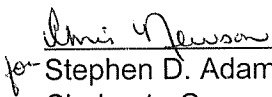

HALIFAX REGIONAL COUNCIL
November 26, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

FROM:  _____
for Stephen D. Adams, Chair
Chebucto Community Council

DATE: November 21, 2002

SUBJECT: Child Care Centres

ORIGIN:

Chebucto Community Council meeting held on October 7, 2002.

RECOMMENDATION:

It is recommended that:

Halifax Regional Council amend the MPS policy for Halifax to restrict the size of Day Care Centres in residential zones under Development Agreements to 14 children. Further, that the existing MPS for Halifax be amended to include only one Child Care Centre every 500' or one per cul de sac.

ATTACHMENT:

Staff Reports dated October 4, 2002 and January 25, 2002.

4.1.3

HALIFAX
REGIONAL MUNICIPALITY**Chebucto Community Council**
October 7, 2002**TO:** Members of Chebucto Community Council**SUBMITTED BY:**
Paul Dunphy, Director of Planning and Development Services
Paul Sampson, Planner I**DATE:** October 4, 2002**SUBJECT:** Child Care Centres**INFORMATION REPORT****ORIGIN**

Motion of Chebucto Community Council at its meeting on February 21, 2002 and previous Information Report dated January 25, 2002.

BACKGROUND

An Information Report on Child Care Centres was submitted to Chebucto Community Council on February 21, 2002. At that meeting of Community Council, staff was requested to prepare an additional report containing the following information:

1. The ability to eliminate larger child care centres in residential areas;
2. Establish a minimum separation distance between child care centres;
3. Update on information on larger centres allowed since amalgamation throughout the municipality.

Child Care Centres

- 2 -

Chebucto Community Council
October 7, 2002

DISCUSSION**Larger Child Care Centres in residential areas :**

As indicated in the Information Report dated January 25, 2002, the Halifax Municipal Planning Strategy (MPS) contains a policy which allows for the consideration of larger child care centres by development agreement in all areas of the former City of Halifax. This policy encourages centres in a variety of locations in order to meet the needs of families throughout Halifax. This allows the specific circumstances of each location to be evaluated on a case-by-case basis and allows requirements and restrictions to be placed in the agreement which pertain to that particular location.

Changes to the development agreement provisions in the Halifax MPS would require MPS amendments which would require the approval of Regional Council. It is not possible to make changes to the Land Use Bylaw regarding larger centres in residential areas without first amending the MPS.

If Regional Council chooses to eliminate the development agreement option, that would not necessarily eliminate larger daycares in residential areas. The result could be an increase in rezoning applications to the Park and Institutional Zone for child care centres throughout Halifax. The rezoning process is seen as less desirable since there is less ability to place site specific controls on development. Therefore, eliminating the development agreement option would likely have a negative impact.

A more appropriate method may be to place controls on the size of centres in residential areas. This could be accomplished by amending MPS policy to place restrictions on the number of children allowed in such centres by development agreement. Any future centres with a greater number of children would have to locate in commercial or industrial zones.

Separation distances between child care centres

As indicated in the previous Information Report, the Halifax Land Use Bylaws contained a minimum 500 foot separation distance between child care centres in R-1 zones at a time when the R-1 and R-2 zones permitted larger centres as-of-right.¹ Amendments in 1997 reduced the number of children to 14 in centres permitted as-of-right and removed the required separation distance. It was recognized that the impact of these smaller centres would be minimal. Centres of this size are considered to be home occupations and are treated in the same manner as bed and

¹ Between September 1989 and July 1997, a 500' distance was required between daycares in R-1 zones only. Prior to September 1989, a greater number of children was permitted and no separation distance was required.

Child Care Centres

- 3 -

Chebucto Community Council

October 7, 2002

breakfasts, home offices and special care homes in that a separation distance is considered inappropriate and unwarranted.

Current MPS policy specifies that, by development agreement, only one larger centre may be permitted on any cul-de-sac. It may be appropriate to amend this policy to provide a separation distance, possibly 500 feet, between these larger centres. Again, the approval of Regional Council would be required.

Staff have consulted with officials from the Department of Service Nova Scotia and Municipal Relations on this matter. It was indicated that policies which stipulate separation distances between similar uses can be considered to interfere with business enterprise and may not, if challenged, hold up in court. One principle of zoning is that properties which are zoned similarly are subject to the same regulations. However, with a separation distance in effect, two similarly zoned, abutting properties would not each be permitted the same rights as the other.

Updated information on larger centres

Since amalgamation, there have been relatively few large centres created through the development agreement or rezoning processes. Most large centres have been located through the as-of-right development process in commercial, industrial, institutional and multiple-unit residential zones. In Halifax, Park and Institutional zones allow stand-alone centres as well as centres within institutional buildings such as schools, hospitals and churches. Large centres are also permitted in apartment buildings.

Attachment I contains updated information on various planning applications (rezonings, development agreements) which have been submitted since amalgamation for child care centres. Staff is unable at this time to provide accurate data on the number of day cares that have been established under as-of-right circumstances.

Recent trends with regard to zoning in HRM and other municipalities have been to move away from the traditional restrictive use zones which segregate different land uses. There has been a trend toward more performance-based zoning which allows for greater diversity of land uses, subject to more specific standards relative to matters such as building scale and location, parking, site access, outdoor amenity space, storage areas and landscaping. Child care centres are one such land use which has been considered to be beneficial and appropriate in residential areas.

BUDGET IMPLICATIONS

None.

Child Care Centres

- 4 -

Chebucto Community Council
October 7, 2002

MULTI-YEAR FINANCIAL STRATEGY IMPLICATIONS

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

ATTACHMENTS

Attachment 1 - Child Care Centres by Development Agreement/Rezoning

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210 or 490-4208 (fax).

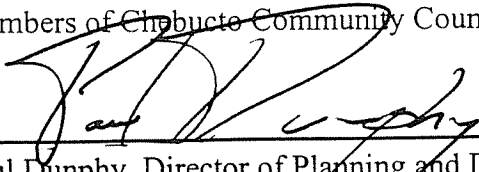
Report Prepared by: Paul Sampson, Planner I, ph. 490-6259.

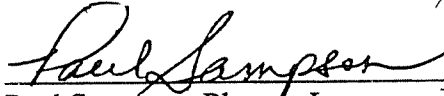
Applications for Child Care Centres by Development Agreement / Rezoning, 1997 - 2002

<u>Location</u>	<u>Case No.</u>	<u># of Children/expansion</u>	<u>Zoning</u>	<u>Land Use</u>	<u>Status</u>
181 Main Ave., Hfx.	00182	37 / 2 nd floor addition	R-2	daycare only	Approved
2287 Lawrencetown Rd.	00217	40 / addition to bldg. only	R-1	daycare only	Approved
35 Andover St., Dartmouth	00218	60 / increased # children from 40	R-2	daycare only	Approved
6101-11 South St., Halifax	00246	80 / main floor of apt. bldg.	U-1	daycare / student apts.	Approved
1185 Old Sackville Rd.	00297	40 / expansion to bldg.	R-6	daycare / s/u dwelling	Withdrawn
299 Stokil Dr., Sackville	00310	40 / within church (rez. to P-2)	R-6	daycare / church	Approved
Lot 59 Roxbury Cres., Hfx.	00356	38 / new building	R-1	daycare / s/u dwelling	Withdrawn
9 Tremont Dr., Halifax	00357	32 / addition to bldg. only	R-1	daycare / s/u dwelling	Approved
1690 Prospect Road	00466	32-46 / new building (rez. to P-2)	RB-1	daycare only	Approved
16 Portland Est Blvd, Dart.	00510	26 / expand within exist. bldg.	H	daycare / s/u dwelling	In Process

Chebucto Community Council
February 4, 2002

TO: Members of Chebucto Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services


Paul Sampson, Planner I

DATE: January 25, 2002

SUBJECT: Child Care Centres in Residential Zones

INFORMATION REPORT

ORIGIN

Motion of Chebucto Community Council at its meeting on December 3, 2001.

BACKGROUND

At the above noted meeting of Community Council, staff was requested to prepare a report on the appropriateness of day care centres in residential zones throughout the municipality, in light of the recent application for a child care centre in the Langbrae Gardens Subdivision (Municipal Case No. 00356).

Specifically, the following items were identified:

1. The ability to limit the number of child care centres on a street;
2. The ability to preclude child care centres with more than 14 children in residential areas;
3. Procedure for notifying the public regarding development agreement applications;
4. The ability to apply for a development agreement without being the registered owner of the land or having a Purchase and Sale Agreement on the land.

DISCUSSION

Child Care Centre Provisions:

The issue of child care centres in residential areas has been studied in detail by staff. Most recently, a thorough review of the child care centre provisions of the Halifax Municipal Planning Strategy and the Peninsula and Mainland Land Use By-laws was conducted in 1996 through 1997 resulting in amendments to the MPS and Land Use By-laws in July of 1997 (refer to Attachment 1 - Staff Report dated February 4, 1997 and Attachment 2 - Supplementary Report dated May 22, 1997).

