

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4978

A Bylaw to amend Zoning Bylaw No. 3531, 1986, to regulate Home-Based Businesses

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

TEXT AMENDMENT

1. The Zoning Bylaw No. 3531, 1986 (the “**Zoning Bylaw**”) is amended as follows:

a. Section 2.1 DEFINITIONS is amended by:

(i) removing and substituting the definition for “ACCESSORY BUILDING” with the following:

“ACCESSORY BUILDING OR STRUCTURE” means a separate building or structure that may be connected to a principal building by a breezeway, used or intended to be used for an accessory use, and which is situated on the same lot as the principal building.

(ii) removing the following definitions in their entirety:

“HOME-BASED CHILD CARE”

“RESIDENTIAL BUSINESS”

“SMALL-SCALE URBAN AGRICULTURE”

(iii) adding the following definitions in alphabetical order:

“CHILDCARE, IN HOME” means childcare for a maximum of 8 children that are unrelated to the caregiver, and which is licensed or recognized under the *Community Care and Assisted Living Act* as amended or replaced from time to time.

“HOME-BASED BUSINESS” means an occupation or profession operated as an accessory use to an established principal residential use by a resident of a dwelling unit on the same lot.

“URBAN AGRICULTURE” means an accessory use that consists of cultivating and harvesting plants and produce, beekeeping and

harvesting honey, keeping poultry for egg production, and storing harvested products on the premises for the purpose of sale.

“ROADSIDE STAND” means an accessory building not exceeding 2.5 sqm for urban agriculture retail purposes or for the sale of goods made by an artist or goods made as part of a home-based business.

- b. Sections 4.2.8 – 4.2.8.(11) is removed and substituted with the following:

“4.2.8 Home-Based Businesses: A home-based business is permitted as an accessory use in zones where stated in this Bylaw and as provided in Schedule “G”.”

- c. Section 6.1 R1 – RESIDENTIAL USE is amended by:

- (i) removing sections 6.1.2.(2), 6.1.2.(3) and 6.1.2.(4) in their entirety; and
- (ii) adding section 6.1.3.(4) immediately after section 6.1.3.(3) as follows:

“6.1.3.(4) Home-based business, in accordance with the regulations in Schedule “G”.”

- d. Section 6.2 R-2 – RESIDENTIAL USE is amended by:

- (i) removing sections 6.2.2. (2), 6.2.2. (3), and 6.2.2. (4) in their entirety; and
- (ii) adding section 6.2.3.(4) immediately after section 6.2.3.(3) as follows:

“6.2.3.(4) Home-based business, in accordance with the regulations in Schedule “G”.”

- e. Section 6.3 R – 3 – RESIDENTIAL USE is amended by:

- (i) removing sections 6.3.2.(2), 6.3.2.(3), and 6.3.2.(4) in their entirety; and
- (ii) adding section 6.3.3.(4) immediately after section 6.3.3(3) as follows:

“6.3.3.(4) Home-based business, in accordance with the regulations in Schedule “G”.”

- f. Section 6.4 R-4 – RESIDENTIAL USE is amended by:
 - (i) removing sections 6.4.2.(2), 6.4.2.(3), 6.4.2.(4), and 6.4.2.(5) in their entirety; and
 - (ii) adding section 6.4.3.(4) immediately after section 6.4.3.(3) as follows:

“6.4.3.(4) Home-based business, in accordance with the regulations in Schedule “G”.”
- g. Section 6.5 R-5 – RESIDENTIAL USE is amended by:
 - (i) removing sections 6.5.2.(2), 6.5.2.(3), 6.5.2.(4), and 6.5.2.(5) in their entirety; and
 - (ii) adding section 6.5.3.(4) immediately after section 6.5.3.(3) as follows:

“6.5.3.(4) Home-based business, in accordance with regulations in Schedule “G”.”
- h. Section 7.10 CD-10 - COMPREHENSIVE DEVELOPMENT ZONE – 1024 TRANSIT ROAD is amended by:
 - (i) removing sections 7.10.2 (1)(c), 7.10.2 (1)(d), and 7.10.2 (1)(e) in their entirety; and
 - (ii) adding section 7.10.3(1)(d) immediately after section 7.10.3(1)(c) as follows:

“7.10.3 (1)(d) Home-based business, in accordance with the regulations in Schedule “G”.”
- i. Section 8.1 RM-1LD – LOW DENSITY MULTIPLE DWELLINGS is amended by:
 - (i) repealing section 8.1.2 in its entirety; and
 - (ii) adding section 8.1.3.(2) immediately after section 8.1.3.(1) as follows:

“8.1.3 (2) Home-based business, in accordance with Schedule “G”.”

