

Town of Conception Bay South Development Regulations

Amendment No. 34, 2020

“Family and Home-Based Child Care Uses”

**Prepared by the
Town of Conception Bay South**

December 2019

Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Conception Bay South Development Regulations

Amendment No. 34, 2020

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South hereby adopts Amendment No. 34, 2020 to the Conception Bay South Development Regulations.

Adopted by the Town Council of Conception Bay South on the 4th day of February 2020.

Signed and sealed this 18 day of February, 2020.

Mayor: [Signature]

Clerk: [Signature]

Canadian Institute of Planners Certification

I certify that Amendment No. 34, 2020 to the Conception Bay South Development Regulations was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

[Signature]
Corrie Davis, MCIP



Development Regulations/Amendment	
REGISTERED	
Number	<u>1145-2020-026</u>
Date	<u>March 6, 2020</u>
Signature	<u>[Signature]</u>

Town of Conception Bay South

Development Regulations Amendment No. 34, 2020

Purpose

The Conception Bay South Development Regulations came into legal effect on July 20, 2012.

There are a number of existing and proposed home and family-based child care businesses within the Town. The Town intends to clarify how those businesses are regulated.

Background

Section 6.7 of the Town's Development Regulations provide "Specific Use Regulations" for home-based businesses, but does not differentiate home based child care from other types of home-based businesses and occupations. The Town does not have specific use regulations related to home based and family-based child care services.

Family and home-based child-care services are unique forms of home-based businesses where the same parts of the home may be used simultaneously for both the business and the residential use of the property such as the kitchen, bathrooms(s) and living spaces. The child care use of a certain space within the home does not prevent the use that same space for normal residential uses.

The "Specific Use Regulations" for home-based businesses and occupations do not contemplate communal uses of spaces within the home for the business and residential aspect. The Town believes that family and home-based child-care services are distinct from most home-based businesses and the Town's regulations should be reflective of the unique nature of those businesses.

Home and family-based child care services are typically delivered by a resident of the home for up to six children who are not residents of the home. There are generally no impacts to a neighbourhood where a home or family-based child care service is provided; there are usually no explicit changes in the appearance of the home to accommodate the use; outdoor play structures are no different that what a family would use for their own use.

Concerns may occasionally be raised with traffic congestion in the vicinity of a home-based child care use during drop off and pick up times at the beginning and end of a day. However, the Town believes that the volume of traffic generated by home-based child care uses is consistent with residential uses; if the only employee

of the child care use is a resident of the home there would be no employee generated traffic, and it could be argued that reduces am and pm peak traffic within the neighbourhood by up to one trip.

Traffic associated with drop off and pick up of children to the service should be assessed on the basis of each proposal; the presence of adequate short term on street parking in the area of the home-based child care service and/or sufficient off-street and driveway parking are factors that should be assessed with each proposal.

St. John's Urban Region Regional Plan

All development within Conception Bay South must comply with the requirements of the St. John's Urban Region Regional Plan (Regional Plan). The Regional Plan identifies Conception Bay South as a sub-regional centre. Upon installation of municipal services, the Regional Plan encourages a wide range of residential densities, a variety of commercial operations, parks and recreational facilities and other uses that are characteristic and appropriate for a sub-regional centre. The nature of home-based business uses within various zones in the Conception Bay South sub-regional centre does not conflict with the policies of the Regional Plan.

The Conception Bay South Municipal Plan

The Conception Bay South Municipal Plan came into legal effect on July 20, 2012.

The policies outlined in section 5.2.3 of the Conception Bay South Municipal Plan allow child care services throughout all of the residential future land use designations in the Town.

The Municipal Plan defers regulation of the specific type of child care and home-based business uses to the Town's Development Regulations. This amendment therefore does not contravene the intent and policies of the Conception Bay South Municipal Plan.

Consultation

In accordance with sections 14 and 35(5) of the *Urban and Rural Planning Act, 2000*, notices seeking feedback on the proposed amendment were published in the December 18, 2019 and January 9, 2020, editions of *The Shoreline* newspaper. The Town also provided notice of the proposed changes on its website and through its social media channels.

The Town also consulted with specific interest groups involved in the child care services industry.

The Town determined that this consultation process accommodates the size, structure and complexity of issues under consideration and provided a reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

As a result of the Town's consultation efforts, one written submission was received by the Town that expressed support for the proposed changes and noted that changes to provincial regulations implemented in 2017 increased the maximum number of children that can be accommodated through a home based child care facility to seven children. Specifically, section 69 of the *Child Care Regulations (NLR 39/17)* outlines requirements for home based child care services.

Development Regulations Amendment No. 34, 2020

The Conception Bay South Development Regulations shall be amended as follows:

1. Section 2.43 of the Development Regulations is amended to read as follows:

2.43 Family Child Care means a service where not more than seven children receive childcare in the home of the person providing the childcare.

2. Section 6.7.4 is added to the Development Regulations such that it reads:

6.7.4 Family Child Care

Where listed as either a permitted or discretionary use, Family Child Care uses as a home-based business use within a single or double dwelling may be approved subject to following conditions:

- a) The use is approved by the governing authority under the *Child Care Regulations (NLR 39/17)*;
- b) The use is located within a dwelling;
- c) Section 6.7.1(e) does not apply to Family Child Care Uses;
- d) A Family Child Care use may co-occupy up to 50% the total floor area of the dwelling unit;
- e) The section of the street on which the use is located allows sufficient area and sight distance for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick up spaces satisfactory to the Authority; and
- f) the use is compatible with nearby uses.

3. All other sections of the Conception Bay South Development Regulations not referenced in this amendment retain their current wording.