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District of West Vancouver



**Zoning Bylaw No. 2200, 1968
Amendment Bylaw No. 4579, 2009**

Effective Date –

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Zoning Bylaw No. 2200, 1968 Amendment Bylaw No. 4579, 2009

A bylaw to amend the Zoning Bylaw to update and revise bylaw provisions on childcare in West Vancouver

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for amendment of the Zoning Bylaw;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as "Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4579, 2009.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends the Zoning Bylaw Definitions

- 3.1 Zoning Bylaw No. 2200, 1968, Part 1 Division 2 – Definitions, is amended:
- (a) by deleting the following terms and their definitions:
 - DAY CARE, FAMILY
 - DAY CARE, GROUP
 - PRE-SCHOOL GROUPS (NURSERY - KINDERGARTEN);
 - (b) by adding, in alphabetical order, the following:
 - CHILD CARE (RODGERS) – means the use of premises to provide day care to children in accordance with the Community Care and Assisted Living Act, S.B.C. 2002 and its Regulation as amended from time to time, and includes licensed family child

- care, group day care, childminding, preschool or out of school care;
- KINDERGARTEN – means a private or public educational kindergarten program for children, as defined by the School Act;
- (c) and by revising the definitions of the following terms to read as follows:
- CHILD CARE – means the use of premises to provide day care to children in accordance with the “Community Care and Assisted Living Act”, S.B.C. 2002 and the “Child Care Licensing Regulation” B.C. Reg. 332/2007 as amended from time to time, and includes Group Child Care (under 36 Months, 30 Months to School Age, School Age), Preschool, Family Child Care, Occasional Child Care, Multi Age Child Care, and In Home Child Care;
 - SCHOOL, COMBINED – means a Private or Public School providing for instruction in any combination of elementary and secondary grades;
 - SCHOOL, ELEMENTARY – means a Private or Public School providing for instruction in any combination of kindergarten to grade 8 only; and
 - SCHOOL, PRIVATE – means an independent school, as defined in the Independent School Act, providing for instruction in any combination of kindergarten to grade 12 only.

Part 4 Amends the Zoning Bylaw Residential Zones

- 4.1 Zoning Bylaw No. 2200, 1968, Part 3 – Division 1 – General Regulations for Residential Zones, Subdivision 1 – Development in Residential Zones under General Zoning Regulations is amended:
- (a) by deleting Section 31-110 Group Day Care;
 - (b) and by adding Section 31-110 Child Care:
 - 110.1 Child care up to a maximum of eight (8) children is allowed on any site that meets Provincial Legislation and Regulation.
 - 110.2 Child care of nine (9) to a maximum of sixteen (16) children is allowed in a single family dwelling with the following conditions:
 - a) On sites that are abutting or directly across the street from a school, place of worship, park or community facility:
 - One (1) off-street parking space shall be provided for every six (6) child care spaces;
 - Outdoor play structures and equipment for a child care facility must be sited a minimum of four (4) feet

from all lot lines in all single family (R.S.) and duplex (R.T.) zones;

- b) On all other sites:
 - One (1) off-street parking space shall be provided for every four (4) child care spaces;
 - The lot on which a child care facility is sited must be a minimum distance of 600 feet from any other lot on which an existing child care facility of more than eight (8) children in a single family home is sited;
 - The single detached home in which the child care facility is operated must be occupied by the operator or a staff person of the child care facility;
 - Outdoor play structures and equipment for the child care facility must be sited a minimum of four (4) feet from all lot lines in all single family (R.S.) and duplex (R.T.) zones.

