

2. **ZONING BYLAW AMENDMENTS FOR CHILD CARE**

Report of the Director of Planning dated February 21, 2025.

To give three readings to “Zoning Bylaw, 2003, Amendment Bylaw, 2025, No. 10138” to update language and definitions to align with the *Community Care and Assisted Living Act*, increase the number of child care spaces permitted in home-based child care operations; and exempt home-based child care providers from several restrictive regulations under the Home Occupation Use provisions.

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 10138

TO AMEND BYLAW NO. 8200,
BEING THE "ZONING BYLAW, 2003"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1. Bylaw No. 8200, being the "Zoning Bylaw, 2003" is hereby amended as follows:

- a. In Section 2, by deleting the definition of "Daycare, Child" and replacing with the following:

"Daycare, Child- means a facility licensed under the *Community Care and Assisted Living Act* to provide day care to children under 13 years of age"

- b. By deleting Subsection 5.5 in its entirety, and replacing it with the following:

"5.5 Home Occupation Use

Any use permitted in any zoned contained in this bylaw may be carried out as an accessory home occupation subject to the following conditions:

(a) there shall be no outside storage of materials, commodities, or finished products.

(b) Only residents of the dwelling unit shall engage in the Home Occupation Use. For the purposes of this section and any other provision of this bylaw pertaining to Home Occupation Use, the word "resident" does not include a corporation, society, trust, partnership, firm or other incorporated entity.

(c) The aggregate floor area devoted to all home occupation uses shall not be more than 20 percent of the combined gross floor area of all structures on a lot, or 50 m² (538 ft²), whichever is lesser.

(d) the home occupation shall be carried on only within a building or structure.

(e) Not more than 40 m² or 20% of the combined floor area of all structures on the lot, whichever is lesser, shall be used on any parcel of land to provide sleeping accommodation for guests in a bed and breakfast.

(f) No person shall carry on any activity for a home occupation use which will create any noise which is detectable from outside the premises.

(g) No person shall carry on any activity for a home occupation use, which will create any vibration, heat, glare, odour, or electrical interference which is detectable from outside the premises or which will discharge smoke, fumes, or any toxic or other noxious matter in the atmosphere.

(h) advertising shall comply with the requirements of the Municipal Sign Bylaw;

(i) No commodity shall be sold or displayed on the premises.

(j) There shall be no more than two clients or patrons of the home occupation use on the premises at any one time, except for Daycare, Child operations and Bed and Breakfast operations.

(k) a home occupation use involving the repair of any internal combustion engine or automotive repairs shall be prohibited.

(l) Only one vehicle used in the conduct of the home occupation shall be stored or parked on the lot in an unenclosed manner. In no case shall the gross vehicle weight of this vehicle exceed 4200 kg (9,259 lbs).

(m) Daycare, Child operations as a home occupation:

(i) shall not accommodate more than twelve (12) children in a Home Occupation setting;

(ii) are exempt from the outside storage restriction as set out in Subsection 5.5(a);

(iii) are exempt from non-resident staff restriction as set out in Subsection 5.5(b), provided the resident works at and is the business licence holder of the Daycare, Child operation.

(iii) are exempt from the floor area coverage restriction, as set out in Subsection 5.5(c).

(iv) are exempt from the indoor restriction, as set out in Subsection 5.5(d), and for greater certainty may use outdoor space in order to meet provincial licensing requirements.

(v) are exempt from the noise restriction as set out in Subsection 5.5(f), insofar as the typical noise associated with daycare operations is permitted.”

c. By deleting Section 5.6 in its entirety and replacing with the following:

“Home Occupations in RC, RT, RM, RA, RP, FMC-CH, or MFI-CH Zones

The only Home Occupation uses permitted in any RC, RT, RM, Ra, RP, MFC-CH, or MFI-Ch Zones are Office Use, and Daycare, Child.

(a) In addition to those regulations contained in Subsection 5.5, an office home occupation use:

(i) Shall, notwithstanding Subsection 5.5(j), not involve the presence of clients, patrons, customers, or employees on the premises as a function of its normal business activity.

(ii) Shall not occupy more than 15 m² (161 ft²) of the Gross Floor Area of the dwelling unit in which it is situated, based on the aggregate floor area devoted to all home occupation-office uses.

(iii) Shall be limited to two home occupation uses per dwelling unit.

