



## NOTICE OF DECISION TO REFUSE AN OFFICIAL PLAN AMENDMENT BY THE CITY OF NIAGARA FALLS

**City initiated Amendment for Employment Lands Conversion  
Fraser Street, west of Stanley Avenue and lands east of Fourth Avenue, north of Hamilton Street  
Official Plan Amendment No. 157**

TAKE NOTICE that on the 15th day of August, 2023, the Council of the Corporation of the City of Niagara Falls refused a request to amend its Official Plan under Section 22 of the *Planning Act*.

### PURPOSE AND EFFECT

The City of Niagara Falls initiated an amendment to the City's Official Plan to consider the conversion of two subject sites of employment lands to a non-industrial use. The two sites are in the vicinity of the Gale Centre and, more specifically, are on lands centred around Fraser Street west of Stanley Avenue and lands east of Fourth Avenue, north of Hamilton Street. For the most part, these sites contain land uses (primarily residential) that do not conform to the Industrial designation in the City's Official Plan.



In response to development inquiries, staff commissioned a review of the current Industrial designation in this area to determine whether the potential conversion to a non-industrial use was appropriate and justified. The lands are currently designated Industrial as shown in the City's Official Plan. An amendment was initiated to formally determine if the potential conversions to a non-industrial use, (i.e. Residential) was appropriate. Council received oral and written comments regarding potential land use conflicts with nearby industrial uses.

The reason for Council's refusal is that Council is of the opinion that the proposed amendment is not compatible with the surrounding area land uses.

## **LEGAL NOTICE**

The Minister may appeal Council's refusal of the Official Plan Amendment to the Ontario Land Tribunal by filing a Notice of Appeal no later than **18th day of September, 2023** with the Clerk. The appeal must set out the objection to the Official Plan Amendment and the reasons in support of the objection(s), together with the Ontario Land Tribunal filing fee of \$1,100.00 for each application in the form of a certified cheque or money order, made payable to the Minister of Finance.

No person or public body shall be added as a party to the hearing of the Appeal unless, before a decision was made regarding the Official Plan Amendment, 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, 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 28th day of August, 2023.

Andrew Bryce, MCIP, RPP  
Director of Planning  
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