



## BY-LAW 2010-113

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

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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::

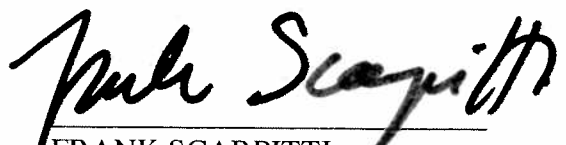
“c. a conditional building permit therefore has been issued by the Town’s Chief Building Official.”

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  
8<sup>TH</sup> DAY OF JUNE, 2010.



KIMBERLEY KITTERINGHAM  
TOWN CLERK



FRANK SCARPITTI  
MAYOR