



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. ; 08

**Halifax Regional Council
February 10, 2009
March 3, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in dark ink, appearing to read "Dan English".

Dan English, Chief Administrative Officer

A handwritten signature in dark ink, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: January 23, 2009

SUBJECT: **Case 01074: LUB Amendments - Definition of Day Care Facilities**

ORIGIN

July 25, 2007 - Marine Drive, Valley and Canal Community Council (MDVCC) requested that staff initiate a process to amend the definition of day care facilities for all land use by-laws (LUBs) under their jurisdiction in order to permit day care service for children 12 years of age and younger.

January 8, 2008 - Regional Council moved that staff initiate the process to amend the definition of day care facilities in all of the LUBs.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider amendments to the HRM Land Use By-laws identified in Attachments A to U to establish a consistent definition of day care facilities, and schedule a public hearing; and
2. Approve the proposed amendments to the HRM Land Use By-laws identified in Attachments A to U.

BACKGROUND

All HRM Land Use By-laws permit the provision of day care services to children; however, the definition for day care facilities set out in most LUBs limits the provision of day care services to children under the age of 10. In contrast, 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 up to and including the age of 12.

To address this discrepancy, MDVCC requested that staff initiate a process to harmonize the definition of day care facilities within all plan areas under their jurisdiction¹. This was later expanded by Regional Council to include all of LUBs in HRM.

When this case was initiated, staff was also directed to consult and advise on appropriate requirements for home-based day care facilities. Upon further research, it was determined that this issue is focussed in Halifax, and could be best addressed through a separate case. Case 01234 has been opened to address this additional motion, and will be coming forward to council.

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 lower age limit than that set out in the provincial legislation. Further, staff contend that there is no land use benefit resulting from the use of multiple definitions which permit day care facilities for children between the ages of 10 and 12 years in some plan areas and not in others.

While all of the LUBs will refer to 'day care facilities' after these amendments, staff have not been directed to amend the Municipal Planning Strategies. As such, the Halifax MPS will still use the original term ('child care centre'). However, the LUB will refer to 'child care centre' within the definition of 'day care facilities'.

Public Participation

Public information meetings were held in each of the administrative regions of HRM (Attachments V to X). No issues were raised regarding the changes to the municipal definitions. The public information meeting held in Halifax focussed on the issue of appropriate requirements for home-based day care facilities, which has been separated from this current case and will be addressed by Case 01234.

¹Plan areas include Cole Harbour, Lawrencetown, North Preston and Lake Major, Lake Echo and Porters Lake, Hammonds Plains, Shubenacadie Lakes, Eastern Shore West and Eastern Shore East.

Conclusion

Staff are of the opinion that the proposed definition is a house-keeping amendment to bring HRM's Land Use By-laws into line with the applicable provincial regulations for day care facilities, without compromising the effectiveness of the by-laws. As such, staff recommend the proposed changes contained in Attachments A through to U of this report be approved by Regional 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	Amendments to the Land Use By-law for Sackville
Attachment B	Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville
Attachment C	Amendments to the Land Use By-law for Bedford
Attachment D	Amendments to the Land Use By-law for Planning Districts 1 & 3 (St. Margarets Bay)
Attachment E	Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula)
Attachment F	Amendments to the Land Use By-law for Planning District 4 (Prospect)
Attachment G	Amendments to the Land Use By-law for Timberlea / Lakeside / Beechville
Attachment H	Amendments to the Land Use By-law for Cole Harbour / Westphal
Attachment I	Amendments to the Land Use By-law for Eastern Passage / Cow Bay
Attachment J	Amendments to the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston

Attachment K	Amendments to the Land Use By-law for Lawrencetown
Attachment L	Amendments to the Land Use By-law for Planning Districts 8 & 9 (Lake Echo / Porters Lake)
Attachment M	Amendments to the Land Use By-law for Eastern Shore (East)
Attachment N	Amendments to the Land Use By-law for Eastern Shore (West)
Attachment O	Amendments to the Land Use By-law for Musquodoboit Valley & Dutch Settlement
Attachment P	Amendments to the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes)
Attachment Q	Amendments to the Land Use By-law for Sackville Drive
Attachment R	Amendments to the Land Use By-law for Dartmouth
Attachment S	Amendments to the Land Use By-law for Downtown Dartmouth
Attachment T	Amendments to the Land Use By-law for Halifax Mainland
Attachment U	Amendments to the Land Use By-law for Halifax Peninsula
Attachment V	Public Information Meeting Minutes - Eastern Region
Attachment W	Public Information Meeting Minutes - Central Region
Attachment X	Public Information Meeting Minutes - Western Region

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, Community Development, 490-3999

Report Approved by:



Austin French, Manager of Planning Services, 490-6717

Report Approved by:



Paul Dunphy, Director of Community Development

Attachment A:
Amendments to the Land Use By-law for Sackville

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Sackville Land Use By-law as enacted by the former Halifax County Municipality on the 5th day of April, 1994 and approved by the Minister of Municipal Affairs on the 16th day of June, 1994 as amended, is hereby further amended as follows:

- 1) Amend Section 2.17 (Definition of DAY CARE FACILITY) 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, the operator of which for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten 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 VIII.

