

## Zoning Bylaw 12800 Regulations

### Definition

Section 7.8(2) defines Child Care Services as 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 (providing child care within the care provider's residence).

### Permitted and Discretionary Locations

Child Care Services is widely permissible and is listed in most commercial, special area and residential-commercial mixed use zones as either permitted or discretionary use. Child care services are not allowed in any industrial zone, except as a discretionary use in Ellerslie Industrial, which is technology-oriented in terms of its list of allowable uses.

The following chart shows the zones where the use is either permitted or discretionary.

### Child Care Services

Zones where Use Class is listed	Permitted	Discretionary
<b>All Standard Residential Zones</b>		<b>Yes</b>
<b>A</b> Metropolitan Recreation		<b>Yes</b>
<b>AED</b> Arena & Entertainment District	<b>Yes</b>	
<b>AN</b> River Valley Activity Node (Fort Edmonton Park & Muttart)		<b>Yes</b>
<b>AP</b> Public Parks	<b>Yes</b>	
<b>CB1</b> Low Intensity Business		<b>Yes</b>
<b>CB2</b> General Business		<b>Yes</b>
<b>CB3</b> Commercial Mixed Business	<b>Yes</b>	
<b>CCA</b> Core Commercial Arts	<b>Yes</b>	
<b>CCSF</b> Clareview Campus Single Family Residential	<b>Yes</b>	
<b>CCHD</b> Clareview Campus High Density Residential	<b>Yes</b>	
<b>CCLD</b> Clareview Campus Low Density Residential	<b>Yes</b>	
<b>CCMD</b> Clareview Campus Medium Density Residential	<b>Yes</b>	
<b>CCNC</b> Clareview Campus Neighbourhood Commercial	<b>Yes</b>	
<b>CMU</b> Commercial Mixed Use	<b>Yes</b>	
<b>CNC</b> Neighbourhood Convenience Commercial		<b>Yes</b>
<b>CO</b> Commercial Office		<b>Yes</b>
<b>CSC</b> Shopping Centre	<b>Yes</b>	
<b>CSCa</b> Ambleside Shopping Centre	<b>Yes</b>	

Zones where Use Class is listed	Permitted	Discretionary
<b>CS1</b> Community Services 1	Yes, on city land only	As accessory to residential on non-city land
<b>CS2</b> Community Services 2	Yes, on city land only	As accessory to residential on non-city land
<b>CS3</b> Community Services 3		As accessory to residential on non-city land
<b>CS4</b> Community Services 4		As accessory to residential on non-city land
<b>EIB</b> Ellerslie Industrial Business		<b>Yes</b>
<b>GLD</b> Griesbach Low Density Residential		<b>Yes</b>
<b>GLG</b> Griesbach Low Density Residential with Garage Suites		<b>Yes</b>
<b>GVC</b> Griesbach Village Centre		<b>Yes</b>
<b>HA</b> Heritage Area	<b>Yes</b>	
<b>HDR</b> High Density Residential	<b>Yes</b>	
<b>HVLD</b> Heritage Valley Low Density		<b>Yes</b>
<b>JAMSC</b> Jasper Avenue Main Street Commercial	<b>Yes</b>	
<b>RA7a</b> Ambleside Low Rise Apartment		<b>Yes</b>
<b>RA7g</b> Griesbach Low Rise Apartment		<b>Yes</b>
<b>RF4t</b> Terwillegar Semi-detached Residential		<b>Yes</b>
<b>RF5g</b> Griesbach Row Housing		<b>Yes</b>
<b>RF5t</b> Terwillegar Row Housing		<b>Yes</b>
<b>RPLt</b> Terwillegar Planned Lot Residential		<b>Yes</b>
<b>RMU</b> Residential Mixed Use	<b>Yes</b>	
<b>TC-C</b> Heritage Valley Town Centre Commercial	<b>Yes</b>	
<b>TMU</b> Terwillegar Mixed Use		<b>Yes</b>
<b>TSDR</b> Terwillegar Single Detached Residential		<b>Yes</b>
<b>TSLR</b> Terwillegar Small Lot Residential		<b>Yes</b>
<b>UI</b> Urban Institutional	<b>Yes</b>	
<b>US</b> Urban Services	<b>Yes</b>	
<b>UVCa</b> Ambleside Urban Village Commercial	<b>Yes</b>	
<b>UW</b> Urban Warehouse	<b>Yes</b>	

### Special Land Use Provisions

Section 80 of Zoning Bylaw 12800 has special land use provisions that are particular to the use class, and in addition to any requirements of the zone. The section states:

#### **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;
  - 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.

#### Child Care Downtown

Child Care is a permitted use in all special area downtown zones. Direct Control districts downtown were not evaluated; however Child Care Services is a listed use in some Direct Control zones.

The challenge around building Child Care Services in the downtown is related to Provincial requirements to meet outdoor play area requirements. Access to at-grade outdoor play spaces is difficult due to the high cost of land in the downtown. Where outdoor play areas are provided above grade, for safety purposes, the Zoning Bylaw requires that roof top mechanical equipment is shielded. In addition, meeting emergency egress requirements pose an additional challenge for roof top play areas.