(iv) Shall not be advertised by means of a sign posted on the lot or structure in which the use is carried on.”

d. By deleting the permitted use “Home Occupation Office and Daycare for preschool children” and replacing with “Home Occupation Office and Daycare, Child” in the following zones:

RC Zones: 401.1 (RC-1), 405.1 (RC-3), 410.1 (RC-5);

RT Zones: 501.1 (RT-1), 505.1 (RT-2), 510.1 (RT-3), 515.1 (RT-4), 516.1 (RT-4A), 520.1 (RT-5), 525.1 (RT-6), 530.1 (RT-7);

RM Zones: 601.1 (RM-1), 605.1 (RM-2), 610.1 (RM-3), 615.1 (RM-4), 620.1 (RM-5), 625.1 (RM-6);

RA Zones: 701.1 (RA-1), 705.3 (RA-2), 710.1 (RA-3), 715.1 (RA-4), 720.1 (RA-6), 725.1 (RA-7), 730.1 (RA-8), 735.1 (RA-9), 740.1 (RA-10), 745.1 (RA-11), 750.1 (RA-12);

C Zones: 806.1 (C-1CBV), 810.1 (C-1V), 890.1 (C-15), 891.1 (C-16), 892.1 (C-17);

Special Zones: 1300.1 (RM-3TR), 1305.1 (RM-CH1), 1310.1 (RM-CH2), 1315.1 (RM-SH1), 1400.1, (RT-CH), 1415.1 (RT-WA), 1420.1 (RT-FC), 1500.1 (MFC-CH), 1505.1 (MFI-CH), 1605.1 (RA-CA), 1610.1 (RM-RG), 1615.1 (RM-RH), 1620.1 (RM-CR), 1700.1 (C-2RO), 1702.1 (C-2BW), 1705.11(a) (CD-1RO), 1705.12(a) (CD-1RO), 1705.13(a) (CD-1RO), 1705.14(a) (CD-1RO), 1705.15(a) (CD-1RO), 1710.11(a) (CD-2MV), 1730.6(a) (CD-4DR), 1760.4 (CD-7SS), 1760.5 (CD-7SS).

e. By deleting the permitted use “Daycare Centre” in Schedule 1510 at Section 1510.1(c), and replacing with “Daycare, Child”.

2. This Bylaw may be cited for all purposes as the **"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2025, NO. 10138.**

Read a first time this _____ day of _____ , 2025.

Read a second time this _____ day of _____, 2025.

Read a third time this _____ day of _____, 2025.

Adopted by Council, signed by the Mayor and Corporate Officer and sealed with the Seal of the Corporation on the _____ day of _____ , 2025.

Corporate Officer

Mayor

Attachment B: Types of Child Care Licenses in BC

Staff Qualifications:

- ITE -- Infant Toddler Educator Certificate (approximately 1300 hours of training)
- ECE -- Early Childhood Educator Certificate (approximately 900 hours of training)
- ECEA -- Early Childhood Educator Assistant Certificate (completed one early childhood education course)

Type of Child Care License	Children Ages	Setting	Maximum number of children	Child to staff ratio
In-home multi-age child care The licensee personally provides care, within the licensee's personal residence, to no more than 8 children of various ages	From birth to 12 years old	Home-based only	8 children	8 children: 1 ECE
Family child care The licensee is a responsible adult, and personally provides care, within the licensee's personal residence, to no more than 7 children	From birth to 12 years old	Home-based only	7 children	7 children: 1 responsible adult who is also the licensee
Multi-age child care A program that provides, within each group, care to children of various ages	From birth to 12 years old	Home-based or centre-based	8 children	8 children: 1 ECE
Group child care (Under 3) A program that provides care to children who are younger than 36 months old	Under 3 years old	Home-based or centre-based	12 children	1 to 4 children: 1 ITE 5 to 8 children: 1 ITE, 1 ECE 9 to 12 children: 1 ITE, 1ECE, 1 ECEA
Group child care (Preschool Age) A program that provides care to preschool children	2.5 years old to school age	Home-based or centre-based	25 children	1 to 8 children: 1 ECE 9 to 16 children: 1 ECE, 1 ECEA 17 to 25 children: 1 ECE, 2 ECEAs

Group child care (School Age) A program that provides, before or after school hours or on a day of school closure, care to children who attend school, including Kindergarten	School age (before-and-after school care)	Home-based or centre-based	24 children from Kindergarten and Grade 1 OR 30 children from Grade 2 and older with no Kindergarten or Grade 1 children present	1 responsible adult for each 12 children from Kindergarten and Grade 1 1 responsible adult for each 15 children from Grade 2 and older
Preschool A program that provides care to preschool children who are at least 30 months old on entrance to the program, and 36 months old by December 31 of the year of entrance	2.5 years old to school age. From 2.5 years (30 months) to school age (Kindergarten)	Home-based or centre-based	20 children	1 to 10 children: 1 ECE 11 to 20 children: 1 ECE, 1 ECEA
Occasional child care A program that provides, on an occasional or short-term basis, care to preschool children who are at least 18 months old	18 months old and up	Home-based or centre-based	16 children (if children under 36 months are present) OR 20 children (if no children under 36 months are present)	1 responsible adult for every 4 children (if children under 36 months are present). 1 responsible adult for every 8 children (if no children under 36 months are present).
Recreational care A program that provides, after school hours or on a day of school closure, care on a drop-in basis to children who attend school, including kindergarten. Licensee is a local government, or a not-for-profit organization.	School age (Kindergarten and up)	Indoor facilities other than a single-family dwelling, or outdoor settings such as public parks.	No maximum	1 responsible adult for each 12 children from Kindergarten and Grade 1 1 responsible adult for each 15 children from Grade 2 and older