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Item No. 14.1.3
North West Community Council
April 14, 2025

TO: Chair and Members of North West Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: April 3, 2025

SUBJECT: **MINORREV-2025-00111: Amendment to Musquodoboit Valley/Dutch Settlement Land Use By-law to reduce parking requirements for day care facilities**

ORIGIN

January 13, 2025 motion of North West Community Council:

That North West Community Council direct the Chief Administrative Officer (CAO) to provide a staff recommendation report regarding amendments to the Musquodoboit Valley/Dutch Settlement Land Use By-law to consider a reduction in the minimum parking requirements for a 'day care facilities' use and any additional requirements which might be necessary to reduce possible impacts to the road network.

EXECUTIVE SUMMARY

This report recommends an amendment to the Land Use By-law (LUB) for Musquodoboit Valley/ Dutch Settlement to lower the minimum parking requirement for day care facilities from 1.5 spaces to 1.0 space for every 400 square feet (37.2 square metres) of gross floor area. North West Community Council previously directed the Chief Administrative Officer (CAO) to provide a staff report with a recommendation on reducing the minimum parking requirement for a day care facility use following a request from the public stating that the current parking requirement was not feasible due to the nature of the business. Staff recommend that North West Community reduce the minimum parking requirement for a day care facility use in the Musquodoboit Valley/ Dutch Settlement LUB.

RECOMMENDATION

It is recommended that the North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Musquodoboit Valley/ Dutch Settlement to reduce the minimum parking requirement for a day care facility use from 1.5 spaces to 1.0 space per 400 square feet (37.2 m²) of gross floor area, as set out in Attachment A and schedule a public hearing; and
2. Adopt the amendment the Musquodoboit Valley/ Dutch Settlement Land Use By-law to reduce the minimum parking spaces required for a day care facility use as set out in Attachment A.

BACKGROUND

On January 13, 2025, North West Community Council made a motion requesting an amendment to the Musquodoboit Valley/Dutch Settlement Land Use By-law (LUB) to reduce the minimum parking requirements for a day care facility use. The motion also directed staff to explore whatever additional requirements that might be necessary to reduce possible impacts to the road network.

Day care operators have indicated that the current parking requirements of the Musquodoboit Valley/ Dutch Settlement LUB for a day care facility use are not feasible. The nature of the business is for parents and guardians to drop off and pick up children, but there is no need for abundant on-site parking. Therefore, a reduction in the minimum number of parking spaces has been requested.

Enabling Policy and LUB Context

The Musquodoboit Valley/ Dutch Settlement LUB was approved in May of 1996. While this application acknowledges the reliance on vehicles for this area and this type of use, staff note that vehicle and transportation use has most likely changed since the adoption of the LUB in 1996, and as such a reduction in the minimum parking requirement is worth considering. The LUB defines 'day care facility' as:

'...a building, part of a building, or other place, whether known as a day nursery, nursery school, kindergarten, play school, or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII.'

Day care facilities are permitted as an institutional use in the Village and Mixed Use zones of the Musquodoboit Valley/ Dutch Settlement LUB. In addition, the Rural Residential and Village zones also permit day care facilities for not more than 14 children in conjunction with permitted single unit dwellings. Parking for a day care facility use where in conjunction with a single-unit dwelling requires one off-street parking space for every two children attending, in addition to the one space required for the dwelling.

While the Municipal Planning Strategy (MPS) does not establish a specific policy governing the minimum parking requirements for a day care facilities use, the MPS does indicate that one of the intents of both the Village and Mixed Use zones is to establish controls for commercial uses such as parking. As noted above, day care facilities are permitted as an institutional use within the Village and Mixed Use zones, not as a commercial use. Further, parking controls have been established within the Village zone for day care facilities in conjunction with single-unit dwellings, which will remain unchanged. As such, it has been determined that a reduction in the parking requirements for a day care facility use aligns with the intent of the MPS.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Staff reviewed the Musquodoboit Valley/ Dutch Settlement LUB as well as parking requirements for day care facilities across the Municipality, and are supportive of an amendment to the Land Use By-law to reduce the minimum parking requirement for a day care facility use from 1.5 spaces to 1.0 space for every 400 square feet (37.2 m²) of gross floor area, as set out in Attachment A. This reduction is aimed at encouraging the development of day care facilities within rural areas of the Municipality without having to satisfy a higher than necessary parking requirement, where the nature of the business is for parents and/or guardians to drop off and pick up children.

Through anticipated By-law Simplification review, parking requirements for all land uses are expected to be reevaluated in future, presenting an opportunity to further assess and align parking standards with the evolving needs of rural communities.

Through staff's review of the proposed LUB amendment, it has been identified that while the proposal is to reduce the parking requirement for a day care facility use, Section 4.23 of the LUB does not restrict the maximum number of parking spaces that could be provided. The requirement is set as a minimum, meaning that additional parking could be provided, should a proponent so choose. Day cares within single-unit dwellings will continue to be required to provide one parking space for every two children attending. As such, Sections 6.4(d) and 7.5(d) of the LUB for zones Rural Residential and Village zones are not proposed to be amended.

Staff have reviewed one specific proposal for a day care facility use with a total floor area of approximately 8,500 square feet (789.7 square metres), which would require 32 parking spaces under the current LUB requirements. Under the proposed amendments (1.0 space for every 400 square feet (37.2 square metres) of gross floor area), the minimum parking requirement for this example of day care facility use would be reduced to 22 parking spaces. This reduction aims to balance parking needs while supporting the establishment and operation of day care facilities within the community.

As required in subsection 4.24(f) of the LUB, regardless of the number of parking spaces provided for development, parking areas shall provide maneuvering areas or aisles to permit vehicles to leave the property in a forward motion. Reducing the parking space requirement does not prevent the use from meeting all other parking requirements identified in the LUB, including vehicle maneuvering occurring on the lot.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies, and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 in making its recommendation to Council. In this case, the proposed LUB amendment does not conflict with any specific objectives, policies or actions of the priorities plans.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. As mentioned, the LUB dates to 1996, and given the demographic and transportation changes since the adoption of the by-law, reducing the parking requirement for a day care facility use, where parents and guardians will be doing a quick drop off and pick up, from 1.5 spaces to 1.0 space per 400 square feet is reasonable. Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2024-2025 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, Shape Your City page, and a newspaper advertisement placed in the Chronicle Herald. The HRM website received a total of 30 unique pageviews over the course of the application, with an average time of page of 1 minute and 14 seconds. No comments were received from the public regarding this application.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, an advertisement indicating notice of the public hearing will be placed on the HRM webpage.

The proposal will potentially impact local residents and businesses where a day care facilities use is permitted with the Musquodoboit Valley/ Dutch Settlement Land Use By-law.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A: Proposed LUB Amendment

ATTACHMENT A

Proposed Amendment to the Land Use By-law for Musquodoboit Valley/Dutch Settlement Plan Area

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Musquodoboit Valley/Dutch Settlement is hereby further amended as follows:

1. Amending PART 4, Section 4.23(a): PARKING REQUIREMENTS, as shown below in **bold** by adding the text “1.0” and in ~~strikeout~~ by deleting the text “1.5” and the letter “s” for the Parking Requirement of Day care facilities as follows:

USE

Day care facilities

PARKING REQUIREMENT

~~4.5~~ **1.0** spaces per 400 square feet (37.2 m²) of gross floor area

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on **[DATE]**, 2025.

Iain MacLean
Municipal Clerk