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File: Z-8037
Planner: B. Turcotte

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	CITY INITIATED AMENDMENTS TO THE Z.-1 ZONING BY-LAW TO PROVIDE FOR SENIOR AND/OR PERSONS WITH DISABILITY DAY CARE SERVICES IN THE CITY OF LONDON PUBLIC PARTICIPATION MEETING ON June 11th, 2012

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of the City of London, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 26th, 2012 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the existing definition of "Day Care Centre" and the existing definition of "Private Home Day Care" to further provide for seniors and/or persons with disabilities.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Day Nurseries – Policies and Controls, A Report of the Commissioner of Planning and Development to the City of London Planning Committee, 1988.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

Day care centres that cater to seniors and/or persons with a disability are not specifically addressed in the Official Plan or the Z.-1 Zoning By-law. There are currently no policies directing these uses to locations to where they may best serve the needs of their clients. There are no regulations that serve to mitigate potential impacts that may be associated with these uses. Accordingly, the purpose and effect of the recommended action is to advance a land use planning framework that will provide appropriate opportunities for day care centres for seniors and/or persons with a disability in the City of London.

It is noted:

The following report will frequently reference "Day Care" and "Private Home Day Care". The licencing of Day Care Centres and Private Home Day Care Agencies for children is the purview of the Province of Ontario. Under the provisions of the Day Nurseries Act, R.S.O. 1990, minimum health and safety standards are required by the Ministry of Education (previously the Ministry of Children and Youth Services) in order to secure, operate and maintain a day care licence. None of the actions recommended by way of this report are intended to affect the Provincial licencing requirements related to Day Care Centres and Private Home Day Care Agencies as defined in the Act.

Under the provisions of the Planning Act, R.S.O. 1990, land use regulation is the purview of the local planning authority. The actions recommended by way of this report deal solely with land use regulations as they pertain to "Day Care Centres" and "Private Home Day Cares" as such uses have been defined in the City's Z.-1 Zoning By-law.

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RATIONALE

1. The recommended amendment is consistent with policy 1.0 of the *Provincial Policy Statement, 2005* which requires that communities plan in such a fashion so as to protect public health and safety.
2. The recommended amendment is consistent with policy 1.1.1 f) of the *Provincial Policy Statement, 2005* which states that healthy, liveable and safe communities are sustained by improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society;
3. The recommended amendment is consistent with policy 1.1.1 g) of the *Provincial Policy Statement, 2005* which requires that public service facilities be available to meet current and projected need;
4. The recommended amendment is consistent with the Section 2.2.1.vii) of the Official Plan which states that, through the implementation of the Official Plan, Council will "...utilize planning processes that are responsive to neighbourhood and community needs";
5. The recommended amendment is consistent with 2.3.1. of the Official Plan which states that an Official Plan should be responsive to community values and changing socio-economic conditions, and should provide direction for evaluating and implementing proposals for change;
6. The recommended amendment is consistent with Section 2.8.1. of the Official Plan which states that Londoners want a safe, healthy, accessible and inclusive community and a range of services to develop the body, mind and spirit of all its citizens;
7. The recommended amendment is consistent with Section 2.8.2. of the Official Plan which identifies, as a goal, the promotion of personal and community health;
8. The recommended amendment to the Z.-1 Zoning By-law is consistent with, and will serve to implement, the policies of the Official Plan;
9. The recommended amendment to the Z.-1 Zoning By-law utilizes the existing policy and regulatory framework of the Official Plan and the Z.-1 Zoning By-law to provide for day care services for seniors and/or persons with a disability; and,
10. The recommended amendment aligns with the strategies identified in the Age Friendly Task Force's report on how to make London more age friendly.

BACKGROUND

On February 22nd, 2012 Municipal Council resolved:

That Civic Administration **BE ASKED** to review the opportunity to add "Senior Day Care" and "Adult Day Care for those with Disabilities" to the definitions of "Day Care Centre" in the Zoning By-law No. Z.-1; it being added that the Planning and Environment Committee reviewed and received a communication, dated January 27th, 2012, from Councillor Denise Brown with respect to this matter.

In her communication of January 27th, 2012 Councillor Brown noted that the current definition of Day Care Centre does not provide for the "many disabled individuals in our community who are over 18 years of age who require on-going care during the day".

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SIGNIFICANT DEPARTMENTAL/AGENCY COMMENTS

None.

PUBLIC LIAISON:	Notice of the City-wide application was published in the March 31 st , 2012 Living in the City section of the London Free Press.	No responses were received.
Nature of Liaison:		
<p>The purpose and effect of the amendment would be to also allow day care uses for persons older than 18 years old, whereas the current definition of day care uses is for persons under 18 years of age (with a developmental handicap); and, under 10 years of age in all other cases.</p> <p>The amendment may include changes to the regulations, such as required parking, maximum number of persons permitted in a day care use, and the number of hours in a day that the day care use is permitted. The City may also consider a separate definition and regulations for adults and/or seniors and/or disabled persons day care to address the same matters as above.</p>		
Responses: No responses were received.		

