



NOTICE AND EXPLANATORY NOTE OF THE ADOPTION OF OFFICIAL PLAN AMENDMENT NO. 144 AND THE PASSING OF ZONING BY-LAW NO. 2022-103

5613, 5631-5633 Victoria Avenue

(Roll No(s).: 2725-030-003-12200; 2725-030-003-12400; 2725-030-003-12500; 2725-030-003-05100;
2725-000-010-01238; 2725-030-003-12600)

Official Plan and Zoning By-law Amendment Application – City File: OPA No. 144 & AM-2021-019

Applicant: Fugiel International Group Inc.

Agent: Bousfields Inc. (David Falleta)

The Council of the Corporation of the City of Niagara Falls on the 30th day of August, 2022 passed By-law No. 2022-104, under Section 17 of the *Planning Act* which provided for the adoption of Official Plan Amendment No. 144, and passed By-law No. 2022-103 under Section 34 of the *Planning Act*.

PURPOSE AND EFFECT

The Official Plan and Zoning By-law Amendments will facilitate the development of a 35 storey and 36 storey apartment building with a shared 6 storey podium.

The purpose of OPA No. 144 is to amend the City's Official Plan to allow for the proposed development which shall not exceed 35 and 36 storeys and a height of 116 metres.

The purpose of By-law No. 2022-103 is to rezone the lands to a Tourist Commercial zone with site specific regulations permitting the permitted uses in a TC zone, dwelling units on the ground floor, and eliminate the maximum percentage of floor area requirement for dwelling units. The site specific TC regulations establish lot coverage, building height, number of parking spaces and loading regulations and deem Victoria Avenue to be the front lot line.



MORE INFORMATION

Copies of the Official Plan Amendment and the by-law are available in Planning, Building & Development, City Hall, between the hours of 8:30 a.m. and 4:30 p.m., if you wish to review them.

LEGAL NOTICE

Sections 17 and 34 of the *Planning Act*

Official Plan Amendment No. 144 is exempt from approval by the Regional Municipality of Niagara. The decision of Council is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Individuals, corporations and public bodies who made oral or written submissions to Council prior to the adoption of the Official Plan Amendment and/or passage of the by-law may appeal the Official Plan Amendment and/or the by-law to the Ontario Land Tribunal in respect of the Official Plan Amendment and/or by-law by filing a Notice of Appeal no later than the **22nd day of September, 2022** with the Clerk. The appeal must set out the objection to the Official Plan Amendment and/or the by-law and the reasons in support of the objection(s), together with the Ontario Land Tribunal filing fee of \$1,100.00 in the form of a certified cheque or money order, made payable to the Minister of Finance. An Appellant may request a reduction of the filing fee to \$400.00, if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal. A Request for Fee Reduction form can be found on the Ontario Land Tribunal website <https://olt.gov.on.ca/wp-content/uploads/2021/05/OLT-Request-for-Fee-Reduction-Form.html>.

Only individuals, corporations and public bodies who made oral or written submissions to Council prior to the adoption of the Official Plan Amendment and/or passage of the by-law may appeal the Official Plan Amendment and/or by-law to the Ontario Land Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the Appeal unless, before the Official Plan Amendment was adopted and/or the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

A Notice of Appeal, including the filing fee, must be submitted by the date set out above in order to constitute a valid Appeal. Failure to submit a complete Notice of Appeal or the fee of \$1,100.00 (or a reduced fee of \$400.00 for qualified Appellants) or both, on or before the date set out above will result in an incomplete Appeal application and will not be processed further. A separate filing fee is required for each appeal.

Dated at the City of Niagara Falls this 2nd day of September, 2022.

Kira Dolch, MCIP, RPP, CNU-A
Director of Planning, Building & Development
City of Niagara Falls
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