



1593 Four Mile Creek Road
P.O. BOX 100, Virgil, ON L0S 1T0
905-468-3266 • FAX: 905-468-2959

www.notl.com

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Special Event Permit Policy and Process Review
DATE: 2024-07-30
REPORT #: CAO-24-032
PREPARED BY: CAO and Senior Leadership Team
DEPARTMENT: CAO/Administration

BACKGROUND INFORMATION

The Town of Niagara-on-the-Lake values the vibrancy and completeness of our community, as highlighted in our Strategic Plan. Special events play a crucial role in celebrating our heritage, fostering community spirit, and enhancing the quality of life for our residents and visitors. These events contribute significantly to our local economy, cultural richness, and the overall sense of belonging within our Town.

The purpose of this report is to provide Council with background information on how Staff administer the special event permit process, and to provide information about Staff's intended review to improve and modernize the process going forward.

While this review will consider how the Town deals with all special events across the municipality, including events on public, private and agricultural properties, there has been a growing need to review the process for special events occurring at the estate wineries throughout our agricultural area.

Special Event Policy CS-CL-014

The Special Event Policy was endorsed by Council in September 2013. The policy clarified the obligations and procedures for obtaining a Special Event Permit within the Town. In 2013, the Town also passed a Zoning By-law Amendment to include the definitions for Outdoor Event and Special Event.

The Special Event Policy defines a special event as an event that may occupy all or part of Town-owned property or result in the disruption of the local flow of traffic. A special event may be defined as, but not limited to, a parade, festival, filming, bicycle race/tour, running event, procession, walk-a-thon, or any other activity that may have any of the following components:

1. Street closures
2. Fireworks or pyrotechnics
3. Live entertainment
4. Temporary structures/tents
5. Service of food or alcohol
6. Large volumes of vehicular or pedestrian traffic

The above policy is applied to all types of events, including:

- One-time events (Ex. 13 for 13 Canada Summer Games)
- Annual festivals (Ex. Peach Festival)
- Weekly events or frequently occurring events during the Spring/Summer season (Ex. Supper Markets)
- Re-occurring events (Ex. Concert Series)

Current Process for Obtaining a Permit

To clarify the internal review process, Staff has summarized the steps as follows.

Step 1: The Special Event Application is received by the Clerks Division and is reviewed for completion.

Step 2: The application is distributed for review by the following divisions: Bylaw, Building, Zoning, Fire, Parking, Roads, Parks and Recreation, Clerks and Transit.

Step 3: Any clarification or concerns that were noted during the review process are communicated to the applicant by the Clerks Division.

Step 4: After the Special Event Application has received approvals from all divisions, the Clerks Division issues a Special Event Permit and provides it to the applicant via email along with any event-specific criteria.

The Service of Alcohol

As part of the AGCO permitting process, applicants wishing to serve alcohol at special one-time public events send notification letters to the local municipal authority. This may include departments or divisions such as the Clerks Division, Fire Department, Building Division, and health or police services. Detailed sketches often need to be submitted and reviewed by staff, which can include plans for operating under tents in roped-off areas. Town staff review the plans to ensure scene safety. After these reviews, letters of support may be provided, which can include details on occupancy limits and confirmation of the appropriate number of washrooms and exits. For certain events, a municipal resolution may be required to obtain a municipal significance letter to satisfy the requirements of the AGCO.

Fireworks

Individuals looking to have fireworks at their events must comply with Federal Regulations. Municipal Fire Departments have primarily been given the authority to have jurisdiction responsibilities. Applicants must submit site plans, product lists, event descriptions, emergency procedures, fall-out zone information, and any other relevant information to that specific event to the local authority. The local authority reviews the application against the federal requirements and approves the event if compliant. These approvals are needed prior to any fireworks vendor being able to purchase the product.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The Town's Official Plan includes Policy 6.31 regarding the direction of special events:

6.31 SPECIAL EVENTS

Nothing within any designation's policies shall be interpreted as permitting any special event that is not directly related to the dominant use of the site unless approved through an amendment to the zoning by-law or a temporary by-law. This policy applies to a variety of events including motor vehicle racing, rock concerts, music or other festivals. Special events shall expressly not be permitted where in the opinion of the Council the event will create a nuisance, be offensive or incompatible with surrounding uses. The requirement for an amendment does not apply to a special event in association with a main use or secondary use permitted in any designation provided that the proponent has received the permission of the Town in advance of the event. The Town reserves the right to refuse permission or limit the event where the Town is of the opinion that the event will create a nuisance, be offensive or incompatible with surrounding uses.

Based on the above policy, the Town considers special events through the special event policy. In particular, the wording “*the requirement for an amendment does not apply to a special event in association with a main use or secondary use permitted in any designation provided that the proponent has received the permission of the Town in advance of the event*” provides the direction to utilize the special event permit process.

Town of Niagara-on-the-Lake Zoning By-laws

The Town currently has two Zoning By-laws in effect – 4316-09, as amended, for the urban area, and 500A-74, as amended, for the rural area. A copy of the zoning provisions for wineries is attached to this report as **Appendix I**.

The Zoning By-law includes definitions regarding events:

EVENT, OUTDOOR means an event held in the open air for profit or non-profit; but does not include a special event as defined herein and shall not include garage sales, yard sales, flea markets or other occasional uses. *(as amended by 4316AR-13)*

EVENT, SPECIAL means an event that may occupy all or part of a privately owned property or Town-owned property and may result in the disruption of the local flow of traffic. A special event may include a parade, festival, filming, running event, procession or any other activity that includes one or more of the following: *(as amended by 4316AR-13)*

- (a)* Street closures
- (b)* Fireworks or pyrotechnics
- (c)* Live entertainment
- (d)* Temporary structures or tents
- (e)* Service of food or alcohol
- (f)* Large volumes of vehicular or pedestrian traffic
- (g)* Parking demand in excess of on-site capacity
- (h)* Service of food, including mobile food trucks

A special event shall not include garage sales, yard sales, flea markets or other occasional uses. A special event shall be counted as an outdoor event for the purposes of this by-law.

The Zoning By-law does not include any additional general provisions or specific directions for special events.

The Zoning By-law allows for two types of wineries: Farm and Estate.

Farm wineries are small-scale operations with secondary uses limited to the retail sale of wine. No hospitality uses would be permitted through the zoning for this use.

Estate Winery is defined in 500A-74 to mean a lot on which buildings and structures are used for the making of wines produced from locally grown fruits and subject to the following criteria:

- (1) all wines produced shall be made from locally grown fruit;
- (2) all wines produced are to be from locally grown fruit crushed and fermented on site;
- (3) all Estate Wineries shall have the capability to bottle all the wine produced on site.

Estate wineries are only permitted through a Zoning By-law Amendment process and may have secondary uses, such as hospitality space. The Zoning By-law limits the maximum floor area for all secondary uses (total and per individual use); however, many estate wineries establish their site-specific areas through the amendment process. Supporting information for the amendment must include a review of the Ministry of Agriculture, Food and Rural Affairs guidelines on permitted uses in Ontario's prime agricultural areas.

Zoning By-law 4316-09 defines Estate Winery as a use on an agricultural operation in which buildings and structures are used for the making of wine produced from locally grown fruits.

The provisions for estate wineries are different in 4316-09 and 500A-74. Since Zoning By-law 4316-09 is a newer by-law, it includes general provisions for the newer requests for indoor and outdoor hospitality space; including, for example, limitations to the number of events and the size of events. Zoning By-law 500A-74 deals with site specific zoning for on-farm diversified uses on properties. Properties that have had a site-specific zoning prior to 2013 utilize the special event permit process for events outside of their hospitality area.

By-law Enforcement

Municipal By-law Enforcement staff receive inquiries related to special events. These inquiries are primarily regarding permission to host the event. Through the current process, Staff will typically be aware of the event and can confirm awareness based on the special event permit. If no permit has been issued, an educational approach is provided to the host, informing them they should be requesting a special event permit.

Complaints received related to By-law infractions during special events are minimal. Occasionally, a complaint about noise will be received, but most events are not spontaneous, and the surrounding community is aware the noise will be heightened at the event several days, if not weeks, ahead of time.

Road Map for Modernization Review

Subject to Council's direction and feedback, a work plan will be provided to Council in a report to the September Committee-of-the Whole General meeting, including undertaking a phased approach to the review of the special event permit process to consider the matter in a broad holistic manner:

- **Phase 1: Preparation** – Immediately/September 2024
 - Provide notice to all groups who received a special event permit over the last 24 months to advise of the review
 - Establish a project charter, set scope, timeline and any budget considerations
 - Return to Council with a work plan
- **Phase 2: Outreach and Engagement** – Q4 2024/Q1 2025
 - Prepare a Communications Plan
 - Connect with community partners – NOTL Chamber of Commerce, Niagara Grape Growers, etc.
 - Consider outreach opportunities, i.e. survey, focus groups, etc.
- **Phase 3: Data Collection and Analysis** – Q4 2024/Q1 2025
 - Prepare an inventory of special event locations with detail of site-specific permissions
 - Review trends with the special event permit process over the last five years
 - Trends, including the number of events on private property versus public property
 - Review of By-law complaints/service requests
 - Municipal best practices scan
- **Phase 4: Finalization and Implementation** – Q2 2025
 - Identify quick wins and, potentially, longer term actions
 - Consider improvement opportunities for implementation
 - Update the special event policy and consider a special event by-law for implementation as directed by Council
 - Zoning By-law Amendment
- **Phase 5: Evaluation and Continuous Improvement** - Ongoing
 - Establish a monitoring and reporting mechanism

Considerations for the review

- **Clarity to the process:** The revised policy should focus on ensuring clarity and transparency for the special event procedures and the expectations of the applicant when applying. This transparency and clarity will also assist with community inquiries.
- **Streamline process:** Outlining expectations of submission upfront so that the applicant is providing all the required information through application materials. Ensuring a consistent and reasonable amount of review time prior to the event.
- **Cost recovery:** Without proper administration fees, municipal taxes cover the cost of the permit review. The cost should be allocated to that individual. Exemption may be granted on a case-by-case basis at the will of Council.
- **Enforcement:** Review of the data, regular monitoring and capacity requirements will all be important to inform a future enforcement strategy.

Connection to Council's Strategic Plan

Planning for Progress Initiatives

- **Winery Policy Review:** The Community Development and Services (CDS) Planning Division will lead a comprehensive review to balance winery viability, on-farm diversified uses, and the protection of sensitive areas. This extensive evaluation may require a consultant.

Economic Development and Community Partnerships

- **Special Events:** Special events play a critical role in attracting and retaining businesses by fostering a diverse economic climate and drawing various demographics and experience seekers. These events contribute to a vibrant community and help promote Niagara-on-the-Lake as a desirable destination.
- **Ongoing Communication and Collaboration:** Regular stakeholder meetings will be established to maintain open lines of communication and collaboration. This ongoing dialogue will help identify and address any challenges related to the permitting process in real time, ensuring continuous improvement and responsiveness.

Strategies and Masterplans

- **Tourism Strategy:** Events support the tourism economy by providing diverse experiences that attract different demographics and experience seekers to the community, encouraging longer stays. This aligns with the Town's goal to optimize experience corridors and product clusters, such as cultural events supporting arts, heritage, and historical experiences.
- **Resident and Stakeholder Outreach:** Engaging and educating the community on the economic benefits and impact of special events and tourism is essential. This outreach helps build support and understanding among residents and stakeholders.
- **Streamlined Permitting Process:** Simplifying the permitting process for businesses and event organizers is crucial for optimizing organizational excellence. Clear guidelines and checklists for special event permits will ensure that organizers understand the requirements and process, reducing bureaucratic hurdles and improving customer service. Lean methodologies will be used to set clear expectations between event applicants and the Town, such as timely responses to permit requests, promoting efficiency and minimizing waste.
- **Data and Insight Gathering:** Festivals and events provide valuable opportunities to gather data and insights that can inform future product development, investment attraction, infrastructure development, and marketing efforts. This data-driven approach supports informed decision-making and strategic planning.

By aligning with Council's Strategic Plan, these initiatives will contribute to optimizing organizational excellence and enhancing customer service, ensuring that the Town continues to thrive as a vibrant and complete community.

NEXT STEP / CONCLUSION

Staff will return to Council in September with a detailed work plan for review of the special event policy and associated implementing documents. In addition, a robust engagement strategy, with the recommended methods of engagement, will be provided.

Given the nature of special events and the number of inquiries received regarding this topic, Staff consider it important to provide this summary to add clarity to the current process. It is also important to ensure there is a significant amount of notice for the review for those who currently request and receive special event permits. This approach will help stakeholders understand the upcoming changes and prepare adequately, ensuring a smooth transition and continued compliance.

ATTACHMENTS

- Appendix I – Current Special Events Policy, September 2013
- Appendix II – Summary of winery policies