4.2 Zoning Bylaw No. 2200, 1968, Part 3 – Division 2 – Single Family Zones:

R.S.1 Zone, Section 32-102 Uses Permitted;
 R.S.2 Zone, Section 32-202 Uses Permitted;
 R.S.2A Zone, Section 32-2A02 Uses Permitted;
 R.S.3 Zone, Section 32-302 Uses Permitted;
 R.S.4 Zone, Section 32-402 Uses Permitted;
 R.S.6 Zone, Section 32-602 Uses Permitted;
 R.S.7 Zone, Section 32-702 Uses Permitted;
 R.S.8 Zone Section 32-802 Uses Permitted;
 R.S.9 Zone, Section 32-902 Uses Permitted;
 R.S.10 Zone, Section 32-1002 Uses Permitted; and
 R.S.11 Zone, Section 32-1102 Uses Permitted; are amended:

- (a) by deleting any or all of the following wherever they appear:
 - pre-school groups (Nursery - Kindergarten) in single family dwellings provided a maximum enrollment of twenty (20) children only shall be permitted in single family dwellings, subject to Council approval of the required business licence;
 - family day care in single family dwellings only;
 - group day care in single family dwellings only subject to the regulations of Section 31-110;
 - group day care subject to the regulations of Section 31-110;
- (b) and by adding to each of the eleven Sections as a permitted use:
 - child care subject to the regulations of Section 31-110.

4.3 Zoning Bylaw No. 2200, 1968, Part 3 – Division 2 – Single Family Zones, R.S.5 Zone, Section 32-502 Uses Permitted is amended:

- (a) by deleting:
 - family day care in single family dwellings only;
 - group day care in single family dwellings only subject to the regulations of Section 31-110;
- (b) and by adding:
 - child care subject to the regulations of Section 31-110, except child care is permitted and is not subject to the regulations of Section 31-110 on the property known municipally as 2478 Haywood and with the legal description Plan 2261 District Lot 555 Block 23, Lot 3 east ½ except south 10'.

4.4 Zoning Bylaw No. 2200, 1968, Part 3 – Division 3 – Two Family Zones, R.T.1 Zone, Section 33-102 Uses Permitted is amended:

- (a) by deleting the following:
 - pre-school groups (Nursery - Kindergarten) in places of worship or single family dwellings provided a maximum enrollment of twenty (20) children only shall be permitted in single family dwellings, subject to Council approval of the required business licence
 - family day care in single and two family dwellings only
 - group day care in single family dwellings only subject to the regulations of Section 31-110;
- (b) and by adding the following:
 - child care subject to the regulations of Section 31-110 except child care is permitted and is not subject to the regulations of Section 31-110 on the property known municipally as 2476 Bellevue Avenue and with the legal description Plan 2261 District Lot 555 Block 31 Lot 3 Dundarave Park Reserve Bylaw 1859, 1961 Hollyburn Playschool.

4.5 Zoning Bylaw No. 2200, 1968, Part 3 – Division 3 – Two Family Zones, R.T.2 Zone, Section 33-202 Uses Permitted is amended:

- (a) by deleting the following:
 - pre-school groups (Nursery - Kindergarten) in single family dwellings provided a maximum enrollment of twenty (20) children only shall be permitted in single family dwellings, subject to Council approval of the required business licence
 - family day care in single and two family dwellings only
 - group day care in single family dwellings only subject to the regulations of Section 31-110
- (b) and by adding the following:
 - child care subject to the regulations of Section 31-110.

4.6 Zoning Bylaw No. 2200, 1968, Part 3 – Division 3 – Two Family Zones, R.T.3 Zone, Section 33-302 Uses Permitted is amended:

- (a) by adding the following:
 - child care subject to the regulations of Section 31-110.

4.7 Zoning Bylaw No. 2200, 1968, Part 3 – Division 4 – Multiple Dwelling Zones (Low Density):

R.M.L.3 Zone, Section 34-302 Uses Permitted;
 R.M.L.4 Zone, Section 34-402 Uses Permitted;
 R.M.L.5 Zone, Section 34-502 Uses Permitted;
 R.M.L.6 Zone, Section 34-602 Uses Permitted; and
 R.M.L.13 Zone, Section 34-1302 Uses Permitted; are amended:

- (a) by deleting the following wherever they appear:
 - family day care in single and two family dwellings only; and
 - group day care in single family dwellings only subject to the regulations of Section 31-110;
- (b) and by adding the following to each of the five Sections as a permitted use:
 - child care subject to the regulations of Section 31-110.