- j. Section 8.2 RM-1MD – MEDIUM DENSITY MULTIPLE DWELLINGS is amended by:

- (i) repealing section 8.2.2 in its entirety; and

- (ii) adding section 8.2.3.(2) immediately after section 8.2.3.(1) as follows:

“8.2.3.(2) Home-based business, in accordance with Schedule “G”.”

- k. Section 8.2A RM-1HD – HIGH DENSITY MULTIPLE DWELLINGS is amended by:

- (i) repealing section 8.2A.2 in its entirety; and

- (ii) adding section 8.2A.3.(2) immediately after section 8.2A.3.(1) as follows:

“8.2A.3.(2) Home-based business, in accordance with Schedule “G”.”

- l. Section 8.3 RM-2 – TWO STOREY MULTIPLE DWELLING USE is amended by:

- (i) repealing section 8.3.2 in its entirety; and

- (ii) adding section 8.3.3.(2) immediately after section 8.3.3.(1) as follows:

“8.3.3.(2) Home-based business, in accordance with Schedule “G”.”

- m. Section 8.4 RM-3 – THREE STOREY MULTIPLE DWELLING USE is amended by:

- (i) repealing section 8.4.2 in its entirety; and

- (ii) adding section 8.4.3.(2) immediately after section 8.4.3.(1) as follows:

“8.4.3.(2) Home-based business, in accordance with Schedule “G”.”

- n. Section 8.4A RM-3HD – HIGH DENSITY THREE STOREY MULTIPLE DWELLINGS is amended by:
- (i) repealing section 8.4A.2 in its entirety; and
 - (ii) adding section 8.4A.3.(2) immediately after section 8.4A.3.(1) as follows:

“8.4A.3 (2) Home-based business, in accordance with Schedule “G”.”
- o. Section 8.5 RM-4 – FOUR STOREY MULTIPLE DWELLING USE is amended by:
- (i) repealing section 8.5.2 in its entirety; and
 - (ii) adding section 8.5.3.(2) immediately after section 8.5.3.(1) as follows:

“8.5.3 (2) Home-based business, in accordance with Schedule “G”.”
- p. Section 8.6 RM-8 – EIGHT STOREY MULTIPLE DWELLING USE is amended by:
- (i) repealing section 8.6.2 in its entirety; and
 - (ii) adding section 8.6.3.(2) immediately after section 8.6.3.(1) as follows:

“8.6.3.(2) Home-based business, in accordance with Schedule “G”.”
- q. Section 8.7 RM-MC1 – MULTIPLE DWELLING/COMMERCIAL MIXED USE is amended by:
- (i) removing section 8.7.2.(2) in its entirety;
 - (ii) adding section 8.7.4.(2) immediately after section 8.7.4.(1) as follows:

“8.7.4.(2) Home-based business, in accordance with Schedule “G”.”
 - (iii) removing section 8.7.3.(4) and substituting it with the following:

“8.7.3.(4) A Service business use shall not be carried on in conjunction with a home-based business use within an individual apartment unit”.

- r. Section 8.8 RM-MC4 –MULTIPLE DWELLINGS/COMMERCIAL MIXED USE FOUR STOREY is amended by adding section 8.8.4.(2) immediately after section 8.8.4.(1) as follows:

“8.8.4.(2) Home-based business, in accordance with Schedule “G”.”

- s. Section 8.9 RMS-7 – MULTIPLE DWELLING SUPPORTIVE HOUSING USE – SEVEN STOREY is amended by adding section 8.9.4.(2) immediately after section 8.9.4.(1) as follows:

“8.9.4.(2) Home-based business, in accordance with Schedule “G”.”

SCHEDULE

2. The Zoning Bylaw is further amended by adding “Schedule G Home-Based Business Regulations” immediately after Schedule “F” as attached to and forming part of this Bylaw.

SEVERABILITY

3. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

CITATION

4. This Bylaw shall be cited as “Zoning Bylaw 3531, 1986, Home-Based Businesses Amendment Bylaw No. 4978, 2026”.

READ A FIRST TIME the day of , 2026

READ A SECOND TIME the day of , 2026

READ A THIRD TIME the day of , 2026

ADOPTED the day of , 2026

Mayor

Corporate Officer

SCHEDULE “G”
Home-Based Business Regulations

Home-Based Businesses

Conditions of Use

1. A home-based business shall:
 - a. be located entirely within a dwelling unit or an accessory building or a combination thereof, except for childcare, in-home and urban agriculture;
 - b. not involve any external indication that the building is being used for non-residential purposes, except where a small sign is permitted and for childcare, in-home and urban agriculture;
 - c. locate all business-related storage within permanent buildings, as outdoor storage is prohibited except for a business-related vehicle and for childcare, in-home and urban agriculture;
 - d. not involve activities that emit odours, noxious or toxic matter or vapours, heat, glare, noise vibrations, smoke, dust, effluent, or other emission hazard, electrical interference or radiation across any lot, including the lot where the home-based business is located; and
 - e. not create excessive traffic.

