



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
SPECIAL COUNCIL AGENDA**

Monday, February 10, 2025, 7:30 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

NOTE TO MEMBERS OF THE PUBLIC: All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

Pages

1. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

3. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Requests to address items on the agenda are restricted to specific items as follows per Section 6.7 of the Procedural By-law:

6.7 Public Comment at Council:

There shall be no comments from the public permitted at Council unless:

- (a) a specific appointment has been scheduled; or,
- (b) an item is included under the "Other Business" or "Communications" or "Appointments" section of the agenda and relates to a matter which would normally be dealt with at Committee.

Chair to inquire if there are any members of the public present who wish to address a specific item on the agenda as permitted by Section 6.7 of the Procedural By-law.

4. APPOINTMENTS/PRESENTATIONS

There are no appointments/presentations.

5. COMMUNICATIONS

There are no Communications.

6. OTHER BUSINESS

There are no items of other business.

7. NEW ITEMS OF BUSINESS

NOTE: Only for items that require immediate attention/direction from Council and must first approve a motion to introduce a new item of business.

8. CONFIDENTIAL MATTERS

There are no confidential matters.

9. DISCLOSURE OF CONFIDENTIAL MATTERS

10. BY-LAWS

Moved By Councillor Joann Chechalk

1. That leave be granted to introduce By-Laws 2025-04, 2025-05, and 2025-06 and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
2. That the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

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|------|---|---|
| 10.1 | BY-LAW 2025-04
A By-Law to amend Zoning By-Law No. 2017-70, as amended, of the Township of West Lincoln. | 3 |
| 10.2 | BY-LAW 2025-05
An Interim Control By-law under section 38 of the planning act, r.s.o. 1990, c. p.13, as amended, regarding the use of lands, buildings and structures within the Hamlet of Fulton. | 6 |
| 10.3 | BY-LAW 2025-06
A By-Law to adopt, confirm and ratify matters dealt with by Council resolution. | 8 |

11. ADJOURNMENT

The Mayor to declare this meeting adjourned at the hour of _____.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2025-04

**BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 2017- 70,
AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN.**

WHEREAS the Township of West Lincoln Council is empowered to enact this by-law by virtue of the provisions of section 34 and 39 of the planning act, 1990.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:

1. That Schedule 'A' Map 'A2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 8, Part Lot 34 and 35, municipally known as 9127 Regional Road 20 ("Subject Lands"), shown on Schedule 'A', attached hereto and forming part of this by-law; and,
2. That Schedule 'A' Map 'A2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands as shown on Schedule 'A' of this By-law from Agricultural Zone A (T-13) Zone to a site specific Agricultural zone with a temporary use number A(T-15); and,
3. That for the purpose of this By-law, a temporary outdoor storage area for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres) and for a period not to extend beyond four (4) months from the date this By-law is passed ("Expiry Date"), to allow for the orderly removal of the existing rain barrels and no additional barrels are permitted on the Subject Lands; and,
4. That Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3:

Temporary Use Provision	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-15	A2	A	Concession 8, Part Lot 34 and 35	<i>Temporary Outdoor storage of rain barrels/ composters to allow for the orderly removal of barrels by the Expiry Date of this Bylaw.</i>	As per the parent zone, limited to and area of 0.97 hectares, subject to a Temporary Use Agreement and that no additional barrels be permitted and that the owners upon approval of the bylaw present to the Fire Department a contingency firefighting plan within 14 calendar days of the passing of this bylaw.	February 10, 2025	June 10, 2025

5. That all other provisions of By-law 2017-70, as amended continue to apply; and,
6. That the Owner and Tenant of the Subject Lands are required to enter into an agreement, containing the conditions of this Temporary Use; and
7. That this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
10 DAY OF FEBRUARY, 2025**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2025-04

Location:

This By-law involves a parcel of land legally known Concession 8; Part Lot 34 and 35, municipally known as 9127 Regional Road 20, Township of West Lincoln, Regional Municipality of Niagara.

Purpose & Effect:

Temporary Use By-law for outdoor storage for the rain barrels/composters with the site specific provision for the outdoor storage area for rain barrels/composters not to exceed 9,712.45 square metres (0.97 hectares/2.4 acres) for a period not to extend four months beyond the date of the passing of this By-law, in order that the existing rain barrels may be removed and the site restored to its original condition.

Public Consultation:

The Public Meeting was held on January 13, 2025. All written and oral comments have been considered in the making of the decision by Council.

File: 1601-010-23

Applicant: Larry Pomerantz (Agent) and Giovanni Diflavio (Owner)

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2025-05

BEING AN INTERIM CONTROL BY-LAW UNDER SECTION 38 OF THE *PLANNING ACT*, R.S.O. 1990, C. P.13, AS AMENDED, REGARDING THE USE OF LANDS, BUILDINGS AND STRUCTURES WITHIN THE HAMLET OF FULTON.

WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or in any defined area or areas thereof;

AND WHEREAS on November 25, 2024, the Council of the Corporation of the Township of West Lincoln passed a resolution directing staff to undertake a review of its land use planning policies pertaining to the properties described as follows: 1. Concession 8, Part Lot 34, In the former Township of South Grimsby being PIN 46057-0377(LT); 2. 9127 Regional Road 20 being PIN: 46057-0061(LT); 3. Concession 8, Part Lot 35, former Township of South Grimsby being PIN: 46057-0159(LT); and, 4. 2931 South Grimsby Road 19 being PIN: 46057-0055(LT), in the Township; and to develop appropriate policies and regulations to manage and control the future growth and development of these lands;

AND WHEREAS the Council of the Township of West Lincoln has deemed it necessary and expedient to pass this interim control by-law to provide the Township with the time to undertake the review of land use planning policies and regulations pertaining to future employment land uses;

AND WHEREAS the interim control by-law will restrict the use of these lands as shown on Schedule A attached, for the future land use of the Fulton Rural Employment Area for a period of one (1) year, pending the completion of the review of its land use planning policies and regulations.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That for the purpose of this By-law:
 - a) "Interim Control Area" shall mean properties described as 1. Concession 8, Part Lot 34, In the former Township of South Grimsby being PIN 46057-0377(LT), 2. 9127 Regional Road 20 being PIN: 46057-0061(LT), 3. Concession 8, Part Lot 35, former Township of South Grimsby being PIN: 46057-0159(LT), & 4. 2931 South Grimsby Road 19 being PIN: 46057-0055(LT); and,
2. That the provisions of this By-law shall apply to the Interim Control Area; and,
3. That notwithstanding any other By-law to the contrary, no person shall within the Interim Control Area:
 - a) Use any land, building or structure for any use other than a use that lawfully existed on the date of the passage of this By-law as long as it continues to be used for such purpose; or
 - b) Be permitted to construct, alter or expand any building or structure except where a Building Permit application filed in accordance with the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, was complete on or before the date of the passage of this By-law; and,

4. That if any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law; and
5. That this By-law shall come into effect and force immediately upon its passing by Council and shall be in effect until 11:59 pm local time on February 23, 2026 unless otherwise extended in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
10 DAY OF FEBRUARY, 2025**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2025-06

**A BY-LAW TO ADOPT, CONFIRM AND RATIFY
MATTERS DEALT WITH BY COUNCIL RESOLUTION**

WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(1), provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(3) provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 11(2) of the said Act provides that a lower tier municipality may pass by-laws respecting matters within the spheres of jurisdiction as set out in the said Act;

AND WHEREAS in many cases, action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, the actions of the Council at its regular meetings of February 10, 2025 in respect of which recommendations contained in the reports of the committees considered at each meeting and in respect of each motion, resolution and other action taken by the Council at its meeting are, except where the prior approval of the Ontario Land Tribunal or other authority is required by law, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. That, where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Council in the above mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. That, the Mayor and the proper officers of the Corporation of the Township of West Lincoln are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and, except where otherwise provided, the Mayor, Clerk, and/or the Administrator are hereby directed to execute all documents necessary on behalf of the Corporation of the Township of West Lincoln and to affix thereto the corporate seal of the Corporation of the Township of West Lincoln.
4. That, this By-law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
10 DAY OF FEBRUARY, 2025.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK