



EXPLANATORY NOTE

BY-LAW 2016-125

**A By-law to Amend By-law's 426-85, 28-97, 177-96, 193-81, 221-81, 194-82, 196-82, 47-85, 242-90, 19-94 and 2004-196 as amended
PR 13 128740**

Lands Affected

The proposed by-law amendment applies to all and various lands within the corporation limits of the City of Markham, that are zoned by the by-laws listed above, as amended.

Purpose and Effect

The purpose and effect of this By-law is to update current zoning terminology to reflect the terminology used in the Child Care and Early Years Act 2014, S.O. 2014, c. 11, Schedule 1;



By-law 2016-125

A By-law to amend By-laws 426-85, 28-97, 177-96, 193-81, 221-81, 194-82, 196-82, 47-85, 242-90, 19-94 and 2004-196, as amended

The Council for the Corporation of the City of Markham enacts as follows:

1. The terminology and definition for 'Private Home Daycare' in **Section 2(a) of By-law 426-85** be deleted and replaced with the following:

"Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a child care centre."

2. The terminology and definition for 'Private Home Daycare Agency' in **Section 2(a) of By-law 426-85** be deleted and replaced with the following:

"Childcare Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."

3. **Section 2(b) of Bylaw 426-85** be deleted and replaced with the following:

"Notwithstanding any other provisions contained within the aforementioned by-laws, a Home Child Care shall be permitted in all residential dwelling units."

4. **Section 2(c) of Bylaw 426-85** be deleted.

5. The terminology and definition for 'Day Nursery' in **Section 2 of By-law 28-97** be deleted and replaced with the following:

"Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."

6. The term 'Day Nursery' in **Section 3.0, Table B- Non-Residential Uses' of By-law 28-97**, be deleted and replaced with the term 'Child Care Centre'.

7. The terminology and definition for 'Day Nursery' in **Section 3 of By-law 177-96** be deleted and replaced with the following:

"Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."

8. The terminology for 'Day Nursery' as referenced in the definition for a 'Fitness Centre' in **Section 3 of By-law 177-96** be deleted and replaced with the term 'Child Care Centre'.

9. The terminology for 'Day Nursery' as referenced in **Section 6.20(d) of By-law 177-96** be deleted and replaced with the term 'Child Care Centre'.

10. The terminology and definition for 'Private Home Daycare' in **Section 3 of By-law 177-96** be deleted and replaced with the following:

"Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre."

11. The term '*Private Home Daycare*' in **Section 4.1, Table A1- Residential Zones, Permitted Uses, Row 'L' of By-law 177-96**, be deleted and replaced with the term '*Home Child Care*'.
12. The term '*Private Home Daycare*' in **Section 4.1, Table A2- Retail and Mixed Use Zones, Permitted Uses, Row 'Cc' of By-law 177-96**, be deleted and replaced with the term '*Home Child Care*'.
13. The term '*Day Nurseries*' in **Sections 7.9.1, 7.16.1, 7.16.2, 7.246.3, 7.302.1, 7.361.1, 7.428.1, 7.428.3, 7.489.1 and 7.489.2 of By-law 177-96** be deleted and replaced with the term '*Child Care Centre*'.
14. The term '*Private Home Daycare*' in **Sections 7.17.1, 7.17.2, 7.266.1, 7.267.5, 7.267.7, 7.268.1, 7.269.1, 7.270.1, 7.272.1, 7.273.1, 7.275.1, 7.276.1, 7.279.1, 7.281, 7.283.1, 7.284.1, 7.301.1, 7.311.1, 7.312.1, 7.346.1, 7.347.1, 7.349.1, 7.355.1, 7.369.1, 7.403.1, 7.411.1, 7.433.1, 7.493.1, and 7.494.1 of By-law 177-96**, be deleted and replaced with the term '*Home Child Care*'.
15. The definition for '*Day Nursery*' in **Section 2 of By-law 193-81** be deleted and replaced with the following:

"Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."
16. The term '*Day Nursery*' in all sections of **By-law 193-81** be deleted and replaced with the term '*Child Care Centre*'.
17. The following definition be added into **Section 2 of By-law 193-81**:

"Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre."
17. The following new section 4.12 be added into **Section 3 of By-law 193-81**:

"Notwithstanding any other provisions contained within this By-law, a Home Child Care shall be permitted in all residential dwelling units"
18. The definition for '*Day Nursery*' in **Section 2 of By-law 221-81** be deleted and replaced with the following:

"Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."
19. The term '*Day Nursery*' in all sections of **By-law 221-81** be deleted and replaced with the term '*Child Care Centre*'
20. The definition for '*Private Home Day Care*' in **Section 2 of By-law 221-81** be deleted and replaced with the following:

"Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre."
21. **Section 5.3 of By-law 221-81** is deleted.
22. **Section 6.1.1 (c) of By-law 221-81** is deleted and replaced with the following new Section 6.1.1:

"Notwithstanding any other provisions contained within this By-law, a

Home Child Care shall be permitted in all residential dwelling units"

