

Comprehensive Review of the Zoning Bylaw – Child Care and Adult Day Care Facilities

APPLICATION SUMMARY

As part of the Comprehensive Review of the Zoning Bylaw Project (Project), Administration has reviewed the regulations for Family Child Care Homes, Child Care Centres, Pre-schools and Adult Day Cares in Bylaw No. 8770, Zoning Bylaw, 2009 (Zoning Bylaw). This report provides an overview of proposed Zoning Bylaw amendments.

RECOMMENDATION

That a copy of this report be submitted to City Council recommending that at the time of the public hearing, City Council consider Administration's recommendation that the proposed amendments to Bylaw No. 8770, Zoning Bylaw, 2009, for Family Child Care Homes, Child Care Centres, Pre-schools and Adult Day Cares as outlined in this report, be approved.

BACKGROUND

At its January 17, 2022 meeting, the Standing Policy Committee on Planning, Development and Community Services received an [Information Report](#) on the review of regulations for Family Child Care Homes, Child Care Centres, Pre-schools and Adult Day Cares in the Zoning Bylaw. The report provided an overview of current regulations and recommended changes to how these uses are regulated in the Zoning Bylaw. Information was also provided regarding available child care funding from the Governments of Canada and Saskatchewan, current requirements of the Government of Saskatchewan as well as approaches in other Saskatchewan municipalities.

Comprehensive Review of the Zoning Bylaw

A review of child care facilities, which include Family Child Care Homes, Child Care Centres and Pre-schools was identified during the scoping phase of the Project. The purpose of the review was to consider alternative approaches to how child care facilities are regulated in the Zoning Bylaw to streamline the development application process, reduce redundancies within the Zoning Bylaw and to review the standards associated with child care facilities. In addition, stakeholders provided feedback that the Project should consider options to reduce the number of applications that require discretionary use approval by City Council.

DISCUSSION

Current Status

A summary of current Government of Saskatchewan requirements and Zoning Bylaw regulations are outlined in Appendix 1.

Between January 2018 and February 2022, 30 Child Care Centre and Pre-school discretionary use applications were received and of those:

- 15 applications were considered by City Council. A list of these applications is provided in Appendix 2;
- 5 applications were delegated to Administration for consideration;
- 7 applications are currently under review and will be brought forward to City Council for consideration; of these, 5 would not require City Council approval if the proposed amendments are approved; and
- 3 applications were withdrawn.

All applications considered by City Council and those delegated to Administration were approved.

During the public notification process for these applications, typical concerns raised include parking, increased traffic and noise. In advance of applications going to City Council for consideration or being approved, Administration works with the applicant to address relevant concerns identified during the technical review and public consultation. In some cases, applications are withdrawn by applicants for various reasons.

Between January 2018 and February 2022, there were no applications for Adult Day Cares requiring a discretionary use approval.

Proposed Amendments

Several Zoning Bylaw amendments are proposed for Family Child Care Homes, Child Care Centres, Pre-schools and Adult Day Cares to address comments identified by stakeholders. These are:

1. Permit facilities with up to 12 persons in care (including persons in care who are resident in the home) and which are accessory to a one-unit, two-unit, semi-detached dwelling, mobile home or townhouse in any district where these residential uses are permitted or discretionary. Currently, up to 8 children are permitted in a Family Child Care Home. This change would increase the number of permitted persons from 8 to 12. The reasons for this proposed change are:
 - To align the Zoning Bylaw regulations with the Government of Saskatchewan. The Government of Saskatchewan permits up to 12 children in a child care facility which is accessory to a personal home (Group Family Child Care Home).
 - Potential land use impacts which may occur as a result of the increase of number of persons in care would not be significant.
 - Stakeholders provided feedback that the Project should consider options to reduce the number of applications that require discretionary use approval by City Council. This proposed change would reduce the number of applications which require City Council approval. Providers who are operating a facility for 12 persons or less and who live in the dwelling

would not be required to go through the discretionary use application process or receive City Council approval. Nearby neighbours would not be sent information about the proposed facility and would not be able to provide input.

