



AGENDA
Strategic Priorities Committee

May 21, 2019

9:00 am

Council Chambers, Town Hall
175 Queen Street East, St. Marys

Pages

1. **CALL TO ORDER**
2. **DECLARATIONS OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF THE AGENDA**

RECOMMENDATION

THAT the May 21, 2019 Strategic Priorities Committee agenda be accepted as presented.

4. **DELEGATIONS AND PRESENTATIONS**

None.

5. **STRATEGIC PRIORITIES REVIEW**

5.1 PW 31-2019 Strategic Asset Management Policy

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RECOMMENDATION

THAT PW 31-2019 Strategic Asset Management Policy be received for review and direction; and

THAT the Strategic Priorities Committee recommend to Council:

THAT Council approve and adopt the Strategic Asset Management Policy.

5.2 COR 16-2019 Municipal Alcohol Policy

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RECOMMENDATION

THAT COR 16-2019 Municipal Alcohol Policy be received; and

THAT the Strategic Priorities Committee provide staff with feedback and direction on the Municipal Alcohol Policy.

5.3 DEV 37-2019 Secondary Access Requirements for Development in the Town of St. Marys

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RECOMMENDATION

THAT DEV 37-2019 regarding secondary access requirements in St. Marys be received; and,

THAT the Strategic Priorities Committee recommend to Council that the Town:

- a. As part of the Official Plan review, remove the secondary public road access policy requirement for new development or redevelopment proposing more than 30 dwelling units or infilling in areas that currently exceed 30 units.
- b. Maintain policies in the Official Plan and regulations in the Zoning By-law restricting new development, infilling and intensification in the area north of Trout Creek and bounded by the CNR track until a suitable secondary access point is established.

RECOMMENDATION

THAT DEV 36-2019 regarding building heights in St. Marys be received for discussion and direction to staff for the Official Plan review.

6. NEXT MEETING

June 18, 2019 - 9:00 am, Council Chambers

Planned Topics:

- Official Plan Review
 - Discussion of growth rate target
 - Review of properties to increase development land stock to achieve new growth targets

7. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Strategic Priorities Committee adjourn at _____ pm.

FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Jeff Wolfe, Asset Management and Engineer Specialist
Date of Meeting:	21 May 2019
Subject:	PW 31-2019 Strategic Asset Management Policy

PURPOSE

The purpose of this report is to present the Strategic Priorities Committee with the final draft of the Strategic Asset Management Policy for the Town of St. Marys. It is staff's goal for the Committee to review and provide input into the Policy so that final consideration of the Policy can be completed at the June 11, 2019 Council meeting.

RECOMMENDATION

THAT PW 31-2019 Strategic Asset Management Policy be received for review and direction; and

THAT the Strategic Priorities Committee recommend to Council:

THAT Council approve and adopt the Strategic Asset Management Policy.

BACKGROUND

The Town of St. Marys has a comprehensive asset management plan which was written in 2016. The Town has utilized asset management practices for many years, but the Town's formal asset management program started in 2009 with the introduction of PSAB for municipal accounting. Since that time, the Town's asset management program has evolved to meet various provincial grant funding program requirements. In 2015, the Province of Ontario created the *Infrastructure for Jobs and Prosperity Act* to encourage principled, evidence based and strategic long term infrastructure planning that supports job creation and training opportunities, economic growth and protection of the environment, and incorporate design excellence into infrastructure planning.

In 2017 the provincial government passed *O.Reg. 588/17 Asset Management Planning for Municipal Infrastructure* under the *Infrastructure for Jobs and Prosperity Act*. The new regulation introduced various requirements for municipal asset management planning in Ontario and provided deadlines for municipalities to adopt the new requirements. The first requirement is for municipalities to adopt a Strategic Asset Management Policy by July 1, 2019.

Future requirements and deadlines of the regulation that are applicable to St. Marys include;

- July 1, 2021: Developing and Publishing Existing Levels of Service for Core Assets
- July 1, 2023: Developing and Publishing Existing Levels of Service for All Assets
- July 1, 2024: Developing and Publishing Proposed Levels of Service for All Assets

REPORT

The Town has not previously adopted a Strategic Asset Management Policy for its asset management program, instead relying on direction from other documents such as the Town's Tangible Capital Asset Policy, Strategic Plan, Master Servicing Study, and various other corporate planning documents. The fact that the requirement for a policy has become a legislative obligation is inconsequential, as the Town is currently at a point in its asset management program where the need for a strategic policy would have been brought forward anyway.

Some municipalities opted to hire a consultant to assist with the development of a policy to meet the regulatory requirements. This option was reviewed but after the success of internal staff developing the Pyramid Recreation Centre Business Plan, and with the amount of supporting information available, it was determined that staff had the resources to complete the work, and would ultimately have more ownership and a better grasp of the policy if it was developed internally.

Staff created a working group comprised of the CAO, Treasurer, Director of Public Works, Director of Building and Development and the Asset Management/Engineering Specialist. The Municipal Finance Officers' Association of Ontario (MFOA) published a guidance document to assist municipalities develop their policies internally while ensuring that all of the regulatory requirements are met. The working group utilized the MFOA guidance document as a starting point for discussions and for the structure of the policy. Some aspects of the policy are specific requirements of the regulation, while other aspects build off of the minimum requirements and are adjusted to meet the unique needs of St. Marys. The working group held three sessions from November to February with revisions and updates made based on each discussion. The final draft was then reviewed by the Senior Management Team prior to being presented to the Strategic Priorities Committee. The resulting final draft policy document is comprehensive, compliant with the regulator requirements, ties back to the Town's Strategic Plan, and provides action items moving forward.

It is important to note that the draft policy as well as the Town's asset management plan speak of "core assets" as defined by provincial legislation. This definition includes assets related to the provision of services such as roads, drinking water, wastewater, storm water and bridges. The Town is currently in the process of developing a "Core Services" review, which will include services and associated assets which differ from the provincial definition.

FINANCIAL IMPLICATIONS

The development of the policy was completed in-house and therefore had no budgetary impact during its creation. The policy itself will formally create a framework for the Town to deliver its asset management program in the future. This will have a significant impact on future operational and capital project decision making as the Town works towards creating a sustainable delivery of services through Town owned infrastructure.

SUMMARY

The Town is legislatively required to adopt a Strategic Asset Management Policy by July 1, 2019. Staff created a Strategic Asset Management Policy in-house via a working group. The attached policy meets the requirements detailed in *O.Reg. 588/17* while also considering the unique needs of St. Marys.

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
 - Pillar #1 Infrastructure:
 - Outcome: Developing a comprehensive and progressive infrastructure plan.
 - Pillar #2 Communication and Marketing:

- Outcome: St. Marys is committed to engaging and informing residents as stakeholders in key decisions.

OTHERS CONSULTED

Strategic Asset Management Policy Working Group

ATTACHMENTS

Town of St. Marys Draft Strategic Asset Management Policy

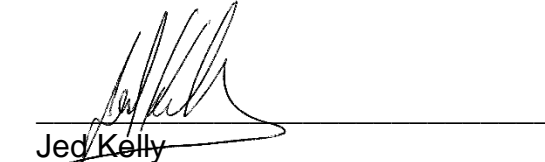
REVIEWED BY

Recommended by the Department



Jeff Wolfe

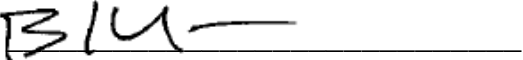
Asset Management/Engineering Specialist



Jed Kelly

Director of Public Works

Recommended by the CAO



Brent Kittmer

CAO / Clerk



Strategic Asset Management Policy

Section 1. Vision

The Town's vision is to develop and maintain a comprehensive, progressive and sustainable infrastructure plan that meets the infrastructure needs of today and tomorrow. This will require the proactive management of assets while being flexible to respond to anticipated socio-economic changes. It is the Town's vision to develop a plan that best serves the Town's objectives, including:

1. Effectively delivering services through asset lifecycle management;
2. Creating infrastructure sustainability by balancing service levels, citizen expectations, the cost of service delivery and the actual needs of existing and future assets;
3. Supporting sustainable growth and economic development;
4. Maintaining prudent financial planning and decision making; and
5. Engaging internal and external stakeholders in the infrastructure management process.

Section 2. Policy Goals

The objectives of the policy are to:

1. Provide a framework for implementing asset management to enable a consistent and strategic approach at all levels of the organization;
2. Provide guidance to staff responsible for asset management;
3. Identify the tactics in an action plan required to achieve the desired policy statements; and
4. Developing a performance measurement system.

Section 3. Strategic Alignment

The Town Vision to develop and maintain a comprehensive, progressive, and sustainable infrastructure plan requires alignment of the many initiatives underway in the organization at any given time in order for it to be achieved. This alignment is necessary to properly consider whether the level of service provided by the existing and planned assets is congruent and supports the vision.

Asset management planning, therefore, will not occur in isolation from other municipal

goals, plans, and policies. Rather, an integrated approach will be followed to successfully develop a practical asset management plan that aligns with the overarching accountabilities and aspirations of the St. Marys community. The elements within the asset management planning approach refocuses the Town to the goals described within the municipal documents, including but not limited to:

- The Official Plan
- The Strategic Plan
- Existing and Future Financial Plans
- The Emergency Management Plan
- The Master Servicing Plan
- The Recreation and Leisure Plan
- The Development Charges Background Study
- The Pyramid Recreation Centre Strategic Business Plan
- The Energy Conservation and Demand Management Plan
- The Corporate Communications Plan
- The Culture & Tourism Plan
- The Other Various Functional Master Plans

Action Items	Timeframe
During development of new or revised strategic corporate planning documents, integrate connectivity and alignment to the Town's asset management plan.	Long Term

Section 4. Guiding Principles

The Town shall adopt the following principles in managing its infrastructure assets:

Forward Looking

The Town shall take a long-term view while considering demographic and economic trends in the region.

Budgeting and Planning

The Town shall take into account any applicable budgets or fiscal plans, such as fiscal plans released under the following:

1. Fiscal Transparency and Accountability Act, 2004; and
2. Budgets adopted under Part VII of the Municipal Act, 2001.



Prioritizing

The Town shall clearly identify infrastructure priorities which will drive investment decisions.

Economic Development

The Town shall promote economic competitiveness, productivity, job creation, and training opportunities.

Transparency

The Town shall be evidence-based and transparent. Additionally, subject to any prohibitions under an Act or otherwise legislated, by law, on the collection, use, or disclosure of information, the Town shall:

1. Make decisions with respect to infrastructure based on information that is publicly available or made available to the public; and
2. Share information with implications on infrastructure and investment decisions with the Government and broader public sector entities.

Consistency

The Town shall ensure the continued provision of core public services.

Environmentally Conscious:

The Town shall attempt to minimize the impact of infrastructure on the environment by:

1. Respecting and helping maintain ecological and biological diversity;
2. Augmenting resilience to the effects of climate change; and
3. Endeavoring to make use of acceptable recycled aggregates.

Health and Safety

The Town shall ensure that the health and safety of workers involved in the construction and maintenance of infrastructure assets is protected as outlined in associated legislation and the St. Marys Health and Safety Policies and Procedures.

Community focused

The Town shall promote community benefits, being the supplementary social and economic benefits arising from an infrastructure project that are intended to improve the well-being of a community affected by the project, including:

1. Local job creation and training opportunities (including for apprentices, within the meaning of section 9 of the Infrastructure for Jobs and Prosperity Act, 2015);
2. Improvement of public space within the community; and
3. Promoting accessibility for persons with disabilities



Innovation

The Town Shall create opportunities to make use of innovative technologies, services, and practices, particularly where doing so would utilize technology, techniques, and practices developed in Ontario.

Integration

The Town shall, where relevant and appropriate, be mindful and consider the principles and content of non-binding provincial or municipal plans and strategies established under an Act or otherwise, in planning and decision-making surrounding the supported infrastructure.

Customer Focused

The Town will have clearly defined levels of service, and apply asset management practices to maintain the confidence of customers in how the Town assets are managed. The Town will engage the Public through consultation as per the Stakeholder engagement section of this policy.

Service Focused

The Town shall consider all the assets in a service context and take into account their interrelationships opposed to optimizing individual assets in isolation.

Risk-based

The Town shall manage the asset risk associated with attaining the agreed levels of service by focusing resources, expenditures, and priorities based upon risk assessments and the corresponding cost/benefit, recognizing that public safety is the priority.

Value-based Affordable

The Town shall choose practices, interventions and operations that aim at reducing the lifecycle cost of asset ownership, while satisfying agreed levels of service. Decisions are based on balancing service levels, risks, and costs.

Action Items	Timeframe
Update the Consequence of Failure proxy values for core and general capital assets in the asset management plan so that Risk values generated by the asset management plan better reflect actual priorities.	Core Assets – Medium Term General Capital – Long Term
Commence data collection on general capital assets (ie. facilities) so that lifecycle events and major maintenance capital plans can be better predicted for assets that are not currently componentized in the asset management plan.	Short Term

Develop lifecycle strategies for Core and General Capital Assets so that full lifecycle costs can be understood at the time of new purchases, and so maintenance activities and their costs can be better anticipated.	Core Assets – Medium Term General Capital – Long Term
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Section 5. Capitalization Thresholds

The Town shall utilize a combined quantitative and qualitative approach to determining whether or not an asset will be included in the Towns Asset Management Plan. The Asset Management Policy applies not only to assets that meet the financial thresholds of the Town's Tangible Capital Assets Policy, but also to assets whose role in service delivery require deliberate management by the Town. This qualitative approach will result in some assets that were previously excluded from the Asset Management Plan being included in the future.

The Town owns some assets that do not perform a defined service but play an important role in the Town's heritage and require maintenance measures to preserve their historical importance. The Asset Management Policy will also apply to these assets.

Action Items	Timeframe
During preparation of the 2020 asset management plan update, update the asset repository to include previously excluded assets that did not meet the TCA policy for inclusion in the asset management plan.	Short Term

Section 6. Governance & Continuous Improvement

Governance

Council is entrusted with the responsibility of overseeing, on behalf of its citizens, a large range of services provided through a diverse portfolio of assets. Council, having stewardship responsibility, is the final decision maker on all matters related to asset management in the Town. Council, the Chief Administrative Officer (CAO) and the Town's Senior Management Team are committed to the success of asset management planning.

The various governance responsibilities within asset management planning are listed below:

Council

1. Approving by resolution the asset management plan and its updates every five years;

2. Conducting annual reviews of the management plan implementation progress on or before July 1 of every year; and
3. Supporting ongoing efforts to improve and implement the asset management plan.

Chief Administrative Officer (CAO)

1. The CAO is ultimately responsible for asset management planning across the municipality and maintaining compliance with the regulation.

Senior Management Team

1. Senior Managers are responsible for asset management planning activities that fall within their service area and responsible for support of others as required; and
2. Developing Capital and Operating budgets, preparation of best practices and data collection in their service areas.

Treasurer

1. Coordinate the implementation of the financial component of the Town's asset management program; and
2. Work with the Asset Management Specialist to develop and implement the Town's asset management program, including regular updates.

Asset Management Specialist

1. Coordinate the implementation of the technical component of the Town's asset management program;
2. Provide support to the Senior Management Team with condition assessments, benchmarking, best practices and developing initiatives to close process or data gaps; and
3. Updating the asset repository and preparing annual asset management plan updates in coordination with the Treasurer.

Continuous Improvement

Council's annual asset management reviews are the basis of the Town's approach for continually improving its methods and adopting appropriate practices. The annual review will be completed in consultation with Council. It will include:

1. Progress on ongoing efforts to implement the asset management plan and the anticipated progress to occur during the current calendar year;
2. Review of the previous year's capital and maintenance activities impact on asset management;
3. Consideration of the asset management policy;

4. Any factors affecting the ability of the Town to implement its asset management plan;
5. Consultation with department heads; and
6. A strategy to address these factors including the adoption of appropriate practices.

Onboarding of all new Town staff will include a minimum of awareness training of the Town's Strategic Asset Management Policy and Asset Management Plan. Roles with more involvement in asset management activities will receive more detailed training.

