

DECISION/DIRECTION NOTE

Title: Text Amendment – Daycare Centre – Additional Changes

Date Prepared: October 17, 2023

Report To: Committee of the Whole

Councillor and Role: Councillor Ian Froude, Planning

Ward: N/A

Decision/Direction Required:

That Council consider additional changes and public consultation regarding a proposed text amendment dealing with Daycares.

Discussion – Background and Current Status:

The Province of NL advised the City that our daycare regulations do not line up with provincial regulations on the size of daycares and the number of children permitted. Under the Envision St. John's Development Regulations, a daycare within a home is considered a Home Occupation. We define a Home Occupation as a secondary use of a dwelling unit and/or an accessory building by at least one of the residents of that dwelling unit to conduct a gainful occupation or business activity, and Section 6.18 sets out conditions. A Home Occupation cannot be larger than 45 square metres or 25% of the gross floor area of the dwelling unit, whichever is less, which does not align with the provincial size requirements of a family child care service (a daycare within a dwelling). At its regular meeting on August 7, 2023, Council decided to consider a text amendment to our Regulations to remove the references to maximum area within a home and change our language to match the provincial language.

Public Consultation

The proposed text amendment was advertised three times in *The Telegram* newspaper and a notice was posted on the City's website. There is also a project page for this matter on the City's Planning Engage web page. Staff met with provincial staff and a representative from Family and Child Care Connections to review the proposed changes; we also sent the public notice to the Association of Early Childhood Educators to share with their members. Minor adjustments to the wording were requested and will be written into the amendment. Submissions received are attached for Council's review.

Normally, at this stage the amendment would be drafted and brought to Council for consideration, however during public consultation concerns were raised about the approval process for daycares, either within a home or as a Daycare Centre. It was suggested that these should become permitted uses in various zones. Before bringing the amendment forward, staff want to bring this question to Council for discussion and possibly additional public consultation.

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Currently, a daycare within a home (a family child care service) is treated as a Home Occupation which is discretionary in most zones. Staff propose to leave these as discretionary, as there may be particular considerations in different neighbourhoods (such as traffic movements, location of the lot, lot size, off-street parking or lack of it, and more) which warrant discretion. Similarly, staff recommend leaving Daycare Centre as a discretionary use within residential zones for the same reasons. However, in commercial or institutional zones, staff propose to move Daycare Centres from discretionary use to permitted use. This would include making Daycare Centre a permitted use in the following Zones:

- Commercial Downtown (CD) Zone
- Commercial Downtown Mixed (CDM) Zone
- Commercial Downtown Mixed 2 (CDM2) Zone
- Commercial Highway (CH) Zone
- Commercial Kenmount (CK) Zone
- Commercial Neighbourhood (CN) Zone
- Industrial Commercial (IC) Zone
- Institutional Downtown (INST-DT)

This would remove the requirement for public consultation for Daycare Centres in those zones, shortening the approval process. Commercial and institutional zones are appropriate locations for Daycare Centres. This proposed change was not advertised with the text amendment, therefore if Council considers these additional changes, further consultation is required. Otherwise, we can proceed with the original text amendment.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: General public, especially parents of young children; provincial departments; the Association of Early Childhood Educators NL; neighbouring residents and property owners of proposed daycares.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.
4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.

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6. Legal or Policy Implications: Text amendments to the Development Regulations are required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Engagement was completed in accordance with Section 4.8 of the Development Regulations; more may be needed, depending on Councils decision.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council, further to the daycare text amendment changes previously advertised, consider a revised text amendment to the Envision St. John's Development Regulations to make Daycare Centre a permitted use in the following zones: Commercial Downtown (CD) Zone; Commercial Downtown Mixed (CDM) Zone; Commercial Downtown Mixed 2 (CDM2) Zone; Commercial Highway (CH) Zone; Commercial Kenmount (CK) Zone; Commercial Neighbourhood (CN) Zone; Industrial Commercial (IC) Zone; Institutional Downtown (INST-DT); and advertise the revised amendment for public comment, as per Section 4.8 of the Envision St. John's Development Regulations.

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Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	Text Amendment - Daycare Centre - Additional Changes.docx
Attachments:	- Redacted Submissions.pdf
Final Approval Date:	Oct 19, 2023

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Oct 18, 2023 - 8:36 AM

No Signature - Task assigned to Jason Sinyard was completed by workflow administrator Karen Chafe

Jason Sinyard - Oct 19, 2023 - 5:27 PM