Types of Home-Based Businesses

2. A home-based business shall be permitted based on the following business types:
 - a. Type 1 (no impact);
 - b. Type 2 (low impact);
 - c. Type 3 (high impact);
 - d. Childcare, in-home; or
 - e. Urban Agriculture.

Number of Home-Based Businesses

3. The number of home-based businesses shall not exceed one business, except for Type 1 businesses.

Home-Based Business Tiered Regulations

4. The home-based business regulations are organized by business type and tiers based on the level of impact and shall have restrictions on the type of housing in which the use is located, lot size, gross floor area, number of clients or customers as follows:

Home-Based Business Types	Type 1 (no impact)	Type 2 (low impact)	Type 3 (high impact)
a. Permitted home-based businesses	Artist or maker Home office Mobile businesses Professional services	Artist or maker Childcare, in home Health services Music lessons Personal services Professional services Tutoring	Artist or maker Childcare, in home Health instruction Fitness instruction Urban agriculture
b. Housing typology	Any	Dwelling, one-unit Dwelling, two-unit Dwelling unit, accessory Secondary suite Townhouses Accessory building	Dwelling, one-unit Dwelling, two-unit Dwelling unit, accessory Accessory building
c. Lot size	Any	Lots equal to or greater than 558 sqm (≥6,006 sqft)	Lots over 1,000 sqm (0.25 acres)
d. Gross floor area (GFA)	30% of the GFA of the dwelling unit or building to a max of 28 sqm (300 sqft), whichever is less	30% of the GFA of the dwelling unit or building up to max of 46 sqm (500 sqft), whichever is less	30% of the GFA of the dwelling unit or building up to max of 70 sqm (753 sqft), whichever is less
e. Number of customers	None	One on the lot at a time, by appointment	Maximum of four (4) on the lot at the same time, by appointment

Childcare, In-Home Regulations

5. Childcare, in-home is subject to the following conditions:
 - a. it shall be located in ground-oriented dwelling units including one-unit and two-unit dwellings, secondary suites, accessory dwelling units, and townhouses;
 - b. use of outdoor spaces is permitted.

Urban Agriculture Regulations

6. Urban agriculture is subject to the following conditions:
 - a. use of outdoor space is permitted for cultivation, keeping of bees and poultry;
 - b. sale of products is limited to those grown on the lot;
 - c. keeping of poultry and bees is subject to Section 4.18 and Animal Control Bylaw, No. 4013;
 - d. use of exterior artificial light for growing purposes is prohibited;
 - e. accessory buildings and structures related to urban agriculture are permitted as follows:
 - i. greenhouses shall not exceed the maximum size of 46 sqm (495 ft²) in area and a maximum height of 3.0 m (9.8 ft); and
 - ii. accessory buildings shall meet all setbacks.

General Regulations

7. All home-based businesses shall comply with the following:
 - a. non-resident employees, who do not live on the lot where the home-based business is located, shall not exceed one (1) on the lot at any time;
 - b. one additional off-street parking space is required for Type 3 businesses, and in accordance with the Parking Facilities Bylaw No. 3540, 1986, as amended from time to time;
 - c. business hours shall be as follows:
 - i. Type 1 and Type 2 businesses may operate between 7:00am to 7:00pm, every day; and
 - ii. Type 3 businesses may operate between 9:00am to 5:00pm from Monday to Saturday, and shall not operate on Sundays and Statutory Holidays;
 - d. one freestanding or fascia sign is permitted on a lot in accordance with the Sign Bylaw No. 3946, 1997, as amended from time to time;
 - e. display of goods shall be completely contained within a building and shall not be visible from the street; and
 - f. sale of goods are restricted to:

- i. goods produced by the business, including produce from urban agriculture or goods made by an artist;
- ii. one roadside stand is permitted for the sale of produce from urban agriculture or goods made by an artist; and
- iii. goods that are ancillary to the home-based business, including selling products used as part of the service.

Prohibited Home-Based Businesses and Activities

8. Without limiting the generality of section 1, the following businesses are prohibited as a home-based business:
- a. automotive repairs;
 - b. animal training, commercial dog breeding, and dog kennels, except as a mobile business;
 - c. commercial workshop or manufacturing facility;
 - d. restaurant;
 - e. retail store; and
 - f. storage, wrecking, dismantling, painting, or metal plating of equipment, machinery and vehicles, including aircraft, all-terrain vehicles, recreational vehicles, snowmobiles and water vessels.