23. The term 'Private-home Day Care' in all sections of **By-law 221-81** be deleted and replaced with the term 'Home Child Care'.
24. The definition for 'Day Nursery' in **Section 2 of By-law 194-82** be deleted and replaced with the following:

"Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."
25. The term 'Day Nursery' in all sections of **By-law 194-82** be deleted and replaced with the term 'Child Care Centre'
26. The definition for 'Private Home Day Care' in **Section 2 of By-law 194-82** be deleted and replaced with the following:

"Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre."
27. **Section 6.7 of By-law 194-82** is deleted.
28. The words 'Private-home Day Care subject to Section 6.7' in **Sections 7.1 and 8.1 of By-law 194-82** is deleted and replaced with the following:

"Notwithstanding any other provisions contained within this By-law, a Home Child Care shall be permitted in all residential dwelling units"
29. The term 'Private-home Day Care' in all sections of **By-law 194-82** be deleted and replaced with the term 'Home Child Care'.
30. The definition for 'Day Nursery' in **Section 2 of By-law 196-82** be deleted and replaced with the following:

"Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."
31. The term 'Day Nursery' in all sections of **By-law 196-82** be deleted and replaced with the term 'Child Care Centre'
32. The definition for 'Private Home Day Care' in **Section 2 of By-law 196-82** be deleted and replaced with the following:

"Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre."
33. **Section 6.7 of By-law 196-82** is deleted.
34. The words 'Private-home Day Care subject to Section 6.7' in **Sections 7.1 and 8.1 of By-law 196-82** is deleted and replaced with the following:

"Notwithstanding any other provisions contained within this By-law, a Home Child Care shall be permitted in all residential dwelling units"
35. The term 'Private-home Day Care' in all sections of **By-law 196-82** be deleted and replaced with the term 'Home Child Care'.
36. The definition for 'Day Nursery' in **Section 2 of By-law 47-85** be deleted and replaced with the following:

“Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended.”

37. The term ‘Day Nursery’ in all sections of **By-law 47-85** be deleted and replaced with the term 'Child Care Centre'

38. The definition for ‘Private Home Day Care’ in **Section 2 of By-law 47-85** be deleted and replaced with the following:

“Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre.”

39. A new Section 6.5 is added to **Section 6 of By-law 47-85**:

"Notwithstanding any other provisions contained within this By-law, a Home Child Care shall be permitted in all residential dwelling units"

40. The term ‘Private-home Day Care’ in all sections of **By-law 47-85** be deleted and replaced with the term 'Home Child Care'.

41. The definition for ‘Day Nursery’ in **Section 2 of By-law 242-90** be deleted and replaced with the following:

“Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended.”

42. The term ‘Day Nursery’ in all sections of **By-law 242-90** be deleted and replaced with the term 'Child Care Centre'

43. The definition for ‘Private Home Day Care’ in **Section 2 of By-law 242-90** be deleted and replaced with the following:

“Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre.”

44. **Section 5.9 of By-law 242-90** is deleted and replaced with the following:

"Notwithstanding any other provisions contained within this By-law, a Home Child Care shall be permitted in all residential dwelling units"

45. The term ‘Private-home Day Care’ in all sections of **By-law 242-90** be deleted and replaced with the term 'Home Child Care'.

46. The definition for ‘Day Nursery’ in **Section 2 of By-law 19-94** be deleted and replaced with the following:

“Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended.”

47. The term ‘Day Nursery’ in all sections of **By-law 19-94** be deleted and replaced with the term 'Child Care Centre'

48. The definition for ‘Private Home Day Care’ in **Section 2 of By-law 19-94** be deleted and replaced with the following:

“Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre.”

49. A new Section 5.13 is added to **Section 5 of By-law 19-94** as follows:

"Notwithstanding any other provisions contained within this By-law, a Home Child Care shall be permitted in all residential dwelling units"

50. The term 'Private-home Day Care' in all sections of **By-law 19-94** be deleted and replaced with the term 'Home Child Care'.

51. The definition for 'Day Nursery' in **Section 3 of By-law 2004-196** be deleted and replaced with the following:

"Child Care Centre – means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended."

52. The term 'Day Nursery' in all sections of **By-law 2004-196** be deleted and replaced with the term 'Child Care Centre'

53. The definition for 'Private Home Day Care' in **Section 3 of By-law 2004-196** be deleted and replaced with the following:

"Home Child Care – means the caring of children in a dwelling unit in accordance with the Child Care and Early Years Act, as amended and which is not a Child Care Centre."

54. A new Section 4.15 is added to **Section 4 of By-law 2004-196** as follows:

"Home Child Care - Notwithstanding any other provisions contained within this By-law, a Home Child Care shall be permitted in all residential dwelling units"

55. The term 'Private-home Day Care' in all sections of **By-law 2004-196** be deleted and replaced with the term 'Home Child Care'.

Read a first, second, and third time and passed on November 1, 2016.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor