

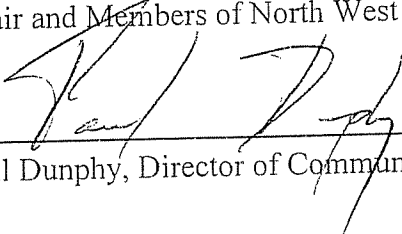


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

North West Planning Advisory Council  
August 5, 2009

**TO:** Chair and Members of North West Planning Advisory Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Paul Dunphy, Director of Community Development

**DATE:** June 24, 2009

**SUBJECT:** Case 01288: Bedford LUB Amendment – Day Care Facilities

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**ORIGIN**

Application initiated by staff.

**RECOMMENDATION**

It is recommended that North West Planning Advisory Committee recommend that North West Community Council:

1. Give First Reading to consider the proposed amendments to the Land Use By-law for Bedford, as identified in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Land Use By-law for Bedford, as identified in Attachment A of this report.

## **BACKGROUND**

In March of 2009, Regional Council approved an amendment to all HRM Land Use By-Laws (LUB) harmonizing the definition of day care facilities to match the province's age criteria (Case 01074). Unfortunately, the definition which was proposed and approved for the Bedford LUB was incorrect: it did not change the age from 'preschool' to 'up to and including twelve years of age'. This application is to correct this oversight and amend the definition of day care services to enable children up to and including 12 years of age in the Bedford LUB.

All HRM land use by-laws permit the provision of day care services to children; however, prior to March 2009, the permitted age range varied between plan areas. In addition, the Nova Scotia *Day Care Act*, R.S.N.S., 1989 and *Day Care Regulations* enable the provision of licensed day care for school aged children, specifically those children up to and including 12 years of age.

## **DISCUSSION**

The operation and licensing of day care facilities is regulated by provincial legislation that allows for the provision of day care service for school aged children up to and including 12 years of age. It is the opinion of staff that the age limit set out in all Land Use By-laws should be consistent with provincial legislation. The *Day Care Act* and its associated regulations apply province wide and staff contend that, from a land use perspective, there is no rationale to impose a different age limit than that set out in the provincial legislation.

### **Public Participation**

Public information meetings were held in each administrative region for the original HRM-wide amendments to the definition of day care facilities (Case 01074). The meeting for the Central Region was held in April 2008, but no one from the public attended (Attachment B).

For this case, the district councillor waived the requirement for a public information meeting. Should North West Community Council decide to proceed with a public hearing, residents will be notified of the hearing through published newspaper advertisements

### **Conclusion**

Staff are of the opinion that the proposed definition is a housekeeping amendment to bring the Land Use By-law for Bedford into line with the applicable provincial regulations for day care facilities, as well as other HRM land use by-laws. As such, staff recommend the amendment contained in Attachment A of this report be approved by North West Community Council.

## **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

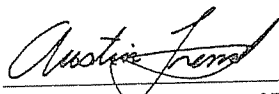
1. Council may choose to approve the proposed Land Use By-law amendments. This is the recommended course of action.
2. Council may choose to refuse the proposed Land Use By-law amendments, and in doing so, must provide reasons based on a conflict with the MPS policies.

ATTACHMENTS

Attachment A                      Amendment to the Land Use By-law for Bedford  
Attachment B                      Minutes from the PIM for the Central Region (Case 01074)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:                      Mackenzie Stonehocker, Planner I, 490-3999

Report Approved by:                        
Austin French, Manager of Planning Services, 490-6717

Attachment A:  
Amendment to the Land Use By-law for Bedford

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Bedford Land Use By-law, as amended, is hereby further amended as follows:

- 1) Amend Part 2 (Definitions) by deleting the following:

DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, three (3) or more children not of common parentage and of pre-school age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII.

and replacing it with the following:

**DAY CARE FACILITY means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII.**

I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk

Attachment B:  
Minutes from the Public Information Meeting for the Central Region (Case 01074)

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 01074 - Day Care Facilities

7:00 p.m.  
Thursday, April 17, 2008  
Basinview Drive Community Elementary School

**STAFF IN**

**ATTENDANCE:**

Joseph Driscoll, Planner, HRM Planning Services  
Tim Burns, Planning Technician, HRM Regional Planning  
Cara McFarlane, Planning Controller, HRM Planning Services

**ALSO PRESENT:**

Councillor Bob Harvey, District 20

**PUBLIC IN**

**ATTENDANCE:**

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No one from the public attended the public information meeting.