4.8 Zoning Bylaw No. 2200, 1968, Part 3 – Division 4 – Multiple Dwelling Zones (Low Density), R.M.L.16 Zone, Section 34-1602 Uses Permitted is amended:

- (a) by deleting the following:
 - family day care in two family dwellings only;
- (b) and by adding the following:
 - child care subject to the regulations of Section 31-110.

4.9 Zoning Bylaw No. 2200, 1968, Part 3 – Division 4 – Multiple Dwelling Zones (Low Density):

R.M.L.1 Zone, Section 34-102 Uses Permitted, Area 1 and Area 2;
 R.M.L.2 Zone, Section 34-202 Uses Permitted;
 R.M.L.7 Zone, Section 34-702 Uses Permitted;
 R.M.L.8 Zone, Section 34-802 Uses Permitted;
 R.M.L.9 Zone, Section 34-902 Uses Permitted;
 R.M.L.10 Zone, Section 34-1002 Uses Permitted;
 R.M.L.11 Zone, Section 34-1102 Uses Permitted;
 R.M.L.12 Zone, Section 34-1202 Uses Permitted;
 R.M.L.14 Zone, Section 34-1402 Uses Permitted;
 R.M.L.15 Zone, Section 34-1502 Uses Permitted;
 R.M.L.17 Zone, Section 34-1702 Uses Permitted;

R.M.L.18 Zone, Section 34-1802 Uses Permitted, sub-section 34-1802.1;
and
R.M.L.19 Zone, Section 34-1902 Uses Permitted, sub-section 34-1902.1;
are amended:

- (a) by adding the following to each of the sections as a permitted use:
 - child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

4.10 Zoning Bylaw No. 2200, 1968, Part 3 – Division 5 – Multiple Dwelling Zones:

R.M.1 Zone, Section 35-102 Uses Permitted; and
R.M.2 Zone, Section 35-202 Uses Permitted; are amended:

- (a) by deleting the following wherever they appear:
 - family day care in single and two family dwellings only;
 - group day care in single family dwellings only subject to the regulations of Section 31-110;
- (b) and by adding the following to each of the Sections as a permitted use:
 - child care subject to the regulations of Section 31-110.

4.11 Zoning Bylaw No. 2200, 1968, Part 3 – Division 5 – Multiple Dwelling Zones:

R.M.3 Zone, Section 35-302 Uses Permitted;
R.M.4 Zone, Section 35-402 Uses Permitted;
R.M.5 Zone, Section 35-502 Uses Permitted;
R.M.6 Zone, Section 35-602 Uses Permitted;
R.M.7 Zone, Section 35-702 Uses Permitted, sub-section 35-702.1;
R.M.8 Zone, Section 35-802 Uses Permitted, sub-section 35-802.1;
R.M.9 Zone, Section 35-902 Uses Permitted, Area 1 and Area 2;

- (a) by adding the following:
 - child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

Part 5 Amends the Zoning Bylaw Community Use Zones

5.1 Zoning Bylaw No. 2200, 1968, Part 6 – Division 1 – Community Use Zones, C.U.4 Zone, Section 61-402 Uses Permitted is amended:

- (a) by deleting the following:

- family day care in single family dwellings only;
- group day care in single family dwellings and buildings housing organizations of a non-profit nature as permitted in this zone but subject to the regulations of Section 31-110;

(b) and by adding the following:

- child care in combination with other uses permitted in this zone, except that child care in dwelling units must be subject to the regulations of Section 31-110.

5.2 Zoning Bylaw No. 2200, 1968, Part 6 – Division 1 – Community Use Zones, C.U.9 Zone, Section 61-902 Uses Permitted is amended:

(a) by adding the following:

- child care.

5.3 Zoning Bylaw No. 2200, 1968, Part 6 – Division 1 – Community Use Zones, C.U.10 Zone, Section 61-1002 Uses Permitted is amended:

(a) by adding the following:

- child care.

5.4 Zoning Bylaw No. 2200, 1968, Part 6 – Division 2 – Community Use Zones, P.A.1 Zone (Schools), Section 62-102 Uses Permitted is amended:

(a) by deleting the following:

- pre-school groups (nursery - kindergarten);

(b) and by adding the following:

- child care.

