

**COMMITTEE OF THE WHOLE JANUARY 22, 2007**

**ZONING BY-LAW AMENDMENT FILE Z.06.056  
YORK REGION DISTRICT SCHOOL BOARD &  
YORK CATHOLIC DISTRICT SCHOOL BOARD  
REPORT #P.2006.68**

**Recommendation**

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.06.056 (York Region District School Board & York Catholic District School Board) BE APPROVED, to amend the General Provisions of By-law 1-88, specifically Section 2.0 "Definitions" and Section 4.1.7 "Residential Uses, General Provisions, Uses Permitted", as follows:

- a) The definition for "SCHOOL, PUBLIC" will be amended to read: "Means a public or separate school, high school, a continuing school, technical school, college or university, or any other school established and maintained at public expense, **which may include a day nursery operating within the school**"; and,
- b) Section 4.1.7 (Residential Zones) "Uses Permitted" will be amended to include the words "including day nursery" after the existing permitted use of "Public or Private School"; and,
- c) That the implementing zoning by-law be brought forward to the January 29, 2007, Council meeting for enactment.

**Economic Impact**

There are no requirements for new funding associated with this report.

**Purpose**

The York District School Board and the York Catholic District School Board have jointly submitted an application to amend the General Provisions of Zoning By-law 1-88 to permit a day nursery (i.e. day care centre) use within all public schools within the City of Vaughan.

**Background - Analysis and Options**

The proposed amendment to the General provisions of By-law 1-88 is applicable City-wide. Public Schools are typically located within Residential Zones, which permits the school use, and a day nursery as an accessory use. The restrictions on the accessory use provisions within the By-law would prevent a day nursery use from operating all year-round, and would only permit the day nursery use to operate when the school is open during the school year. The proposed amendment would permit day nursery uses to exist within all public schools year round. There are several site-specific zoning amendments throughout the City that have been initiated by the School Boards and permit the year round operation of day nurseries within the public schools. This proposed amendment would alleviate the need for future site-specific amendments.

A "Public School" is defined in By-law 1-88 as "a public or separate school, high school, a continuation school, a technical school, a college or university or any other school established and maintained at public expense".

"Public Schools" are recognized as "Institutional Uses" that are permitted in all Residential Zones. Section 4.1 of By-law 1-88, which relates to the "Residential Zones – General Provisions" is

proposed to be amended to permit a day nursery use to operate year round within the public schools.

#### Public Hearing

On November 19, 2006, and November 23, 2006, a Notice of Public Hearing was published in the Vaughan Citizen and Vaughan Liberal as the proposed amendment is City-wide. The Public Hearing for this proposed amendment was held on December 11, 2006. The Development Planning Department received two phone calls in response to the notices which were in support of the proposed amendment. At the Public Hearing, two deputations were made by the public. The deputants expressed concerns with regard to the facilitation of the day nurseries within schools which may compromise the space needed for regular school activities, and that the day nurseries should be accessible only to those residents within close proximity of the schools.

It was clarified at the Public Hearing through the School Board representatives that the proposed amendment will apply to new schools, which will be designed to accommodate day nurseries within the schools, and will not compromise the facilitation of regular school activities, and that it is beyond the limitations of the zoning by-law to stipulate the programming within these centres and admittance to day nurseries.

The recommendation of Committee of the Whole on December 11, 2006 to receive the Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Council on December 18, 2006.

#### Provincial Policy Statement

The Provincial Policy Statement, which is the policy expression of the Province's direction on land use planning and development is based on building strong communities which accommodate a mix of uses, which promote efficient land uses and development patterns to promote healthy and liveable communities.

The proposed amendment is an efficient and cost effective way of implementing day nurseries within the secure environment of a school and within the community at large, which is consistent with the policies of the Provincial Policy Statement.

#### Official Plan

In the various Official Plans within the City, public schools, and day nurseries (under the general permission of "institutional uses") are permitted within the various Residential Zones throughout the City.

The proposed zoning amendment conforms with the various Official Plans throughout the City.

#### Zoning

Day nurseries are considered to be an appropriate use to complement a public school. Vaughan currently has 42 licensed child care centres within schools, which serve a combination of all day child care programs and before and after school programs. Utilizing public schools which have been designed and constructed to provide day nursery facilities is an efficient way of providing for the child care needs of the community; both before and after school and outside of the school year. The Province of Ontario has encouraged the school boards to utilize existing infrastructure within schools, and encourage selecting schools as a priority location for day nursery facilities.

Schools which are designed to include day nurseries will be subject to the requirements of the by-law, which include providing adequate parking.

The General Provisions of By-law 1-88, in relation to both Section 2.0 "Definitions", and Section 4.1.7 "Residential Uses, General Provisions, Uses Permitted" will be amended as follows:

- i. The definition for "SCHOOL, PUBLIC" will be amended to read: "Means a public or separate school, high school, a continuing school, technical school, college or university, or any other school established and maintained at public expense, ***which may include a day nursery operating within the school.***"
- ii. Section 4.1.7 (Residential Zones) "Uses Permitted" will be amended to include the words "including day nursery" after the existing permitted use of "Public or Private School".

#### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

#### **Conclusion**

The Development Planning Department has reviewed the proposed application to amend the general provisions of By-law 1-88 in order to permit a day nursery use to operate year round within public schools. This application is considered to be appropriate and desirable, and it is recommended that the application be approved, and that the implementing by-law be brought forward to the January 29, 2007 Council meeting for enactment.

#### **Attachments**

N/A

#### **Report prepared by:**

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Respectfully submitted,

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