



NOTICE OF THE PASSING OF ZONING BY-LAW NO. 2023-078

9304 McLeod Road; Parts 1 & 2 59R-16846 (Assessment Roll No.: 2725-110-002-07700 & 2725-110-002-00100)

Zoning By-law Amendment Application- City File: AM-2023-007

Draft Plan of Subdivision Application- City File: 26T-11-2023-002

Applicant: 800460 Ontario Limited (Fred Costabile)

Agent: Garden City Development (Matt Kernahan)

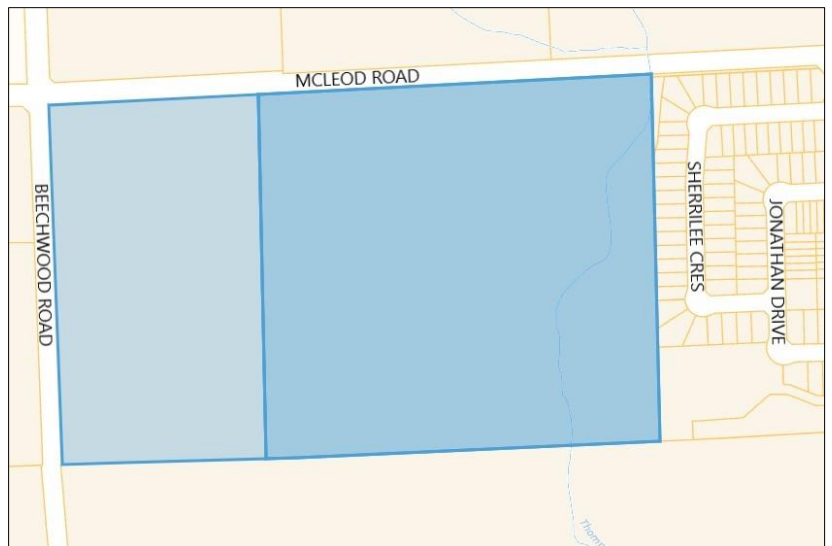
The Council of the Corporation of the City of Niagara Falls on the 15th day of August, 2023 passed By-law No. 2023-078 under Section 34 of the *Planning Act*.

PURPOSE AND EFFECT

The purpose of By-law No. 2023-078 is to rezone the lands to the following zones: R3(H)-1213, R5B(H)-1214, EPA(H), EPA(H)-1215, and OS(H)-1216.

The zones will permit residential, open space, and environmental protection uses.

The zoning includes a holding “H” symbol that will apply to the land until the “Compatibility/Mitigation Study- Air Quality, Noise and Vibration” prepared by SLR Consulting (Canada) Ltd. (dated March 23, 2022), as well as any subsequent revisions thereto, is approved by the Niagara Region and the City; City Official Plan Amendment 147 is approved by the Niagara Region and has come into full force and effect; the development on the subject lands shall conform to the policies of Official Plan Amendment 147, including any resulting modifications; and, the implementation of any mitigation measures as required by the approved Land Compatibility- Air Quality, Noise and Vibration Study, shall be implemented to the satisfaction of the City and Niagara Region.



By-law No. 2023-078 is in conformity with the City of Niagara Falls Official Plan and is not subject to an amendment to the Official Plan. The corresponding draft plan of subdivision file (26T-11-2023-002) is draft plan approved.

MORE INFORMATION

A copy of the by-law is 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 it.

LEGAL NOTICE

Section 34 of the *Planning Act*:

Individuals, corporations and public bodies who made oral or written submissions to Council prior to the passage of the by-law may appeal the by-law to the Ontario Land Tribunal in respect of the by-law by filing a Notice of Appeal no later than the **7th day of September, 2023** with the Clerk. The appeal must set out the objection to the by-law and the reasons in support of the objection, 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 passage of the by-law may appeal the 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 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.

Dated at the City of Niagara Falls this 18th day of August, 2023.

Andrew Bryce, MCIP, RPP
Director of Planning
City of Niagara Falls
4310 Queen Street, P.O. 1023
Niagara Falls, ON L2E 6X5