2. Combine the uses of Adult Day Cares, Family Child Care Homes and Child Care Centres into two categories:
 - Residential Day Cares with up to 12 persons in care and which are accessory to a dwelling; and
 - Day Cares may be approved as either a principal use or an accessory use. The proposed Day Care use would be permitted where they are accessory to Places of Worship, Elementary and High Schools, Community Centre Conversions or Community Centres where these uses are permitted, as is the current practice for child care centres. This proposed use would align with the Child Care Centre category as defined in the *The Child Care Act, 2014* which allows for up to 90 children to be in care.

The reason for this change is to align similar types of uses in the Zoning Bylaw. Adult Day Cares would be combined with child care facilities because as noted in Appendix 1, the current Zoning Bylaw regulations for these uses and the land use impacts are similar in nature.

Pre-schools would remain as a separate use and will remain consistent with the proposed Day Care use requirements. Where the proposed Day Care use is permitted or discretionary, Pre-schools will correspondingly be permitted or discretionary.

Parking requirements in the Zoning Bylaw differ between Adult Day Cares, Child Care Centres and Pre-schools. Parking requirements for the proposed Day Care use would align with the current requirements for Child Care Centres (1 space plus 1 space per 10 persons enrolled in the facility).

3. Permit the proposed Day Care use and Pre-schools in general/core area institutional service districts (M3 and M4), as well as medium- and high-density commercial districts (B3, B4, B4A, B5, B5B, B5C, and B6). The proposed Day Care use would continue to be permitted where they are accessory to Places of Worship, Elementary and High School, Community Centre Conversion or Community Centre where these uses are permitted. The proposed Day Care use will also be permitted in the future urban development district (FUD) where the use is accessory to a dwelling. The proposed Day Care use would continue to be discretionary in all other zoning districts.

The reason for this change is to permit the proposed Day Care use and Pre-schools in districts where similar uses are permitted and where the land-use impacts are more easily managed because of the nature of development that

occurs in these districts. Day Cares and Pre-schools locating in districts where they are permitted would not be required to go through a discretionary use process and nearby neighbours would not be circulated information about the application.

4. Change the outdoor play space requirements for the proposed Day Care use to align with the Government of Saskatchewan's requirements for outdoor play space. This change would increase the outdoor play space requirement for the proposed Day Care use from 3.5m² to 7m² per licenced child care space. Outdoor play space requirements for Residential Day Cares would remain at 3.25m² per child at the facility at any one time.

The reason for this change is to provide for consistency with Provincial requirements.

Policy Review

Statements of Provincial Interest

The Government of Saskatchewan Statements of Provincial Interest states:

“To assist in meeting the province's interest in healthy communities, planning documents and decisions shall, insofar as is practical:

Support the development of facilities, including group homes, custody facilities, senior care homes and child care facilities that are necessary to meet the well-being of all Saskatchewan residents.”

Official Community Plan

Bylaw No. 9700, Official Community Plan Bylaw, 2020 (OCP) provides guidance for supportive uses including child and adult day cares. An objective of the OCP policy is to meet demand for a broad range of dwelling types so that supportive uses are distributed evenly throughout the community.

Approaches in Other Jurisdictions

A scan of regulations from other municipalities in Saskatchewan was completed and can be found in Appendix 3.

Comments from Other Divisions

Proposed amendments were circulated to affected departments through an internal review process and no concerns were raised.

COMMUNICATIONS AND ENGAGEMENT

The Public Engagement Summary for the proposed amendments is found in Appendix 4. Communications will be developed to communicate changes to all affected stakeholders.

PUBLIC NOTICE

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Policy No. C01-021, Public Notice Policy.

Once this application has been considered by the Municipal Planning Commission, it will be advertised in accordance with Policy No. C01-021, Public Notice Policy, and a date for a public hearing will be set. A notice will be placed in The StarPhoenix two weeks prior to the public hearing.

APPENDICES

1. Provincial Child Care Act Overview and City of Saskatoon Zoning Bylaw Regulations
2. Discretionary Uses Considered by Council January 2018 - February 2022
3. Municipal Scan – Child Care and Adult Day Care Facilities
4. Engagement Summary – Child Care and Adult Day Care Facilities

REPORT APPROVAL

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Reviewed by: Darryl Dawson, Development Review Manager
Chris Schulz, Acting Director of Planning and Development
Approved by: Lynne Lacroix, General Manager of Community Services

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