Action Items	Timeframe
Develop an on-boarding awareness training program for new recruits and build into the existing onboarding program.	Short Term
Present annual asset management plan update to Council by July 1.	Short Term

Section 7. Budgeting

The Town shall integrate findings from the asset management plans into the long-term financial planning and budgeting processes. Sound financial analysis will be encompassed in asset management planning in order for the asset management plan to be a sought after guide to employees in budgeting and financial planning. The financial strategy for each service area will be completed by a multi-disciplinary team that will include representative(s) from Finance and the concerned service area.

The asset management plan will be referenced by the service area staff in the preparation of their budget submission to help them:

1. Identify all potential revenues and costs (including operating, maintenance, replacement, and decommission) associated with forthcoming infrastructure asset decisions;
2. Identify the strategic alignment of the proposed new acquisitions with other municipal plans and policies and the anticipated impact on levels of service provided by the Town;
3. Evaluate the validity and need of each significant new capital asset, including considering anticipated lifecycle costs and the impact on future operating costs; and
4. Incorporate new revenue tools and alternative funding strategies where possible.

The department level budget submission prepared by each service area will be evaluated by the CAO, Treasurer and respective Department Head in the preparation of the Town's annual

budget. Capital budget items will also be reviewed by the Asset Management Specialist for comment.

The financial analysis used for the water and wastewater components of the asset management plan will align with existing financial plans related to water and wastewater assets. The analysis completed in each tangential document will reference the most up-to-date information from the same datasets, will be based on common methods, and will improve upon one another. The same requirements will apply to other municipal services that move towards self-funding through fees or rates.

Action Items	Timeframe
Update Capital Budget project detail sheets to include a more robust dialogue consistent with this policy to better inform Council of the lifecycle and service level impacts of a project.	Short Term
Host workshop with Senior Management Team prior to future annual budget preparation to outline new capital project sheet requirements.	Short Term
Complete a financial strategy for tax funded assets, reviewing funding requirements, options, and implementation strategies.	Short Term

Section 8. Community Planning

Asset management planning will be aligned with provincial land-use planning initiatives as well as the Town's Official Plan, Strategic Plan, Master Servicing Plan and Development Charges Background Study. The Asset Management Plan will reflect how the community is projected to change and the related asset impacts. To achieve this, those responsible for managing services impacted by development or redevelopment will:

1. Be consulted while the Official Plan, Master Servicing Study and Development Charges Study are being prepared;
2. Provide input to the analysis of future servicing costs; and
3. Provide written comment about the financial viability of development as it pertains to the service they manage.

Methods, assumptions, and data used in the selection of development or redevelopment initiatives documented in the Master Servicing Plan will be available in support of the production of asset management plans.

The Town's Strategic Plan

"St. Marys is committed to developing a progressive and sustainable infrastructure plan that meets the infrastructure needs of today and tomorrow."

Action Items	Timeframe
Update the development process to include reporting to Council on the anticipated impact of new development applications on the Towns asset management plan, the anticipated impact to levels of service and the future impact to operating and capital budgets so that Council can have a holistic understanding of the budgetary impacts of development.	Short Term

Section 9. Climate Change

Climate change will be considered as part of the Town's risk management approach embedded in local emergency and asset management planning methods. This approach will balance the potential cost of vulnerabilities to climate change impacts and other risks with the cost of reducing these vulnerabilities. The balance will be struck in the levels of service delivered through operations, maintenance schedules, disaster response plans, contingency funding, and capital investments. The Town's contribution to climate change through greenhouse gas emissions will be mitigated in accordance with its Energy Conservation and Demand Management Plan, financial capacity, and stakeholder support.

The Town's Strategic Plan

"St. Marys will approach infrastructure needs with a proactive plan and a view to the environment. An anticipatory approach to addressing infrastructure needs will become the norm."

Action Items	Timeframe
Update the Town's Energy Conservation and Demand Management Plan and the Town's Community Greenhouse Gas Emissions Plan.	Short Term
Give consideration to climate change during future asset repository updates including reviews of asset estimated useful life and lifecycle event activities and frequencies.	Long Term

Section 10. Stakeholder Engagement

The Town recognizes the residents and business institutions within its boundaries as stakeholders and neighboring municipal bodies, provincial agencies, and regulated utilities, as partners in service delivery. Accordingly, the Town will foster informed dialogue with these parties following the guidelines and strategies found in the Corporate Communications Plan and engage with them by:

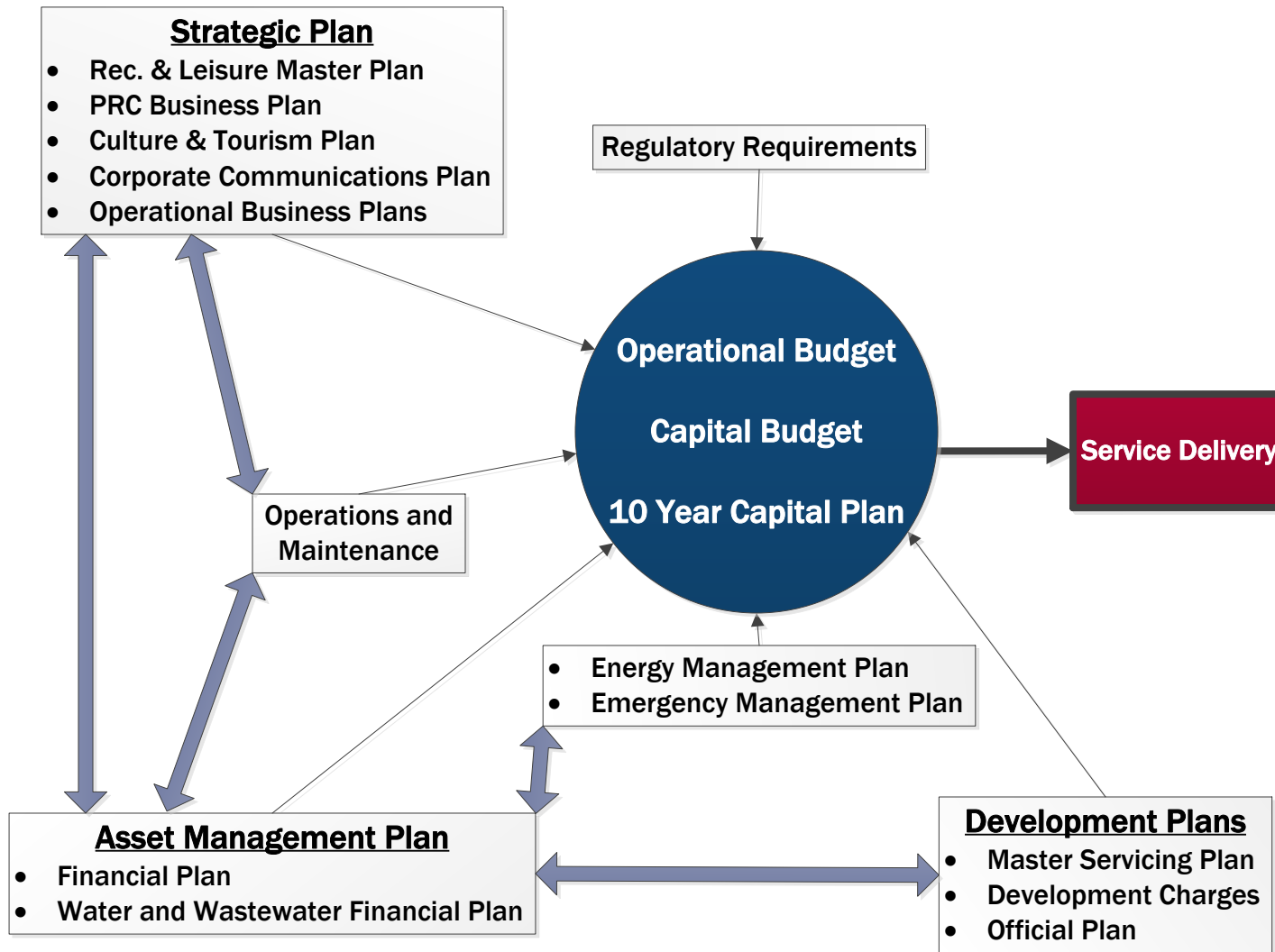
1. Providing opportunities for residents and other stakeholders served by the Town to provide input in asset management planning; and
2. Coordinating asset management planning with other infrastructure asset owning agencies such as municipal bodies and regulated utilities.

The Town's Strategic Plan

"St. Marys is committed to engaging and informing residents as stakeholders in key decisions. Communicating relevant municipal information, as well as soliciting input from residents, builds on a solid foundation of trust."

Action Items	Timeframe
Post annual updates of the Towns asset management plan on the Town website.	Short Term
Engage stakeholders and gather input when preparing the desired levels of service.	Mid-Term

Budgetary Inputs



FORMAL REPORT

To:	Chair Strathtee and Members of Strategic Priorities Committee
Prepared by:	Stephanie Ische, Director of Community Services and Trisha McKibbin, Director of Corporate Services
Date of Meeting:	21 May 2019
Subject:	COR 16-2019 Municipal Alcohol Policy

PURPOSE

The purpose of this policy is to ensure that there are clear and responsible guidelines to aid in the prevention of alcohol related problems, reduce risk of liability for the municipality and allow for the enjoyment of those utilizing municipal property.

RECOMMENDATION

THAT COR 16-2019 Municipal Alcohol Policy be received; and

THAT the Strategic Priorities Committee provide staff with feedback and direction on the Municipal Alcohol Policy.

BACKGROUND

At the October 11, 2016 meeting of Council the following motion was made:

Moved By Councillor Hainer

Seconded By Councillor Craigmile

Resolution 2016-10-11-29 *THAT staff be directed to update the Municipal Alcohol Policy to reflect current best practices in the industry.*

Carried

The Town's existing Municipal Alcohol Policy (MAP) was last updated in 1997. Requirements under the Liquor Licence Act and the Alcohol and Gaming Commission of Ontario have been amended and updated since that time.

The Alcohol and Gaming Commission of Ontario (AGCO) is responsible for administering the Liquor Licence Act (LLA) and specific sections of the Liquor Control Act (LCA), which together with the regulations made under them, establish the licensing and regulatory regime for most aspects relating to the sale and service of alcohol in Ontario.

Among its responsibilities in the alcohol sector, the AGCO oversees the administration of the Special Occasions Permit (SOP) program, which allows for the sale and service of alcohol on special occasions, such as bars at weddings or private receptions. An SOP is required any time alcohol is offered for sale or served anywhere other than a licensed establishment.

REPORT

The draft Municipal Alcohol Policy before SPC has been created to clearly align with the requirements of the Alcohol and Gaming Commission of Ontario, to establish the rights of the Town, and to clarify the responsibilities of event organizers who host events where alcohol is consumed. Procedures have been created to clearly outline roles, responsibilities, requirements and guidelines for third-party event organizers and both Town and third-party staff.

As the owner of these facilities the Town has a responsibility to ensure reasonable steps to protect the Municipality. As the LLA states any licensee or SOP holder may be held liable for damages so it is important to be fully versed in the requirements of this Act.

Municipal Alcohol Policies help to prevent the occurrence of alcohol related accidents and injuries on municipal property, as well as lessen the exposure of the municipality to liability arising out of the use of municipal facilities for alcohol related events.

In preparing this draft Policy, staff consulted directly with the Town's insurers, Frank Cowan Company. Risk Management Services at Frank Cowan provided staff with a review of the draft Policy and specific recommendations for content. They also provided staff with a MAP from another municipality that they recommend as a template as well as checklists for rental guidelines and liquor service. The insurer's recommendations have been included in the draft policy.

Upcoming Changes to the Liquor Licence Act of Ontario

The Ontario Government has announced changes to the provincial liquor laws that will take effect June 1, 2019. The relevant changes that affect the Municipality include:

- Festivals and events can designate larger areas beyond beer tents for customers to move around while holding alcoholic beverages
- Special events, including weddings and fundraisers, will be able to serve alcohol until 2:00 a.m. — a one-hour extension.
- Allow municipalities to legalize drinking in Parks

The municipality is anticipating detailed information from the Province on the specifics of how these changes will be regulated or administered by the municipality, and what regulations or requirements will need to be put in place. Once these new regulations become available they will be incorporated into the final version of the Municipal Alcohol Policy and be brought forward to Council for approval.

Current Licensing of Town Facilities

Section 5.1 of the draft Municipal Alcohol Policy speaks specifically to alcohol consumption on municipal property. The Liquor Licence Act of Ontario prohibits the consumption of alcoholic beverages in public places unless a licence or a Special Occasion Permit has been issued. In accordance with the Liquor Licence Act, the consumption of alcoholic beverages is prohibited in all areas owned or operated by the Town of St. Marys, including parks, trails, sports facilities, recreation facilities, cultural facilities and service facilities, unless specifically designated otherwise.

It is staff's recommendation, with content in the draft MAP reflecting this, that the Town does not themselves hold SOP's for events on or off Town property. For the Town to hold an SOP the liability falls specifically to the signature on the SOP, which for the municipality would be the Mayor and CAO. The personal liability to each of these individuals would be significant. If it was felt that alcohol should be served at an event run by the Town then another organization, such as the Kinsmen Club, may hold the SOP in their name and operate alcohol sales.

Those facilities currently designated for use under the authority of a Liquor Licence or Special Occasion Permit are:

Pyramid Recreation Centre - The Pyramid Recreation Center (PRC) has its own Liquor Licence. Should the Renter wish to use alcohol and service provided by the PRC, the Municipal Alcohol Policy does not apply. All regulations under the AGCO apply as a licenced facility. The Town's MAP and the AGCO's policies and regulations align, so there is no great difference between the two.

Lind Sportsplex - The Curling Club acquires their own Liquor Licence that is in effect when they have possession of the facility, which is regulated by the existing user agreement with the Town.

Canadian Baseball Hall of Fame & Museum – The Canadian Baseball Hall of Fame acquires their own Liquor Licence that is in their name and all regulations will apply through the AGCO.

All other municipal property may be eligible to receive Special Occasion Permits, held by a third-party organization, subject to approval of Council. No representative of the Town, including staff or member of Council, may hold a Special Occasion Permit in their name for a Town sanctioned event on municipal property.

Smart Serve & Event Workers

Anyone who is involved in the sale, service or sampling of liquor, or who takes orders for liquor from customers, must complete a training program approved by the AGCO Board. Smart Serve Ontario is approved by the AGCO Board to develop and provide the Smart Serve Responsible Alcohol Beverage Training Program, and is currently the only approved sales and service training program in province of Ontario. The AGCO and the Town's Insurer requires that all SOP holders take the Smart Serve Responsible Alcohol Beverage Service Training Program and hire a licensed caterer and/or servers who have this certification.

The Municipal Alcohol Policy also contains required Ratios of Event Workers. These ratios are based on recommendations from the Town's Insurance Company as well as reviewing ratios contained in other municipality's Municipal Alcohol Policies.

Required Ratio of Event Workers – All Smart Serve trained

	Minimum Number of Event Workers			
Number of Guests	Bartenders	Floor Supervisors	Door Supervisors	Ticket Sellers
Under 25	1	0	1	0
25 to 100	1	1	1	1
101 to 300	2	2	1	2
301 to 400	2	3	1	2
401 to 500	4	4	4	2
501 to 750	5	5	5	2
751 to 1300	8	6	6	2

The Municipal Alcohol Policy also includes requirements for security at events. The SOP Regulations of the Liquor Act states that:

22. (1) The permit holder shall provide security sufficient to ensure that unauthorized persons do not attend the event and to ensure that the conditions of the permit and requirements of the Act are observed. O. Reg. 389/91, s. 22 (1).

The ratio for determining when police officers or private security are required is based on best practices found in other municipality's Municipal Alcohol Policies. The Town's Insurer also advises that depending on the size of the event and the facility, that formal security and/or police presence should be required.

Officers/ Private Security are required 30 minutes before event and 1 hour after an event.

Security Requirements at Specific Events

The following situation requires off-duty police officers or a Town approved private security company as per schedule:

HALL/ARENA/OUTDOOR EVENT

Up to 200 people

201 – 500 people

501 – 800 people

801 – 1000 people

STAFFING REQUIREMENTS

2 Officers/ Private Security

4 Officers/ Private Security

6 Officers/ Private Security

8 Officers/ Private Security

FINANCIAL IMPLICATIONS

While there are no direct financial implications, the Municipal Alcohol Policy puts policy in place to mitigate the liability costs to the Town. If the serving and consumption of alcohol is not managed properly the Town is at a higher risk for liability and litigation costs.

SUMMARY

This report provides information to the Strategic Priorities Committee on the updating of the Town's Municipal Alcohol Policy. The Town's existing Municipal Alcohol Policy (MAP) was last updated in 1997. Requirements under the Liquor Licence Act and the Alcohol and Gaming Commission of Ontario have been amended and updated since that time, and the Town's existing Policy has not responded to these updates. The new policy presented to SPC includes best practices and risk management considerations.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

Jessica Jaremchuk, Frank Cowan Company
Mark Lavallee, Senior Compliance Official, AGCO
Senior Management Team

ATTACHMENTS

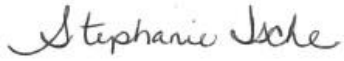
Municipal Alcohol Policy – Draft

Appendix A – Municipal Alcohol Policy Checklist

Special Occasion Permit Guide – Alcohol and Gaming Commission of Ontario

REVIEWED BY

Recommended by the Department

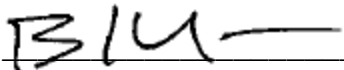


Stephanie Ische
Director of Community Services



Trisha McKibbin
Director of Corporate Services

Recommended by the CAO



Brent Kittmer
CAO / Clerk

Municipal Alcohol Policy

1.0 Policy Statement

The Municipality of the Town of St. Marys wants residents and visitors to enjoy the various facilities and parks available. In order for the Town to ensure the health and safety of its participants and protection of municipal facilities, a policy for orderly use of alcohol during events and functions has been developed.

2.0 Purpose

1. To provide appropriate and reasonable procedures and education to individuals or groups wishing to hold events on municipal property.
2. To encourage and enforce responsible drinking practices in compliance with the Alcohol and Gaming Commission of Ontario.
3. To reduce problems and liability associated with excessive alcohol use.
4. To be proactive in the reduction of incidents including injury and death through the implementation of a Municipal Alcohol Policy.
5. To honour the decision of abstainers not to drink alcohol and to encourage their participation by providing alternative, non-alcoholic beverages.

3.0 Scope

This policy outlines various stipulations and controls for events involving alcohol, including events with a Special Occasion Permit, liquor licensed events under a third party caterer's endorsement, and events with liquor service under the Town's liquor licence. Other stipulations and controls may be added depending on the details of the event.

This policy applies to all municipal premises, as defined herein. On properties leased to third parties, the tenant is responsible for compliance with all provincial and federal legislation and regulations.

4.0 Definitions

Alcohol and Gaming Commission of Ontario (AGCO)

The Alcohol and Gaming Commission of Ontario (AGCO) is a Provincial agency, established February 23, 1998 under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*. The Act gave the AGCO responsibility for the administration of the *Liquor Licence Act* and the *Gaming Control Act, 1992*. The AGCO is a regulatory agency that reports to the Ministry of the Attorney General. For more information go to www.agco.ca

Caterer's Endorsement

A liquor sales licence authorizing the applicant to sell and serve liquor for an event held on premises other than the premises to which the liquor sales licence applies.

Event

Any gathering held on municipal property where alcohol will be served and/or sold. They may include weddings, showers, dances, barbeques, birthday parties and any other event where alcohol will be served. The duration of the event includes event set-up, operation and clean-up. Events involving alcohol may be in a licenced municipal facility or under a Special Occasion Permit.

Event Organizer

Any person, who is 19 years of age or over, seeking to hold an event that involves the sale and/ or service of alcohol at municipal premises. The Event Organizer (which term shall include the SOP permit holder and any designate) is responsible for the safety and sobriety of people attending the event as well as compliance with this Municipal Alcohol Policy and the *Liquor Licence Act of Ontario* and its regulations at the event. **They assume responsibility and liability for the entire operation of the event.** The Event Organizer **MUST** read and sign the *Event Organizer Checklist for Liquor Licenced Events (Appendix A)* to indicate that they understand their responsibilities.

The Event Organizer and/or designate must attend the event for the entire duration including set-up prior to the event, clean-up after the event and be responsible for decisions regarding the actual operation of the event.

Event Organizer Designate - A designate is a person(s) appointed by the Event Organizer and acceptable to the Town, who is 19 years of age or over and who has satisfactorily proven to the Event Organizer that she/he will act in accordance with this policy. The Event Organizer can identify a designate to be present at the event when the Event Organizer is unable.

Event Worker

Any paid/volunteer person, who serves or sells liquor, or is involved in an event where alcohol is served on municipal property. All Event Workers have a responsibility in the operation of the event and shall not consume or be under the influence of alcohol for the entire duration of the event. All Event Workers must be trained by a recognized alcohol server training course, namely Smart Serve Ontario program. In addition to the Event Organizer, Event Workers may include the following:

Floor Supervisor/Monitors

A paid/volunteer person(s) appointed by the Event Organizer, who is over the age of 18 and who has satisfactorily proven to the Event Organizer that she/he will act in accordance with the MAP. A floor supervisor talks with participants, monitors patron behavior, monitors for intoxication and underage drinkers, responds to problems and complaints, assists door monitors when necessary, removes intoxicated persons, arranges safe transportation.

Door Monitor

A paid/volunteer person(s) appointed by the Event Organizer, who is over the age of 18 and who has satisfactorily proven to the Event Organizer that she/he will act in accordance with the MAP. A door monitor checks identification and for signs of intoxication, keeps out intoxicated and troublesome individuals, arranges for coat checking, monitors for those showing signs of intoxication when leaving the event, arranges safe transportation. This position may be fulfilled by security personnel from a licensed security company.

Server/Bartender

A paid/volunteer person(s) appointed by the Event Organizer, who is over the age of 18 and who has satisfactorily proven to the Event Organizer that she/he has been trained by a recognized alcohol server training course namely Smart Serve Program. A server accepts tickets for the purchase of alcoholic drinks, serves drinks, monitors for intoxication and underage drinkers, refuses service when a patron appears to be intoxicated or near intoxication, offers a non-alcoholic substitute and co-ordinates with event staff.

Ticket Seller

A paid/volunteer person(s) appointed by the Event Organizer, who is over the age of 18 and who has satisfactorily proven to the Event Organizer that she/he will act in accordance with the Municipal Alcohol Policy. A ticket seller sells alcohol tickets to a maximum of four per person per purchase, monitors for intoxication and underage drinkers, refuses sale to patrons at or near intoxication, and refunds tickets on request.

The Event Organizer, Door Monitors, Floor Supervisors/Monitors, and Servers/Bartenders shall not consume alcohol during or after the event is concluded, nor shall they be under the influence of any alcohol or other substance during the event.

Licensed Security

Security personnel monitoring entrances and patrolling licenced areas must be licenced under the *Private Security and Investigative Services Act*, to ensure the safety and security of the establishment, its employees and patrons. For more information go to www.agco.on.ca.

Liquor Licence Act

Each province or territory has a Liquor Licence Act which outlines the laws regarding the sale and service of alcohol. See www.agco.on.ca/en/whatwedo/index.aspx for more information.

Municipal Alcohol Policy

A local policy for municipalities to manage events held at municipally-owned facilities and properties when alcohol is sold and/or served.

Municipal Properties

All municipally-owned or leased lands, buildings and structures.

Municipal Representative

Town of St. Marys staff or a designate who attends and monitors the event on behalf of the Town of St. Marys and ensures all components of the Municipal Alcohol Policy are met.

Religious Function

Events that include a religious ceremony conducted by an officiant such as a priest, minister, Justice of the Peace, rabbi, etc. Examples include, but not limited to, weddings, bar mitzvahs and baptisms. A religious occasion does not include events like a “stag and doe”, anniversaries or birthdays.

Risk Assessment

The event risk assessment will consider factors such as, but not limited to: venue, type of event, expected attendance, and past experience with the event. The risk assessment will help staff determine the minimum number and types of Event Workers required and any other requirements.

Smart Serve

The Smart Serve training program offered by Smart Serve Ontario (www.smartserve.ca) is designed to train staff and volunteers who work in areas where alcohol is sold and/or served, such as in bars, restaurants, banquet halls and other public facilities. The Smart Serve Program is the only server training program that is recognized by the Alcohol and Gaming Commission of Ontario and approved by this policy.

Special Occasion Permit (SOP)

A liquor licence issued by the Alcohol and Gaming Commission of Ontario for one-time social events where alcohol will be sold and/or served. All SOP's are managed and controlled by the AGCO and not the Town. For more information go to:

http://www.agco.on.ca/en/services/permit_special_gpb.aspx.

- **Private Event** - event where only invited guests will attend. The event cannot be advertised and there can be no intent to gain or profit from the sale of alcohol at the event.
- **Public Event** - event open to the public to attend and conducted by a registered charity or not-for-profit entity or an event of municipal, provincial, national or international significance. The event can be advertised and allow for fundraising/profit from the sale of alcohol.
- **Industry Promotional Event** - event held to promote a manufacturer's product(s) through sampling. There can be no intent to gain or profit from the sale of alcohol at the event.

The AGCO defines two classes of Special Occasion Permit (SOP):

- **Sale SOP** - Issued when money is collected for the sale of alcohol either directly or indirectly. This could be through, for example, an admission charge to the event, when tickets for alcohol are sold to people attending the event, or when there is any pre-collection of money for the alcohol.
- **No Sale SOP** - Issued when alcohol is served without charge or when there is no money collected for alcohol – either directly or indirectly – from guests.

Standard Drink

The *Liquor Licence Act of Ontario* defines a standard drink as a serving of liquor by volume and type, as follows:

- 12 oz. or 341 ml. of beer with 5% alcohol, OR
- 5 oz. or 142 ml. of wine with 12% alcohol, OR
- 3 oz. or 85 ml. of fortified wine with 14.9 or more % alcohol, OR
- 1 oz. or 29 ml. of spirits with 40% alcohol

Third Party SOP Holder

A Third Party SOP Holder is a designated third party (i.e. service club or caterer) that holds the liquor license for the Event Organizer. The Third Party SOP Holder is responsible for the safety and sobriety of people attending the event as well as compliance with this Municipal Alcohol Policy and the *Liquor Licence Act of Ontario* and its regulations at the event. **They assume responsibility and liability for the entire operation of the event.** The Third Party SOP Holder **MUST** read and sign the *Municipal Alcohol Policy Checklist (Appendix A)* to indicate that they understand their responsibilities.

5.0 Responsibilities

5.1 Role of Municipal Representatives

Town of St. Marys Guest Services staff are responsible for ensuring the Event Organizer and/or designate are provided with written information outlining the conditions of the Municipal Alcohol Policy and ensuring that they comply with the Municipal Alcohol Policy, Liquor Licence Act of Ontario and its regulations at their event.

The Town of St. Marys Representatives have the authority to demand correction and/or to shut down an event on behalf of the Town of St. Marys and will have ultimate authority regarding decision-making on the part of the Event Organizer. The Town of St. Marys Representatives monitoring a liquor-licensed event shall be Smart Serve trained and competent in facility procedures.

5.2 Role of Event Organizer and/or Designate

The Event Organizer and/or designate is responsible for the conduct and management of the event, including, but not limited to:

- Compliance with the Municipal Alcohol Policy in addition to all applicable federal, provincial and municipal laws, policies, guidelines, regulations and by-laws, including, without limitation, and the *Liquor Licence Act of Ontario* and its regulations
- Organization, planning, set up and clean-up of the event
- Sufficient number of Event Workers
- Training of their designates and other Event Workers (all of whom must be 18 years of age or older)
- If applicable, posting the Special Occasion Permit (with any updates) in plain sight on the premises to which the permit applies or keep it in a place where it is readily available for inspection
- Alcohol sales and service including the choice of beverages in order to avoid the supply of fortified or extra strength drinks
- Ensuring that no one consumes alcohol in unauthorized locations
- The safety and sobriety of people attending the event including those persons asked to leave to control the event
- Safe transportation options (e.g., designated drivers, taxis)
- Response to emergencies

The Event Organizer **MUST** read and sign the *Municipal Alcohol Policy Checklist (Appendix A)* to indicate that they understand their responsibilities.

The Event Organizer must provide a copy of the Special Occasion Permit (if applicable), proof of insurance and any updates to the Town of St. Marys **at least 30 days prior** to the start of the event.

All liquor, wine and beer needs to be purchased with the SOP. Proof of this must be provided at the event. Receipts need to have the SOP number on them. These purchase orders and levy receipts must match the amount of alcohol in the bar for the event and will be posted with the SOP.

The Event Organizer and/or designate must attend the event for the entire duration including set-up prior to the event, clean-up after the event and be responsible for decisions regarding the actual operation of the event.

The Event Organizer must ensure the physical setting is safe at all times.

6.0 Designation of Properties and Events

6.1 Designation of Suitable Municipal Properties

The Liquor Licence Act of Ontario prohibits the consumption of alcoholic beverages in public places unless a licence or a Special Occasion Permit has been issued. In accordance with the Liquor Licence Act, the consumption of alcoholic beverages is prohibited in all areas owned or operated by the Town of St. Marys, including parks, trails, sports facilities, recreation facilities, cultural facilities and service facilities, unless specifically designated otherwise. Town Council may change the designation of any site at its discretion. Those facilities currently designated for use under the authority of a Special Occasion Permit are:

PYRAMID RECREATION CENTRE - The Pyramid Recreation Centre (PRC) has its own Liquor Licence. Should the Event Organizer wish to use alcohol and service provided by the PRC, the Municipal Alcohol Policy does not apply.

LIND SPORTSPLEX - The Curling Club acquires their own Liquor Licence that is in effect when they have possession of the facility, which is regulated by the existing user agreement with the Town.

CANADIAN BASEBALL HALL OF FAME & MUSEUM - The Canadian Baseball Hall of Fame acquires their own Liquor Licence that is in their name and all regulations will apply through the AGCO.

All other municipal property may be eligible to receive Special Occasion Permits, held by a third-party organization, subject to approval of Council. No representative of the Town, including staff or member of Council, may hold a Special Occasion Permit in their name for a Town sanctioned event on municipal property.

6.2 Designation of Not Suitable Municipal Properties

The following municipal facilities and areas are **not licenced or not suitable** for an event involving alcohol:

INDOOR POOL DRESSING ROOMS/AQUATIC LOCATIONS/QUARRY

Reasoning: The dressing rooms are not eligible due to the fact that the fire exits give patrons access to the indoor pool which could pose a safety hazard. Due to the proximity of water at Aquatic locations and the Quarry the safety hazards at these sites make them unsuitable for an event involving alcohol.

6.3 Outdoor Events

Outdoor events are those which take place outdoors or in a temporary structure, such as a tent or marquee, and are located on Town property. Outdoor events may receive Special Occasion Permits subject to approval of Council.

The outdoor area must be clearly defined and separated from unlicensed areas by a minimum 36" (0.9m) high barrier. **At least 30 days prior to the event, you must write the Town of St. Marys Chief Building Official, Recreation Department, Public Works Department, Fire Department and the Perth District Health Unit informing them of the event and identifying the physical boundaries. Also include a detailed sketch showing the dimensions of the area for which the SOP applies.** If a tent or marquee is used, you must also notify in writing the Chief Building Official of the Town of St. Marys.

6.4 Outdoor Events Providing Entertainment

As some Outdoor Events may require additional permits from the Town's Clerks Department, Building Department and Fire Department, the following is required to be submitted with your Rental Agreement.

- A detailed sketch, drawn to scale, showing the dimensions of the area for which the permit will apply. The sketch must include details about location of fencing and the fencing material used (snow fence or construction fence).