Centres for up to 14 children:

On an HRM wide basis, all planning areas allow child care centres to be permitted as-of-right in residential zones. Although there are some exceptions, most of these residential zones allow child care centres for up to 14 children by-right (see Appendix B of Attachment A). In the case of Halifax, both the Peninsula and Mainland Land Use By-laws currently allow these centres for up to 14 children in residential zones. In the past, centres in R-1 zones were permitted up to 25 children and those in R-2 zones were permitted up to 35 children. These numbers were subsequently reduced over the years through amendments to the MPS and land use by-laws, the most recent of those being in July of 1997 as indicated above. Centres are also permitted as-of-right in high density residential as well as institutional and commercial zones.

Centres for more than 14 children:

Child care centres for more than 14 children in HRM are generally accommodated through either the development agreement or rezoning processes. The development agreement process, enabled through planning policy, typically requires that child care centres meet certain standards which exceed those of as-of-right centres. Agreements set out standards to address issues such as landscaping and the design of outdoor play spaces, architectural appearance of the building, vehicle access and parking, compatibility with adjacent residential uses, signs and hours of operation. In the case of the Halifax MPS, City-wide policy 2.4.2 allows for the creation of child care centres through the development agreement process in all residential neighborhoods. This policy is implemented through Policy 3.20 which lists the issues which council must consider when assessing a proposal (refer to Attachment 3 - Relevant Halifax MPS Policies). The development agreement process, therefore, provides council with a mechanism to control certain aspects of these centres.

There are some plan areas which allow for the rezoning of residential properties to a Community Facility or Park and Institutional zone to allow for child care centres. These zones generally do not limit the number of children in centres and place fewer requirements on their development than is enabled through the development agreement process.

1. The ability to limit the number of child care centres on a street:

Where small child care centres are permitted throughout HRM as-of-right in residential zones, there are no restrictions on the number of centres per street. As is generally the case with as-of-right home occupations and bed and breakfast operations, all occupants have an equal opportunity to open a child care centre. Since the lengths of streets vary greatly, limiting centres to one per street may be unreasonable when dealing with more lengthy streets.

Implementation policy 3.20.1 (g) of the Halifax MPS requires that centres which are approved by development agreement for more than 14 children be limited to one on any cul-de-sac. An amendment to the MPS would be required in order to place further limitations on the location of child care centres in residential zones.

The Halifax Peninsula and Mainland Land Use By-laws, between September 1989 and July 1997, required a separation distance of 500 feet between child care centres. At that time, centres were allowed as-of-right in R-1 zones for up to 16 children and in R-2 zones for up to 25 children. However, amendments were made to the MPS and bylaws in July 1997 which resulted in the reduction in the size of centres (14 children in both zones). At that time, the required separation distance was removed from the by-laws since it was felt that the impact of these centres, even if located close together, would be minimal.

2. The ability to preclude child care centres with more than 14 children in residential areas:

As noted above, larger child care centres in residential areas throughout HRM are typically accommodated through the development agreement or rezoning processes by MPS policy. Halifax City-wide policy 2.4.2 and Implementation Policy 3.20 provide for child care centres in excess of 14 children through the development agreement process (refer to Attachment 3). Any change to these MPS policies would require the approval of HRM Regional Council.

Prohibiting centres in excess of 14 children in residential areas would restrict larger centres to commercial, industrial and institutional zones. This would be a significant change in direction from that approved recently. The current policies allow Council to review an application, consider its merits based on plan policy and approve or refuse the application as it sees fit.

The above policies were adopted by Regional Council relatively recently following a thorough review of the matter. Since that time, there have been no identifiable changes in circumstances which would warrant further study and / or amendments.

3. Procedure for notifying the public regarding development agreement applications:

The Municipal Government Act requires that notification of a public hearing involving Council's intention to enter into or amend a development agreement be posted in a newspaper at least once a week, for two consecutive weeks (eg. two consecutive Saturdays) prior to the public hearing. The municipality has chosen, but is not required, to go beyond this minimum requirement for notifying the public of development agreement applications by:

- a). holding a Public Information Meeting, whereby property owners within 250 feet of the subject property are notified by mail in advance of the meeting and a newspaper ad is placed in a local newspaper;
- b). mailing letters to property owners within 250 feet of a subject property prior to the public hearing;
- c). requiring the applicant to post a sign on the subject property which describes the application and contains the phone number for HRM Planning Services.

The municipality relies on the property records database of the provincial government in order to obtain ownership information and mailing addresses for notification purposes. In the past, there existed a lapse between the time when new lots are approved by HRM and the ownership records and property mapping is conducted by the province and updated on HRM's mapping and property records system. Over the last few months, this lapse in time has been substantially reduced with the introduction of a new HRM information updating procedures and a new HRM interim property information system.

With respect to the Langbrae Gardens child care centre application (case no. 00356), the lots on Roxbury Crescent, including lot 59 on which the child care centre was proposed, were approved by HRM on August 10, 2001. The Public Information Meeting was held on August 23, 2001. As a result of this short time period between the two events, the purchasers of the new lots on Roxbury Crescent after August 10, 2001 were not notified of the Public Information Meeting. However, all new owners, including the member of the public mentioned above, were notified of the public hearing which was scheduled for December 3, 2001 and subsequently cancelled.

It is important to note that regardless of the procedures and the property information system used, difficulties with notification will still be experienced when an application for development agreement or rezoning is received in newly developed or developing areas. As well, the Langbrae Gardens child care centre application was quite unique in terms of the timing of the application and lot approval events, which is not representative of all cases. In these cases, HRM will work to solve any notification problems on a case-by-case basis.

4. The ability to apply for a development agreement without being the registered owner of the land or having a Purchase and Sale Agreement on the land:

An application for a development agreement may be made by a person / party who is not the registered owner of the property. In these instances, staff request that the applicant provide written consent from the property owner and / or a copy of a purchase and sale agreement if it is available.

In the case of the Langbrae Gardens child care centre, a purchase and sale agreement between the applicants and the property owner was in place up until early October of 2001, after which the agreement was not renewed by both parties involved. At that time, the applicants informed staff that they wished to proceed despite the absence of an agreement and the property owner verbally advised staff that there were no objections to the applicant doing so.

Conclusion:

The provisions for child care centres throughout HRM are consistent in their approach. Child care centres are considered appropriate in residential neighborhoods. Any changes to child care centre policies require the approval of Regional Council. A thorough review of the Halifax MPS and Land Use By-laws, including amendments, was completed in July of 1997. There has been no change in circumstances since Regional Council adopted these policies in July of 1997 which would warrant another review or further amendments. The existing policies and regulations are felt to be reasonable and provide a balance between the need to provide centres in residential as well as commercial and institutional areas and managing the impact of these centres on adjacent residential uses.

The procedures followed in the Langbrae Gardens child care centre application (case no. 00356) have been consistent with those applied to all development agreement applications. The events associated with the Langbrae Gardens application are felt to be unique and not representative of other development agreement applications. The application requirements and notification procedures for the development agreement process have been reviewed and amended over time, are considered appropriate and have been consistently applied to all cases.

BUDGET IMPLICATIONS

None.

MULTI -YEAR FINANCIAL STRATEGY IMPLICATIONS

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.

ATTACHMENTS

- Attachment 1 - Staff Report dated February 4, 1997
- Attachment 2 - Supplementary Report dated May 22, 1997
- Attachment 3 - Relevant Halifax MPS Policies

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210 or 490-4208 (fax).

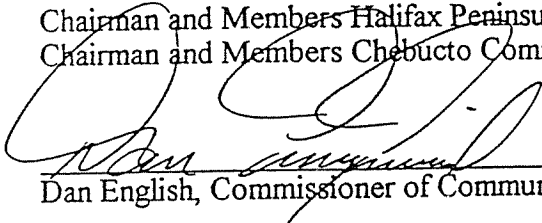
Report Prepared by: Paul Sampson, Planner I, ph. 490-6259.

Halifax Regional Municipality

Halifax Peninsula Community Council
3 March 1997
Chebucto Community Council
3 March 1997

To: Chairman and Members Halifax Peninsula Community Council
Chairman and Members Chebucto Community Council

Submitted By:


Dan English, Commissioner of Community Services

Date: February 4, 1997

Subject: Case 7404: Child Care Centres in Residential Areas by Development Agreement - Halifax Planning Area

STAFF REPORT

Origin:

Council Motion of 24 September 1996 stating:

"Moved By Councillors Walker and Hendsbee that Council consider an amendment to the Municipal Planning Strategy of the Community of Halifax, to add policy which requires that the establishment of day care centres within residential areas proceed only by Development Agreement; further; that this issue be sent to the Halifax Planning Advisory Committee for advise and public consultation and to staff for a report."

Recommendation:

It is recommended that:

1. a Chebucto Community Council public meeting and a Halifax Peninsula Planning Advisory Committee public meeting be held to seek public opinion on this issue and the recommendations of this report, and;
2. amendments to the policy and regulations related to child care centres, as described in this report, be made to the municipal development plan and the land use bylaw for Halifax.

Background/Summary:

Child care centres are widely permitted by right throughout the former City of Halifax in almost all zones including the low density residential zones. There are provisions in the land use bylaw related to the number of children permitted in centres, parking and signs. There are currently no provisions for development agreements to establish child care centres within Halifax.

