

BY-LAW _____

A by-law to amend By-law No. 2005-104, being a by-law to Prohibit the Use of Land or the Erection or Use of Buildings or Structures unless Municipal Services are Available

WHEREAS the Council of the Town of Markham adopted By-law 2005-104 pursuant to the provisions of subsection 34(5) of the Planning Act, R.S.O. 1990, c. P. 13, as amended;

AND WHEREAS the Council of the Town of Markham deems it advisable to amend By-law 2005-104 to permit the issuance of conditional building permits in certain circumstances and to amend the conditions under which a full building permit may be available.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. By-law 2005-104 is hereby amended as follows:

- 1.1 Section 2 is amended by deleting the first sentence of section 2, and paragraph 2 a, 2b, and 2c and replacing them with the following:

“For the purposes of this by-law, municipal services are deemed to be available to a Residential Unit or a Multiple-Unit Building within a Subdivision when the roads, water, storm sewer and sanitary sewer and stormwater management facilities required to service the Residential Unit or the Multiple-Unit Building satisfy the following requirements:

- a. the public highways and lanes in the Subdivision have been constructed to base course asphalt;
- b. the watermains, sanitary sewers, storm sewers and stormwater management facilities necessary to service the Residential Unit or the Multiple-Unit Building have been constructed and are operational;
- c. the following requirements with respect to any necessary sanitary, storm and watermain trunks and stormwater management facilities external to the site or Subdivision have been satisfied:
 - i. all property required for the service has been dedicated to The Corporation of the Town of Markham or other government having jurisdiction, if applicable;
 - ii. the contract for the construction of the service has been awarded;
 - iii. a construction schedule, confirming completion and operation of the external service prior to occupancy, has been provided to the satisfaction of the Town's Director of Engineering;

- iv. the Town or other government having jurisdiction has received adequate security for the construction of the external services, if it is intended to be constructed by a private party; and
- v. approvals have been received by the owner from the Town or other agencies having jurisdiction for the construction of the services.”

1.2 Paragraphs 2f and 3f are amended by deleting the words “NFPA Standard 921” and replacing them with “NFPA Standard 291”.

1.3 Paragraph 2h is amended by adding the words “or any Multiple-Unit Building” after “Residential Unit” in the second line.

1.4 Section 3 is amended by deleting the first sentence of section 3, and paragraph 3a, 3b, and 3c and replacing them with the following:

“For the purposes of this by-law, municipal services are deemed to be available to a Residential Unit or a Multiple-Unit Building that is not within a Subdivision when the roads, water, storm sewer and sanitary sewer and stormwater management facilities required to service the Residential Unit or the Multiple-Unit Building satisfy the following requirements:

- a. where the Residential Unit or the Multiple-Unit Building does not front directly on an assumed public highway, an access route for fire department use, in accordance with the provisions of the Building Code, O. Reg. 350/06 or any successor legislation or regulation, has been provided;
- b. where any sanitary, storm, watermain trunks or stormwater management facilities external to the site have not been constructed, confirmation of the following has been provided to the Director of Engineering:
 - i. all property required for the service has been dedicated to The Corporation of the Town of Markham or other government having jurisdiction, if applicable;
 - ii. the contract for the construction of the service has been awarded;
 - iii. a construction schedule, confirming completion and operation of the external service prior to occupancy, has been provided to the satisfaction of the Town’s Director of Engineering;
 - iv. the Town or other government having jurisdiction has received adequate security for the construction of the external service, if it is intended to be constructed by a private party; and
 - v. approvals have been received by the owner from the Town or other agencies having jurisdiction for the construction of the services.
- c. where sanitary sewers are not available to the lot on which the Residential Unit or the Multiple-Unit Building is to be located, a permit for a private sewage disposal system is available;”

1.5 Clause 4b iii is amended by adding the word “or” at the end of clause 4b iii.

1.6 Section 4 is amended by added thereto a new paragraph as follows::

“c. a conditional building permit therefor has been issued by the Town’s Chief Building Official.”

2. All other provisions of By-law 2005-104, not inconsistent with the provisions of this by-law, shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
_____ DAY OF _____, 2010.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR