, and closes a loophole that was previously exploited.

**400 (IB) Industrial Business Zone**

**400.3 Discretionary Uses**

1. Animal Hospitals and Shelters
2. Auctioneering Establishments, provided that all goods and equipment to be auctioned are stored and displayed within an enclosed building
3. Automotive and Equipment Repair Shops
4. Automotive and Minor Recreation Vehicle Sales/Rentals
5. Bars and Neighbourhood Pubs, for less than 200 occupants and 240 m<sup>2</sup> of Public Space if adjacent to or across a Lane from a Site zoned residential
6. Child Care Services

400.3.6  
Child Care Service is added to industrial zones as per Committee direction, in order to remove barriers to the expansion of the use, and provide child care near employment areas.

**400.5 Additional Development Regulations for Discretionary Uses**

4. Child Care Services shall comply with Section 80 of this Bylaw

**410 (IL) Light Industrial Zone**

**410.3 Discretionary Uses**

1. Auctioneering Establishments

2. Child Care Services

**410.4 Development Regulations for Permitted and Discretionary Uses**

9. Child Care Services shall comply with Section 80 of this Bylaw

410.3.2  
Child Care Service is added to industrial zones as per Committee direction, in order to remove barriers to the expansion of the use, and provide child care near employment areas.