There has been concern raised by Regional Council, that the current regulations which permit large centres in residential neighbourhoods by right should be modified. The goal is to reduce the impacts of these uses on surrounding residential uses and to increase the involvement of the neighbourhood in the establishment of new child care centres.

The recommendations of this report regarding new policy and regulations for child care centres are based on the issues raised, the current distribution of child care centres, and the methods of regulation used throughout the region. The following is recommended: a revised definition of child care centre, provisions to allow small centres as home based businesses in low and medium density residential zones, development agreement potential for larger centres in low and medium density residential areas, and a continuation of the by-right ability to establish centres in high density residential, institutional and commercial zones.

Discussion:

Municipal Policy and Regulations:

The current municipal planning strategy policy and land use bylaw regulations related to child care centres in Halifax is included as Appendix A. These regulations permit a centre of up to 16 children by right in the R-1 zone and 35 children in the R-2 zone for both the Peninsula and the Mainland. This maximum may be exceeded in the R-2 zone as child care centres located in buildings other than dwellings may accommodate more than 35 children. This has been interpreted to mean that a house which is converted to a child care centre and does not retain any residential function, is not a dwelling, and can therefore exceed 35 children. Also, child care centres located in dwellings may accommodate an additional 6 children for each 1000 square feet the lot area exceeds the minimum of 6000 square feet.

Provincial Regulations:

All child care centres in the Province meeting certain size criteria, must be licensed through the Provincial Department of Community Services. More specifically, centres with 7 or more children of any age must be licensed. If all children are of school age in the child care facility, the centre must be licensed if there are 9 or more children.

A child care centre must provide 30 square feet of playroom space and 60 square feet of outdoor play area for each child enrolled in the facility. A fence at least 4 feet high must be provided for this

outdoor space. Rooms for children under 2 years of age must be located on the ground floor, and rooms for children 3 to 6 years old cannot be above the second floor.

The staff to children ratios for centres vary depending on the age of the children. If all children are under 5 years of age there must be 1 staff member for every 7 children in a full time program and 1 staff member for every 12 children in a part day program (pre-school). For children 5 years of age and over, there must be one staff member for every 15 children (school aged day care or after school programs).

Policy and Regulation throughout the Region:

The majority of the 17 plan areas throughout the Halifax Regional Municipality specifically deal with child care centres as a use of land. There are many similarities in the way these centres are defined and how they are regulated. Basically small centres are permitted by right in residential zones as home based businesses. Larger centres can be accommodated in residential zones through either a rezoning or a development agreement process. A summary of these regional regulations is found in Appendix B.

Child Care Centres in Halifax:

As of 1996, there were 68 licensed child care centres and preschools located within the community of Halifax. Both child care centres and preschools (which provide half day programs) are covered by the current definition of day nursery in the land use bylaw. The table attached as Appendix C provides information on each of these centres.

There are 49 centres located on the Peninsula (72 percent) and 19 on the Mainland (28 percent). They are distributed over the following zones:

<u>Zone Type</u>	<u>Zone</u>	<u># of Centres</u>
Low Density Residential	R-1	8
Medium Density Residential	R-2	18
Medium Density Residential	R-2A/R-2P	5
High density Residential	R-3/RC-3/R-4	7
University/Park/Institutional	U-1, U-2, P	17
Commercial	C-2, C-2A, C-2B, C-2D	9
Industrial	I-3	1
Split (Dual) Zoning	-	3

There are 38 centres (56 percent) which are located in buildings within residential zones. Almost half of these are located in the R-2 zone, with only 20 percent of these centres located in the R-1 zone.

A total of 39 (57 percent) of all child care centres are located within residential buildings. This total includes specialized residential buildings such as a campus residence, and the YWCA. Of these 39 centres, 9 (23 percent) are in dwellings which do not continue to have a residential function, with 77 percent retaining some residential function. Seven of these 9 centres are in single family dwellings and 2 are in four unit apartment buildings.

Centres range in size from 10 to 100 children, with the average number of children being 41. Centres in R-1 zones range from 10 to 38 children with an average of 22 children. Child care centres in the R-2 zone range from 11 to 90 children with an average of 29 children.

Issues Related to Child Care Centres:

There are several issues related to the establishment and regulation of child care centres in residential areas. Some of the issues are taken from a survey of child care centres undertaken in 1989 by the Planning Division of the City of Halifax. Many of the comments made in the survey at that time continue to be relevant.

Conversion of Dwellings to Child Care Centres:

One of the issues in Halifax is the by-right ability to use a dwelling for a child care centre which retains no residential use. This allows homes within residential areas to be converted to a business which could change the character of the immediate area. There is a perception that as the buildings are not occupied at night or on the weekends, they become a potential target for vandalism. In addition, the child care centres may not be maintained in a similar manner to a residential use.

In addition, the current interpretation of the land use bylaw regarding centres in R-2 zones, permits a dwelling to be converted totally to a child care centre and then contain more than 35 children. The number of children would only be limited by the Provincial regulations regarding the amount of space required for each child. Therefore, the current regulations produce a bonus in the size of the centre permitted if residential use is abandoned completely.

Neighbourhood Consultation:

The second issue is that centres are permitted in residential zones without neighbourhood consultation. Neighbourhood involvement is not facilitated in determining if the centre should be established or what conditions could be applied to mitigate impacts on surrounding residential uses.

Impacts on Residential Uses:

A third issue is the intensity of a child care centre use in relation to residential uses. Child care centres by their nature produce a significant amount of traffic during the morning drop-off and the evening pick up, which can cause congestion near the centre. In addition, child care centres require

employee parking which may not be totally accommodated on the site. Non-resident parking on the street may be an issue in some neighbourhoods. In addition, the presence of signs, playground equipment, and fences which may be higher and of a different design than the neighbourhood, can be a concern.

Noise is another potential impact from child care centres when the children are playing in the yard. This can be an issue for neighbours who wish to sleep during the day due to shift work or who prefer a quieter neighbourhood during the day.

Recommended Policy and Regulations:

There are four components of the recommended policy and regulation for child care centres which address the issues raised. These are a new definition of child care centre, provisions to allow small centres as home occupations in low and medium density residential zones, development agreement potential for larger centres in low and medium density residential areas, and a continuation of the by-right ability to establish centres in high density residential, institutional and commercial zones.

It should be noted that these proposed changes are generally consistent with the policy and method of regulation of child care centres in the other plan areas throughout the Halifax Regional Municipality.

A. Definition - Halifax Wide

To be consistent with Provincial regulations, changes should be made to the definition of child care centre. The Province requires a license to operate a centre with 7 or more children if any of these children is of preschool age which is generally under 6 years old. A license is also required for a child care centre with 9 or more children where all of the children are of school age. A child care service with less than these numbers of children, is not considered to be a child care centre and is not licensed by the Province.

Currently child care centres are defined in the land use bylaw as having more than 10 children. Anything less than 11 children is considered to be home child care. This leaves a gap of centres with 7-10 children which are licensed by the Province but not subject to the requirements of the land use bylaw. Therefore, it is recommended that the following definition, which is an interpretation of the definition of child care centre from the Provincial Day Care Act, replace the existing definition.

"A child care centre is 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."

B. Child Care Centres as Home Occupations - Low and Medium Density Residential Zones

It is proposed that child care facilities up to a capacity of 14 children be classified as home occupations and be permitted by right in all residential zones which permit home occupations. Fourteen children has been used in other bylaws in the region because the ratio in centres with preschool children is 1 teacher for every 7 children. The required ratio for half day programs is 1 teacher for every 12 children.

This provision is proposed as the only method of permitting a by-right child care centre in the low and medium density residential zones of the Peninsula and the Mainland which are as follows: single family dwelling (R-1), general residential (R-2, R-2A), two family dwelling (R-2), townhouse (R-2T), and general residential conversion zones(R-2A, R-2AM).

Policy support for these bylaw regulations is contained in Policy 2.4.2 of Section II of the municipal planning strategy. However, this policy must be amended to clarify that child care centres will be classified as a home occupation. Proposed wording is as follows:

Policy 2.4.2

"In residential neighbourhoods alternative specialized housing such as special care homes; **home occupations such as child care centres and bed and breakfast establishments**; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use bylaw to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods."

The following is a description of proposed changes to the land use bylaw.

1. The regulations related to **permitted uses** in the R-1 and R-2 zones as found in Sections 27(1) and 35(1) (Peninsula) and Sections 20(1) and 24(1) (Mainland) of the land use bylaw would be amended to delete day nursery as a permitted use. A section would be added to the R-1 zone stating that a child care centre with 14 children or less, when operated in conjunction with a dwelling, would be a home occupation. Similarly, it would be classified as an accessory use when operated in conjunction with a church or church hall, (Peninsula and Mainland) or a public recreation centre (Mainland only).
2. In all of the medium density residential zones listed above, child care centres could be established by right if they meet R-1 requirements as home occupations or accessory uses.
3. The current regulations related to **home occupations** as found in Section 16B (Peninsula) and Section 14B (Mainland) of the land use bylaw would then apply to child care centres with the following additions:
 - a. In the case of child care centres with more than 7 children, one employee in addition

to the occupant of the dwelling would be permitted to be employed in the centre. This must be added given that a centre with between 7 and 14 children may require two staff members if the children are preschool age.