PART A - DEMOGRAPHICS AND THE LANDUSE IMPLICATIONS OF AN AGING SOCIETY

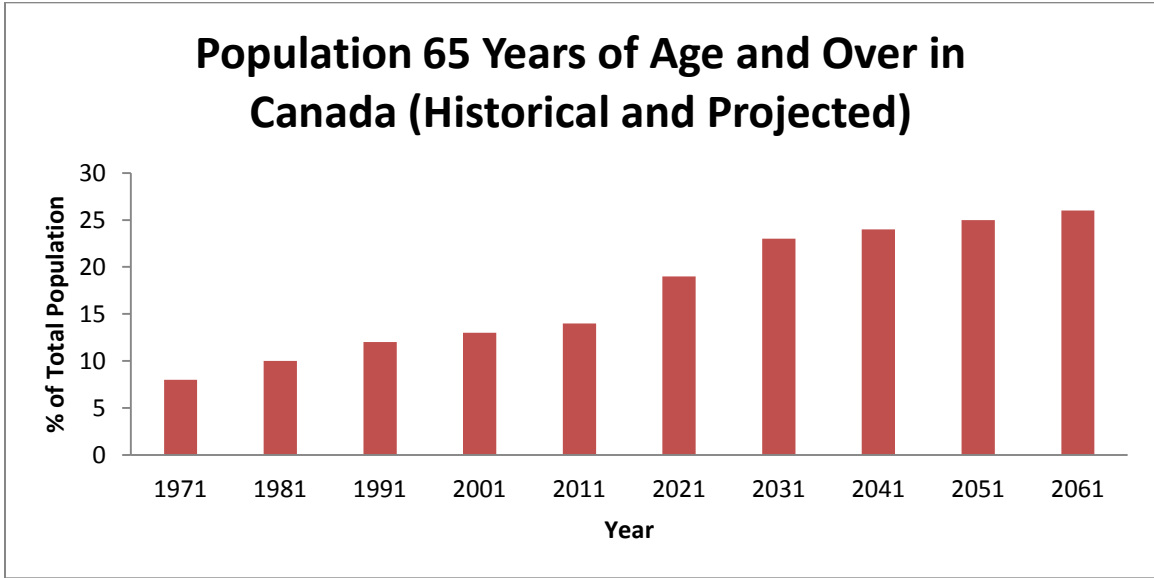
Canada is Greying:

In a 1987 *Urban Land* article evaluating the forces that will shape the real estate and development markets in the 1990's, child care was recognized as a major planning consideration. Few developers, the article noted, previously considered including day care facilities in their projects, but such considerations would soon become routine (American Planning Association Journal, 1989). Twenty five years later, planning for an aging society is quickly emerging as one of the next "major" issues.

Persons aged 65 years and older constitute one of the fastest growing segments of the Canadian population. In 2001, an estimated 3.9 million seniors made up 13% of the country's population.

By 2026, older Canadians will number almost 8 million individuals, or about 21% of the population. London will experience a similar trend with seniors accounting for 90,000 people (or about 20.5%) of the City's population in 2026 (Clayton Research).

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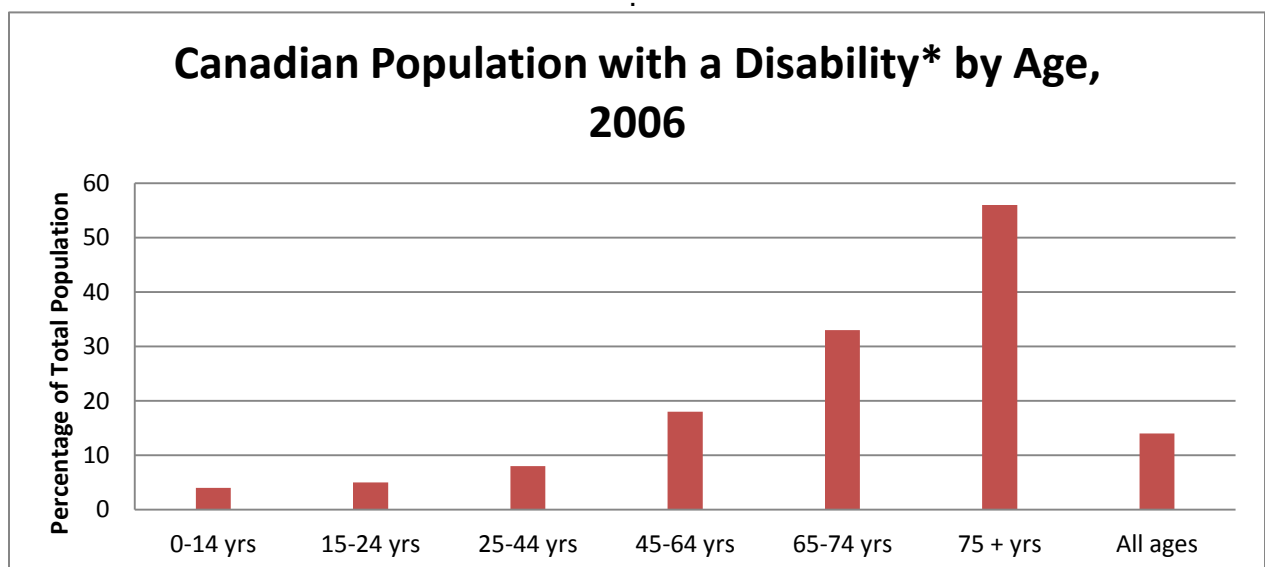


