

Rationale**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****

3.4 Other Provisions for existing Development Permits, and Direct Control Provisions

In any Development Permit, Direct Control Provision or Overlay issued or created prior to the enactment of this Bylaw:

7. the use Non-accessory Parking is deemed to be the following Use Classes:

a. Non-accessory Structured Parking

b. Non-accessory Surface Parking

7.4(39). **Non-accessory Structured Parking** means development providing vehicular parking in parking structures located above or below ground level, which is not primarily intended for the use of residents, employees or clients of a particular development. ~~Typical uses include surface parking lots and parking structures located above or below Grade.~~

7.4(40). **Non-accessory Surface Parking** means development providing vehicular parking at ground level which is not primarily intended for the use of residents, employees or clients of a particular development.

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).

****All existing Non-accessory Parking use listed in each applicable zone will be converted to both Non-accessory Surface Parking and Non-accessory Structured Parking in the proposed bylaw****

Splitting non-accessory parking enables parking reductions for permanent garages over temporary surface lots. This approach will provide more options for policy and zoning changes in the future.

The Government of Alberta uses "group family care" terminology.

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	
31. Child Care Services	<p><i>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></p> <p><i>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 at specified times of day.</i></p> <p><i>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. Such distance shall be measured along the shortest public pedestrian route from the nearest point of the pickup/drop-off area to the main entrance of the Use.</i></p> <p><i>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 Services is satisfied with the proposal.</i></p>

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.

Provides clear direction to development staff and applicants where pick-up spaces are to be located.

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 m² of Floor Area; or

ii) 1 parking space per 117.0 m² of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, within 120 m of a Non-accessory Structured Parking Use available to the public, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as described in Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as described in 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 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 ~~and~~ Driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this ~~and~~ Driveway as the provision of a second car a parking space that is in tandem.

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.

Changing capitalization to denote defined terms.

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 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;~~

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.

Medium and high density residential development is ideal 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.

- ~~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 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 includes all information required in the Child Care Services Checklist.

2. Location requirements:

a. No portion of a Child Care Services Use, including the building, bay of the building, or on-site outdoor play space, where provided, shall be located on a Site or adjacent to a Site containing 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. Land Treatment
- vi. Major Impact Utility Services
- vii. Minor Impact Utility Services
- viii. Rapid Drive-through Vehicle

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

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.

Servicesix. Vehicle and Equipment
Sales/Rentals

- b. No portion of a Child Care Services Use, including the building, bay of building or, where provided, on-Site outdoor play space, 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.
- c. 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 applicant shall design the building, entrances, playspaces, landscaping, and fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.
- d. 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 development forms part of an office park development or commercial strip mall.

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.

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

3. Playspace 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, balcony terrace, or similar, the following regulations shall apply:
- i. Perimeter fencing, or a parapet, or a combination thereof that is at least 1.83 m in Height, that 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 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.

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

4. Development in Residential Zones

- a. Where a Child Care Services Use is proposed in a building with more than one Dwelling, Child Care Services shall not be part of a Dwelling.
- 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
 - i. on a Corner Lot; or
 - ii. on a Site Abutting a Community, Educational, Recreational and Cultural Service Use Class, or
 - iii. Abutting a Zone where Apartment Housing, General Retail Stores or Convenience Retail Stores is a permitted Use.

Clarifies that one of the conditions need to be met, not all conditions.

- c. A converted Dwelling shall not change the principal character or external appearance of the Dwelling in which it is located. If a new building is constructed for a Child Care Service Use, it shall retain the character of a residential Dwelling, unless it is built as a Religious Assembly Use.

5. Sign Requirements

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

Religious Assembly is commonly allowed in low-density residential zones.

Reworded for clarity.

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 Bed and Breakfast Operation in the case of a Major Home Based Business;

Part II. Zones, Direct Control Provisions, Overlays and Special Areas

Zones where Non-Accessory Parking is a listed Use Class	Permitted	Discretionary
330 (CB1) Low Intensity Business Zone		Yes
340 (CB2) General Business Zone		Yes
370 (CB3) Commercial Mixed Business Zone		Yes
552 (MA2) Municipal Airport Business Industrial Zone	Yes	
553 (MA3) Municipal Airport General Business Zone		Yes

No changes are proposed for where non-accessory parking is allowed. Both structured and surface parking are allowed in the same capacity as non-accessory parking is currently.

910.5 (CCA) Core Commercial Arts Zone		Yes
910.6 (CMU) Commercial Mixed Use Zone		Yes
910.7 (HA) Heritage Area Zone		Yes
910.9 (JAMSC) Jasper Avenue Main Street Commercial Zone		Yes
910.11 (UW) Urban Warehouse Zone		Yes
910.12 (AED) Arena & Entertainment District Zone		Yes
940.6 (GVC) Griesbach Village Centre Zone		Yes
960.6 (UVCa) Ambleside Urban Village Commercial Zone	Yes	
997.9 (BLMR) Blatchford Low to Medium Rise Residential Zone	Underground only	
997.10 (BMR) Blatchford Medium Rise Residential Zone	Underground only	

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 m² of Public Space if adjacent to or across a Lane from a Site zoned residential
6. Child Care Services

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