- b. In the case of child care centres, one full storey of the dwelling could be used for the child care centre. Currently a home occupation is only permitted to occupy one half of one storey of a dwelling up to 400 square feet. This current regulation would not allow a child care centre which can accommodate the space needs required by Provincial regulations.
 - c. Fenced outdoor play space would be permitted with stationary play equipment for a child care centre. This section is required as home occupations as currently defined must be conducted entirely within the dwelling. For child care centres, outdoor play is required and technically moves the operation of the home occupation outside the dwelling.
 - d. One parking space for the centre would have to be provided on site in addition to any requirements for the residential use of the dwelling. This is required as current home occupation regulations do not require additional parking. Additional parking is required in this case due to the ability to have a non-resident employee working in the centre.
4. The requirements for special **minimum lot sizes** for child care centres contained in Section 34A (Peninsula) and 23A (Mainland) would be removed. These sections now require a minimum lot size of 6000 square feet with 60 feet of frontage for a child care centre. The effect of removing this is to allow a child care centre with a capacity of 14 children, to establish on lots with 40 feet frontage and 4000 square feet of lot area (Peninsula) and 50 feet of frontage and 5000 square feet of lot area (Mainland). This is the same standard for lots supporting other home occupations in these zones.
 5. The requirements for **signs** as contained in the R-1 zone would be retained which permits a sign of 2 square feet for a child care centre. This would then apply to the medium density residential zones.
 6. The **separation distance** of 500 feet found in Sections 34B (Peninsula) and 23B(Mainland) for child care centres in the R-1 zones would be removed. This recognizes that these centres would be small and their impact would be minimal even if located close together.
 7. Sections 43B and 43C (Peninsula) and Sections 28A and 28B (Mainland) of the R-2 zone which allow **additional children** in totally converted dwellings and on larger lots would be removed. Reducing the maximum size centre by right to 14 children removes the need for these sections.

B. Child Care Centres By Right - High Density Residential, Commercial, Industrial and Institutional Zones.

Child care centres are currently only listed as a specific land use in the R-1 and R-2 zones of the Peninsula and Mainland. As such child care centres are permitted in other zones which allow R-2 uses such as the C-2A (Minor Commercial) and R-3 (Multiple Dwelling) zones by right subject to the R-2 requirements. Centres have also been permitted under the category of a "general business use" in the C-2 (General Commercial) zone and as an accessory institutional use in the Park and Institutional and University zones.

In removing child care centres as a listed land use in the R-1 and R-2 zones, they would not then be permitted in the R-3 or C-2A zones by right, except as a home occupation use. Therefore, the following housekeeping changes are proposed largely to retain the current development rights in these zones:

1. Child care centres be permitted by right in the R-3 (Multiple dwelling) - Peninsula, R-3 (General Residential and Low Rise Apartment) and R-4 (Multiple Dwelling) - Mainland, and the C-2A (Minor Commercial) zones without restrictions on the number of children. Child care centres would be added to the list of permitted uses in these zones and appropriate policy amendments would be made as required.

This recognizes that in high density residential areas and minor commercial centres a child care centre would be similar in intensity to other permitted uses including apartment houses, offices and retail operations. They should be permitted by right and the number of children restricted by Provincial space requirements as opposed to the land use bylaw. When listed as a permitted use in these zones, they would also be permitted in other zones which allow R-3, R-4 and C-2A uses such as the R-C3 (High Density - Residential/Minor Commercial Zone).

2. It is proposed in addition that child care centres be permitted as a use of land in the park and institutional zones as opposed to being permitted only as an accessory use to an institutional use. This would clarify that a child care centre could occupy a former school or church as the primary or only use.
3. The parking requirements for child care centres as found in Section 6(6-7) (Peninsula), and 11 (1-3) (Mainland) should be modified. As child care centres would become a permitted use in the park and institutional and commercial zones, and, in most cases, similar uses permitted in these zones do not require parking, it would be inconsistent to require parking for child care centres. In the high density residential zones, parking is required for the main use - apartment houses, and should also required for child care centres.
5. The signs for child care centres which are established by right in these zones should be permitted to be larger than those in the low and medium density residential zones given the intensity and types of uses permitted in the zones. It is recommended that the child care centre signs follow the general requirement for signs in each zone.

C. Child Care Centres by Development Agreement (Low and Medium Density Residential Zones)

Any child care centre of greater than 14 children or one which cannot meet any other requirements of the home occupation provisions, would only be permitted to be established in the low and medium density residential zones by development agreement. The following policies are proposed:

Policy 2.14

Pursuant to Policy 2.4.2, the establishment of a child care centre which does not meet the applicable land use bylaw regulations, may be permitted by development agreement.

Policy 2.14.1

In considering approval of such development agreements, Council shall consider the following matters for which conditions may be specified in the agreement:

- a. for a child care centre located within a dwelling, alterations to the exterior of the building shall not be such that the building no longer appears to be residential in nature. This shall not prevent facilities for physically challenged children, or playground equipment to be erected on the property.
- b. the hours of operation shall be such that adverse impacts of noise, and traffic movements on adjacent residential uses are reduced.
- c. parking shall be required on the site of the child care centre to accommodate the employees of the centre. Parking areas should, where necessary, be visually buffered from any adjacent residential uses by the use of fences, screening and/or landscaping as appropriate.
- d. site design features, including landscaping, outdoor play space, parking areas and driveways shall be designed and located to provide for the needs of the users of the facility as well as to address potential impacts on adjacent residential uses.
- e. vehicular access to and egress from the child care centre and pedestrian movement shall be accommodated in a manner which encourages safety.
- f. signs for the child care centre shall be of a size, design and placement on the lot which reduces impacts on adjacent residential uses.
- g. centres should not be located so as to produce a concentration within a particular neighbourhood. In addition, only one centre with a licensed capacity of more than 14 children shall be permitted on any cul-de-sac.

- h. all other relevant policies of the municipal planning strategy with particular reference to the Residential Environments section.

Impact on Existing and New Centres:

Existing Centres:

If these new policies and regulations are adopted, all existing centres within residential zones which have more than 14 children will become non-conforming uses. They will be permitted to continue and may be able to expand. The child care centre could expand throughout the building, but this could not be accompanied by an increase in the number of children in that expanded space. It is unlikely that a centre would incur such an expense while not being able to add more children.

A second method for expansion would be through the proposed development agreement provisions.

New Centres:

Child care centres with 14 children or less would not be significantly affected as they would continue to be permitted by right. However as they would be classified as a home occupation, such centres could only be established in the residence of the operator of the centre whether this is owned or rented. This is not a requirement under current regulations.

With the introduction of reduced minimum lot size requirements for centres, smaller lots will be able to be used for child care centres. This should increase the properties available for child care use and hence increase their distribution, particularly on the Peninsula.

Centres larger than 14 children will also be affected as the time to establish will be increased with a development agreement process taking approximately 6 months to complete. In addition centres may not be permitted to establish on certain properties based on an assessment of the relevant policies. Given the sometimes marginal nature of child care centres as a business, it could be expected that there will be fewer applications for these larger centres in the low and medium density residential zones.

Budget Implications:

None

Alternatives:

1. Change the current regulations to allow child care centres with 14 children or less in residential zones to be established as a home occupation by right, require child care centres with more than 14 children in low and medium density residential zones to be established by development agreement, and continue to permit child care centres with more than 14 children in high density residential, commercial, and park and institutional zones by right. This is the recommended alternative.

2. Retain the status quo for the regulation of child care centres in Halifax. This is not recommended as current regulations have resulted in community dissatisfaction with the establishment of new centres in R-1 and R-2 neighbourhoods.
3. Change the regulations to require child care centres of any size to proceed by development agreement. This has not been recommended given that smaller centres which have a similar intensity as a home occupation should be permitted to establish by right in residential neighbourhoods, in a manner similar to other home occupations. In addition, this provision is consistent with the regulations of the other plan areas in the Regional Municipality.
4. Minor amendments could be made to the land use bylaw to remove the provision from the R-2 zones which allow additional children in the zone beyond the standard 35 children. This has not been recommended as this amendment would not deal with other concerns such as the by-right ability to establish a child care centre with up to 35 children in the R-2 zone, and the lack of community consultation with their establishment.

Attachments:

- Appendix A: Existing Policy and Regulations for Child Care Centres.
- Appendix B: Summary of Regulations for Child Care Centres - Halifax Regional Municipality Plan Areas
- Appendix C: List of Child Care Centres in Halifax - 1996.

Further Information regarding the contents of this report may be obtained by contacting Shelley Dickey, Planner at 490-4793. For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4210 (TEL) or 490-4208 (FAX).

cc: Halifax Peninsula Planning Advisory Committee

Appendix A

Existing Policy related to Child Care Centres:

Policy 2.4.2 of Section II of the Municipal Development Plan:

"In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use bylaw to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods."

Definition:

In both the Peninsula and the Mainland Land Use Bylaw a child care centre is called a day nursery and is defined as follows:

"Day Nursery means a building, part of a building, or other place, whether known as a day nursery school, play school, or by any other name, 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 ten children not of common parentage, 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 that is giving instruction in Grades Primary to VIII.

Existing Regulations for Child care Centres: Land Use Bylaw

PENINSULA

- 6(6) The owners of every building hereafter erected or altered for use as a **day nursery** shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for the use by the employees of such day nursery.
- 6(7) Such accommodation shall consist of one separately accessible parking space at least nine feet wide and twenty feet long for every 1,200 square feet of building space actually used for day nursery purposes exclusive of the front yard and entrance or driveway leading to such parking space.
- 27(1) The following uses shall be permitted in any R-1 Zone:
- (e) a day nursery for not more than 16 children;

34 Within the said district, it shall be unlawful to utilize any portion of the exterior of the building or other structure for the purpose of advertising or to erect or maintain any billboard or sign except:

(5) A sign not exceeding two square feet in size for any day nursery.

34A Notwithstanding Section 28, buildings erected, altered, or used for a day nursery use in an R-1 Zone shall comply with the following requirements:

- (a) Lot frontage minimum - 60 feet
- (b) Lot area minimum - 6,000 square feet
- (c) Side yard minimum - 8 feet

34B Buildings erected, altered, or used for a day nursery in the R-1 Zone shall be a minimum of 500 feet distance from any other building used as a day nursery

35(1) The following uses shall be permitted in any R-2 Zone:

- d) day nursery for not more than 35 children;

37 Buildings erected, altered, or used for R-1 and R-2 uses in an R-2 Zone shall comply with the following requisites:

	Lot Frontage <u>Ft.</u>	Lot Area <u>Sq.Ft.</u>	Side Yard <u>Ft.</u>
day nursery	60	6000	8

43B Day nurseries located in buildings other than dwellings may accommodate more than 35 children.

43C Notwithstanding the provisions of Section 35, day nurseries located in dwellings may accommodate an additional six children for each 1,000 square feet of lot area by which a lot exceeds 6,000 square feet.

MAINLAND

- 11(1) The owners of every building hereafter erected or altered for uses as a day nursery or special care home shall therein or upon lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for the use of the employees of such day nursery or special care home.
- 11(2) Such accommodation shall consist of one separately accessible parking space at least 9 feet wide and 20 feet long for every 1,200 square feet of building actually used for day nursery purposes and one separately accessible parking space at least 9 feet wide and 20 feet long for every three employees or fraction thereof for every special care home.
- 11(3) Such accommodation shall be provided in an area other than the front yard and entrance or driveway leading to such parking space.
- 20(1) The following uses shall be permitted in any R-1 Zone:
- (i) a day nursery for not more than 16 children;
- 23 The exterior of any building in an R-1 Zone shall not be used for the purpose of advertising or erecting or maintaining any billboard or sign except the following:
- (e) a sign not exceeding 2 square feet in size for a day nursery
- 23A Notwithstanding the provisions of Section 21(a) and (b), buildings erected, altered or used for a day nursery use in an R-1 Zone shall comply with the following requirements:
- (a) lot frontage minimum - 60 feet;
 - (b) lot area minimum - 6,000 square feet.
- 23B Buildings erected, altered, or used for a day nursery in the R-1 Zone shall be a minimum of 500 feet distance from any other building used as a day nursery.
- 24(1) The following uses shall be permitted in any R-2 Zone:
- (e) day nursery for not more than 35 children

- 26 Buildings erected, altered or used for R-2 uses in an R-2 Zone shall comply with the following requirements:
- (j) Notwithstanding the provisions of Section 26(a), a lot used for the purpose of a day nursery shall have a minimum frontage of 60 feet.
 - (k) Notwithstanding the provisions of Section 26(b), a lot used for the purpose of a day nursery shall have a minimum area of 6,000 square feet.
- 28A Notwithstanding the provisions of Section 24(1)(e), day nurseries located in buildings other than dwellings may accommodate more than 35 children.
- 28B Notwithstanding the provisions of Section 24(1)(e), day nurseries located in dwellings may accommodate an additional six children for each 1,000 square feet of lot area by which a lot exceeds 6,000 square feet.

EXISTING REGULATIONS FOR HOME OCCUPATIONS

PENINSULA & MAINLAND

HOME OCCUPATIONS - BED AND BREAKFAST

- 16B Where home occupations are permitted under this bylaw, such home occupation shall comply with the following:
- (1) No person who is not a resident of the dwelling unit shall be the proprietor of, or shall be employed in, a home occupation;
 - (2) Only one home occupation shall be permitted per lot;
 - (3) Such home occupation shall be confined to one storey of the dwelling and shall not occupy more than 50 percent of the floor area of such storey to a maximum of 400 gross square feet;
 - (4) No interior or exterior alterations or additions shall be permitted not normally associated with a dwelling;
 - (5) Except for articles manufactured on the premises, no stock in trade shall be displayed or sold on the premises;

- (6) The home occupation shall be conducted in such a way that it shall not be apparent from the outside of the dwelling that it is used for anything other than a residence, and the home occupation shall be conducted entirely within the dwelling unit;
- (7) There shall be no display of goods visible from the outside, or outside storage of equipment or materials, or use of an accessory building in connection with the home occupation;
- (8) Only one commercial vehicle, not exceeding 6,000 pounds gross vehicle weight, shall be parked on the premises in connection with the home occupation;
- (9) The commercial vehicle permitted under Clause (8) may contain the name, address, telephone number and occupation, profession or trade of the proprietor of the home occupation, which information shall be non-illuminated;
- (10) The home occupation shall not create any noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, traffic, or any such similar nuisance not normally associated with a dwelling;
- (11) Without restricting the generality of the foregoing, the preparation and sale of food, the keeping of animals, adult entertainment uses, and taxi stands, shall be deemed not to be home occupations;
- (12) Notwithstanding subsection (3), a bed and breakfast establishment shall occupy not more than three bedrooms as sleeping rooms for guests;
- (13) Notwithstanding subsection (11), the preparation of food may be permitted within a bed and breakfast establishment for sale to the guests of the bed and breakfast only;
- (14a) The owners of every building hereafter erected or altered for use as a bed and breakfast establishment shall therein or upon such lands appurtenant thereto, provide and maintain accommodation for the parking or storage of motor vehicles for use by the guests of such bed and breakfast;
- (14b) Such accommodation shall consist of one parking space at least eight feet wide by sixteen feet long for a bed and breakfast establishment which contains one or two sleeping rooms, exclusive of the front yard;
- (14c) Such accommodation shall consist of two parking spaces at least eight feet wide and sixteen feet long for a bed and breakfast establishment which contains three sleeping rooms, exclusive of the front yard.

Appendix B

Summary of Regulations of Child Care Centres Halifax Regional Municipality Plan Areas

Basically there are three main ways in which child care centres can be established throughout the Halifax Regional Municipality which are as follows:

Child Care Centres as home based businesses:

Most of the plans and bylaws permit small child care centres (with 14 children or less) to be located in dwellings in association with the continued residential use of the dwelling. The intent is that the main use of the dwelling will continue to be for residential purposes but that the child care business will also be permitted as an accessory use. The operator of the child care centre, in most plan areas, must use the dwelling as their principle residence. Generally, except for one plan area, there are no restrictions on having non-residents of the dwelling employed in the child care centre. There are variations throughout the region with some plan areas permitting only 7 children in centres which qualify as home based businesses and some permitting as few as 3 children.

There are also regulations restricting outdoor storage, requiring parking for the child care centre, and limiting the size of signs. In most cases there is no restriction on the maximum floor space of the dwelling that can be devoted to the child care use.

Child Care centres by right:

In most of the plan areas child care centres within selected commercial, village, mixed use or institutional zones are permitted by right and are generally of unlimited size. Some plan areas, however specify the maximum number of children when the centre is established by right in these zones. In the majority of cases these child care centres are not required to operate in conjunction with dwellings, but can be freestanding centres. There are a few plan areas which allow a child care centre as an institutional use by right in selected residential zones.

Child Care Centres by Development Agreement/Rezoning:

Within the region, there are 6 plan areas which permit child care centres which are larger than those considered to home-based businesses to be established by development agreement within residential areas. In addition, 4 of the plan areas permit consideration of a rezoning within a residential designation to permit a child care centre. There are differing policy criteria on which to base the development agreement or rezoning in each plan area. The main issues dealt with include compatibility with adjacent residential uses, the provision of appropriate landscaping, adequacy of parking and vehicle access, access to collector roads, signs, and the hours of operation and maintenance of the centre.

Halifax Peninsula: Child Care Facilities - 1996

Name of Daycare	Address	# of kids	Program Type	Age Range	Year begun	PID	Zone	Area Plan	Schedule	Lot size (sq.ft)	Lot frontage	Bldg. type	Res. use in bldg. (y/n)
Dutch Village Road Child Care Centre	2695 Dutch Village Road	46	Full Day	3 mos. - 5 yrs.	1991	40723843	C-2			n/a	n/a	office	n
Maritime Children's Centre (St. Joseph's)	1505 Barrington Street Maritime Mall	44	Full Day	2 - 12 yrs.	1989	76232	C-2	South End	A,B	n/a	n/a	office/retail	n
Purdy's Wharf Children's Centre	1969 Upper Water Street, Suite 207	48	Full Day	3 mos. - 5 yrs	1991	40573586	C-2		A,B,C	n/a	n/a	office	n
St. Joseph's Children's Centre	Duke Tower, Scotia Square	63	Full Day	2 - 5 yrs.	1995	2121	C-2		A, B, F	n/a	n/a	office/retail	n
Wee Care Developmental Centre	2669 Dutch Village Rd. Bethany United Church Hall	24	Full Day	15 mos. - 6 yrs	1973	174565	C-2			63,883	194	church hall	n
Cunard Street Children's Centre, The	5557 Cunard Street, 1st Floor	56	Full Day	2 - 5 yrs	1970	155267	C-2A	Pen North Area 6	A	15,170	262	office	n
Camp Hill Y.M.C.A. Children's Centre - The Y.M.C.A. of Greater Halifax/Dartmouth	1565 South Park Street	27	Full Day	18 mos. - 5 yrs	1971	125849	C-2D	Spring Garden Rd. Comm'1	A,B	23,891	149	YMCA	n
Y.M.C.A. South Park Child Care Centre	1565 South Park Street	100	Full Day	18 mos. - 5 yrs.	1971	125849	C-2D	Spring Garden Rd. Comm'1	A,B	23,891	149	YMCA	n
Alexandra Children's Centre	5450 Russell Street	75	Full Day	18 mos. - 8 yrs	1971	126607	P	Pen North Area 4		43,521	421	former school	n
Halifax Developmental Preschool	2557 Maynard Street Joseph Howe School	25	Full Day	18 mos. - 6 yrs	1972	169664	P	Pen North Area 6	A	63,554	830	school	n
Mirnaq Child Developmental Centre & Home Child Care Program	2786 Agricola Street	55	Full Day	Birth - 12 yrs	1994	161455	P	Pen North Area 5		142,590	1,120	former school	n
Military Family Resource Centre Child Care Services - Windsor Park Preschool	6521 Mascarene Drive., #3	12	Part Day	2-5 yrs.	1981	122234	P			n/a	n/a	PMQ	n
Needham Pre-School	3372 Devonshire Avenue	28	Full Day	3 - 5 yrs.	1983	126664	P		M	5,992	227	recreation centre	n

Halifax Peninsula Child Care Facilities - 1996

Name of Daycare	Address	# of kids	Program Type	Age Range	Year begun	PID	Zone	Area Plan	Schedule	Lot size (sq.ft)	Lot frontage	Bldg. type	Res. use in bldg. (y/n)
Point Pleasant Child Care Centre	St. Patrick's High School	28	Full Day	3 mos. - 5 yrs.	1985	140228	P			154,019	932	school	n
Primavera Montessori School	5303 Tobin Street	24	Part Day	2 1/2 - 6 yrs.	1985	103226	P	South End	A, B	11,131	230	church	n
St. Joseph's Children's Centre	2326 Brunswick Street	68	Full Day	18 mos. - 12 yrs	1973	148643	P	Pen North Area 7	A	172,062	705	school	n
St. Joseph's Children's Centre	1479 Barrington Street St. Matthew's Church	36	Part Day	2 - 12 yrs	1984	76240	P	South End	A, B	23,533	173	church hall	n
Veith House Preschool	3115 Veith Street	23	Part Day	3 - 5 yrs.	1974	104265	P		M	26,521	365	comm. services ctr.	n
Beech Street Preschool	1749 Beech Street	10	Part Day	2 1/2 - 5 yrs	1991	22970	R-1	Pen Centre		5,808	49	SFD	y
Montessori Children's House	2130 Armercesent West	18	Full Day	2 1/2 - 5 yrs.	1980	7252	R-1			11,744	67	SFD	y
Point Pleasant Child Care Centre	5651 Ogilvie Street	62	Full Day	18 mos. - 9 yrs.	1978	47191	R-1, R-3	South End		110,229	244	apt. bldg.	y
Apple Bee Academy	6462 London Street	21	Full Day	5 mos. - 5 yrs.	1993	118281	R-2			3,244	34	SFD	n
Bayers Westwood Day Care Centre	6724 Chisholm Avenue	21	Full Day	2 - 12 yrs.	1991	111021	R-2			302,406	n/a	row house unit	y
Chestnut Street Pre-School Centre 1980 Ltd.	1555 Chestnut Street	50	Full Day	2 1/2 - 10 yrs.	1972	49338	R-2	Pen Centre		5,072	84	SFD	y
Children's House	6315 Jubilee Road	11	Part Day	3 - 5 yrs.	1971	164277	R-2	Pen Centre		5,184	51	SFD	y
Circle Time Friends - Four Plus	2757 Connolly Street (Back Door)	14	Full Day	2 - 6 yrs.	1993	106898	R-2			3,902	139 (corner)	SFD	n
Circle Time Friends Preschool	2793 Connolly Street	14	Full Day	2 - 5 yrs.	1994	116905	R-2			3,244	133 (corner)	SFD	y
Happy Hollow	5508 Hennessey Place	35	Full Day	3 mos. - 5 yrs	1979	126664	R-2			5,992	227 (end of block)	SFD	y
North End Community Day Care Centre	5540 Russell Street	90	Full Day	2 1/2 - 10 yrs	1972	127332	R-2	Pen North Area 5		30,381	397 (corner)	church hall	n

MAHARAJA P. CHINNUSWAMI CHILD CARE FACILITIES - 1990

Name of Daycare	Address	# of kids	Program Type	Age Range	Year begun	PID	Zone	Area Plan	Schedule	Lot size (sq.ft)	Lot frontage	Bldg. type	Res. use in bldg. (y/n)
Northwood Child Care Centre	2632 Northwood Terrace	36	Full Day	18 mos. - 5 yrs.	1974	168398	R-2	Pen North Area 5		3,333	34	SFD	n
Oxford Street Day Care	2519 Oxford Street	36	Full Day	18 mos. - 12 yrs.	1985	139287	R-2	Pen North Area 1		3,272	35	duplex	y
Play to Learn Day Care	3446 Desmond Avenue	35	Full Day	18 mos. - 5 yrs.	1986	182139	R-2			8,323	83	apt. bldg. (4 units)	n
R.J.'s ABC Nursery School & Kindergarten	3160 Veith Street	25	Full Day	3 mos. - 7 yrs.	1964	104422	R-2		M	6,660	81	SFD	y
Sapp's Nursery School	1245 Edward Street	12	Full Day	2 - 5 yrs.	1962	55657	R-2	Pen Centre		5,110	40	SFD	y
West End Day Care Centre	3115 Ralston Avenue	35	Full Day	18 mos. - 12 yrs.	1985	205864	R-2			5,692	130 (corner)	SFD	n
West End Christian Pre-School	1986 Preston Street West End Baptist Church	25	Part Day	2 - 5 yrs.	1982	165811	R-2, C-2C	Peninsula Centre		15,935	359 (end of block)	church hall	n
Halfax Early Childhood School	5498 Inglis Street	46	Part Day	3½ - 5 yrs.	1959	65219	R-2A	South End		16,916	109	church bldg.	n
South End Community Day Care Ctr.	5614 & 5594 Morris Street	83	Full Day	3 mos. - 12 yrs.	1988	93930	R-2A, P	South End	A, B	51,501	97	office	n
World of Little People Day Care	5654 Morris Street	21	Full Day	18 mos. - 5 yrs.	1980	93856	R-2A	South End	A, B	4,385	33	SFD	y
Tot 'n Tyke Nursery	3728 Dutch Village Road	35	Full Day	18 mos. - 10 yrs.	1951	177907	R-2P	Fairview		8,144	272 (corner)	SFD	y
Peter Green Hall Children's Centre	1094 Wellington Street	85	Full Day	4 mos. - 8 yrs.	1967	53561	R-3	South End	A, B	33,806	415 (corner)	apt. bldg.	y
St. Joseph's Children's Centre	2155 Monastery Lane, unit 109	88	Full Day	18 mos. - 12 yrs.	1980	40176570	R-3	Pen North Area 1		94,480	164	apt. bldg.	y
V.G. Child Care Centre (closing in November)	5718 South Street	44	Full Day	3 mos. - 5 yrs.	1990	135038	R-3	South End	A, B	2,522	24	SFD	n
Y.W.C.A. Child Care Program	1239 Barrington Street	68	Full Day	18 mos. - 12 yrs.	1966	92767	RC-3	South End	A, B	32,066	210	YWCA	y
Children's Circle, The	5900 Inglis Street	25	Part Day	3 - 5 yrs.	1985	52399	U-1, U-2	South End		447,739	719	church	n