7.0 Conditions For Events Involving Alcohol

7.1 Renting Municipal Premises

A rental agreement to use municipal premises for an event where alcohol may be served should be initiated a minimum of 45 days in advance of the event. This allows sufficient time for the municipal representative to collect relevant event details from the Event Organizer, assess risk associated with the event, establish Event Worker numbers, monitor event preparation for compliance with this policy, and to arrange appropriate facility staffing. Failure to initiate rental within 45 days may prevent your event from taking place.

30 days prior to the event, the Event Organizer shall provide the municipal representative with a copy of the Special Occasion Permit or notification of a third party caterer's endorsement, and any updates.

14 days prior to the event, the Event Organizer shall provide the municipal representative with:

- a list of all Event Workers' names and proof of Smart Serve certification (including their certification numbers).
- a list of all Security Staff names and security licence numbers.
- should the Event Workers assigned to the event change after the list of Event Workers is initially supplied to the Town, updated information must be provided to municipal representative prior to the start of the event, or to the municipal monitor on the day of the event.

Town Council reserves the right to refuse an applicant permission to run a licensed event in its facilities or on its property.

Any person or organization wishing to hold a SOP/Licence function in a location not listed in this policy must appeal to Town Council for approval. Town Council has the authority to change the designation of any facility at its discretion.

7.2 Insurance

The Event Organizer of a SOP event being held in a municipality owned facility are required to provide proof of insurance, at least 14 days prior to the event. A minimum of \$5,000,000 in alcohol and general liability insurance naming the Town of St. Marys as an additional insured is required. The Town may, at its discretion, request higher limits of liability insurance.

The Certificate of Liability insurance provide the municipal representative must include the following:

- Policy number
- Company name and broker contact information
- Expiry date
- Coverage type and amount of Insurance coverage
- The Town of St. Marys shown as an additional insured to the policy
- Coverage for bodily injury and property damage liability
- A Liquor Liability endorsement
- Tenants Liability endorsement
- Products and Completed Operations Liability
- Personal Injury Liability
- Advertiser's Liability
- Cross Liability and Severability of Interest Provision
- 30 Day Notice of Cancellation Provision

The Certificate of insurance must be in effect for the date (s) where municipal premises are being used or occupied by the Event Organizer including, without limitation, the time period for set-up and take-down. Failure to provide proof of insurance will void the rental.

The Town reserves the right to amend the insurance requirements and provisions at any time depending on, without limitation, such things as event size and risk assessment. It is the responsibility of the Event Organizer to review all potential operations and exposure to determine if the coverage and limits noted below are sufficient to address all insurance related exposures presented for the event since the Event Organizer shall indemnify and save harmless the Town.

In the case where the Event Organizer (named on the rental contract) has contracted out the bar operations, the Town recommends the Event Organizer consult with their insurance provider/broker to determine their alcohol insurance needs. The bar operator is required to

provide proof of a minimum of \$5,000,000 insurance and shall indemnify and save harmless the Town when alcohol is served.

7.3 Advertising

All advertising must comply with the Alcohol and Gaming Commission of Ontario advertising policies and guidelines. Alcohol and Gaming Commission of Ontario policy states that a permit holder for a private event special occasion permit is not permitted to advertise or promote liquor or the availability of liquor.

At events where children and youth are allowed entry, the Event Organizer and/or designate shall not allow promotional advertising of alcoholic beverages' names, brands or manufacturers.

Marketing practices which encourage immoderate or increased consumption of alcohol are not permitted.

7.4 Signs

1. Serving Practices

The holder of the licence must post clear signage at every exit point from licensed areas into unlicensed areas to indicate that liquor is not permitted past those points.

The holder of the licence must post clear external signage informing the public that the service of liquor is provided in the establishment.

The holder must ensure all signs regarding the sale and service of alcohol are cleared within 45 minutes following the end of the licensed portion of an event.

Please visit the AGCO website to find sample verbiage for signs.

2. Accountability

The sign will be posted at the bar and main entrance of all S.O.P. functions. This sign will inform patrons where to direct concerns regarding the manner in which the function has been operated. In addition to naming the sponsor of the event, the sign should include the name and address and phone numbers of the Police Department and the Alcohol & Gaming Commission of Ontario.

3. No Last Call

A sign stating "The Bar Closes at 1:00 a.m.- Last Call Will Not Be Announced", to be placed in the bar area.

4. Transportation Signs

A sign will be posted in the bar and main entrance of all S.O.P. functions. The sign will list available Taxi companies of St. Marys.

Mandatory Signage Requirement

The *Liquor Licence Act* requires signage be posted at the event:

- What is a standard drink
- Drinking alcohol during pregnancy can cause birth defects and brain damage to your baby (Sandy's law)
- Please drink responsibly
- Low risk drinking guidelines

These signs must be at least 8 by 10 inches in size, printed in landscape format (horizontally), prominently displayed in all locations where alcohol is sold or where customers brew their own wine or beer for take home consumption. Failure to comply with the signage requirements may result in administrative action by the AGCO. Please visit www.agco.ca for further information. It is the Event Organizers responsibility to ensure these signs are in place for the duration of the event.

7.5 Event Workers

The Event Organizer shall have staffing level sufficient to effectively monitor the entrances, exits and patron alcohol consumption as listed under staffing requirements.

All Event Workers must be readily identifiable by a nametag or item of clothing.

All identified Event Workers will have Smart Serve Training.

All Event Workers will supervise the event, encourage legal and moderate drinking behaviour and ensure that any problems that arise are dealt with appropriately.

All Event Workers shall not consume alcohol during the event, nor shall they be under the influence of any alcohol consumed before the event.

THE FOLLOWING GUIDELINES ARE TO BE FOLLOWED REGARDING THE MINIMUM NUMBER OF SMART SERVE TRAINED PERSONS. These minimum requirements may be increased if circumstances warrant or if required by the Town.

Volunteer Job Descriptions and Responsibilities:

Event Organizer:

Any person, who is 19 years of age or over, seeking to hold an event that involves the sale and/ or service of alcohol at municipal premises. The Event Organizer (which term shall include the SOP permit holder and any designate) is responsible for the safety and sobriety of people attending the event as well as compliance with this Municipal Alcohol Policy and the *Liquor Licence Act of Ontario* and its regulations at the event. **They assume responsibility and liability for the entire operation of the event.** The Event Organizer **MUST** read and sign the *Event Organizer Checklist for Liquor Licenced Events (Appendix A)* to indicate that they understand their responsibilities.

The Event Organizer and/or designate must attend the event for the entire duration including set-up prior to the event, clean-up after the event and be responsible for decisions regarding the actual operation of the event.

Server/Bartenders: All must have Smart Serve training. Accept tickets for the purchase of alcohol drinks, serve the drinks, monitor for intoxication, and refuse service when a patron appears to be in or near an intoxicated state.

Door Supervisor/Monitors: All must have Smart Serve training. Check identification to ensure no minors are admitted, watch for signs of intoxication to prevent intoxicated or troublesome persons from entering, monitor patrons leaving the event for signs of intoxication and recommend or arrange transportation options. Two (2) Door Supervisor/Monitors are required at the main entrance and one (1) at every other entrance/exit.

Floor Supervisor/Monitors: All must have Smart Serve training. Monitor patron's behaviour, watch for signs of intoxication, respond to problems and complaints, and remove intoxicated persons, arranging safe transportation for them.

Ticket Sellers: All must have Smart Serve training. Sell tickets for alcohol drinks to a maximum of 4 tickets per person per purchase, monitor for intoxication, refuse to sell to persons appearing to be at or near intoxication and refund tickets on request. Tickets will be sold from **one location only** at all events.

Special Security: Patrol the room, scan for potential trouble, notify Event Organizer and event staff of possible incidents and assist in handling disturbances.

Required Ratio of Event Workers – All Smart Serve trained

	Minimum Number of Event Workers			
Number of Guests	Bartenders	Floor Supervisors	Door Supervisors	Ticket Sellers
Under 25	1	0	1	0
25 to 100	1	1	1	1
101 to 300	2	2	1	2
301 to 400	2	3	1	2
401 to 500	4	4	4	2
501 to 750	5	5	5	2
751 to 1300	8	6	6	2

7.6 Security Requirements at Specific Events

The following situation requires off-duty police officers or a Town approved private security company as per schedule:

HALL / ARENA / OUTDOOR EVENT	STAFFING REQUIREMENTS
Up to 200 people	2 Officers/ Private Security
201 – 500 people	4 Officers/ Private Security
501 – 800 people	6 Officers/ Private Security
801 – 1000 people	8 Officers/ Private Security

Officers/ Private Security are not required if the function is private (not open to public operating under a Reception SOP or licence). Examples of these include birthday parties, anniversary parties, weddings, retirement parties etc.

Officers/ Private Security are required 30 minutes before event and 1 hour after an event.

All security personnel must be licensed. Contact the Ontario Private Security & Investigative Services Branch for details. <http://www.ontario.ca/privatesecurity>

1-866-767-7454

The Town has the authority to modify Officers/ Private Security requirements for any function regardless of size or type of event.

The Event Organizer must provide proof that security has been hired for the event, 30 days prior to the event.

7.7 Alcohol Service

A. Low Alcohol Drinks

The Town strongly supports those renting our facilities to promote the consumption of lower alcohol drinks. At an event where beer is available, 30% of the supply must be light beer (4% or less). Copies of sales receipts should be made available to the municipal representative if requested to verify this percentage.

Low alcoholic beverages help prevent intoxication by providing consumers with an opportunity to consume less alcohol. Where possible, the Town encourages the serving of lighter alcoholic beverages. Methods include:

- Maximum 5 ounces serving size of wine
- Maximum 1 ounce serving size of spirits
- Serving drinks with ice
- Promoting light beer
- No double shots

B. Control of Alcohol Service

- All drinks to be served in plastic or paper cups or cans and all bottles to be retained in the bar areas. Alcoholic and Non-Alcoholic drinks are to be served in different cups if minors are present at the event.
- There will be no marketing practices that would encourage increased alcohol consumption, i.e. oversize drinks, double shots, pitchers of beer, drinking contests, volume discounts or tickets and a free bar
- There will be no announced last call for the bar.
- Tickets for alcohol must be purchased from designated ticket sellers and must be redeemed at the bar; a maximum of 4 tickets per purchase only, thereby encouraging people to move around and avoiding the possibility of one person supplying drinks to the whole table. This gives individuals an opportunity to monitor participants' alcohol consumption.
- Ticket sales will stop 15 minutes prior to the bar closing. Unused tickets may be redeemed at any time during the event.
- Up to a maximum of two drinks per person will be sold at the bar at one time.
- Consumption of food should be encouraged throughout the event. The group must provide adequate food for those in attendance.
- There will be no self-serve events, even "Wine and Cheese" functions require a bartender or waiters and waitresses.
- A maximum of two tickets per person will be sold to an individual one hour prior to the bar closing.

7.8 Safe Transportation

Only individuals, groups or organizations implementing a safe transportation strategy will be permitted rental/use privileges of facilities for special occasion permit functions.

The Event Organizer shall provide free non-alcoholic drinks (coffee, pop, juice, water) to designated drivers.

The Event Organizer is responsible for promoting safe transportation options for attendees of the Event or contacting police as appropriate, including for persons who may be denied entry or removed from the event under the MAP.

These safe transportation options include:

- Promote a designated driver strategy, such as the names of persons(s) that will use a vehicle to transport intoxicated persons to a place of safety (the designated driver strategy should also include plans for backup transportation options for safe transport of participants including those for whom the intoxicated person may be responsible); and/or,
- The promotion of taxis, buses, or other forms of alternate transportation; and/or,
- Request a friend, relative, or taxi to assist a potentially intoxicated person
- Police shall be notified in the event an apparently intoxicated person attempts to drive a vehicle.

The Event Organizer must remain on the premises at least until all attendees have left the property at which the Event is located.

7.9 Youth Controls

There is to be no permanent advertising of alcohol at facilities and events frequented by youth. There will be no temporary advertising of alcohol at facilities for events where the primary audience is youth. This includes patio umbrellas, posters, banners, etc.

Each rental group will be responsible to select a strategy on allowing youth to their event. In all cases the following guidelines must be adhered to:

1. No one under the age of nineteen years (19) shall be served alcoholic beverages at a Special Occasion Permit function. Servers/Bartenders shall ask anyone who appears to be under the age of 25 years for valid identification. Acceptable forms of identification include:
 - a) Ontario Driver's Licence with a photo of the person to whom the licence is issued
 - b) A Canadian Passport
 - c) Canadian Citizenship Card with a photo of the person to whom the card is issued
 - d) Canadian Armed Forces Identification Card
 - e) A photo card issued by the Liquor Control Board of Ontario (LCBO), entitled Bring Your ID (BYID)
 - f) A Secure Indian Status Card issued by the Government of Canada
 - g) A Permanent Resident Card issued by the Government of Canada
 - h) A photo card issued under the *Photo Card Act, 2008*
2. Two (2) extra security personnel will be required if persons under the age of majority are allowed to enter the event.
3. Individuals under the age of majority will not be allowed to consume alcohol beverages. Anyone serving individuals under the age of majority will be required to leave the event. Leaving the event means vacating the premises and property owned by the Town.

4. Events allowing individuals under the age of majority will be required to identify those persons over the age of majority. All participants over the age of majority will be visibly marked or have a bracelet which will be provided by the sponsoring group or individual.
5. It is recommended that Stag and Doe-type functions only advertise contact persons' names and telephone numbers.
6. Individuals who are underage will be allowed into functions only when the S.O.P. permit from the AGCO acknowledges the admission of youths.

7.10 Controls Prior To Event

1. A copy of the Municipal Alcohol Policy will be available from the municipal representative at the time of booking of an event. If any questions or concerns arise from this policy contact the Municipal Representative.
2. A "Municipal Alcohol Policy Checklist" and Rental Contract form will be provided by the municipality at the time of booking. These forms are to be completed by the Event Organizer and returned to the municipal representative at least two (2) weeks prior to the event. Signatures are required from both the Event Organizer and the Municipal Representative. A copy of the checklist is at the end of this document. The Smart Serve course is available through <https://smartserve.org>
3. The name(s) on the rental agreement contract must be the same as the name(s) on the Special Occasion Permit (SOP) and must be the same name(s) on the Liability Insurance Certificate. The Event Organizer or designate must attend the event and be responsible for decisions regarding the actual operation of the event. This person and all Event Workers must refrain from alcohol consumption during the event.

Exception:

In a case where the Event Organizer has contracted out the bar services to the event to a designated third party (i.e. service club, caterer) then the name on the rental contract and the name on the SOP/Licence may be different. In this situation, the *Municipal Alcohol Policy Checklist* must be completed by both parties.

7.11 Controls During The Event

All controls and service must be consistent with the provisions of the Liquor Licence Act of Ontario and its regulations.

1. The entrance to the event must be monitored by responsible person(s) meeting the age of majority requirements at all times.
2. The Event Organizer holder has the right to deny entry to any individual.
3. Event Organizers must ensure that the number of individuals at the event (including employees and volunteers) does not exceed the maximum capacity for the premises.
4. Only acceptable forms of ID will be used to provide as bona-fide proof of age.
5. The Event Organizer is responsible to ensure that the event is properly supervised and will provide enough staff/volunteers to fulfill this obligation
6. Participants in Masquerade events must be prepared to unmask and identify themselves with acceptable photo ID.

7. The type of identification to be worn by the Event Workers must be stated on the "MAP Checklist" form.
8. All day outdoor events are required to vacate minors from the premises at 8:00 p.m.
9. The bar area within the premises shall be closed no later than 1:00 a.m. and NO service of alcoholic beverages will be allowed after this time.
10. All entertainment within the facility shall cease at 1:00 a.m.
11. All signs of consumption and service of alcohol including empty drink containers shall be removed from sight within 45 minutes of the expiry of the SOP/Licence or by 1:45 a.m., whichever is earliest.
12. To assist Town staff and ensure that no incidents occur within the premises, the facility must be vacated by patrons by 2:00 a.m. or one hour after the expiry of the SOP/Licence, whichever is the earliest.

Failure to comply with the above could prevent the Event Organizer from further renting any Town of St. Marys facility and where appropriate, Police will be advised and charges could be laid. The Event Organizer may be at risk for forfeiting their damage deposit should this happen.

8.0 Consequences For Failure To Comply

8.1 Duty to Report

The Event Organizer has the duty to report to the municipal representative issues with details of any incident that:

1. The Event Organizer and/or designate are aware of or has been made aware of any Liquor Licence Act of Ontario or Municipal Alcohol Policy violations
2. Where an Alcohol and Gaming Commission of Ontario Inspector under the Liquor Licence Act of Ontario has reported any incident or violation
3. Involves bodily injury or property damage

8.2 Failure To Comply And Penalties

Individuals and/or groups who fail to comply with the Municipal Alcohol Policy shall be subject to the following consequences:

1. Although the police will be called if a situation deems necessary to do so, it is the responsibility of the Event Organizer to ensure the proper management of an event.
2. Facility staff will report any infraction of this policy to the appropriate authority, e.g. Municipality/Police whenever they believe such action is required. In the event of an illegal act, the police must be called.
3. Should a situation arise where an event may have to be shut down, the local police will evaluate the situation on behalf of the Town of St. Marys.

4. Any infraction of the Municipal Alcohol Policy will be reviewed by the Town and a letter will be sent by the Town to the Event Organizer. The Town may refuse future rental privileges to the sponsor.
5. When persons under the age of majority are found to have consumed or to be consuming alcohol at S.O.P. and non-S.O.P. events, the authorities may be called and/or the following procedure will be followed by the Town of St. Marys:

First Infraction: The individual will be turned over to a parent or guardian. If a parent or guardian is not available, the police will be called. A registered letter will be sent by the Town to the parents/guardians.

Second Infraction: The individual could be banned from attending any public function held in any municipal facility for a period of 6 months. A registered letter will be sent by the Town to the parents/guardians.

6. Where adults and/or youth engage in disruptive behavior, including drunkenness, riotous, quarrelsome, violent, aggressive or disorderly conduct, or unlawful gaming at social events, authorities may be called and/or the R-Zone guidelines will be followed.

The R-Zone guidelines may be found by contacting the Pyramid Recreation Centre.

9.0 Evaluation

The Municipal Alcohol Policy shall undergo an annual review based on changes within industry standards and shall be updated as required.

The Town of St. Marys reserves the right to make discretionary changes to this Municipal Alcohol Policy at any time, and will advise the Event Organizer and/or designate of any such changes prior to the event.

10. References

www.agco.ca

End of Document

Rev #	Date	Reason	Initiated	Reviewed	Approved
01	Sept. 09, 2018	Creation			
02	May 21, 2019	Update to reflect legislative changes		May 21, 2019	

Appendix A - Municipal Alcohol Policy Checklist

- ☐ Municipal Alcohol Policy
 - 1. Food is being served.
 - 2. Someone at entrance points checking ID.
 - 3. System in place to identify underage patrons (ie. coloured bracelet)
 - 4. Confirmation that there will be no alcohol drinking games or alcohol as a prize.
 - 5. Unused bar tickets will be reimbursed.

- ☐ Event Organizer has demonstrated that they understand municipal alcohol policy by signing a Rental Agreement.

- ☐ Rental Agreement includes:
 - 1. Indemnification clause where Renter agrees to indemnify and hold harmless the Municipality,
 - 2. Event Organizer agrees to carry liability insurance including liquor liability insurance with Municipality named as additional insured

- ☐ Event Organizer will attend event.

- ☐ Event Organizer has provided proof of liability insurance including liquor liability insurance with Municipality as additional insured.

- ☐ Special Occasion Permit has been produced at least five days before event and posted at event.

- ☐ Permit Holder has provided list of Smart Serve certified Event Workers including certification numbers.

- ☐ Required signs have been posted.

- ☐ Designated Driver or safe transportation options in place with signs posted.

- ☐ Event Organizer has given receipt for minimum percentage and low-alcohol beverages.
- ☐ Police officer/Private Security attendance requirement has been fulfilled.
- ☐ At least one municipal representative will be in attendance.
- ☐ Ratio of event workers to participants adhered to. Event Workers to wear highly visible identification and not to consume alcohol until responsibilities have ended for the night.
- ☐ Floor Supervisors/Monitors have been designated to monitor activity area and exits and be available to Ticket Sellers.
- ☐ Smart Serve trained people have been designated to sell tickets (maximum 4 tickets per purchase per person).
- ☐ Premises have been inspected to ensure physical setting is safe for drinkers and non-drinkers.

Event Organizer Signature

Town of St. Marys Representative

Date

Date



Alcohol and Gaming Commission of Ontario

Special Occasion Permit Guide

MAY 2019



AGCO

Alcohol and Gaming
Commission of Ontario

Alcohol and Gaming Commission of Ontario

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Section 1: When is a Special Occasion Permit Required?

A Special Occasion Permit (SOP) is required any time alcohol is served anywhere other than in a licensed establishment or a private place, or when public consumption of a patron's own alcohol is permitted at a tailgate event. A private place is an indoor area not usually open to the public and not open to the public during the event (for example, a boardroom, private office or a residence).

SOPs are for occasional, special events only, and not for personal profit or running an ongoing business. A permit may be revoked if the Registrar established under the Alcohol, Cannabis and Gaming Regulation and Public Protection Act (ACGRPPA) has reason to believe the event is being used for personal gain.

The following is an overview of the three types of SOPs available, depending on the kind of event you are holding. For detailed information, see "Detailed Information on Event Types", below.

TYPES OF SPECIAL OCCASION PERMITS: OVERVIEW

Four Special Occasion Permits may be issued for the following types of events:

- **Private Events** are limited to invited guests only and may not be publicly advertised. The public cannot be admitted and there can be no intent to gain or profit from the sale of alcohol at the event.
- **Public Events** are open to the public. These events can be advertised and fundraising and/or profit from the sale of alcohol at the event is permitted.
- **Tailgate Events** are Public Events that are held in connection with, and in proximity to, a live sporting event and where attendees may bring their own liquor (BYOB) for consumption at the event.
- **Industry Promotional Events** may be held to promote a manufacturer's product(s) through sampling. There can be no intent to gain or profit from the sale of alcohol at the event.

The following sections provide an overview of Private Events, Public Events (except Tailgate Events) and Industry Promotional Events.

For more information on tailgate (public) events, please refer to the AGCO's **Tailgate Event Permit Guide**.

Section 2: “Sale” vs. “No Sale” of Alcohol

For each type of permit (except tailgate events), you may apply for either a “Sale” or “No Sale” permit depending on how you plan to serve alcohol at your event:

- A “No Sale” permit is required when:
 - ◇ alcohol is served without charge;
 - ◇ no money and/or other forms of payment is collected directly or indirectly for alcohol from guests (e.g. through admission charge or ticket sales); and
 - ◇ the permit holder absorbs all alcohol costs.
- A “Sale Permit” is required for events where money is collected for alcohol through, for example:
 - ◇ an admission charge to the event;
 - ◇ the sale of alcohol (cash bar) or alcohol tickets sold to people attending the event;
 - or
 - ◇ the collection of money and/or other forms of payments for alcohol before the event.

Section 3: Conditions

The Alcohol and Gaming Commission of Ontario (AGCO) regulates the sale, and service of beverage alcohol in Ontario and provides assistance to applicants and permit holders in understanding how to conduct an event in a responsible manner.

The Registrar may review applications for SOPs to determine if there are any risks associated with an event. The Registrar has the authority to attach conditions to a SOP to mitigate any risks that may be related to an event. Conditions might include, for example, limiting the hours of sale and service of alcohol, or requiring licensed security staff to be hired/on duty during the event. A **list of conditions** is available on the AGCO website.

Section 4: Changes to your Event/Permit

If there is a change to the permit area(s) or the event after the permit is issued (such as a change in location, date, event type, permit area(s), estimated attendance and/or capacity, the addition of tiered seating, or the addition of

participating licensees) the permit holder must submit a change request. In some cases, a new permit may be required. If the permit holder does not notify the AGCO by submitting such a request, administrative action may be taken against the permit holder including, but not limited to, the immediate revocation of the SOP. Application fees are non-refundable.

Section 5: Revocation of Permit

A police officer or an AGCO Compliance official may revoke a SOP while the event is underway if he/she reasonably believes that the *Liquor Licence Act* or its regulations are being contravened in connection with the event.

Any SOP holder may be issued a monetary penalty as a result of specific breaches of the *Liquor Licence Act* and its regulations. The amount of the monetary penalty will be based on the approved **Schedule of Monetary Penalties** which can be found on the AGCO website (see Special Occasion Permit on pages 18 and 27).

Section 6: Application Fees

Special Occasion Permit application fees are non-refundable. Please refer to the **Schedule of Fees** on the AGCO website for current SOP fees.

Section 7: Detailed Information on Event Types

PRIVATE EVENTS

Private Events are limited to invited guests only and may not be publicly advertised. The public cannot be admitted and there can be no intent to gain or profit from the sale of alcohol at the event.

Examples of a private event would include stags, stag and does, bridal showers, wedding receptions, anniversary parties, baptisms or birthday parties, among others, where only family, friends and people known to the hosts or permit holders are invited to attend.

Information about the event may be shared with invited guests and members only. The event must not be advertised to the public (e.g. by way of flyers, newspaper,

internet or radio). Acceptable forms of notification may include social media (not available for viewing by the general public, must be a personal guest list, private invitation, etc.).

Homemade Wine and Beer

Homemade wine and beer can only be served but not sold at a wedding, anniversary, or other family special occasion (e.g. a family reunion or other similar family gathering).

The wine and/or beer must be made by a member of the family hosting the event and the permit holder must have acquired it free of charge. The permit holder may not sell the wine and/or beer.

Wine and/or Beer Club/Association/Group

The objects of the club/association/group are the testing, exhibition and judging of wine and/or beer made by its members. Wine and/or beer may only be served to members of the club/association/ group. No service is allowed to the public. These events must be “No Sale” events and alcohol must be served without charge.

Application Deadlines for Private Events

- For Indoor Events, the application must be submitted at least **10 days** prior to the event.
- For Outdoor Events, the local municipal clerk’s department, police, fire and health department must be given a written notice **30 days** before the event when expecting **fewer than 5,000** people per day. If expecting **5,000 or more** people per day, a notice to the same group is required at least **60 days** prior to the event. If there is a tent, marquee, pavilion or tiered seating being used, then the local building department must be notified in writing. For a list of Ontario municipalities, see **Appendix A - Contact Information**.

PUBLIC EVENTS

A Public Event SOP can be issued:

- To a charitable organization under the *Income Tax Act* (Canada);
- To Not-for-Profit organizations/associations organized to promote charitable, educational, religious or community objects;
- For an event of provincial, national or international significance; or
- For an event designated by a municipal council as an event of municipal significance.

- For a tailgate event held at outdoor premises that are at ground level, where the event is held in connection with, and in proximity to, a live professional, semi-professional or post-secondary sporting event. For more information on tailgate events, please see the AGCO's Tailgate Event Permit Guide.

Public Events may be held to raise funds for charitable purposes and objects that benefit the public at large (e.g. advancement of education, religion, relief of poverty, charitable purposes benefiting the community).

An event of municipal significance requires a municipal resolution or a letter from a delegated municipal official (e.g. municipal clerk) designating the event as "municipally significant".

Advertising

A Public Event permit holder may advertise or promote the availability of alcohol only in accordance with the **Registrar's Advertising Guidelines** (available on the AGCO website). Please refer to Section 7(2), Regulation 389/91 of the *Liquor Licence Act* for further information.

Designated Public Events – outdoor public events involving liquor sales licensed establishments

If a SOP has been issued for an outdoor event that has both licensed areas (bars, restaurants, etc.) and areas to which the SOP applies (e.g. the street on which the event is taking place), patrons can move freely between these areas with a single serving* of alcohol under certain conditions approved by the Registrar. Licensees and permit holders are responsible for ensuring this requirement is met.

**A single serving is defined as a serving of alcohol that is no larger than the following: 341 ml (12 oz.) of beer, cider or cooler, 29 ml (1 oz.) of spirits, 142 ml (5 oz.) of wine, 85 ml (3oz.) of fortified wine.*

To be eligible, the event must meet the following criteria:

- The event must be an outdoor event (e.g. street festival);
- The event must be designated "municipally significant" and the applicant must submit a resolution of municipal council or a letter from a delegated municipal official designating the event as "municipally significant"; and
- The licence holders and the permit holder must have entered into an agreement to ensure that there is no unreasonable risk to public safety, the public interest and the public, and no unreasonable risk of non-compliance with the *Liquor Licence Act* and its regulations by either of the parties.

This agreement must be submitted to the AGCO for review and approval at least 30 days prior to the event.

Please refer to Section 34.1, Regulation 719 of the *Liquor Licence Act* for further information (see **Appendix A - Contact Information**).

Donated Alcohol

Public events conducted by charitable organizations registered under the *Income Tax Act* and not-for-profit organizations/associations may accept alcohol donated by manufacturers of alcohol. Records (such as receipts or invoices) for all product must be obtained by the SOP holder and must be made available for inspection by an AGCO Compliance Official or a police officer. Donated alcohol must be processed by a government store (LCBO store, LCBO Agency store, The Beer Store or authorized manufacturer's retail store) under the permit.

Social Gaming Events

Social Gaming events are eligible for a SOP for a Public Event provided the applicant is a charitable organization or a religious organization, and the games are licensed under section 207 of the *Criminal Code* (Canada).

The holder of a SOP for a Public Event may offer alcohol, donated or otherwise, as a prize, provided there is a lottery licence issued to the permit holder. Only charities or not-for-profit organizations/associations are eligible for a lottery licence. Please note only those 19 years of age or over may be awarded alcohol as a prize and this condition must be disclosed and printed on all tickets. For more information on obtaining a **lottery licence**, please visit the AGCO website.

Application Deadlines for Public Events

- For Indoor Events, the application must be submitted at least **30 days** prior to the event.
- For Outdoor Events, the local municipal clerk's department, police, fire and health department must be given written notice **30 days** before the event when expecting **fewer than 5,000** people per day. If expecting **5,000 people or more** per day, a notice to the same group is required at least **60 days** prior to the event. If there is a tent, marquee, pavilion or tiered seating being used, then the local building department must be notified in writing. For a list of Ontario municipalities, see **Appendix A - Contact Information**.

INDUSTRY PROMOTIONAL EVENTS

Industry Promotional Events are events that promote a manufacturer's product(s). There can be no intent to gain or profit from the sale of alcohol at the event, however, samples for tasting at the event may be provided (under a "No Sale" permit) or sold (under "Sale" permit). Retailing of alcohol is not permitted at the event, however, manufacturers and/or their representatives may accept orders for alcohol purchases at the event.

Advertising

An Industry Promotional Event permit holder may advertise or promote the availability of alcohol only in accordance with the **Registrar's Advertising Guidelines** (available on AGCO website). Please refer to Section 7(2), Regulation 389/91 of the *Liquor Licence Act* for further information.

Event Organizers or AGCO Licensed Representatives

If an event organizer, manufacturer or AGCO licensed representative of a manufacturer is conducting market research or providing samples on behalf of a manufacturer, the event organizer may be required, upon request, to make available a letter from the manufacturer authorizing them as their representative to conduct market research and/or sampling.

Market Research

Market research may be conducted under an Industry Promotional, "No Sale" SOP by or on behalf of a liquor manufacturer for the purposes of gathering and analyzing information about consumers' needs and preferences. Market research conducted under Industry Promotional SOPs can be advertised and open to the public or for invited guests only. Samples at market research events cannot be sold and the retailing of alcohol is not permitted.

It is a requirement to have a clearly defined permit area. If the market research is done in an open area (e.g. a mall foyer), the area must still be readily distinguishable from the area where the permit does not apply.

Alcohol being sampled at a market research event does not have to be purchased from a government store.

Application Deadlines for Industry Promotional Events

- For Indoor events, the application must be submitted at least **30 days** prior to the event.

- For Outdoor Events, the local municipal clerk's department, police, fire and health department must be given a written notice **30 days** before the event when expecting **fewer than 5,000** people per day. If expecting **5,000 or more** people per day, a notice to the same group is required at least **60 days** prior to the event. If there is a tent, marquee, pavilion or tiered seating being used, then the local building department must be notified in writing. For a list of Ontario municipalities, see **Appendix A - Contact Information**.

Section 8: Guidelines for Submitting SOP Applications

APPLICANT INFORMATION

You must be 19 years of age or older to obtain an SOP. If the applicant is an organization, association or company, the application must be completed by a member or representative who will be at least 19 years of age on the day of the event, who has signing authority for the organization, association or company. Applicants must provide all information, materials, documentation or approvals as may be requested.

RESPONSIBLE PERSON(S)

The Permit Holder/Responsible Person must be present throughout the SOP event and is responsible for the safety and sobriety of people attending the event. They must ensure the event is run properly and in compliance with the *Liquor Licence Act* and its regulations. To request, view or download a copy of these documents, see the **e-Laws statute and regulations** on the Government of Ontario website.

The Permit Holder/Responsible Person indicated on the application will be noted on the permit. If there is more than one Responsible Person, all must be named and at least one of the persons named must be at the event at all times.

NOTE: If in an emergency situation the Permit Holder/Responsible Person is unable to attend, then it is the responsibility of the Permit Holder to designate in writing someone to attend the permit event on his/her behalf. The Designated Person is responsible to ensure that all legal requirements for the permit event are met. The Designated Person must not be someone who has previously been refused a Special Occasion Permit(s) by the AGCO.

EVENT NAME AND DETAILS

In this section, please expand on the details and purpose of your event. If your event has a name (e.g. "Annual Rib-Fest" or "Anderson Family Wedding"), please provide that information in this section.

LOCATION NAME, ROOM NAME OR AREA

If the room or location is within a large complex, specify the room name or use the exact location (e.g. Main Hall B, or 2nd floor, North West section). Do not use the name of the building or complex to describe the room or location (e.g. the North Tower).

For OUTDOOR areas, you must use specific descriptions (e.g. pavilion, outdoor fenced area, main banquet room & fenced area/patio, etc.). Do not use "grounds", "outside" or name of the park.

DATES AND TIMES OF EVENT

You may sell and serve alcohol only during the hours specified on your permit and consumption of alcohol by patrons may only take place during the hours specified on your permit.

Hours must be between 9:00 a.m. to 2:00 a.m. on any day except New Year's Eve (December 31) where hours may be between 9:00 a.m. and 3:00 a.m. the following day (January 1).

Date(s): Indicate the date on which the event will take place. If your event runs into the following day (e.g. until 2:00 a.m.), you must only indicate the first day (e.g. if the event begins April 9th at 7:00 p.m. and ends April 10th at 2:00 a.m. you would only indicate "April 9").

Start Time: Indicate the time at which the sale, service and consumption of alcohol will begin.

End Time: Indicate the time at which the sale, service and consumption of alcohol will end. Please note that the signs of alcohol must be cleared no later than 45 minutes after the end of the serving period (e.g. if serving period ends at 1:00 a.m., all alcohol must be cleared by 1:45 a.m.).

Multiple day events

Multiple day event permits can only be issued if:

- Each event is one in a series of events;
- The application for the permit is for all of the events (dates);
- The nature, purpose, location and target audience of each of the event dates are the same (e.g. monthly social club gatherings, monthly book club meetings, etc.); and
- As a result of doing so, the permit holder is not operating an ongoing business, or does not appear to be doing so.

LOCATION INFORMATION

The location/area where the event is to take place must meet the guidelines below. You can obtain this information from the premises owner or manager and should confirm that the building has been inspected by the proper authorities. The following guidelines must be met:

- The permit location/area where alcohol will be sold/served/consumed must be readily distinguishable from areas where the permit does not apply. This means that all areas that are not part of the permit area must be clearly defined and visibly separated from those areas covered under the permit. For example, boundaries of the permit area could be identified using:
 - ◇ Painted lines, tape or dots around perimeter
 - ◇ Plants, furniture, or other fixed items
 - ◇ Ropes and temporary fences
 - ◇ Pylons or other similar visible markers
 - ◇ Signage indicating where alcohol can be consumed or is prohibited
- The location may not be a licensed establishment under suspension and the event must comply with any conditions that apply to the licence (e.g. restricted hours of operation);
- The premises may not be a dwelling, or rooms or land adjacent to and used in conjunction with a dwelling;
- The location may not be in a dry area if alcohol is to be sold at the event. A dry area is an area/municipality where alcohol is not sold.

Note: If your event is being held at different locations (whether it's on the same day or over the course of several days), a separate permit is required for each location/address.

ESTIMATED ATTENDANCE

Indicate how many people you expect will attend the event per day.

CAPACITY

The maximum capacity of many **indoor premises** is predetermined by either the Building or Fire Department. It is the permit holder's responsibility to ensure these capacities are not exceeded during the permit event.

Maximum capacities for all **outdoor areas (and indoor areas without a designated Building or Fire Department capacity)** is determined by dividing the actual size of the permit area (as determined in square metres or square feet) by 1.11 square metres or 12 square feet per person.

For example:

- **30 m x 60 m = 1,800 square metres ÷ 1.11 = 1,621 persons; or**
- **100 ft x 200 ft = 20,000 sq.ft. ÷ 12 = 1,666 persons.**

The capacity for any location/room/area is the lesser of the occupant load set by Fire, Health or Building and the estimated capacity as calculated above.

NOTE: It is the permit holder's responsibility to ensure these capacities are correct and are not exceeded during the permit event.

HOMEMADE WINE AND/OR BEER

Homemade wine and beer can only be served (not sold) at a wedding, anniversary, or other family special occasion (e.g. a family reunion or other similar family gathering). The wine/beer must be made by a member of the family hosting the event and the permit holder must have acquired it free of charge. The permit holder may not sell the wine/beer.

WILL ALCOHOL BE SOLD?

You must answer "yes" to this question if you are collecting money for alcohol either directly, through the sale of alcohol or drink tickets at the event (e.g. cash bar, sale of drink tickets), or indirectly through the sale of admission, membership fees or the collection of money for alcohol before the event.

IS THERE AN ADMISSION CHARGE AND/OR WILL TICKETS BE SOLD FOR THIS EVENT?

You must answer “yes” to this question if you are collecting money through ticket sales or an admission charge to the event.

OUTDOOR EVENTS

Will alcohol be sold, served or consumed outdoors (including tent/marquee/pavilion or tiered seating area(s))?

Outdoor events are those which take place outdoors or in a temporary structure, such as a tent, marquee, pavilion or tiered seating seating (e.g. bleacher seating, stadium-type seating, seating arranged in sloping tiers).

The outdoor area must be clearly defined and separated from areas where the permit does not apply.

You will be required to provide a detailed sketch showing the dimensions of the area for which the permit will apply (see example below).

You must also notify in writing the local municipal clerk’s department, police, fire and health departments informing them of the event, and include a sketch identifying the physical boundaries. If a tent, marquee, pavilion or tiered seating is used, you must also notify in writing the local building department.

The applicant’s timelines for notifying local authorities are:

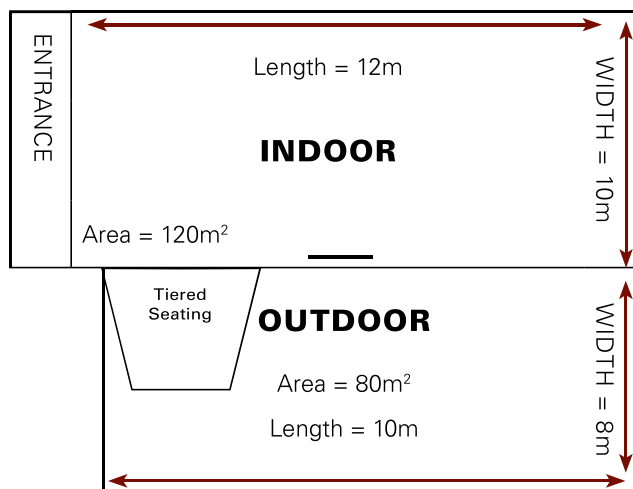
- **30 days** before the event takes place, if **fewer than 5,000** people per day are expected to attend the event; or
- **60 days** before the event takes place if **5,000 or more** people per day are expected to attend the event.

You should retain copies of all letters sent to authorities, as you may be required to include them with your application or make them available upon request.

TIERED SEATING

If a SOP application is submitted for a location that includes tiered seating (e.g. bleachers, stadium seating, etc.), this must be indicated on your application. If the event is outdoors, the location of the tiered seating must be clearly identified on a sketch and submitted along with the application.

Example of sketch showing SOP area:



REQUIRED DOCUMENTATION

If your event includes *any* of the following, you should retain copies of all letters sent to municipal authorities, as you may be required to make them available upon request:

- Any tiered seating;
- Any outdoor event (public, private or industry promotional);
- Outdoor Public Events involving liquor sales licensed establishments (e.g. Outdoor Street Festival);
- Public Events requiring a municipal resolution or letter from a delegated municipal official designating the event as “municipally significant” – see Section 7.

The following documents may be required for your application:

- **Detailed Sketch** - For Public, Private or Industry Promotional events if the event is being held outdoors.
- **Letter of Support** - For Public, Private or Industry Promotional events if the event is being held by a representative of a foreign government.
- **Municipal Resolution** - Required if the event is a public event of municipal significance, or is an outdoor public event that involves liquor licensed establishments.
- **Involvement of liquor licensed establishments** - Required if the event is an outdoor, public event and involves liquor sales licence holders.

- **Letter of Authorization** - Event organizers conducting sampling at an Industry Promotional event may be required to produce a letter of authorization from the Manufacturer or AGCO Licensed Representative.

Note: You may also provide any supplementary documents you feel may be helpful in the review of your application.

IS THE EVENT FOR INVITED GUESTS ONLY?

If your event is not open to the public, and for invited guests only, answer “yes” to this question.

If your event is open to the public and has been or will be advertised, answer “no” to this question.

Section 9: Purchasing Alcohol for a SOP Event

Generally, all alcohol must be purchased in Ontario through a government store or a store authorized under clause 3(1)(e) of the *Liquor Control Act*. These include any LCBO store, LCBO Agency store, The Beer Store, or any authorized manufacturer’s retail store. Some exceptions for purchasing alcohol under the permit apply. Please see relevant sections of this guide for more information.

Applicants should contact the **Canada Revenue Agency** for information concerning any collection of Harmonized Sales Tax (HST) or other obligations they may have relating to the HST and the sale of alcohol under the permit.

The permit and product receipts for all alcohol products purchased under the permit must be readily available during the SOP event for presentation upon request at the event by AGCO Compliance Officials.

Section 10: Storage of Alcohol

Alcohol that has not been consumed must be removed from the premises at the end of the event. When returning unopened alcohol purchased from a government store, you must produce the permit and a copy of your payment records (e.g. receipts and/or invoices). Check with the retailer at which you purchased the alcohol for further details.

If a multiple day event permit is issued, the permit holder may store alcohol that is sold under the permit between event dates if the permit holder:

- Identifies on the application, the location where the alcohol sold under the permit is to be stored;
- Stores the alcohol in a secure area that is not a dwelling;
- Ensures that the alcohol is stored separately from other alcohol not sold under the permit;
- Provides the AGCO with a list of persons with access to the location; and
- Ensures that the alcohol is made available to AGCO Compliance Officials and police officers for inspection upon request.

Section 11: Event Guidelines

RESPONSIBLE PERSON(S)

The Permit Holder, Responsible Person(s) and/or Designated Person must be present throughout the SOP event.

SECURITY

The permit holder must provide security sufficient to ensure that unauthorized persons do not attend the event and to ensure that the conditions of the permit and requirements of the *Liquor Licence Act* are observed. In order to determine whether security is sufficient, the permit holder shall consider:

- The nature of the event;
- The size of the premises; and
- The age and number of persons attending the event.

COMPLIANCE WITH THE LAW

AGCO Compliance Officials and police officers have the authority to access and inspect any location or area where a SOP event is being held.

If breaches of the *Liquor Licence Act* or its regulations are observed or if there is an immediate threat to public safety, an AGCO Compliance Official or police officer may revoke a SOP while the event is underway.

A Permit Holder, Responsible Person(s) and/or Designated Person may be issued a monetary penalty by the AGCO as a result of specific breaches of the *Liquor*

Licence Act or its regulations. For further information please refer to the **Schedule of Monetary Penalties** on the AGCO website.

SERVER TRAINING

Smart Serve Ontario offers a responsible alcohol beverage service training program for the Ontario hospitality industry. While not a requirement, permit holders and/or their staff may wish to consider taking this training to learn more about safe and responsible sale and service of alcohol. For more information, please contact Smart Serve Ontario (see **Appendix A - Contact Information**).

AGCO RESOURCES

The AGCO has published a series of **tip sheets** to help you in planning your event. You may view and/or download them from the AGCO website or call or visit the AGCO for a copy.

Appendix A – Contact Information

Alcohol and Gaming Commission of Ontario (AGCO)

90 Sheppard Avenue East, Suite 200
Toronto, ON M2N 0A4
Website: www.agco.ca or [iagco online portal](#)
Tel: 416-326-8700
Toll Free: 1-800-522-2876

Additional Industry Contacts

Canada Revenue Agency

Website: www.cra-arc.gc.ca/

Liquor Control Board of Ontario (LCBO)

Telephone: 416-365-5900
Toll-free in Ontario: 1-800-668-5226
Mobile: #LCBO (#5226)
TTY Toll free in Ontario: 1-800-361-3291
Website: www.hellolcbo.com

Liquor Licence Act and Regulations (Government of Ontario)

Telephone: 416-326-5300
TTY/Teletypewriter (for the hearing impaired): 416-325-3408
Toll free in Canada: 1-800-668-9938
TTY Toll free in Ontario 1-800-268-7095
Website: www.ontario.ca/laws/statute/90l19

Ontario Municipalities

Website: www.mah.gov.on.ca/page1591.aspx

Smart Serve Ontario

5407 Eglinton Avenue West, Suite 105
Toronto, ON M9C 5K6
Telephone: 416-695-8737
Toll-free in Ontario: 1-877-620-6082
Email: info@smartserve.ca
Website: www.smartserve.ca

FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	21 May 2019
Subject:	DEV 37-2019 Secondary Access Requirements for Development in the Town of St. Marys

PURPOSE

As a part of their priority setting, Council has provided staff with clear direction to:

- Take all steps within the Town's authority to create as much supply as possible.
- Through the Official Plan review, review and identify properties that would be appropriate for the creation of property specific policies regarding intensification, higher density, and price point for dwelling sales.
- Create an Official Plan that is clean and practical, that supports the creation of attainable housing, and removes the potential for unrealistic barriers to development of attainable housing.

One of the key actions that the Town and Council can take is to establish policies that promote the creation of attainable housing, and policies that encourage a broader range of flexible housing forms and price points (freehold and rental) stock. These policies can be established through the Official Plan and through the zoning by-law.

In staff's view, Council may have to carefully consider whether or not some of the Town's existing development policies are causing barriers to achieving Council's goals for attainable housing. Over the next several meetings staff will bring forward various policies for Council to consider through a lens to removing barriers to development and encouraging a flexible housing stock.

The purpose of this report is to provide Committee with an overview of issues related to the Town's Official Plan policies that require a minimum of two points of public road access related to development proposals with more than 30 dwelling units. This requirement also applies to infilling in areas that currently exceed 30 dwelling units. Additionally, this report allows Council to discuss the Zoning By-law prohibition on any converted dwelling or accessory apartment on lands east of the CNR tracks and north of Trout Creek prior to the establishment of a secondary means of access.

RECOMMENDATION

THAT DEV 37-2019 regarding secondary access requirements in St. Marys be received; and,

THAT the Strategic Priorities Committee recommend to Council that the Town:

- a) As part of the Official Plan review, remove the secondary public road access policy requirement for new development or redevelopment proposing more than 30 dwelling units or infilling in areas that currently exceed 30 units.

- b) Maintain policies in the Official Plan and regulations in the Zoning By-law restricting new development, infilling and intensification in the area north of Trout Creek and bounded by the CNR track until a suitable secondary access point is established.

REPORT

Concerns have been expressed with respect to the restrictions in the Town's Official Plan and Zoning By-law related to secondary access requirements for development in areas with only a single point of access. The following is a discussion of relevant Official Plan policies and Zoning By-law regulations, the history behind these restrictions and an analysis of options for consideration.

OFFICIAL PLAN

Section 5.3.8 of the Town's Official Plan contains the following policy:

"All new developments must front on and have access to a public road, which is constructed to meet the minimum standards established by Council. New development or redevelopment proposals of more than thirty (30) dwelling units shall incorporate at least two points of public road access. Council will not approve infilling development in areas served by only one public road if those areas currently exceed thirty (30) dwelling units or where such infilling development will increase the number of dwelling units beyond thirty (30) dwelling units".

The second sentence requires at least two points of public road access for any development or redevelopment proposing more than 30 dwelling units. The third sentence prohibits infill development in existing areas with 30 or more dwelling units and served by only one public access road.

ZONING BY-LAW

The Town's Zoning By-law prohibits any converted dwelling or accessory apartment on lands east of the CNR tracks and north of Trout Creek prior to the establishment of a secondary means of access through the following sections:

"9.7.1 R2-1

- (a) *Location: All lands within the "R2-1" zone as shown on Schedule "A" to this By-law.*
- (b) *Notwithstanding the provisions of Section 9.1 of this By-law to the contrary, an additional permitted uses described as one converted dwelling on one lot, containing not more than two dwelling units, shall be permitted within the "R2-1" zone as shown on Schedule "A" to this By-law.*
- (c) *Notwithstanding Section 9.7.1 (b) above, a converted dwelling containing not more than two dwelling units, shall not be permitted on:*
 - (i) *any lot that is not service with both a municipal water supply and municipal sanitary sewers;*
 - (ii) *any lot located east of the CNR tracks and north of Trout Creek until a secondary means of access to these lands is available;*
 - (iii) *any lot if the dwelling has been constructed for less than five years.*
- (d) *All other provisions of this By-law shall apply".*

"5.1 Accessory Apartments

5.1.1 In a Single-detached, Semi-detached or Row or Townhouse Dwelling

A maximum of one accessory apartment is permitted per lot in any single-detached, semi-detached or row or townhouse dwelling provided that:

- (a) *The maximum gross floor area of the accessory apartment shall not exceed 40 percent of the gross floor area of the main building (including the gross floor area of the accessory apartment) and shall not exceed 100 square metres (1,076 ft²);*
- (b) *A home occupation is prohibited in any accessory apartment;*
- (c) *An accessory apartment is prohibited on any lot where a garden suite dwelling exists;*
- (d) *The lot is serviced by municipal water and sanitary sewer services; and,*
- (e) *The establishment of a new accessory apartment on any lot located east of the CNR tracks and north of Trout Creek is prohibited until a secondary means of access to these lands is available”.*

HISTORY

An Ontario Municipal Board (OMB) Decision issued on December 14, 1998 regarding appeals by Stanley Fraser, Cavell Fraser and 1192546 Ontario Inc. in relation to Town's enactment of Comprehensive Zoning By-law No. Z1-1997 (the Town's current Zoning By-law) and an application to amend the previous Comprehensive Zoning By-law No. 22-1975 discusses the 30 unit policy and zoning restrictions. The appeals related to proposed changes to the zoning of lands generally located west and south of the CPR track and north of Widder Street East including changing the zoning from R2 to R2-1 and R3. A copy of the OMB Decision (with relevant sections highlighted) is provided with this report as Attachment 1.

Based on review of the OMB Decision and discussions with Town staff, the second access requirement (which was originally for 25 lots) had been applied since 1989 as an unwritten operational policy and formally established by Council resolution. The Town added the 30-unit policy in 2006 as part of the 5-year review of the Official Plan. The Town added the prohibition on converted units and accessory apartments to the R2-1 Zone in 2000/2001 and 2018, respectively.

ANALYSIS

Concerns have been expressed that the existing policies unnecessarily restrict development in the Town by requiring an Official Plan Amendment or the provision of a second access for any new development consisting of more than 30 dwelling units. This includes lots that may have frontage along one or more public roads but where there is a proposal for a single access from a public road to serve the development of more than 30 units on a property (e.g. infill townhouse development). Going forward this could have more substantial implications with respect to more dense development proposals (e.g. low rise apartment with more than 30 units on a small lot).

Typically, there are two main questions when considering whether or not a single access to a property or neighbourhood is sufficient: can the single access accommodate the volumes of traffic proposed and if the single access is blocked, are there any alternatives to provide access if there is an emergency?

Staff's advice to Council on this question is twofold:

- With respect to areas outside of the area north of the Trout Creek and bounded by the CPR track, staff does not see the need to maintain the Official Plan policy requiring two points of public road access. Prior to approving any development proposal, the Town can require a traffic impact study to demonstrate that a single point of access can accommodate increased traffic and to demonstrate that emergency access is possible. Fire Department staff have no concerns with their ability to access the vast majority of possible development properties or areas in the Town, even with a single point of access. However, if there are concerns, the Town can review each application on a case-by-case basis to determine if secondary access points are required.

- For the area north of the Trout Creek and bounded by the CNR track, it is recommended that the Town maintain Official Plan policies and the zoning regulations prohibiting more intensive uses and/or development until a secondary access to the area is established. Although unlikely that both a blockage and emergency will occur at the same time, staff is concerned with the far greater impediments to access created should there be a rail related accident.

These impediments represent a barrier to development in this area, whether it be the development of green fields in the area or the development of secondary dwellings on existing developed properties. This area has had a long standing barrier to development, and local landowners with development potential have expressed frustrations to current and former Councils and staff.

A key question for Council is: should the Town actively work to resolve this barrier to help create more land stock that could potentially be developed in the future? There are several options that could be considered.

- The Town could actively pursue expropriation of lands from surrounding property owners to create the necessary secondary access.
- The Town could actively pursue the construction of a bridge that would connect Widder Street to Queen Street East via a number of unopened road allowances.
- The Town could construct an emergency access bridge across Trout Creek at the base of St. George Street that connects to St. Andrew Street via a trail built to a rural road standard.
- There is also the option to improve the trail in Rotary Park to a standard that could carry traffic to connect Station Street and St. Andrew Street to provide a secondary access.

Out of this report staff is seeking direction if Council wishes for staff to actively research one or any of these options so that the Town takes an active role in removing the secondary access barrier to development on Widder Street East.

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

Staff is seeking direction from Council on two key policy questions:

- Should the Town remove the requirement for two access roads when developments are larger than 30 units?
- Should the Town take an active role in removing the secondary access barrier that exists for Widder Street East to promote development and secondary unit creation?

It is recommended that the Town remove the secondary public road access policy requirement for new development or redevelopment proposing more than 30 dwelling units or infilling in areas that currently exceed 30 units, as part of the Official Plan review.

It is also recommended that the Town maintain policies in the Official Plan and regulations in the Zoning By-law restricting new development, infilling and intensification in the area north of Trout Creek and bounded by the CNR track until a suitable secondary access point is established.

Finally, staff recommend that Council provide direction to staff to research and report on all alternatives the Town could pursue to create a secondary access for Widder Street East.

STRATEGIC PLAN

- ☒ This report is supported by the following priorities and tactics in the Strategic Plan:
- Pillar #6: Housing - There need to be housing options that are affordable, attainable, and even include rentals
 - In order to get the “right demographic mix” for St Marys, it will be essential to ensure housing stock is flexible and attractive for youth, workers, and immigrants, and persons of all abilities.
 - Identify in the Official Plan development areas that would be key growth areas among targeted demographics.
 - Address infrastructure needs to best ensure development capacity.
 - Create direct municipal investments to assure that housing that is affordable is created in the community.

OTHERS CONSULTED

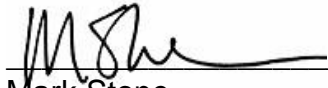
Jason Silcox, Building Inspector; Jed Kelly, Director, Public Works; Jeff Wolfe, Engineering and Asset Management Specialist; Dave Blake, Environmental Services Supervisor; Richard Anderson, Director, Emergency Services/Fire Chief; Brian Leverton, Fire Prevention Officer.

ATTACHMENTS

- 1) OMB Decision (December 14, 1998)
- 2) Zoning By-law Map Excerpts

REVIEWED BY

Recommended by the Department

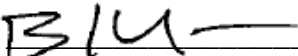


Mark Stone
Planner



Grant Brouwer
Director Building and Planning

Recommended by the CAO



Brent Kittmer, CAO / Clerk

ISSUE DATE:
Dec. 14, 1998
DECISION/ORDER NO.
3061



RECEIVED
DEC 17 1998

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL970402

Stanley Fraser, Cavell Fraser and 1192546 Ontario Inc. have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, against Comprehensive Zoning By-law No. Z1-1997 of the Town of St. Marys OMB File No. R 970119

Stanley Fraser, Cavell Fraser and 1192546 Ontario Inc. have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O., 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 22-1975 of the Town of St. Marys to rezone lands respecting Lots 53 to 66 inclusive on the north side of Widder Street East OMB File No. Z 970049

COUNSEL:

John Skinner

for Stanley Fraser, Cavell Fraser,
1192546 Ontario Inc.

Michael Mitchell

for Town of St. Marys

CIRCULATED TO
DEC 17 1998

MAYOR & COUNCIL

- Pargat
- Bruce
- Brendan McDonald

DECISION DELIVERED BY W.R.F. WATTY AND ORDER OF THE BOARD

At the conclusion of the hearing, the Board rendered an oral decision dismissing both of the subject appeals, with written reasons to follow, as contained herein. Mr. Brendan McDonald, who had requested participant status at these proceedings at the Board's prehearing conference, agreed to ally his interests with the Town, and to be called by Mr. Mitchell, if necessary. He took no active part in the hearing.

The Corporation of the Town of St. Marys has enacted a new comprehensive Zoning By-law (Z1-1997), which replaces an earlier By-law 22-1975. Within that section of the municipality generally bounded by a CPR rail track to the west, extending to the former Town boundary with the Township of Blanshard (now incorporated into the Town) on the

- 2 -

east, an east-west arterial road, Widder Street East on the south, and extending again to the CPR tracks to the north, the new by-law proposes a number of lands use zones. The principal ones of concern to this hearing are as follows:

- 1- A change from R2 residential to R2-1 and R3 and an Environmental Control (EC) Zone extending from the Railway line to an unopened road allowance shown as Huron Street North.
- 2- A change from a Development "D" Zone to a Residential Development Zone (RD) on lands east of Huron Street North eastward to the former Township line.
- 3- A change from Residential R2 to Institutional (I-1) for a parcel of land in the immediate north-east corner of Widder Street East and Huron Street North. This property is occupied by a municipal works yard.

(Exhibits 10, 13)

As explained in the evidence of Mr. John Cox, a planner called by the appellant, the purpose of the change from R2 to R2-1 is to permit single detached residential dwellings, and to permit duplexed (converted) dwelling units on existing lots subject to a second access into the area. At present, the only access into this neighbourhood of some seventy (70) residences is via an underpass of the CPR tracks along Widder Street East. Residential development over Widder Street East and the intersecting streets to the north and south must all utilize this single entrance/exit.

From the evidence Mr. Mark Swallow, a planner called by the Town, the change from Development zone (D) to Residential Development (RD) is to acknowledge that the intended use of these lands is for future residential. "However the timing for development and development standards (i.e. housing type and density) have yet to be determined."

- 3 -

(Exhibit 2, Section 28.3.1)

By far the largest property-owner within the proposed RD zone in this area are the appellants Stanley Fraser, Cavell Fraser and a numbered company 1192546 Ontario Inc. of which the Frasers are principals. These lands are the subject of an earlier Registered Plan 225, said by Mr. Cox to have received registration in 1962 [Exhibit 3(a)]. From Exhibit 10, an ownership map of the said registered plan, Mr. Swallow illustrates that ownership is in the name of the three parties in single or various combinations of ownership described by him as a "checkerboard subdivision." The subdivision indicates a north-south proposed internal subdivision street pattern onto Widder Street east.

During the course of the hearing, the Board was advised by counsel for the appellants that his clients wished to confine their appeals to some of the most southerly lots on the Registered Plan, numbered 53-66 inclusively. The appellants thereby request that the appeal be dismissed in respect of the remainder of their lands, and that the Board determine their appeal as follows:

- 1) That the zoning of lots 53 - 66 be established in some appropriate single detached residential zone, but without any constraints that development be subject to a second access.
- 2) That the Board establish minimum zone standards within the appropriate zone as established in (1) above for frontage, depth and area, as follows:

- Frontage 27 metres
- Depth 40 metres
- Area 1,080 metres

All other regulations as for the Residential (R1) Zone shall apply.

- 4 -

By the above zoning request, the appellants intend that the affected section of Registered Plan 225 would need to be amended, and the evidence of Mr. Cox is that the present fourteen (14) lots would be amalgamated into eight larger lots.

The lands are designated "Residential" on Schedule "A" to the St. Marys Official Plan (Exhibit 1), and it is acknowledged by both parties that nothing in the Official Plan prohibits the appeals.

Counsel for the Town has questioned the jurisdiction of the Board to consider the revised lot arrangements as sought to be entered into evidence by the appellants, which would result from the amendment to the zoning by-laws before the Board for determination. He stated that whether the plan revisions come forward as a subdivision amendment or as variance applications, they deserve prior consideration and decision by Council or the Committee of Adjustment as the case may be, following circulation to affected agencies. None of this has occurred, and he states that the Board is ignorant of the concerns that such a process might elicit. Mr. Swallow, the Town's planner, avows that the established practice in the municipality is to attempt to resolve subdivision or consent to convey matters in advance of, and to be made subject to appropriate zoning. This practice is unusual to say the least.

The Board acknowledges that it can make no determination on a Plan of Subdivision which is not properly before it. However, both zoning by-laws are, and the Board is empowered to make any appropriate determination on the merits of these documents, based on the evidence. This would include, and need not be limited to permitted uses, minimum lot frontage, minimum lot depth and minimum lot area. Certainly, these have implications for future subdivision, consent to convey or minor variance arrangements as they apply to lot configurations. How the zoning regulations work themselves out are matters for another day. The Board finds that it is proper for the appellants to bring forward alternative proposals for minimum lot frontages, depths and lot areas, and to attempt to

- 5 -

defend these alternatives by reference to site issues, community standards, servicing and other appropriate planning grounds.

In this case, the appellants are proposing higher standards than the residential R zones in By-law Z1-1997 have adopted. Mr. Cox explained this as an attempt to address the concerns of home owners on the south side of Widder Street East, who had built more spacious homes on large sized lots with private servicing. Accordingly, on grounds of use and neighbourhood compatibility, he saw no disadvantages or inconsistencies in a higher standard as his clients were proposing.

However, whether or not the Development "(D)" constraint in the Residential Development Zone (RD) should be removed was dependent on the availability of services. Both Mr. Cox and Mr. Swallow concurred that municipal water is available to the subject lands. Municipal sewer lines presently terminate at the general intersection of Widder Street East and Huron Road North, some two and one-half blocks to the west [Exhibit 3(a)]. Sewer lines would therefore have to be extended the full block occupied by the public works yard, then across one and one-half blocks owned by the appellants, but not proposed for rezoning at this time [Lots 45-52, RP 225, Exhibit 3(a)]. The above evaluation is offered in the evidence of Mr. Robert Walton, with cost estimates. Mr. Walton, who is a professional engineer retained by the appellants, concludes that the rezoning is not restricted by roadway conditions. He argues that the resulting development would depend on how much road reconstruction would be necessary to install sanitary sewers. (Mr. Walton has proposed in Exhibit 7, an interim "low pressure sewer system" along Widder Street connected to the Huron Street manhole at a cost of \$81,600, and road works improvement to accommodate this option "within the north boulevard" of the road right-of-way. By his estimates, a full upgrading of both road and sewers could range from \$443,000 - \$530,000). The Town finds little comfort in these various options or their costs which may have been discussed with Town staff but to which municipal Council has given no consent or shown any preference as to priority, timing, costing, or financing. The most

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that can be concluded by the Board from this evidence, is that the proposed area for rezoning can be serviced with a technical solution which at this time may or may not be acceptable to Council.