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 Sackville, 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:
Amendments to the Land Use By-law for Beaver Bank,
Hammonds Plains and Upper Sackville

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, which was adopted by Halifax Regional Municipality on the 9th day of November, 1999, as amended, is hereby further amended as follows:

- 1) Amend Section 2.17 (Definition of DAY CARE FACILITY) by deleting the following:

DAY CARE FACILITY means a building, part of a building or lot, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, the operator of which for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three (3) children not of common parentage and under ten (10) 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 VIII.

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 Beaver Bank, Hammonds Plains and Upper Sackville, 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 C:
Amendments 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, which was adopted by Bedford Town Council on the 26th day of March, 1996, and approved by the Minister of Municipal Affairs on the 17th day of May, 1996, as amended, is hereby further amended as follows:

- 1) Amend the Table of Contents by deleting the following:

Daycare Facilities, Nursery Schools, Early Learning Centres

and replacing it with the following:

Day Care Facilities

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

Daycare Facility / Nursery School / Early Learning Centre - means a place where three or more preschool children are cared for on a daily basis without overnight accommodation.

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, 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.

- 3) Amend Subsection (g) of Section 8 (Home Occupations) of the General Provisions (Uses) by deleting the following:

daycares

and replacing it with the following:

day care facilities

- 4) Amend the title of Section 9 of the General Provisions (Uses) by deleting the following:

Day Care Facilities, Nursery Schools, Early Learning Centres, After School Care

and replacing it with the following:

Day Care Facilities

- 5) Amend Section 9 of the General Provisions (Uses) by deleting the following:

Day care facilities, nursery schools, early learning centres, and after school care

and replacing it with the following:

Day care facilities

- 6) Amend Subsection (a) of Section 34 (Parking Requirements) of the General Provisions (Parking and Loading Facilities) by deleting the following:

Day Care Facilities, Nursery Schools, and Early Learning Centres

and replacing it with the following:

Day Care Facilities

- 7) Amend Subsection (d) of Part 12 (General Business District (CGB) Zone) by deleting the following:

Daycare Facilities, Nursery Schools, Early Learning Centres

and replacing it with the following:

Day Care Facilities

- 8) Amend Subsection (b) of Part 14 (Mainstreet Commercial (CMC) Zone) by deleting the following:

Daycare facilities, nursery school, early learning centre

and replacing it with the following:

Day care facilities

- 9) Amend Subsection (l) of Part 17 (Light Industrial (ILI) Zone) by deleting the following:

daycare facilities, nursery schools, early learning centres

and replacing it with the following:

Day care facilities

- 10) Amend Subsection (k) of Part 19A (Bedford West Business Campus (BWBC) Zone) by deleting the following:

Daycare and early childhood education centres

and replacing it with the following:

Day care facilities

- 11) Amend Subsection (m) of Part 20 (Institutional (SI) Zone) by deleting the following:

daycare facilities / nursery schools / early learning centres

and replacing it with the following:

Day care facilities

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 D:
Amendments to the Land Use By-law for Planning Districts 1 & 3 (St. Margarets Bay)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 1 & 3, which was adopted by Halifax County Municipality on the 3rd of April, 1995 and approved by the Minister of Municipal Affairs on the 23rd of May, 1995, as amended, is hereby further amended as follows:

- 1) Amend Section 2.20 (Definition of DAY CARE FACILITY) 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, the operator of which, for compensation or otherwise receives, enrolls for temporary care or custody, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three children and under ten 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 VIII.

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 Planning Districts 1 & 3 (St. Margarets Bay), 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 E:
Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula), which was adopted by Halifax County Municipality on the 5th day of December, 1994 and approved with amendments by the Minister of Municipal Affairs on the 9th day of February, 1995, as amended, is hereby further amended as follows:

- 1) Amend Section 2.15 (Definition of DAY CARE FACILITY) 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, the operator of which for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other education institution where instruction is given to Grades Primary to VIII.

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 Planning District 5 (Chebucto Peninsula), 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 F:
Amendments to the Land Use By-law for Planning District 4 (Prospect)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 (Prospect), which was adopted by Halifax County Municipality on the 12th day of December, 1994 and approved with amendments by the Minister of Municipal Affairs on the 3rd day of March, 1995, as amended, is hereby further amended as follows:

- 1) Amend Section 2.23 (Definition of DAY CARE FACILITY) 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, the operator of which, for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three (3) children not of common parentage and under ten 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 VIII.

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 Planning District 4 (Prospect), 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 G:
Amendments to the Land Use By-law for Timberlea / Lakeside / Beechville

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea / Lakeside / Beechville, which was adopted by Halifax County Municipality on the 10th day of August, 1992 and approved with amendments by the Minister of Municipal Affairs on the 20th day of November, 1992, as amended, is hereby further amended as follows:

- 1) Amend Section 2.14 (Definition of DAY CARE FACILITY) 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, the operator of which for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten 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 VIII.

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 Timberlea / Lakeside / Beechville, 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 H:
Amendments to the Land Use By-law for Cole Harbour / Westphal

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/Westphal, which was adopted by Halifax County Municipality on the 30th day of November, 1992 and approved by the Minister of Municipal Affairs on the 3rd day of March, 1993, as amended, is hereby further amended as follows:

- 1) Amend Section 2.15 (Definition of DAY CARE FACILITY) 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, the operator of which for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three (3) children not of common parentage and under ten (10) 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 VIII.

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 Cole Harbour / Westphal, 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 I:
Amendments to the Land Use By-law for Eastern Passage / Cow Bay

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Passage/Cow Bay, which was adopted by Halifax County Municipality on the 22nd day of June, 1992 and approved by the Minister of Municipal Affairs on the 5th day of October, 1992, as amended, is hereby further amended as follows:

- 1) Amend Section 2.14 (Definition of DAY CARE FACILITY) 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, the operator of which for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten 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 VIII.

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 Eastern Passage / Cow Bay, 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 J:
Amendments to the Land Use By-law for North Preston,
Lake Major, Lake Loon, Cherry Brook and East Preston

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston, which was adopted by Halifax County Municipality on the 14th day of December, 1992 and adopted by the Minister of Municipal Affairs on the 22nd day of March, 1993, as amended, is hereby further amended as follows:

- 1) Amend Section 2.14 (Definition of DAY CARE FACILITY) 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, playschool or by any other name, the operator of which for compensation or otherwise receives, or enrolls for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten 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 VIII.

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 North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston, 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 K:
Amendments to the Land Use By-law for Lawrencetown

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Lawrencetown, which was adopted by Halifax County Municipality on the 15th day of May, and the 27th day of August, 1990 and approved by the Minister of Municipal Affairs on the 29th day of November, 1990, as amended, is hereby further amended as follows:

- 1) Amend Section 2.15 (Definition of DAY CARE FACILITY) 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, playschool or by any other name, the operator of which for compensation or otherwise receives, or enrolls for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten 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 VIII.

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 Lawrencetown, 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 L:
Amendments to the Land Use By-law for Planning Districts 8 & 9
(Lake Echo / Porters Lake)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8 & 9 (Lake Echo / Porters Lake), which was adopted by Halifax County Municipality on the 20th day of December, 1988 and approved by the Minister of Municipal Affairs on the 10th day of March, 1989, as amended, is hereby further amended as follows:

- 1) Amend Section 2.13 (Definition of DAY CARE FACILITY) 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, the operator of which for compensation, enrolls for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than five (5) children under ten (10) 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 VIII.

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 five (5) 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 Planning Districts 8 & 9 (Lake Echo / Porters Lake), 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 M:
Amendments to the Land Use By-law for Eastern Shore (East)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (East), which was adopted by Halifax County Municipality on the 4th day of March, 1996 and approved by the Minister of Municipal Affairs on the 23rd day of August, 2008, as amended, is hereby further amended as follows:

- 1) Amend Section 2.13 (Definition of DAY CARE FACILITY) 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, the operator of which, for compensation or otherwise received, enrolls for temporary care or custody, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three children and under ten 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 VIII.

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 Eastern Shore (East), 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 N:
Amendments to the Land Use By-law for Eastern Shore (West)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (West), which was adopted by Halifax County Municipality on the 4th day of March, 1996 and approved by the Minister of Municipal Affairs on the 5th day of October, 1992, as amended, is hereby further amended as follows:

- 1) Amend Section 2.24 (Definition of DAY CARE FACILITY) 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, the operator of which, for compensation or otherwise received, enrolls for temporary care or custody, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three children and under ten 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 VIII.

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 Eastern Shore (West), 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 O:
Amendments to the Land Use By-law for Musquodoboit Valley & Dutch Settlement

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Musquodoboit Valley & Dutch Settlement, which was adopted by Halifax County Municipality on the 19th day of February, 1996 and approved by the Minister of Municipal Affairs on the 3rd day of May, 1996, as amended, is hereby further amended as follows:

- 1) Amend Section 2.21 (Definition of DAY CARE FACILITY) by deleting the following:

DAY CARE FACILITY means a building or part of a building, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, the operator of which, for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, for more than three (3) children not of common parentage and under ten 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 VIII.

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 Musquodoboit Valley & Dutch Settlement, 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 P:
Amendments to the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes), which was adopted the former Halifax County Municipality on the 2nd day of May, 1989 and approved by the Minister of Municipal Affairs on the 19th day of July, 1989, as amended, is hereby further amended as follows:

- 1) Amend Section 2.20 (Definition of DAY CARE FACILITY) 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, the operator of which for compensation or otherwise receives, for temporary care of custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten 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.

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 Planning Districts 14 & 17 (Shubenacadie Lakes), 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 Q:
Amendments to the Land Use By-law for Sackville Drive

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Sackville Drive, which was adopted by the Halifax Regional Municipality on the 7th day of May, 2002 and approved by the Minister of Municipal Affairs on the 24th day of June, 2002, as amended, is hereby further amended as follows:

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

Day Care Facilities, Nursery Schools and Early Learning Centres 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, the operator of which for compensation or otherwise receives, for temporary care or custody, on a daily or hourly basis, with or without stated educational purpose, during all or part of the day, apart from parents, more than three children not of common parentage and under ten years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution.

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.

- 2) Amend the Institutional and Community Uses subsection of Section 1 (Permitted Uses) of Part 8 (Large Scale Commercial (LS) Zone) by deleting the following:

Daycare Facilities, Nursery Schools and Early Learning Centres

and replacing it with the following:

Day Care Facilities

- 3) Amend Section 1 (Permitted Uses) of Part 9 (Downsview Complex-1 (DC-1) Zone) by deleting the following:

Daycare Facilities, Nursery Schools and Early Learning Centres

and replacing it with the following:

Day Care Facilities

- 4) Amend Section 1 (Permitted Uses) of Part 10 (Downsview Complex-2 (DC-2) Zone) by deleting the following:

Daycare Facilities, Nursery Schools and Early Learning Centres

and replacing it with the following:

Day Care Facilities

- 5) Amend the Institutional and Community Uses subsection of Section 1 (Permitted Uses) of Part 12 (Pedestrian Retail (PR) Zone) by deleting the following:

Daycare Facilities, Nursery Schools and Early Learning Centres

and replacing it with the following:

Day Care Facilities

- 6) Amend the Institutional and Community Uses subsection of Section 1 (Permitted Uses) of Part 13 (Acadia Village Centre (VC) Zone) by deleting the following:

Daycare Facilities, Nursery Schools and Early Learning Centres

and replacing it with the following:

Day Care Facilities

- 7) Amend the Institutional and Community Uses subsection of Section 1 (Permitted Uses) of Part 14 (Pinehill / Cobequid (PC) Zone) by deleting the following:

Daycare Facilities, Nursery Schools and Early Learning Centres

and replacing it with the following:

Day Care Facilities

I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville Drive, 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 R:
Amendments to the Land Use By-law for Dartmouth

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth, which was adopted by the former City of Dartmouth on the 25th day of July 1978 and approved by the Minister of Municipal Affairs on the 15th day of September, 1978, as amended, is hereby further amended as follows:

- 1) Amend Subsection 1(ma) of Section 1 (Definitions) by deleting the following:

DAY NURSERIES - a use of a property known as a day nursery school, kindergarten, play school or by any other such name, which for compensation or otherwise received children for temporary care or custody with or without educational purposes during all or part of the day, but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution.

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 (and known as 'day nurseries' in the Municipal Planning Strategy), 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, 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.

- 2) Amend Section 18A by deleting the following:

Day nurseries

and replacing it with the following:

Day care facilities

I HEREBY CERTIFY that the amendment to the Land Use By-law for Dartmouth, 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 S:
Amendments to the Land Use By-law for Downtown Dartmouth

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Downtown Dartmouth, which was adopted by the Halifax Regional Council on the 11th day of July, 2000, as amended, is hereby further amended as follows:

- 1) Amend Subsection (m) of Part 4 (Definitions) by deleting the following:

“day nurseries” - a use of a property known as a day nursery school, kindergarten, play school or by any other such name, which for compensation or otherwise received children for temporary care or custody with or without educational purposes during all or part of the day, but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution.

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, 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 Downtown Dartmouth, 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 T:
Amendments to the Land Use By-law for Halifax Mainland

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland, which was approved by City Council on the 30th day of March, 1978 and the 11th day of May, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, as amended, is hereby further amended as follows:

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

"Child Care Centre" means a building or part of a building in which services pertinent to a child's development, apart from the child's parent or guardian, are provided either for 7 or more children, not of common parentage, or for 9 or more children, not of common parentage, who are all school aged. A child care centre does not include a place such as hospital or school and does not include organized religious or recreational activities.

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 (and known as a 'child care centre' in the Municipal Planning Strategy), 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, seven (7) or more children not of common parentage, or nine (9) or more children not of common parentage who are all school-aged up to and including twelve (12) years of age; but does not include a place such as a hospital or school, does not include organized religious or recreational activities, and 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.

- 2) Amend the title directly before Section 11(1) by deleting the following:

DAY NURSERY - SPECIAL CARE HOME PARKING

and replacing it with the following:

DAY CARE FACILITY - SPECIAL CARE HOME PARKING

- 3) Amend Section 11(1) by deleting the following, *in two places*:

child care centre

and replacing it with the following, *in two places*:

day care facility

- 4) Amend Section 11(2) by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 5) Amend Subsection 20(1)(i) in the R-1 (Single Family Dwelling) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 6) Amend Section 23(e) in the R-1 (Single Family Dwelling) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 7) Amend the title directly before Section 23A in the R-1 (Single Family Dwelling) Zone by deleting the following:
- CHILD CARE CENTRES
- and replacing it with the following:
- DAY CARE FACILITIES**
- 8) Amend Section 23A in the R-1 (Single Family Dwelling) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 9) Amend Subsection 23A(a) in the R-1 (Single Family Dwelling) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 10) Amend Subsection 23A(c) in the R-1 (Single Family Dwelling) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 11) Amend Subsection 23A(d) in the R-1 (Single Family Dwelling) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 12) Amend Section 23B in the R-1 (Single Family Dwelling) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 13) Amend Subsection 28(e) in the R-2 (Two Family Dwelling) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 14) Amend Subsection 28CA(1)(ca) in the R-3 (General Residential and Low-Rise Apartment) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 15) Amend Subsection 29(1)(j) in the R-4 (Multiple Dwelling) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 16) Amend Subsection 38A(1)(ld) in the C-2A (Minor Commercial) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 17) Amend Subsection 51(1)(g) in the P (Park and Institutional) Zone by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 18) Amend the title directly before Section 71(8) in the Mainland Wide - Development Agreements section by deleting the following:

Child Care Centres

and replacing it with the following:

Day Care Facilities

- 19) Amend Section 71(8) in the Mainland Wide - Development Agreements section by deleting the following:

child care centre

and replacing it with the following:

day care facility

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Mainland, 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 U:
Amendments to the Land Use By-law for Halifax Peninsula

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula, which was adopted by City Council on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, as amended, is hereby further amended as follows:

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

"Child Care Centre" means a building or part of a building in which services pertinent to a child's development, apart from the child's parent or guardian, are provided either for 7 or more children, not of common parentage, or for 9 or more children, not of common parentage, who are all school aged. A child care centre does not include a place such as hospital or school and does not include organized religious or recreational activities.

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 (and known as a 'child care centre' in the Municipal Planning Strategy), 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, seven (7) or more children not of common parentage, or nine (9) or more children not of common parentage who are all school-aged up to and including twelve (12) years of age; but does not include a place such as a hospital or school, does not include organized religious or recreational activities, and 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.

- 2) Amend Section 6(6) in the Parking section of the General Provisions by deleting the following, *in two places*:

child care centre

and replacing it with the following, *in two places*:

day care facility

- 3) Amend Section 6(7) in the Parking section of the General Provisions by deleting the following:

child care centre

and replacing it with the following:

day care facility

- 4) Amend Subsection 27(1)(e) in the R-1 (Single Family) Zone by deleting the following:
- child care centre
- and replacing it with the following:

day care facility

- 5) Amend Subsection 34(5) in the Signs section of the R-1 (Single Family) Zone by deleting the following:
- child care centre
- and replacing it with the following:

day care facility

- 6) Amend the title directly before Section 34A in the R-1 (Single Family) Zone by deleting the following:
- CHILD CARE CENTRES
- and replacing it with the following:

DAY CARE FACILITIES

- 7) Amend Section 34A in the R-1 (Single Family) Zone by deleting the following:
- child care centre
- and replacing it with the following:

day care facility

- 8) Amend Subsection 34A(a) in the R-1 (Single Family) Zone by deleting the following:
- child care centre
- and replacing it with the following:

day care facility

- 9) Amend Subsection 34A(c) in the R-1 (Single Family) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 10) Amend Subsection 34A(d) in the R-1 (Single Family) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 11) Amend Section 34B in the R-1 (Single Family) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 12) Amend Subsection 44(1)(ia) in the R-3 (Multiple Dwelling) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 13) Amend Subsection 59A(1)(lc) in the C-2A (Minor Commercial) Zone by deleting the following:
- child care centre
- and replacing it with the following:
- day care facility**
- 14) Amend Subsection 67(1)(da) in the P (Park and Institutional) Zone by deleting the following:
- child care centre

and replacing it with the following:

day care facility

- 15) Amend the title of Section 99(10) in the Peninsula Wide - Development Agreements section by deleting the following:

Child Care Centres

and replacing it with the following:

Day Care Facilities

- 16) Amend Section 99(10) in the Peninsula Wide - Development Agreements section by deleting the following:

child care centre

and replacing it with the following:

day care facility

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Peninsula, 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 V:
Public Information Meeting Minutes - Eastern Region**

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

7:00 p.m.

Wednesday, April 16, 2008

Alderney Gate Library (Helen Creighton Room)

STAFF IN

ATTENDANCE:

Joseph Driscoll, Planner, HRM Planning Services
Holly Kent, Planning Technician
Jennifer Little, Planning Controller, HRM Planning Services

PUBLIC IN

ATTENDANCE:

4

The meeting commenced at approximately 7:05 p.m.

1. Opening remarks/Introductions/Purpose of meeting

Mr. Driscoll introduced himself as the planner guiding this application through the process; Holly Kent, Planning Technician, and Jennifer Little, Planning Controller, all with HRM Planning Services.

This is an application by Marine Drive, Valley and Canal Community Council (MDVCC) requesting that staff initiate a process to amend the definition of day care facilities for all Land Use By-laws (LUBs) under their jurisdiction in order to permit day care service for children 12 years of age and younger. Staff brought the issue forward to Regional Council which initiated a process to consider the issue for all Land Use By-laws.

Mr. Driscoll went over the agenda for the meeting.

The purpose of the public information meeting is to identify that HRM is reviewing the issue, to identify the scope of the issue and to give the public an opportunity to ask questions and make comments.

2. Overview of possible issues and considerations

Mr. Driscoll explained that most LUBs define day care in a manner that limits the service to children under 10. The Nova Scotia legislation permits licensed day care for school aged children 12 years of age and younger. He added that there are various terms and definitions for day cares in place across HRM and that HRM initiated this process to consider a new definition consistent across HRM and with legislation.

Day cares are permitted in most residential areas as of right, limited to scale, as a home occupation and permitted on a larger scale in most commercial/institutional zones. Some potential impacts on neighborhoods are traffic and noise. Regional Council request that staff consult with the public on appropriate zoning provisions and the possible use of development agreements for larger home based day cares in specific areas with concerns regarding home based daycares.

3. Overview of planning process

Mr. Driscoll explained that there will potentially be amendments to all HRM LUBs with the definition of day cares being harmonized as well as amendments to specific MPSs/LUBs where concerns exist regarding impacts on neighborhoods.

He added that after the public information meetings staff will consider any comments received by the public prior to preparing a staff report which will be submitted to Regional Council. Regional Council would hold a Public Hearing prior to making a decision on any changes. There will then be a two week appeal period following Council's decision for land use by-laws amendments. Amendments to the MPS cannot be appealed.

4. Questions/Comments

Ms. Maya Warnock, 32 Dunder Street, runs a day care for school aged children all under the age of 12. She addressed her concerns of being placed in the same category as day care with small children with outdoor activities. Ms. Warnock explained that she does not take the children outside and does not feel that her daycare would impact the community as much as other day cares for this reason.

Mr. Driscoll explained that the goal is to harmonize the definition of day care with what the Province licenses a day care. There will not necessarily be new zoning requirements for a home based daycare with this amendment. She questioned the age requirement for her zone and added concern that she wasn't aware of an age requirement. She noted that her day care is currently closed but, plans on reopening it in the fall 2008. She explained that HRM had requested a document that she didn't have but, is unaware of what it is. Mr. Driscoll explained that it may be a development permit that they are asking for and gave her his card for her to contact him to look into what it is she needs to legally open a home based day care. Ms. Warnock spoke briefly on her personal experience running a home daycare. Mr. Driscoll described what a development agreement is and the importance of it. He also noted the different zoning requirements and asked Ms. Warnock to give him a call to determine what her property is zoned.

Ms. Theresa Kelbratowski, Department of Community Services 2131 Gottingen Street, questioned if Council decides to change the By-laws and make development agreements required, what will happen to existing home based day cares?

Mr. Driscoll explained that if there are changes to zoning requirements existing day cares that have municipal permits would be permitted to operate as they had prior to the zoning changes.

Ms. Warnock, asked how HRM will police existing and new day cares to determine if they are licenced or not.

Mr. Driscoll explained that HRM does not license day cares.

Ms. Shelly Thompson, Department of Child Services, Nelson Place noted that there are already day cares with children over the age of 10 and asked if this is an issue.

Mr. Driscoll explained HRM staff would not be knocking on doors checking that they are meeting the age requirements and ordering that children aged 10-12 not attend the daycare.

5. Closing comments

Mr. Driscoll thanked everyone for coming to the meeting and expressing their comments. He added that there will be two other meetings regarding this application, one being in Sackville and one in Halifax.

6. Adjournment

The meeting adjourned at approximately 7:40 p.m.

**Attachment W:
Public Information Meeting Minutes - Central Region**

**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.

**Attachment X:
Public Information Meeting Minutes - Western Region**

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

7:00 p.m.

Thursday, May 22, 2008

St. James Anglican Church Hall, Halifax

STAFF IN

ATTENDANCE:

Joseph Driscoll, Planner, HRM Planning Services
Paul Sampson, Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Gail Harnish, HRM Planning Services

ALSO PRESENT:

Councillor Russell Walker, District 15
Councillor Debbie Hum, District 16

Mr. Paul Sampson called the public information meeting (PIM) to order at approximately 7:00 p.m. at St. James Anglican Church Hall, Halifax.

Mr. Sampson advised the purpose of the meeting is to discuss the issue of child care centers. The definitions for day care centres and child care centres are not consistent in HRM's land use by-laws (LUBs). Part of the reason we are here is to develop a consistent definition. The other thing we want to discuss is the state of child care centres in residential neighbourhoods and whether or not HRM should continue to allow them through the as-of-right permitting process or require a development agreement if they want to locate in a residential neighbourhood.

Mr. Sampson noted we need to amend all eighteen of HRMs LUBs. As a result of that, we are going to have Regional Council approve these amendments. We want to review how day cares are permitted in terms of:

- zoning provisions
- possible use of development agreements

Mr. Sampson indicated if there are any changes in terms of how they are approved, it may just be in certain areas. Day cares are defined differently in HRMs LUBs so we want to make them consistent. Most of the LUBs include children of ten years of age or younger. Provincial regulations regulate children up to twelve years of age.

An individual questioned whether it was the intention to amend Provincial legislation.

Mr. Sampson clarified it was the intention to make our regulations consistent with Provincial regulations and also to make our by-laws similar.

In terms of how day cares are permitted:

- they are permitted in most residential areas
- they are permitted as-of-right in Halifax for up to fourteen children; anything beyond that requires a development agreement
- are of limited scale
- are a home occupation
- generally, large day cares are located in commercial areas and industrial zones. Some larger day cares are located in some institutional zones, such as in churches.

Mr. Sampson indicated we are looking to get feedback on what the issues are and whether the zoning provisions are working.

An individual stated they have a day care on Sunnybrae Avenue where an individual is using a loophole and has three day cares and lives in none of the three buildings.

Mr. Sampson advised we are anticipating Council will make some changes to the definitions. He encouraged members of the public to make submissions by way of email, phone calls, or written submissions.

Councillor Hum requested that staff email their presentation to Council members and then through their community contact list they can forward it to them and ask for responses back through residents associations and community organizations. Because the scope of the amendments is HRM-wide, we do not always get the numbers of people who might potentially be interested.

Mr. Driscoll indicated this originally initiated from the definition issue. There is an inconsistency which does not make sense from a land use perspective. Regional Council instructed staff to seek public input. In addition to that and as a result of specific concerns in certain neighbourhoods, it was identified there may be concerns with where and how day cares are permitted already. Council asked us to consult on that issue as well.

Mr. Sampson advised we held two meetings so far. Following tonight's meeting, staff will start working on potential amendments and the staff report which would be tabled with Regional Council who would hold the public hearing. There are two separate issues; the appropriateness and effectiveness of the current regulations, and making the definition consistent in all our LUBs.

An individual noted the Province is doing consultation on child care as well and questioned whether HRM staff met with them.

Mr. Driscoll responded yes, and noted a representative from the Province was in attendance.

Mr. John Morrison noted on Sunnybrae Avenue, an individual bought three houses and opened a day care in each of them. He questioned what is an owner operator. The individual has about sixty to seventy kids spread between three houses and sometimes all in one house or another and is basically running a corporate day care in three homes. He was retired and could hear it all day long. Kids are everywhere and there is lots of traffic. The language of the By-law has to be changed.

An individual stated it is affecting their quality of life. They cannot even go out in their yard in the afternoon because of the noise.

An individual questioned how they got approval to potentially have sixty-two kids in three backyards.

An individual stated the definition and the process is so poorly written in the by-laws that this has been allowed to happen which has a very negative impact on their quality of life. Who are we seeking to serve, especially on residential streets?

Mr. Sampson noted the issues raised are owner versus operator and the side by side situation. We have consulted with Legal. You cannot state there has to be a separation distance between day cares. What that does is not treat everybody in an R-1 and R-2 zone the same, but there are other ways. It may be a matter of reducing the number of kids allowed through the as-of-right process.

Councillor Walker referred to the Provincial legislation which refers to the family home day care program. In the definition of an approved family home day care, it means day cares are allowed in a family home. There would be no problem with permitting fourteen children if they used the definition of an approved family home day care. Then it would be the provider's family home.

Mr. Morrison stated that would stop somebody from buying up all the homes in the neighbourhood to use for operating day cares.

Mr. Sampson advised the wording in the Halifax LUB does mention the operator and it does not require that the operator be the landlord.

Mr. Driscoll indicated he did not think we can require that someone operating the business own the land. It is as long as they live there. It could be possible that the operator resides there but not that the operator owns the property.

Mr. Morrison stated someone should not be allowed to run a corporate business at the expense of the residents in the neighbourhood.

Mr. Driscoll noted we cannot regulate that they own the place but the operator has to live there. The owner should not be able to put relatives in the three homes to live there.

An individual questioned whether the individual in question is being taxed as a business. The individual bought the three houses for the purpose of running a business. This woman is using a loophole to make good money and is paying residential taxes.

Mr. Sampson advised that as part of the permitting process, we do get confirmation in writing that the operator lives there.

An individual questioned whether the license is revoked if the employee moves out.

Mr. Sampson advised there may be nothing HRM can do about that instance but we can make it a lot more difficult to happen in the future. If they have permits and are operating within the scope of them, there is probably nothing we can do about them.

An individual stated they see instances when 90% of the kids from the three houses are in one backyard.

Mr. Morrison questioned why the permits could not be revoked if she is breaking her agreement.

Mr. Sampson advised we have a land use compliance section that can look into that. It is complaint driven.

Mr. Morrison said he counted thirty-one kids next door and he has taken pictures and showed them to Councillor Walker. She is not supposed to have any more than fourteen children at that location.

Ms. Angela Power commented she understood it was not fair to restrict people from having day cares side by side. She looked after eight children and lived there, and somebody living next door to her should not be denied the same right. They follow all the rules. They are allowed eight school aged children. She has seen other women trying to do the same thing and have eight kids and make a modest living and pay taxes to Revenue Canada and follow the Federal, Provincial, and Municipal regulations. She was aware of one good provider who could not get enough kids to pay her bills and now lives in public housing. The individual in question is trying to get a monopoly. Once she has all the houses on Sunnybrae Avenue leased out she has put every other member of the neighbourhood out of business. The individual in question lives in Clayton Park West. At least now people have a choice. They can go to another woman in the neighbourhood. Enrollment is declining and there are less and less kids. They only want an opportunity to play the game fairly and live a modest living. She ran her home by looking after children. If she is driven out, she will be living in public housing as well.

An individual stated they wanted the number of children for the person in question to be reduced.

Mr. Sampson advised there was a time when you could have up to thirty-five kids in the R-2 zone through the as-of-right process. Since then, the rules have changed. It was his understanding one of the three houses in question was issued a permit for thirty-five children before the regulations were changed and has a legal status. Permits were issued for the other two properties for up to fourteen children. Complaints can be made to our land use compliance section who will investigate.

An individual questioned the penalty.

Mr. Sampson advised we could take them to court for non-compliance.

Mr. Morrison stated he has taken pictures and sent evidence and nothing has been done about it. There should be a penalty if you break the law. He expressed concern that the individual in question can break the law on a consistent basis and there is no penalty.

Mr. Sampson noted we can follow it up to see what is being done about that particular instance. The purpose of tonight's meeting is to discuss amendments to prevent this from happening in the future.

Councillor Hum advised they got feedback last week from the lunch care service provider at the Grosvenor Wentworth School who advised that it is up to each School Board on how they want to operate their lunch program. Apparently Halifax Regional School Board has advised the schools that private lunch operators operating out of schools are no longer permitted as of September, and they will be going with Excel programs only. This has a number of impacts. The ratio is much higher with Excel. The Grosvenor Wentworth school is considered a walking school but approximately 90% of the school body stays for lunch and has for years had an excellent lunch program. She thought this will have a tremendous impact on the school neighbourhood. It could be an opportunity or a challenge for families whose children attend those schools and will be without lunch time and after school care.

Councillor Hum noted this can lead to a lot more of these day care centres opening up in residential neighbourhoods. You may see a lot more of the school operators operating without having Community Servicing licensing and not have to go through HRM approval.

Councillor Hum indicated she saw this as a real challenge for many families. There could be a lot of illegal lunch, after school, and before school child care facilities opening up. This is coming out in May and the parents have not been officially informed. It will create tremendous challenges for working parents. She also thought we should have a dialogue with officials from the School Board on how that will impact our residential neighbourhoods.

Councillor Hum noted she has had a similar situation on a residential street where somebody bought a house next door and went to their neighbour and asked if they would mind. They understood it would be less than six children and it ended up as a day care for under fourteen children. The neighbours were upset about the noise and the traffic and their quality of life being affected. Staff at the West End Mall office know about the day care in question and the complaints that were generated from the abutting neighbours.

Councillor Hum indicated she was aware of another instance on the Kearney Lake Road where the owner had her manager buy the house across the street and opened up another facility. No complaints were received from the abutting neighbours in that instance. One house is for children under the age of five and the other house is used for lunch and after school aged children.

Councillor Hum said she thought there is strong support for having child care in neighbourhoods for lunch and after school programs but when you run a commercial business, that is when it raises a lot of concerns from the residential neighbourhoods. People do not want the as-of-right. They want every situation with fourteen children or more with a development agreement. One of the facilities referenced only has one parking space and the rest of the employees park on the street. She indicated she would encourage the parents and the day care owners and operators to submit comments. This could potentially be a controversial issue in the neighbourhoods.

Mr. Sampson commented so far we have only heard of issues in Mainland Halifax. There does not seem to be the same type of issues in the rural parts of the Municipality where the lots size and the

street frontage is larger. On the Peninsula, you might not have the traffic concerns because you already have the traffic.

Councillor Hum noted newer developments have small lot sizes. Having day cares on 40' wide lots can be an issue. There is not even room for onstreet parking in these newer developments.

Mr. Sampson indicated we could deal with the definition issue on a regionwide basis and then perhaps make amendments to the Halifax Municipal Planning Strategy and require development agreements at a certain threshold.

Councillor Hum commented it comes down to the integrity of the day care operator. Some of them want to make a living but they do not really care about the impact on their neighbours. If they talked to their neighbours and were honest and upfront with them, it might alleviate some of the concerns.

Councillor Hum noted in a school community, there appears to be more situations where it is not suitable. There is a need for child care but there has to be some controls.

An individual said she talked to Community Services and the intent is community based day care. This goes back to the traffic issue. The suburban people are bringing the kids to where they live. These are not community day cares. They are being set up as commercial businesses. The intent of community based day cares is to serve the community. The average yard would have three to four kids and she did not believe there should be more than that next door to her.

Mr. Morrison stated he did not have a problem with fourteen kids but they have to contend with sixty kids.

An individual indicated a residential neighbourhood should not be subjected to a large number of kids. They could limit the as-of-right and limit the number of kids in a development agreement as well. To prevent this in the future, you could have that as-of-right number and have a development agreement at a certain point. Anything above that number should be restricted to commercial and industrial zones so they are out of the residential neighbourhoods.

An individual stated in other provinces you cannot have many kids in a residential neighbourhood and you have to be in a commercial area.

An individual stated the onus comes back to the City and questioned what they would be doing to protect the residents from these situations. They need to consider the size of the yard and a reasonable number of kids in the backyard.

An individual suggested staff look at the language and definition from Ontario. It speaks to many of the things we are talking about tonight such as traffic and inadequate buffers.

Mr. Sampson indicated he was aware that Mississauga has severely limited day cares in residential neighbourhoods. The other thing we are looking into with Legal is the ownership issue.

An individual stated complaints need to be followed up on.

Councillor Walker noted they are in compliance when staff get there.

Mr. Sampson advised staff will draft some amendments. Complaints regarding existing day cares have to go through our Land Use Compliance section. The staff from that section are former police officers so they know how to investigate. The by-law changes will not affect existing day cares.

An individual suggested they make changes to the by-law in terms of remedies so they would not have to complain.

Mr. Sampson advised remedies cannot be put in our LUBs.

Ms. Power indicated Councillor Hum seems concerned about the programs in the schools being closed out. They have the four programs in their school and they are making money off the kids in their neighbourhood. There are other women who would like to take in kids but there is no opportunity. When they find out these programs are closed in the school, they will see that as an opportunity and will want to look after their children and other children.

Mr. Sampson questioned whether eight children seemed to be the magic number.

An individual said eight children is the number they are allowed, and eight children is a challenge.

Mr. Sampson commented it may be that a lower number is a deterrent for buying properties and turning them into day cares.

An individual stated she was comfortable with eight children and could make a living looking after eight children. She could handle ten kids but would not want fourteen.

An individual stated that ten children would be good.

An individual said the lot size is important when considering the number of children. If the properties are small, it would not be fair to the neighbours if there are ten children. In terms of meeting with the School Board, the enrollment numbers are declining and some of the schools are partially empty. Deals should be struck with the schools. If you put more than fourteen children within a day care facility and associated with a school, then you have access to a gym and a lot of facilities that should be there for children. With schools being downsized, this could be a good opportunity to clean up some of the day care problems.

An individual commented the continuity makes it confusing. Community Services is putting out a set of rules and then HRMs are slightly different.

Mr. Driscoll clarified our regulation of day cares is more in terms of land use impact. The operational side is what the Province handles. With the definition we are trying to ensure that kids are going to a legally existing day care.

Mr. Driscoll noted the other issue is to look at where and how they are permitted. Each community is different. There are eighteen different plan areas with different regulations. What is appropriate in one may not be in another. We could look at tightening up the existing regulations.

The meeting adjourned at approximately 8:15 p.m.