Source – Statistics Canada, Estimates of Population, 2012

The Percentage of Canadians with a Reported Disability increases with Age:

Persons with a disability make up a substantial proportion of the Canadian population. In 1991, there were an estimated 4.2 million Canadians with disabilities, representing approximately 16% of the total population (Health and Activity Limitation Survey, Stats Canada). Persons were considered to have a disability if they experienced any restriction or lack of ability, resulting from an impairment, to perform an activity in the manner or within the range considered normal for an able-bodied person.

A survey undertaken in 2006 found 4.4 million Canadians reporting a disability. The survey found that the percentage of Canadians with disabilities increased with age ranging from 3.7% for children (under 14 years of age) to 56% for those 75 years of age and over (Human Resources and Skills Development Canada, 2012).



Source – Statistics Canada, Participation and Activity Limitation Survey, 2006

Disability, for the purpose of reporting functions includes: learning, chronic, speech, psychological, developmental, agility, mobility, hearing, and seeing disabilities.

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The Implications of a De-institutionalized Health Care System and the Rise of Informal Care Giving:

There has been a growing devolution of health care services in Ontario away from hospitals, mental health centres, nursing homes and other facilities and into communities and onto “informal care givers”. These informal care givers are individuals who provide on-going care and assistance, without pay, for family members and friends in need of support due to physical, cognitive or mental conditions. They can be primary or secondary caregivers or part of a network of informal “carers” such as siblings who share responsibilities for a parent. Carers are mostly aged 45 and older and represent approximately 2.7 million Canadians. One in four Canadian informal care givers who provide support to older people are in fact 65 years of age or older. These carers often have multiple responsibilities despite on-going work and family demands (Canadian Research Network for Care In the Community, 2012).

Growing numbers of older and/or disabled people will place greater demands on informal care giving. Projections show that by 2065, the proportion of Canadians 65 years and older will more than double to over 1 in 4; and, the proportion of people 80 years and over will triple to about 1 in 10 - compared to 1 in 30 in 2005 (Canadian Research Network for Care in the Community). While new generations of older people may be relatively active and healthy in comparison to their predecessors, they are nonetheless more prone to multiple ailments and/or disabilities as compared to younger generations.

Delayed marriages, declining fertility rates, and evolving family structures will mean that there are fewer family members to provide informal care [in the future]. Assuming that the shift away from “institutionalized care” continues, the Canadian demographic is such that informal caregiver availability will not match the projected needs of older and/or disabled individuals (Keefe, Legare & Carriere, 2005).

The Emergence of Adult Day Care Centres:

With life expectancy continuing to rise in North America, adult day care centres have emerged as one response to the issue of an aging population. In the United States, a recent national survey identified 4,600 centres providing both private and publically funded adult day programs - a 35% increase over a previous study undertaken in 2002 (Met Life, 2012). While no comparable statistics are available for Canada, the Canadian Coalition of Adult Day Services reported fewer than 50 members across the country in 2010.

What is an Adult Day Care Centre?

Adult day centres are designed for older and/or disabled persons who can no longer manage independently or who are isolated and lonely. These centres:

- Operate during the day;
- Are publically or privately owned and operated;
- Are for-profit or not-for profit;
- Have a social or medical focus in their programming;
- May be partially paid for or subsidized by the government; and,
- May or may not be staffed by healthcare professionals (Seniors Zen Help Guide, Adult Day Care In Canada, 2011).

The benefits of adult day care centre programming include:

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- Opportunities to interact with others;
- Allows people to remain in their community and is much more cost effective than long-term care;
- Therapeutic, social and recreational programming; and,
- Support for families or caregivers of individuals in need of daily care.

The concept of adult day care is still relatively new in Canada. The Canadian Coalition of Adult Day Services predicts however that, as Canadian caregivers juggle their needs with the limits of what government home care programs can be expected to provide, it is reasonable to assume that more private options will begin to appear in Canada (Global News, 2010).

