

TO: CITY MANAGER 1996 MAY 31

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: THE PROVISION OF THE CARE OF FOSTER CHILDREN UNDER THE DEFINITION OF HOME OCCUPATION

PURPOSE: To propose amendments to the Burnaby Zoning Bylaw which would change the definitions of "Family" and "Home Occupation" as they pertain to the care of foster children.

RECOMMENDATION:

1. THAT the City Solicitor be authorized to prepare a bylaw amending the Burnaby Zoning Bylaw altering the regulations for home occupations and by amending the definitions of "Family" with respect to care of foster children, as discussed in this report.

R E P O R T

1.0 BACKGROUND INFORMATION:

Council, at its meeting of 1996 May 13 adopted a report on a text amendment to the Burnaby Zoning Bylaw for the provision of home occupations in multiple-family and certain commercial/institutional zones. Arising out of the discussion on this proposed text amendment was a concern that the care of foster children in Burnaby is a specific use under the definition of "Home Occupation". The concern expressed was that the care of foster children is being considered a business in the context of our bylaw.

The care of foster children does not require a Community Care Facility License or a business license. Our Health Department does not regulate or inspect homes where care for foster children is provided.

2.0 MINISTRY OF SOCIAL SERVICES REQUIREMENTS:

The ministry allows for the care of foster children in what is referred to as a "family situation" in any type of dwelling unit; single-family, townhouse, low rise or high rise apartments to a maximum of six children (this total includes the children of the family). Their concern is that there is provision for a bedroom for the child or children.

3.0 SURVEY OF OTHER MUNICIPALITIES:

Staff contacted ten other Greater Vancouver Municipalities to review their regulations on the care of foster children in residential districts. Seven jurisdictions do not regulate this use either by restricting the number of children or the residential district in which the care may be provided. These jurisdictions have all expressed the opinion that they consider the care of foster children as "part of the family". Two municipalities have "foster parenthood" in their definition of family. One municipality allows only two foster children per dwelling unit. More than two foster children requires approval of a use called Special Needs Housing Class A. This would entail the approval of the Planning, Health and possibly Building Departments. It was also stated that if the foster parents did not apply for a Special Needs Housing Class A permit, they might not know if more than two foster children were being cared for unless it was brought to their attention in some other way.

Currently, Burnaby is the only jurisdiction in the Greater Vancouver area that specifically excludes foster children in the definition of "Family" and permits the use under the definition of "Home Occupation".

It is proposed that the Burnaby Zoning Bylaw be amended with respect to the City's provisions for foster care.

4.0 PROPOSED AMENDMENTS:

The current definition of "Family" means one or more persons related by blood, marriage, or adoption, or a group of not more than three un-related non-transient persons, living together as a single non-profit group in a dwelling unit and using common cooking facilities, but excluding boarders, lodgers, foster children or servants.' It is proposed that this definition be amended by inserting "foster parenthood" as qualifying as a family type and by removing the words "foster children".

Therefore, the revised definition would read as follows:

"Family" means one or more persons related by blood, marriage, adoption, or foster parenthood, or a group of not more than three un-related non-transient persons, living together as a single non-profit group in a dwelling unit and using common cooking facilities, but excluding boarders, lodgers, or servants.'

The current definition of "Home Occupation" means an occupation or profession which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling, and includes:

CITY MANAGER
PROVISION OF CARE OF FOSTER CHILDREN
UNDER DEFINITION OF HOME OCCUPATION
1996 MAY 31 Page 3

- (1) the office of an accountant, architect, clergyman, dentist, engineer, lawyer, physician or other professional person;
- (2) the office or studio of an artist, chiropractor, dressmaker, music teacher, musician, seamstress, writer, or of persons engaged in home crafts or hobbies;
- (3) the keeping of not more than 2 boarders or lodgers or not more than 4 foster children in each dwelling unit;
- (4) the operation of a kindergarten or day nursery for not more than five preschool children and two school age children, or the operation of a family day care centre licensed under the *Community Care Facility Act*.

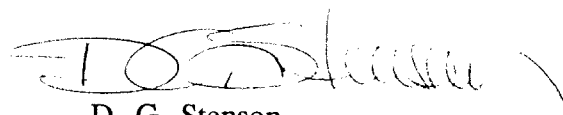
It is proposed that item (3) above be amended by removing the words "or not more than four foster children".

This amendment to "Home Occupation" will be part of the bylaw amendment already approved by Council at its meeting of 1996 May 13.

5.0 CONCLUSION:

The changes as outlined to the definition of "Family" and "Home Occupation" are considered appropriate and will bring the Burnaby Zoning Bylaw more into conformity with the majority of other municipalities in the G.V.R.D. The care of foster children in residential districts would then just be considered part of the family group already in existence.

This bylaw will be forwarded to Council in the next few weeks.



D. G. Stenson,
Director Planning and Building

SAM/ds

cc: Chief Licence Inspector
Medical Health Officer
City Solicitor