5.5 Zoning Bylaw No. 2200, 1968, Part 6 – Division 2 – Community Use Zones, P.A.2 Zone (Places of Worship), Section 62-202 Uses Permitted is amended:

(a) by deleting the following:

- family day care in single family dwellings only;
- pre-school groups (nursery - kindergarten) places of worship subject to compliance with the regulations contained in Section 31-109, provided a maximum enrollment of twenty (20) children only shall be permitted in single family dwellings, subject to Council approval of the required business licence;

(b) and by adding the following:

- kindergarten;

- child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

Part 6 Amends the Zoning Bylaw Public Use Zones

6.1 Zoning Bylaw No. 2200, 1968, Part 7 – Division 2 – Public Use Zones, P.U.1 Zone, Section 72-102 Uses Permitted:

- (a) by adding the following:
- child care

Part 7 Amends the Zoning Bylaw Multiple Use Zones

7.1 Zoning Bylaw No. 2200, 1968, Part 8 – Division 1 – Multiple Use Zones: M.U.2 Zone, Section 81-202 Uses Permitted; M.U.3 Zone, Section 81-302 Uses Permitted, sub-section 302.1 Area 1; M.U.4 Zone, Section 81-402 Uses Permitted, sub-section 402.1; M.U.5 Zone, Section 81-502 Uses Permitted, Areas 1 and 2; and M.U.6 Zone, Section 81-602 Uses Permitted; are amended:

- (a) by adding the following to each of Sections as a permitted use:
- child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

7.2 Zoning Bylaw No. 2200, 1968, Part 8 – Division 1 – Multiple Use Zones, M.U.7 Zone, Section 81-702 Uses Permitted, Area 2 is amended:

- (a) by deleting the following:
- group day care subject to the regulations of Section 31-110; and
 - only the words 'pre-school and';
- (b) and by adding:
- child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

Part 8 Amends the Zoning Bylaw Commercial Zones

8.1 Zoning Bylaw No. 2200, 1968, Part 4 – Division 1 – Commercial Zones, C.1 Zone, Section 41-102 Uses Permitted, sub-section 102.1 is amended:

- (a) by adding:
- child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

- 8.2 Zoning Bylaw No. 2200, 1968, Part 4 – Division 1 – Commercial Zones, C.2 Zone, Section 41-202 Uses Permitted is amended:
- (a) by adding:
 - child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.
- 8.3 Zoning Bylaw No. 2200, 1968, Part 4 – Division 1 – Commercial Zones, C.3 Zone, Section 41-302 Uses Permitted, sub-section 302.1 is amended:
- (a) by adding:
 - child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.
- 8.4 Zoning Bylaw No. 2200, 1968, Part 4 – Division 4 – Ambleside Centre Zones, AC 1 Ambleside Centre Zone 1 – Ambleside Commercial Core, Section 44-102 Uses Permitted is amended:
- (a) by deleting:
 - DAY CARE
 - Day care
 - (b) and by adding:
 - CHILD CARE
 - child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

Part 9 Amends the Zoning Bylaw Comprehensive Development Zones

- 9.1 Zoning Bylaw No. 2200, 1968, Part 3 – Division 6 – Comprehensive Development Zones, CD1 Zone, Section 36-102 Uses Permitted, sub-section 102.2 is amended:
- (a) by deleting:
 - family day care in single and two family dwellings;
 - (b) and by adding:
 - child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

9.2 Zoning Bylaw No. 2200, 1968, Part 3 – Division 6 – Comprehensive Development Zones, CD2 Zone, Section 36-202 Uses Permitted, subsection 202.1 is amended:

(a) by adding:

- child care, except that child care in dwelling units must be subject to the regulations of Section 31-110.

9.3 Zoning Bylaw No. 2200, 1968, Part 3 – Division 6 – Comprehensive Development Zones, CD3 Zone, Section 36-302 Uses Permitted is amended by replacing the term 'Child Care' with 'Child Care (Rodgers)' wherever it appears in the zone.

READ A FIRST TIME on May 4, 2009

PUBLIC HEARING HELD on June 1, 2009

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Municipal Clerk