Halifax Peninsula Child Care Facilities - 1996

Name of Daycare	Address	# of klds	Program Type	Age Range	Year begun	PID	Zone	Area Plan	Schedule	Lot size (sq.ft)	Lot frontage	Bldg. type	Res. use in bldg. (y/n)
Salvation Army Grace Children's Centre, The	980 Tower Road	44	Full Day	3 mos. - 5 yrs.	1991	52738	U-1, U-2	South End		45,546	571	Beihany Home	y
Point Picasant Child Care Centre	St. Mary's University - Rice Residence	36	Full Day	18 mos. - 5 yrs.	1989		U-2			n/a	n/a	campus residence	y
University Children's Centre	1355 Oxford Street Life Sciences Bldg.	30	Part Day	3 - 9 yrs.		31062	U-2, P	Peninsula Centre		n/a	n/a	campus bldg.	n
University Children's Centre	6390 Coburg Road Dalhousie Univ. Campus	75	Full Day	4 mos. - 9 yrs.		31062	U-2, P	Peninsula Centre		n/a	n/a	campus bldg.	n

Directory of Day Care Centres Early Intervention & Family Day Care Programs September 1996

Prevention & Child Care Services
Department of Community Services
Halifax, Nova Scotia

Halifax Mainland: Child Care Facilities - 1996

Name of Daycare	Address	# of kids	Program Type	Age Range	Year Started	PID	Zone	Area Plan	Lot size (sq.ft)	Lot frontage	Bldg. type	Res. use in bldg. (y/n)
Birch Cove After-School Program	3 Dakin Drive - St. Peter's Anglican Church	25	Part Day	5 - 12 yrs.		325233	C-2B	Bedford Highway	74,041	669 (end of block)	church hall	n
Kids 'R' Kids Day Care Inc.	18 Oland Crescent	84	Full Day	2 - 9 yrs.	1995	40701930	I-3		34,236	144	unit in ind. park	n
Riverview Children's Centre	530 Herring Cove Road	88	Full Day	2 - 10 yrs.	1971	40095341	P	Mainland South	59,463	391	former school	n
Allesja's Preschool	5 Silverwood Terrace	16	Full Day	2 - 6 yrs.	1991	325001	R-1		20,124	233 (corner)	SFD	y
La Garderie de Wedgewood	55 Kearney Lake Road	38	Full Day	18 mos. - 10 yrs.	1986	303248	R-1		16,367	231	SFD	n
Lycum Preschool Academy	2 Craigmore Drive	30	Full Day	18 mos. - 5 yrs.	1974	208298	R-1		11,566	82	SFD	y
Sherwood Park Pre-School	9 Tremont Drive	32	Full Day	18 mos. - 10 yrs.	1981	40637373	R-1		31,806	17	SFD	y
Wee Bairn Preschool	18 Colindale Street	14	Part Day	3 - 12 yrs.	1996	265215	R-1	Mainland South	11,568	101	SFD	y
Wind Chimes Family Care	29 Castle Hill Drive	15	Full Day	3 mos. - 5 yrs.	1972	339465	R-1		16,461	63	SFD	y
Kline Heights Preschool	28 Wilthrod Drive	18	Part Day	3 - 5 yrs.	1970	302729	R-2	Mainland South	6,971	70	comm. centre	n
Linden Tree, The	18 Linden Lane	14	Part Day	3 - 5 yrs.	1977	307447	R-2	Mainland South	7,420	50	SFD	y
Magic Beings Child Care Centre	67 Sunnybrae Avenue	14	Full Day	3 - 12 yrs.	1996	238196	R-2		7,353	61	SFD	y
New Horizons Recreational Centre	114 Adelaide Avenue	34	Full Day	3 - 12 yrs.	1991	338889	R-2		5,749	60	duplex	y
Edward Jost Children's Centre	7 Mont Street	47	Full Day	3 mos. - 5 yrs.	1992	40328544	R-2P	Mainland South	21,494	100	SFD	n
Happy Tots Preschool & Nursery	15 Gordon Avenue	75	Full Day	3 mos. - 5 yrs.	1983	322065	R-2P	Fairview	10,064	205 (corner)	apt. bldg (4 units)	n
Alexandra Children's Centre - Cranberry Location	4 Cranberry Court	39	Full Day	18 mos - 8 yrs.	1972	283309	R-3	Mainland South	1,079,446	n/a	row house	y
Cowie Hill Child Care Centre	M-25, 30 Ridgevalley Road	62	Full Day	2 - 8 yrs.	1975	274407	R-4	Mainland South	181,357	1094	apt. bldg.	y

St. Joseph's Children's Centre	59 Glenforest Drive	63	Full Day	2 - 12 yrs.	1983	296616	R-4		105,922	636 (corner)	apt. bldg.	y
Mt. St. Vincent Child Study Centre	166 Bedford Highway	40	Full Day	2 - 5 yrs.		40180424	U-2	Bedford Highway	n/a	n/a		

Directory of Day Care Centres Early Intervention & Family Day Care Programs
September 1996

Prevention & Child Care Services
Department of Community Services
Halifax, Nova Scotia



Halifax Regional Municipality

Chebucto Community Council

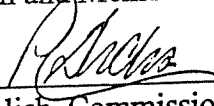
2 June, 1997

Peninsula Planning Advisory Committee

26 May 1997

TO: Chairman and Members of Chebucto Community Council
Chairman and Members of Peninsula Planning Advisory Committee

SUBMITTED BY:


Dan English, Commissioner of Community Services

DATE: May 22, 1997

SUBJECT: **Case 7404: Child Care Centres in Residential Areas by Development Agreement**

SUPPLEMENTARY REPORT

ORIGIN:

1. Regional Council motion of 24 September 1996 requesting a staff report on a plan amendment to require the establishment of child care centres within residential areas to proceed by development agreement.
2. Staff report of 4 February 1997 with recommended amendments considered at a joint public meeting of the Chebucto Community Council and the Peninsula Planning Advisory Committee on 5 May 1997.
3. Chebucto Community Council motion of 5 May 1997 to proceed with staff recommendation.
4. Peninsula Planning Advisory Committee motion of 12 May 1997 requesting a staff report on issues raised at the public meeting.

RECOMMENDATION:

It is recommended that:

1. The **Chebucto Community Council** recommend that a public hearing be held by Regional Council to consider the recommended amendments to the Municipal Development Plan and Land Use Bylaw for Halifax concerning child care centres as contained in Appendix A of this report.
2. The **Peninsula Planning Advisory Committee** recommend the amendments to the Municipal development Plan and Land Use Bylaw for Halifax concerning child care centres as contained in Appendix A of this report to the Halifax Peninsula Community Council and to Halifax Regional Council (for District 12).

BACKGROUND:

A joint meeting of the Peninsula Planning Advisory Committee and the Chebucto Community Council was held to consider recommended amendments to the policy basis and regulation of child care centres within Halifax. There were issues raised regarding both the existing and the proposed regulations. The minutes of that meeting are attached as Appendix B.

DISCUSSION:

Background and Summary of Previous Recommendation:

The issues related to the current regulation of child care centres and the recommended amendments to these regulations as contained in the report of February 4, 1997 (attached as Appendix C) are as follows:

Child care centres are widely permitted by right throughout the former City of Halifax in almost all zones including the low density residential zones. There are provisions in the land use bylaw related to the number of children permitted in centres, parking and signs. There are currently no provisions for development agreements to establish child care centres within Halifax.

The issue was raised by Regional Council that the current regulations, which permit large centres in residential neighbourhoods by right, should be modified. The goal would be to reduce the impacts of these uses on surrounding residential uses and to increase the involvement of the neighbourhood in the establishment of new child care centres.

The recommendations regarding new policy and regulations for child care centres were based on the issues raised, the current distribution of child care centres, and the methods of regulation used throughout the remainder of the region.

The following was recommended:

1. include a revised definition of child care centres more in keeping with the Provincial definition.
2. allow small centres (up to 14 children) as a home occupation in low and medium density residential zones subject to special provisions for on-site employee parking, square footage restrictions, and the ability to have one non-resident employee in the centre. Regulations regarding separation distances, minimum lot sizes, and the ability to have additional children were to be removed.
3. Allow larger centres in low and medium density residential areas by development agreement.

4. Continue the by-right ability to establish centres in high density residential, industrial, institutional and commercial zones without specific size restrictions. Special parking requirements would only be required in the high density residential zones.

Issues raised at the Public Meeting:

Following is a discussion of the issues raised at the public meeting by residents and by members of the Peninsula Planning Advisory Committee and Chebucto Community Council.

Issue: 1. The ability to have the open space requirements for the child care centre located off the property.

As currently regulated, there are no open space requirements for child care centres in the land use bylaw. The Province, in its licensing regulations requires that 60 square feet of open play space be provided for each child in a licensed centre. This play space is not required to be located on site, but it must be located within reasonable walking distance to the facility. There was concern at the public meeting that having the play space off site increases the movement of children to and from the child care centre throughout the day, and may disturb neighbours.

For larger centres to be established by development agreement in low and medium density residential areas, the provision of outdoor play space which is adequate for the users of the facility is one of the proposed policy criteria to be evaluated. In the smaller centres, permitted by right in conjunction with a dwelling, a requirement to provide play space may restrict the number of potential child care locations and does not allow nearby neighbourhood public open spaces to be taken into account. The impact of the movement of children in the smaller centres would also be less for the neighbourhood.

No changes to the original staff recommendation are proposed related to this issue.