PART B - PURPOSE OF THIS REPORT

Noting Council's resolution of February 22nd, 2012, the following report has been prepared to:

- Identify key land use considerations in planning for day care centres for seniors and/or persons with a disability;
- Review the relevant policies and/or regulations of the Official Plan and Zoning By-law as they pertain to the provision of "Day Care Centres". The review will be undertaken in the context of identifying opportunities to add "Senior Day Care" and "Adult Day Care for those with Disabilities" to the current definitions of "Day Care Centre" and "Private Home Day Care" found in the Z.-1 Zoning By-law; and,
- Advance a policy and/or regulatory framework to provide for day care opportunities for seniors and/or persons with a disability in the City of London.

ANALYSIS

PART C - KEY CONSIDERATIONS IN PLANNING FOR SENIORS AND PERSONS WITH A DISABILITY

Day care facilities for seniors or persons with a disability are a relatively new phenomena in Canada. As such, there are few examples to look to in defining the operational and/or functional characteristics of the use.

That being said, zoning considerations for child care facilities are well documented. In-as-much as the only operational difference would appear to be that these services are offered to children instead of seniors or adults with a disability, an overview of the land use considerations for traditional child care facilities is advanced below. These considerations typically include: location; parking; the siting of pickup and delivery areas; outdoor recreational space; dispersal requirements; hours of operation; and bonusing.

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Location:

- Sites typically enjoy a highly visible and accessible location;
- Sites are typically situated to serve a “market”;
- Facilities are generally permitted, in varying form and intensity, in a wide range of land use designations in anticipation of expected demand.

Parking:

- While rates will vary from one jurisdiction to another, parking demand for child care is generally consistent with the parking demand for general office uses (American Planning Journal, 1989).

Pick-up and Delivery Areas:

- Delineated and/or reserved loading and unloading areas are typically required;
- The area should be sited so that the client does not need to cross the parking area or any other traffic areas; and,
- The loading area should be sited and/or designed with a mind to minimize the likelihood of on-street stacking.

Outdoor Recreational Space:

- Minimum standards for on-site outdoor recreational space are typically required; and,
- The outdoor recreational space is typically fenced to provide for buffering, screening, and security.

Dispersal Requirements:

- Minimum, separation distances between facilities are required in some jurisdictions to address neighbourhood fears concerning overconcentration.

Bonusing:

- Zoning bonuses, typically in the form of increased floor area ratios, are often offered as a means to encourage the developer to provide for on-site care facilities.

Hours of Operation:

- Not generally regulated, as they have been interpreted to discriminate against low and moderate-income household.

Generally speaking, and noting that there may be minor differences from one jurisdiction to the next, child care facilities are typically permitted across a wide range of land use designations. Facilities will vary in form and intensity. Policy, regulations and site plan considerations are generally implemented by the local planning authority to ensure that both site and facility are functional and have consideration for surrounding land uses.

The land use considerations noted above are equally applicable in planning for a facility catering to seniors and/or adults with a disability. The only difference between a centre that caters to children, and one that caters to seniors or persons with a disability, would appear to be limited to age and the nature of the programming that each may offer.

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Traditional day care centres, and day care centres that cater to seniors and/or persons with a disability, share similar land use considerations. In planning for day care centres for seniors and/or persons with a disability, care should be taken to:

- ***Provide locational opportunities that are visible and accessible to the market they are catering to;***
- ***Ensure the functionality of the site; and,***
- ***Minimize the land use impacts on surrounding properties.***

PART D – EXISTING OFFICIAL PLAN POLICY AND OPPORTUNITIES TO PLAN FOR SENIOR AND ADULT WITH DISABILITY DAY CARE FACILITIES

Noting the similarities in land use considerations for a day care centre and a day care centre that caters to seniors and/or persons with a disability, a review of the existing policy and regulatory framework that provides for “traditional” day care services is advanced below. This review will serve to identify opportunities to add “Senior Day Care” and “Adult Day Care for those with a Disability” to the definition of “Day Care Centre”.

Existing Vision, Goals and Principles of the Official Plan:

Currently there no policies or land use regulations explicitly referencing day care centres for seniors and/or persons with a disability in the City’s Official Plan or Z.-1 Zoning By-law. The Official Plan and Z.-1 Zoning By-law do however provide a policy and regulatory framework for day care facilities for children – a use, as shown in Part C above, sharing similar land use characteristics.

When considering the function of the provision of care, the Official Plan makes the following statements:

- Section 2.2.1.vii) of the Official Plan, entitled “*Official Plan Vision Statement*” states that through the implementation of the Plan Council will:

“...utilize planning processes that are responsive to neighbourhood and community needs...”

- Section 2.3.1.i) of the Official Plan, entitled “*Planning Principles*” states that:

“...An Official Plan should be responsive to community values and changing socio-economic conditions, and should provide direction for evaluating and implementing proposals for change”.

- Section 2.8.1. of the Official Plan, entitled “*Community Services Plan Vision Statement*” states:

“Londoners want a safe, healthy, accessible and inclusive community and a range of services to develop the body, mind and spirit of all its citizens.”

- Section 2.8.2. of the Official Plan entitled “*Community Services Plan Goals*” identifies the goal of:

“...the promotion of personal and community health”.

- Section 2.3.1.ii) of the Official Plan states that:

“Land use planning should promote compatibility among land uses in terms of scale,

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intensity of use and potentially related impacts”.

Opportunity – Vision, Goals and Principles:

The provision of day care services for seniors and/or persons with a disability is consistent with the existing vision, goals and principles of the Official Plan. The existing planning framework represents an opportunity to plan for day care centres for seniors and/or persons with a disability.

Existing Land Use Designations of the Official Plan:

Recognizing the growing need for day care centres for seniors and/or persons with a disability, it is important to plan for the effective delivery of this service. Like traditional day care facilities, these centres should be highly visible and accessible.

The current policy framework, as it pertains to the traditional day care model, provides locational opportunities for such services throughout the City that are both visible and accessible. More specifically, day care centres are recognized as a permitted or secondary permitted use in the:

- Low Density Residential;
- Multi-Family Medium Density Residential;
- Multi-Family High Density Residential;
- Downtown Area;
- Enclosed Regional Commercial Node;
- Community Commercial Node;
- Neighbourhood Commercial Node;
- Main Street Commercial Corridor;
- Auto oriented Commercial Corridor;
- Office Area;
- Regional Facility;
- Community Facility;
- General Industrial;
- Light Industrial; and,
- Office Business Park land use designations.

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Opportunity – Existing Land Use Designations

The current locational policies for traditional day care facilities represent an opportunity to plan for day care centres for seniors and/or persons with a disability. The existing policy framework would serve to provide for locational opportunities that are both highly visible and accessible to the market they are intended to serve.

The Existing Official Plan Evaluation Criteria for a Use Not Permitted by the Zoning By-law:

Traditional day care centres are not always permitted as of right in the land use designations noted above. The zoning on an individual property, for example, may not allow for the full range of uses contemplated in the Official Plan. In such instances, an amendment to the zoning by-law may be required to provide for the establishment of a new day care centre. To assist in the review of such an application, the policies of the Official Plan detail specific criteria to be given consideration. For example:

- In the Low, Medium and High Density Residential designations, new community facility uses (including day care centres) will be evaluated on the residential amenity; compatibility; function; and, site plan criteria of Section 3.6.4.
- In the General Industrial Land Use designation, a new day care use may be permitted by site specific zoning subject to the locational and site criteria of Section 7.6 of the Plan.

Opportunity – Evaluation Criteria

The existing evaluation policies of the Official Plan for a new day care centre (where the zoning may not currently permit one) provide an opportunity to plan for day care centres for seniors and/or persons with a disability in-as-much as they speak to many of the key land use considerations detailed in Part C above - including location, parking and site layout. These criteria help to ensure site functionality and minimize the impacts of the new use on surrounding land uses.

The Existing Site Plan Control Policies of the Official Plan:

To further ensure the functionality of the site, the policies of the Official Plan stipulate that all types of development or redevelopment (including day care centres) within the City shall be subject to the Site Plan Control provisions of the Plan. Matters to be addressed through Site Plan Control would include, but not be limited to:

- The location and design of vehicular and pedestrian access points;
- The location and design of off-street parking and loading areas;
- Location and design of on-site landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities;
- Location and design of outdoor recreational areas; and,
- Facilities designed to have regard for accessibility for persons with disabilities.

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Opportunity – Site Plan Control Policies

Matters to be addressed through the Site Plan Control policies of the Official Plan (in the case of a new day care facility) provide an opportunity to plan for day care centres for seniors and/or persons with a disability in-as-much as they speak to many of the key land use considerations detailed in Part C above.

The Existing Bonusing Provisions of the Official Plan:

The Bonusing policies of the Official Plan represent a further opportunity to plan for a senior and/or persons with a disability facility. The current policies state that, under the provisions of the *Planning Act*, a municipality may include in its zoning by-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provisions of such facilities, services or matters, as are set out in the By-law. Under the provisions of the Official Plan, the City of London may provide bonus zoning in return for the provision of employment related day care facilities.

Opportunity – Bonusing Policies

The existing bonus policies of the Official Plan as they pertain to day care centres present an opportunity to plan for day care centres for seniors and/or persons with a disability. The existing policy may be used to encourage the establishment of such services “where we work”.

The Existing Home Occupation Policies of the Official Plan:

The existing home occupation policies of the Official Plan also represent an opportunity to plan for day care opportunities for seniors and/or persons with a disability. The current policies of the Official Plan state that a dwelling unit may be used for the purpose of a home occupation provided that the home occupation is a business activity which is clearly ancillary to the residential use of the property, is carried on entirely within the dwelling unit by a resident of the dwelling unit, and does not generate any noise, odour, traffic or visual impacts that may have an adverse effect on adjacent properties or dwelling units.

