

CITY OF HAMILTON NOTICE OF MOTION

Council Date: December 15, 2021

MOVED BY COUNCILLOR S. MERULLA.....

Registered Plan of Subdivision 62M-1278 - Joint Service Agreement

WHEREAS the lands owned by Community Housing Hamilton (“CHH”) at 41 Reid Avenue South (the “CHH Lands”) are intended to be developed with over 100 rental units;

WHEREAS this development by CHH is in partnership with a residential development within the adjacent lands comprising Registered Plan of Subdivision 62M-1278 (the “Private Lands”);

WHEREAS the City, CHH, and the owner of the Private Lands previously entered into a joint services agreement for a temporary stormwater management system for the CHH Lands and the Private Lands, intended to be replaced by a permanent stormwater system; and

WHEREAS the proposed permanent stormwater management system for the CHH Lands and the Private Lands requires a modification to City of Hamilton By-law 06-026;

THEREFORE, IT BE RESOLVED:

That City of Hamilton By-law 06-026 be **amended** by adding sub-section 15 to Section 5 with the inclusion of Schedule “C” (attached hereto), as follows:

- (15) In the event that plans, drawings, conditions, agreements or other requirements are approved pursuant to section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, in respect of any development of lands and premises included in Schedule “C” and:
 - (a) there is full compliance with such approved plans, drawings, conditions, agreements or other requirements; and,
 - (b) such approved plans, drawings, conditions, agreements, or other requirements authorize the disposal of storm and/or surface water from the lands and premises in a manner that conflicts with the requirements of subsections (2) or (9),

the provisions of subsections (2) or (9) shall not apply to the said lands and premises to the minimum extent necessary to resolve such conflict.

Attachment: A By-law to Amend By-law 06-026, The Sewer and Drain By-law