Issue 2. The granting of minor variances for child care centres for frontage and lot area requirements should not be continued.

As child care centres are currently regulated in the land use bylaw, there is the ability to apply for a minor variance to the minimum lot size and frontage requirements of 60 feet and 6000 square feet. Such variances have been granted in the past in certain cases.

In the proposed changes to the regulation of child care centres, a small centre would be permitted as a home occupation in the low and medium density residential zones. This requires that the child care centre be operated in conjunction with a permitted dwelling. Required lot sizes would

vary based on the location of the lot and the type of dwelling unit under consideration. There would, therefore, be no opportunity to request a minor variance of the lot size on which a child care centre was to be located in low and medium density residential zones.

Larger child care centres are to be a permitted land use in the R-3 (Multiple Dwelling) zone, and there is a minimum lot size of 90 feet of frontage and 8100 square feet of lot area for R-3 uses. Therefore, there would be the ability to apply for a minor variance for these larger centres in the R-3 zone, or zones which allow R-3 uses.

No changes to the original staff recommendation are proposed related to this issue.

Issue 3. The ability to exceed the minimum of two staff members for the proposed home occupation child care centres.

As proposed in the February 4, 1997 staff report, a small child care centre was to be a home occupation. A provision to allow one extra employee, in addition to the resident of the dwelling was also proposed. This is based on the Provincial requirement of one teacher per 7 children as the minimum ratio for preschool children, in a centre with a full day program and a maximum of 14 children.

Concern was raised at the meeting that this would not permit these smaller centres to have more staff members if they wished to provide a higher staff to child ratio. Although it is not required, it is recommended in Provincial guidelines that centres which care for infants and toddlers provide ratios of 1:3 and 1:4 respectively. Therefore the proposal to allow only two staff members in a small child care centre restricts the ability to increase the ratio, and thereby indirectly restricts the care levels to minimum Provincial standards.

It is proposed that the original staff recommendation be amended to allow more than one additional employee, in addition to the resident/operator of the dwelling to be employed in a home based business child care centre with 14 children or less. It is further proposed that the parking requirement for these centres continue to be one additional parking space.

Issue 4. Child care centres are a business and should not be permitted in areas zoned residential or park. If they are in residential areas they should generally serve the children of that neighbourhood.

It is assumed in current policy in the municipal development plan that child care centres are a necessary community facility within residential neighbourhoods. Although workplace or institutional day care are provided throughout the city, many users of child care prefer a residential environment for the care of children. Existing and proposed regulations allow for a variety of locations for a variety of types of centres. In addition, these proposed regulations

reduce the size of centres permitted by right in low and medium density residential neighbourhoods in recognition of the intensity of this use in comparison with residential use.

There is no ability to regulate the location of the users of any private child care facility. The children cannot be required to come from the immediate neighbourhood.

No changes to the original staff recommendation are proposed related to this issue.

Issue 5: In multi-unit buildings there should be no ability to have more than one child care centre per building as a home occupation.

Currently, the home occupation regulations only allow one business per residential lot. Therefore, in a multi-unit building only one home occupation is permitted. There are amendments under consideration which would permit one home occupation per dwelling unit, which could allow several per lot. Concern is that if child care centres were classified as a home occupation, this provision would then apply if the general amendments are made.

It can be argued that child care centres, even small centres in conjunction with a dwelling, are a more intensive land use than many other home occupations in terms of the traffic to and from the centre and the requirement to have additional employees. Therefore, it would be valid to restrict child care centres to one centre per lot given this intensity. It should be noted however, that given the Provincial size requirements for child care centres, and the fact that they cannot be located above the second floor, there is restricted ability to have centres within apartment buildings.

It is proposed that the original staff recommendation be amended to specifically state that only one child care centre, as a home based business in low and medium density residential zone, be permitted per lot.

Issue 6: Regulations should be included for home occupation child care centres which restrict the hours of operation to the daytime.

The hours of operation for a by-right use cannot be regulated under the land use bylaw according to the Planning Act. There is the ability to control hours of operation through a development agreement. This was proposed as a consideration for a development agreement in the original staff report.

No changes to the original staff recommendation are proposed related to this issue.

Issue 7: Child care centres as a home occupation should have provision for a drop off zone so that this does not occur in the front of adjacent residents houses.

There may be a significant amount of traffic dropping off and picking up children from child care centres. This is intensified in preschool situations, in which the group of children may be changed for morning and afternoon programs. Normally this occurs along the street if there are no general parking restrictions. People will park in front of someone else's house or even across their driveway when they drop off or pick up their children. Except for the provision of no parking signs, there is no ability to restrict parking in front of another persons house on a public street whether this is for visitors or using the neighbourhood child care centre. The issue of blocking driveways is a matter for police enforcement.

No changes to the original staff recommendation are proposed related to this issue.

Recommended Regulations:

Based on the concerns raised at the public meeting and the above discussion, minor changes to the original proposal found in the staff report of February 4, 1997 are proposed. These changes relate only to the regulation of centres with up to 14 children.

Instead of being considered strictly as a "home occupation", it is proposed that child care centres of up to 14 children be permitted as a "home based business" This serves to separate child care centres from the remaining home occupations and allow separate rules to apply to them. This reduces the need to make exemptions to the existing home occupation regulations for only one type of use.

Child care centres in low and medium density residential areas would, therefore, be regulated as follows:

1. The child care centre could only be established in conjunction with a permitted dwelling. The exception would be for a church or church hall or a public recreation centre (Mainland only).
2. The maximum licensed size of the centre could be 14 children.
3. One parking space would be required for the child care centre in addition to any required for the dwelling.
4. The number of employees would not be restricted.
5. Signs for the centre would be restricted to 2 square feet.
6. The operator of the child care centre would be required to use the dwelling as their principle residence.
7. Only one child care centre per lot would be permitted.
8. The child care centre could only occupy a maximum of one storey of the dwelling.
9. Outdoor play space for the centre may be located on the lot but this is not required.

It should be noted that although this proposal provides the potential for centres to have more staff members than originally proposed, the size of the centre is not increased from 14 children, and there is still a significant reduction in development rights for child care centres that currently exists in residential zones.

Child care centres of unlimited size would continue to be permitted by right in the high density residential zones, commercial, institutional and industrial zones. Only in the R-3 zone, and the R-4 zone of the Mainland would parking requirements of one space per 1200 square feet of child care centre be required. In all of the other zones the general parking and signage provisions of the zone would apply.

Child care centres which do not meet the relevant bylaw requirements could be considered through development agreement.

The detailed amendments to the Municipal Development Plan and the land use bylaw to implement these recommended amendments to the regulation of child care centres are contained in Appendix A. The recommended amendments are the same for the Peninsula and the Mainland of Halifax.

BUDGET IMPLICATIONS:

There is no impact of these amendments on the operating or capital budget.

ALTERNATIVES:

1. Proceed with the amendments to the policy and regulation of child care centres as recommended in Appendix A.
2. Proceed with the amendments to the policy and regulations of child care centres as recommended in Appendix A with changes.
3. Do not proceed with the proposed amendments. Retain the status quo in relation to the regulation of child care centres in Halifax.

ATTACHMENTS:

- Appendix A: Recommended Amendments to the Municipal Development Plan and the Land Use Bylaw for Halifax
- Appendix B: Public Meeting Minutes: May 5, 1997
- Appendix C: Staff report of February 4, 1997

ADDITIONAL INFORMATION:

Further information regarding the contents of this report may be obtained by contacting Shelley Dickey at 490-4793. For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4212 (TEL) or 490-4208 (FAX).

Relevant Halifax MPS Policies:

- 2.4.2 In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use bylaw to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.
- 3.20 In order to encourage the establishment of child care centres in a variety of locations to meet the varied needs of families, and to allow the consideration of the specific circumstances of an individual location, a child care centre which does not meet applicable land use bylaw regulations may be permitted by development agreement.
- 3.20.1 In considering approval of such development agreements, Council shall consider the following:
- a. for a child care centre located within a dwelling, alterations to the exterior of the building shall not be such that the building no longer appears to be residential in nature. This shall not prevent facilities for physically challenged children, or playground equipment to be erected on the property.
 - b. the hours of operation shall be such that adverse impacts of noise and traffic movements on adjacent residential uses are reduced.
 - c. parking shall be required on the site of the child care centre to accommodate the employees of the centre. Parking areas should, where necessary, be visually buffered from any adjacent residential uses by the use of fences, screening and/or landscaping as appropriate.
 - d. site design features, including landscaping, outdoor play space, parking areas and driveways shall be designed, sized and located to provide for the needs of the users of the facility, as well as to address potential impacts on adjacent residential uses.
 - e. vehicular access to and egress from the child care centre and pedestrian movement shall be accommodated in a manner which encourages safety.

- f. signs for the child care centre shall be of a size, design and placement on the lot which reduces impacts on adjacent residential uses.
- g. centres shall not be located so as to produce a concentration within a particular neighbourhood. In addition, only one centre with a licensed capacity of more than 14 children shall be permitted on any cul-de-sac.
- h. all other relevant policies of the municipal planning strategy with particular reference to the Residential Environments section.