For implementation purposes, Private Home Day Centres (as defined in Part E of this report) may be permitted as a home occupation in any unit within a single detached, semi-detached, duplex, converted, triplex, fourplex and townhouse dwelling and accessory farm dwelling subject to regulation. A sample of these regulations would include:

- The floor area shall not be more than 25% of the total floor area of the dwelling unit, shall be confined to one area of the dwelling unit, and shall not exceed 28 square metres;
- No outdoor use or outdoor storage will be permitted;
- The home occupation shall not require the creation of additional on-site parking spaces, except in accordance with the regulations of the Z.-1 Zoning By-law.

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Opportunity – Home Occupation Policies

The existing home occupation policies of the Official Plan as they pertain to private home day care centres present an opportunity to plan for day care for seniors and/or persons with a disability in-as-much as the existing policy may be used to provide for the establishment of such services “where we live”.

It is noted that single detached, semi-detached and duplex dwellings (and additions or renovations thereto) are exempted from the site plan control policies of the Official Plan.

Day Care Centres, regardless of the population intended to serve (whether children, seniors or persons with a disability) have common land use considerations. From a functional land use perspective, day care centres for seniors and/or persons with a disability would be well served by the existing “Day Care Centre” and “Home Occupation” policies of the Official Plan. Existing Official Plan policy, as demonstrated above, serves to:

- Provide locational opportunities that are visible and accessible to the markets intended to serve;
- Ensure the functionality of the site; and,
- Minimize potential land use impacts on surrounding properties.

PART E – EXISTING Z.-1 ZONING REGULATIONS AND OPPORTUNITIES TO PLAN FOR SENIOR AND ADULT WITH DISABILITY DAY CARE FACILITIES

Day Care Centres and Private Home Day Care Are Defined in the Z.-1 Zoning By-law:

For the purpose of implementing the policies of the Official Plan noted above, the Z.-1 Zoning By-law currently defines Day Care Centres and Private Home Day Care as follows:

Day Care Centre:

means a premises that receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours, when the children are:

- a) Under 18 years of age in the case of a day nursery for children with a developmental handicap; and,
- b) Under 10 years of age in all other cases.

Private Home Day Care

means the temporary care and custody for reward or compensation of not more than five children under ten years of age in a private residence other than the home of a parent or guardian of any such child for a continuous period not exceeding 24 hours.

These definitions mirror the “Day Nursery” and “Private Home Day Care” definitions found in the

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Day Nurseries Act, R.S.O., 1990.

Z-1 Zoning Regulations for Day Care Centres:

Day Care Centres, as defined above, are included as a permitted use in many of the zone variations of the Official Plan land use designations noted in Part D to this report. In those instances where a day care is recognized as a permitted use in the Official Plan, but not the implementing zone variation, a rezoning would be required.

A specific zone permitting and regulating day care centres (“DC”) is included in the Z.-1 Zoning By-law. This zone is expected to be compounded (or combined) with other zones - for example, with a zone permitting office development.

Off-street parking is required for day care centres located in the downtown at a rate of 1 space per 90 square metres (968 sq. ft.) of floor area. Outside of the downtown, off-street parking for day care centres is required at a rate of 1 space per 40 square metres (430 sq. ft.) of floor area.

The regulations of the Z.-1 Zoning By-law further stipulate, in commercial or mixed use buildings larger than 1858 square metres (20,000 sq. ft.), that the floor area for day care centres may be omitted from the floor area ratio, the maximum gross or gross leasable floor area permitted, or in the calculation of the parking requirements for the building. The regulation is intended to encourage, or bonus, developments that include day care centre opportunities in their development proposal.

In addition to larger staffed day care centres, the regulations of the Z.-1 Zoning By-law also provide for Private Home Day Care (as defined above). Private Home Day Care may be permitted as a Home Occupation use in the in the low and medium density zone variations (R1, R2, R3, R4 and R5) as well as the Agriculture (AG) zone and the Office Conversion 1 and 2 (OC1 and OC2) zone variations.

The Z.-1 Zoning By-law does not require minimum separation distances between day care centres. It does stipulate hours of operation to a period less than 24 hours.

Should specific regulations be developed for Senior and/or Persons with a Disability Day Care Facilities?

The existing policy framework of the Official Plan has been shown to present an opportunity to plan for day care centres for seniors and/or or persons with a disability. To implement this opportunity, the regulations of the Z.-1 Zoning By-law must also be considered.

The Z.-1 Zoning By-law regulations presently preclude the consideration of such facilities in-as-much as they specifically limit the service of care to children. To provide for seniors and/or persons with a disability, a review of existing regulations as they pertain to day care facilities in other jurisdictions has been undertaken – specifically the Cities of Mississauga and Ottawa.

The City of Mississauga Zoning By-law defines day cares as follows:

- *“means a building, structure, or part thereof, with or without an outdoor play area, used for temporary care which does not exceed twelve (12) consecutive hours in one (1) day, of more than five (5) persons. Care may be provided for children, seniors and/or adults with disabilities.”*

The City of Mississauga Zoning By-law further stipulates a parking requirement of 2.5 parking spaces per 100 sq. metres of gross floor area for day care uses.

The City of Ottawa Zoning By-law also provides for day care centres which it defines as follows:

- *“means a place providing temporary care for any individuals for a continuous period not*

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exceeding twenty-four hours, but does not include the services of a health care – practitioner”.

The City of Ottawa Zoning By-law requires that parking for day care centres be provided at a rate of 2 spaces per 100 sq. square metres of gross floor area.

In considering the regulations noted above, the following has been observed:

- Like London, the Cities of Mississauga and Ottawa consider day care centres to be characteristic and supportive of the daily life and functioning of the community. For this reason, day care centres are generally permitted across a wide variety of land use designations and zones;
- London, Ottawa and Mississauga all limit the extension of care to a period of less than twenty-four hours;
- All three jurisdictions provide for home occupations within their zoning by-laws. All three by-laws contain additional regulations to ensure compatibility with residential areas to ensure that home-based businesses do not adversely impact neighbouring properties by virtue of their appearance or function or by attracting large volumes of traffic;
- The Cities of Mississauga and Ottawa stipulate parking requirements for day care uses similar to the rate currently required in the City of London;
- Unlike London, Mississauga and Ottawa do not draw a distinction of care – day care centres in Mississauga and Ottawa provide care for children, seniors and adults with disabilities. London, on the other hand, limits the provision of care to children.

Opportunity – the Existing Z.-1 Zoning Regulatory Framework

The regulations of the Z.-1 Zoning By-law that provide for day care and private home day care offer an opportunity to plan for the service of care for seniors and/or persons with a disability. London’s existing regulatory framework is generally reflective of the framework that has been adopted by other jurisdictions – with the exception that London limits the service of care to children.

PART F – RECOMMENDED ACTION

The existing policy and regulatory framework of the Official Plan and Z.-1 Zoning By-law, as it pertains to day care and private home day care centres, has been shown to offer opportunities to plan for the service of care to seniors and/or persons with a disability.

Rather than adding specific “Senior Day Care Centre” and “Adult Day Care Centre for those with a Disability” definitions to the Z.-1 Zoning By-law, minor modifications to the existing “Day Care Centre” and “Private Home Day Care” definitions are recommended:

Day Care Centre: means a premises that receives more than five persons who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours. Care may be provided for children, seniors and/or persons with disabilities.

Private Home Day Care means the temporary care and custody for reward or

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compensation of not more than five persons in a private residence other than the home of a parent or guardian of any such person for a continuous period not exceeding 24 hours. Care may be provided for children, seniors and/or persons with disabilities.

The existing definitions have been modified to remove any reference to age or ability. The new definitions will simply refer to “persons”.

Recommendation – Amend the Existing Definitions:

The recommended definitions will not necessitate policy amendments to the Official Plan or regulatory amendments to the Z.-1 Zoning By-law.

Existing day care centres and private home day care operations will not be impacted by the recommended action. They will continue to operate under the same policy and regulatory framework.

The recommended action pertains specifically to local land use policies and regulations – not licensing regulations which are the purview of the Province of Ontario under the Day Nurseries Act, R.S.O., 1990.

PART G – THE IMPLICATIONS OF THE RECOMMENDED ACTION ON EXISTING ADULT DAY PROGRAMS IN THE CITY OF LONDON

There are three existing adult day care programs in the City of London.

Dearness Home:

- Located at 710 Southdale Road East;
- Offers a wide range of recreational and personal care supports (bathing, etc.) to individuals who have difficulty accessing other social programs as well as relief for caregivers;
- Activities range from bingo and card games to crafts and discussion groups;
- Operates Monday to Friday during daytime hours;
- All activities are organized by qualified staff assisted by volunteers;
- Hot lunches are provided as well as transportation; and,
- Lands are currently zoned a Community Facility 3 (CF3) Zone. The Community Facility 3 (CF3) Zone provides for a range of uses including: clinics; continuum-of care; hostels; medical/dental offices; nursing homes; personal service establishments; rest homes; and, retirement lodges. The Community Facility 3 (CF3) Zone does not permit “Day Cares” (either as currently defined, or recommended to be defined, in the Z.-1 Zoning By-law).

McCormick Home:

- Located at 2022 Kains Road;

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- Specializes in delivering a day program to individuals with Alzheimer Disease and Related Dementias;
- Activities range from regular physical exercise, cognitive stimulation geared to the clients' abilities, art therapy, aroma therapy, horticulture, crafts, music; baking and outdoor walks;
- Operates Monday to Friday during daytime hours;
- All activities are organized and run by qualified staff;
- Hot meals are provided as well as transportation; and,
- Lands are currently zoned a Community Facility 3 (CF3) Zone which, as noted above, does not permit "Day Cares" (as currently defined, or recommended to be defined, in the Z.-1 Zoning By-law).

The East London Adult Day Program (run by the Salvation Army):

- Located at 1340 Dundas Street East;
- Specializes in delivering a day program to individuals with Alzheimer Disease or a related form of Dementia. Programming also caters to persons who are frail and elderly;
- Programming includes a variety of social, intellectual, recreational and physical activities;
- Operates Tuesday, Thursday and Fridays during daytime hours;
- All activities are organized and run by qualified staff;
- Hot meals as well as transportation are provided; and,
- Lands are currently zoned a Community Facility 1, 3 and 6 (CF1/CF3/CF6) Zone. The compound Community Facility (CF) Zone permits a range of complimentary uses including "Day Care" facilities.

Day services at the Dearness and McCormick facilities may be viewed as a reasonable "accessory or ancillary" use" to the primary permitted use. "Accessory or ancillary use", for the purpose of the Z.-1 Zoning By-law, means a use, building or structure customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot.

Existing Day Programs – Dearness, McCormick and East London facilities:

The recommended amendment will not serve to limit or restrict the current day programming activities of the of the Dearness, McCormick or East London day programming operations.

_PART H – CONSISTENCY WITH PROVINCIAL POLICY

The purpose and effect of the recommended action is to advance a land use planning framework that will provide appropriate opportunities for day care centres for seniors and/or persons with a disability in the City of London. This notion of planning for inclusive care is

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consistent with the policies of the *Provincial Policy Statement, 2005*, which state:

“Building Strong Communities

Ontario’s long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

Accordingly: healthy, liveable and safe communities are sustained by...

- f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and,*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected need.”*

The recommended action is consistent with the policies of the Provincial Policy Statement, 2005 which encourage the development of healthy, safe and livable communities.

PART G - CONCLUSION

It is becoming increasingly more important to plan for the provision of day care services for seniors and/or persons with a disability. The current day care and home occupation policies and regulations of the Official Plan and Z.-1 Zoning By-law offer opportunities to plan for such care (noting the land use considerations cited in Part C above). These opportunities may be realized through amendments to the current definition of “Day Care Centre” and “Private Home Day Care” found in the Z.-1 Zoning By-law.

The recommended action:

- would not impose new or additional regulations on existing day care or private home day care operations;
- would implement the policies of the *Provincial Policy Statement, 2005*;
- is consistent with the policies of the Official Plan noted in Part D above;
- utilizes existing Official Plan policy and Z.-1 Zoning regulations to provide for what is expected to be an increased demand for senior and/or adult with disability day care; and,
- Is consistent with the policy and regulatory framework of surveyed municipalities.

The recommended action aligns with the strategies that have been identified by the Age Friendly Task Force in their draft action plan to make London more age friendly. These strategies include:

- ***Improve access to home care supports so more people can age in place;***
- ***Improve care giver supports; and,***
- ***Improve choice of housing options for older adults.***

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PREPARED BY:	SUBMITTED BY:
B. TURCOTTE SENIOR PLANNER, CITY PLANNING AND RESEARCH, PLANNING DIVISION	G. BARRETT, AICP MANAGER, CITY PLANNING AND RESEARCH, PLANNING DIVISION
RECOMMENDED BY:	
J.M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

May 31, 2012
BJT/

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Bibliography:

1. Those articles, documents, reports and/or tables identified in the Planning Report;
2. The City of London Official Plan;
3. The City of London Z.-1 Zoning By-law;
4. The *Provincial Policy Statement, 2005*.
5. The *Planning Act, R.S.O. 1990*; and,
6. The *Day Nurseries Act, R.S.O. 1990*.

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Bill No. (number to be inserted by Clerk's Office)
2012

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to apply to all lands within the City of London for the purpose of providing for senior and/or persons with disability day care centres.

WHEREAS the City of London has applied to add new provisions within By-law No. Z.-1 which may be applied to all lands within the City of London., as set out below;

AND WHEREAS this rezoning conforms to the Official Plan,

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section 2, Definitions, to By-law Z.-1 is amended by deleting the current definition of "Day Care Centre" and the current definition of "Private Home Day Care" and replacing them with the following new definitions:

"Day Care Centre" means a premises that receives more than five persons who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours. Care may be provided for children, seniors and/or persons with disabilities.

"Private Home Day Care" means the temporary care and custody for reward or compensation of not more than five persons in a private residence other than the home of a parent or guardian of any such person for a continuous period not exceeding 24 hours. Care may be provided for children, seniors and/or persons with disabilities.

This By-law shall come into force and be deemed to come into force in accordance with subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on June 26th, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - June 26th, 2012
Second Reading – June 26th, 2012
Third Reading - June 26th, 2012