On the more critical issue of whether or not any rezoning which allows development should be permitted in the absence of a second access, the appellants attempted to question the force of such a policy which had been applied since 1989 as an unwritten policy (Exhibit #11, letter dated November 19, 1996), and applied consistently since then, as attested to by Mr. Swallow. Nothing in the evidence of Mr. Cox or in Exhibit 3(b) persuades the Board that the Town has been acting in a capricious manner by exempting applicants in contradiction of this policy or in imposing it without justification. On the contrary, Mr. Swallow's review of Mr. Cox's inventory of "lots with infilling potential" and "new homes built since 1989" within this neighbourhood convinces the Board that in no instance has the municipality granted permission for development, when it could have legally refused it, in furtherance of this policy.

The Board finds that the "second access" policy is an operational policy, not necessary in an official plan document, but certainly one with which the public should be fully made aware. It has now been formally established by resolution of Council, Number 14-97, (Exhibit 5), but after the refusal of the application by the applicant to amend By-law 25-75 Resolution (Number 13-97). The evidence provided through Exhibit 11 shows that in 1995, the question of the necessity of a second access had been under discussion with the land-owners:

"At present the Town's policy limits modern development to 25 dwelling units maximum prior to installation of a second road access.....

It is my understanding that this policy will be applied as a condition of acquiring any zoning modifications on Fraser's or other property accessed by Widder Street East."
[Exhibit 3(b)]

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Clearly, prior to application for rezoning, the land-owners were aware that a second access was required.

Within this neighbourhood of seventy residences, because all access is via the CPR underpass, the concerns of the Town are understandable. Under examination-in-chief, Mr. Walton stated that it was his understanding that the Town perceives the possibility of interruption to access should there be a spillage or worse on the tracks on this location. In such an event, a planned and orderly evacuation would be impossible. Mr. Walton was asked whether this had ever occurred on this trestle, to which he replied, "No." The Board finds that both the question and answer fall short of the appropriate test, "could it reasonably be expected to occur?" The appellants have not satisfied the Board in that regard. The fact of a public works yard inside this enclave is not sufficient to relieve the Board's concern that under emergency conditions of blockage or other hazards on the tracks that police, fire ambulances vehicles would be unable to enter or exit.

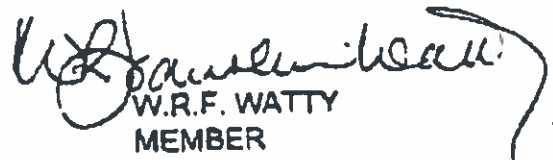
From a planning policy perspective, the provisions of Zone R-1 to the west of the subject lands, but inside the enclave have not been appealed and are now approved. Legally, existing lots so zoned are entitled to develop for single detached residential uses. However, any redevelopment as converted dwellings for duplexes is prohibited until such time as a second access exists. With such a stipulation, Mr. Swallow cannot accept that new lots should be created and zoned or existing lots be rezoned to permit additional residential units on the same single access. He states that this would generate valid neighbourhood objection on grounds of preferential treatment. The Board agrees. He goes further to suggest that development, whether more intensive in nature or new, should progress with service extensions from west to east. The Board finds no basis for requiring this as a planning principle, but in the circumstances of this case given the high cost of service extensions, questions are understandable concerning the planning logic for leap-frogging lots 45-52 also fronting onto Widder Street East. The response given by Mr. Cox is that the Frasers, who live in a farm house set back to the rear of these lots, prefer

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to maintain an open vista to the south. That explanation is not persuasive.

The Board will disregard the evidence entered by Mr. Walton on options/solutions for the eventual (ultimate) servicing of all of the appellants' properties with sewers and roads. These are based on hypothetical assumptions of participation and contributions of other land-owners, to which the Board cannot give any credence. The Board is not insensitive to the fact that issues more related to financing of servicing than the acceptability of these proposals may underline the matter before it. These are beyond the authority of the Board at this time, and not within its mandate to resolve.

For the matter at hand today, the Board finds that any change from a "RD" zone to permit development as of right is premature. The Board orders that the appeals of By-law 22-1975 under subsection 34(11), and of By-law Z1-1997 under subsection 34(19) of the *Planning Act* are both dismissed.


W.R.F. WATTY
MEMBER



THIS IS **KEY MAP 8** OF SCHEDULE "A" TO BY-LAW
NO. OF THE TOWN OF ST. MARYS

AMENDED BY
BY-LAW NO. **ATTACHMENT 2**
103-2013

See Key Map 2

See Key Map 3





See Key Map 7

See Key Map 9

WIDDER ST E.

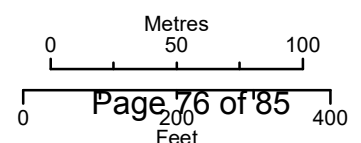
QUEEN ST E.

See Key Map 14

-  Railway
-  Parcels
-  Zoning By-law Boundaries
-  Heritage Classified

 UTRCA Regulation Limit

Last Amended: December 14, 2018
Absolute Scale 1:3,000





THIS IS **KEY MAP 9** OF SCHEDULE "A" TO BY-LAW
NO. OF THE TOWN OF ST. MARYS

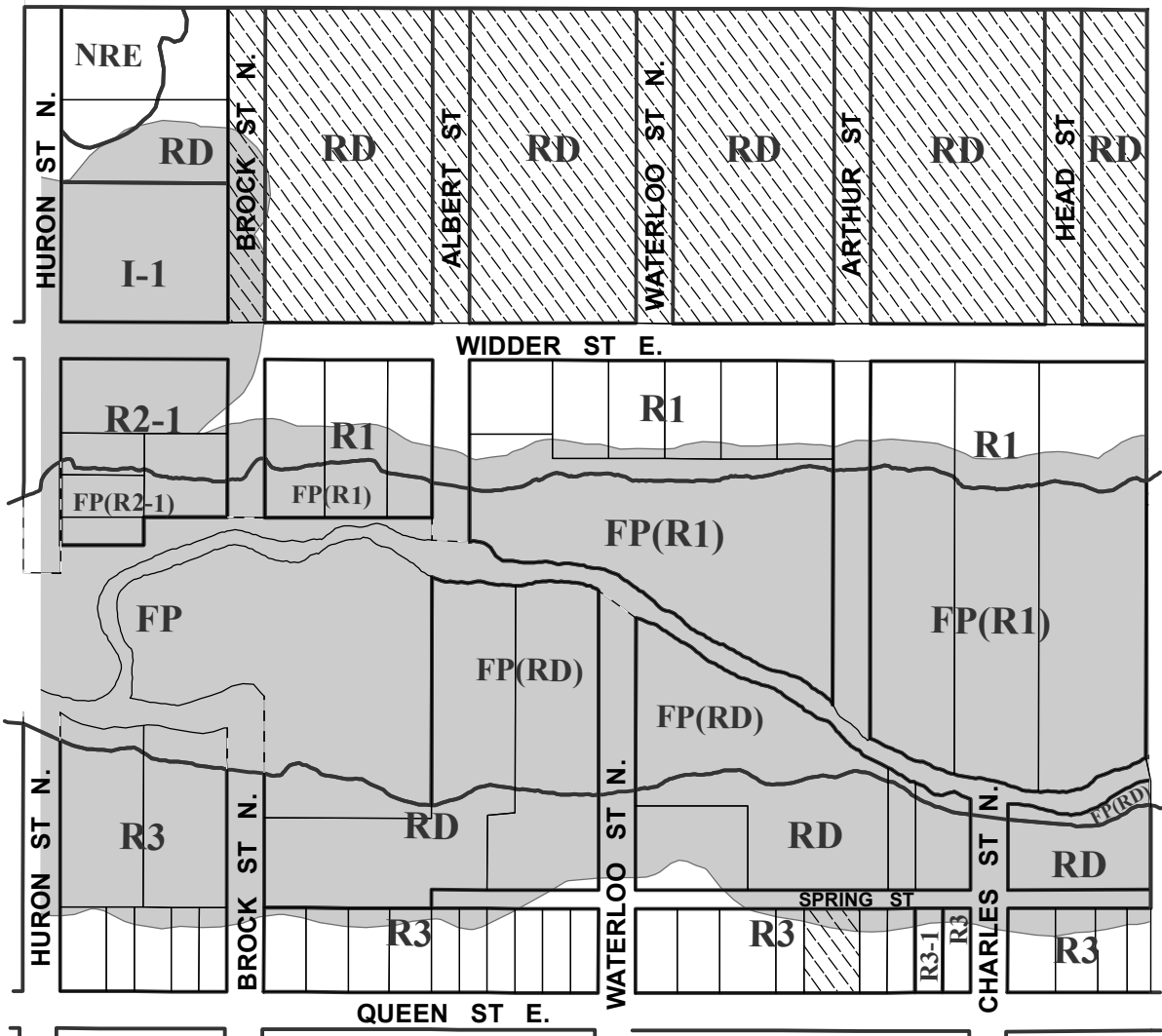
AMENDED BY
BY-LAW NO.

ATTACHMENT 2





See Key Map 3

See Key Map 10

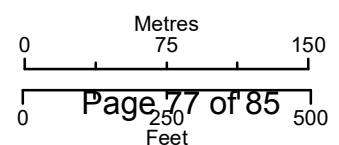
See Key Map 10



See Key Map 15

-  Parcels
-  Zoning By-law Boundaries
-  Heritage Classified
-  UTRCA Regulation Limit

Last Amended: December 14, 2018
Absolute Scale 1:4,000





FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	21 May 2019
Subject:	DEV 36-2019 Building Heights in St. Marys

PURPOSE

As a part of their priority setting, Council has provided staff with clear direction to:

- Take all steps within the Town's authority to create as much supply as possible.
- Through the Official Plan review, review and identify properties that would be appropriate for the creation property specific policies regarding intensification, higher density, and price point for dwelling sales.
- Create an Official Plan that is clean and practical, that supports the creation of attainable housing, and removes the potential for unrealistic barriers to development of attainable housing.

One of the key actions that the Town and Council can take is to establish policies that promote the creation of attainable housing, and policies that encourage a more flexible housing stock. These policies can be established through the Official Plan and through the zoning by-law.

In staff's view, Council may have to carefully consider whether or not some of the Town's existing development policies are causing barriers to achieving Council's goals for attainable housing. Over the next several meetings staff will bring forward various policies for Council to consider through a lens to removing barriers to development and encouraging a flexible housing stock.

The purpose of this report is to provide Committee with an overview and request direction with respect to planning for and regulating building heights in the Town. Issues related to building heights have been identified through the ongoing Official Plan review, the review of development proposals, and the day to day administration of the Official Plan and Zoning By-law. Staff has prepared this report to discuss this issue and request direction from SPC and Council.

RECOMMENDATION

THAT DEV 36-2019 regarding building heights in St. Marys be received for discussion and direction to staff for the Official Plan review.

REPORT

The Residential section of the current Official Plan speaks to a steady increase in population over a number of decades and an expected future growth rate of 1.0 percent per annum. However, on September 25, 2018, Council endorsed an annual growth rate of 1.5 percent for the 20-year planning period for the Official Plan update. Some of the factors considered in endorsing this increased growth rate include:

- recent and higher anticipated future building permit rates in the Town; and,

- more aggressive growth expectations for the Town as a result of a number of policy initiatives approved or being considered (e.g. encouraging appropriate infill and intensification development to increase choices in unit types and affordability, permitting standalone residential buildings in the downtown, permitting secondary units in residential dwellings as-of-right, and intensification/mixed use on Highway Commercial properties).

However, in considering these more aggressive growth initiatives, it is also important to consider any potential impacts on the character and charm of St. Marys.

The Residential designation in the Official Plan permits a wide range of dwelling types from single detached to walk up type apartments and residential infilling is generally permitted “where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation” (Section 3.1.2.3). In reviewing proposals for residential development with a net density greater than 18 units per hectare, Council is to consider a number of factors such as servicing and roadway capacity as set out in Section 3.1.2.7. However, Section 3.1.2.7 (a) states that “development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area”.

In a few instances, the Town has approved multi-storey residential buildings exceeding the 3-storey maximum including the Kingsway Lodge (3.5 storeys) and the Trillium Apartments (4 storeys). In addition, there is an active Official Plan and Zoning By-law Amendment Application before the Town for a seniors’ apartment complex with buildings ranging from 3 to 5+ storeys (151 Water Street North).

In the Central Commercial designation of the Official Plan, development and redevelopment is subject to specific policies including a 4-storey height limitation for new commercial buildings.

This report is intended to provide background information to assist in the discussion of options in considering a vision for building heights in St. Marys going forward, and implementation and regulatory options.

Considerations

When considering this issue, it is important to first identify Provincial and Town policy requirements with respect to intensification requirements, affordable housing, compatibility, building height and design, etc. The following are some of the key considerations in determining if maximum permitted building heights should be increased in the Town.

a) Provincial Policy Statement

- The PPS promotes efficient development and land use patterns that include intensification and redevelopment opportunities, including brownfields, to achieve a more compact form. The goal of promoting such form is to increase the availability, and minimize the cost of various housing options, and increase the efficiency and sustainability of existing and future infrastructure.
- The PPS defines intensification as “*the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings*”.

b) Community Character and Compatibility

- “Council also recognizes and reinforces its desire to maintain the charm and attractiveness that are fundamental to the character and lifestyle of St. Marys” (Official Plan - Section 2 – Goals and General Principles).

- *“The Town will endeavour to provide stable, attractive residential areas for all its residents” (Official Plan - 2.1.2).*
- Maintaining and improving the existing housing stock and character of residential areas (Official Plan - Residential Objective 3.1.1.3).
- Preventing the location of non-compatible land uses in residential areas (Official Plan - Residential Objective 3.1.1.4).
- Encouraging and promoting additional housing through intensification and redevelopment (Official Plan - Residential Objective 3.1.1.7).
- *“The consistent building heights, pedestrian scale, massing and setbacks along the principal commercial streets give the Town a distinctive feel and establish a coherent and cohesive appearance to the downtown” (Heritage Conservation District Plan - 2.3).*

c) Intensification and Compact Development

- A short-term initiative in the Town’s Strategic Plan involves the Town investigating *“the prospect of medium density housing in the downtown and surrounding areas (infill and new development spaces: ‘building in and building up’)”* (Strategic Pillar 6, Housing).
- The Official Plan supports and encourages the development of a compact development form in order to encourage and facilitate active transportation (Official Plan - Section 2.6).

d) Providing Housing Choices for Residents – Form and Affordability

- The Town’s Strategic Plan states that *“the recent County labour market survey indicates an acute shortage of skilled workers, particularly in the ‘blue collar’ and agricultural sectors. The one barrier to supplying that labour is housing options. There need to be housing options that are affordable, attainable and even include rentals. This solution might also partially encourage youth and cultural practitioners to consider St. Marys as the place to live, work and play”* (Strategic Pillar 6, Housing).
- *“Residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes”* (Official Plan - Goal 2.1.1)
- Official Plan encourages *“the provision of an adequate supply and choice of housing for the existing and future residents of St. Marys in terms of quality, type, location and cost”* (Official Plan - Residential Objective 3.1.1.1).
- Encouraging a diversification and inter mixing of different housing types and forms (Official Plan - Residential Objective 3.1.1.8).

e) Heritage Conservation District

- *“New buildings in the District should generally be compatible with other buildings in their immediate area with respect to building height and footprint on the site, setback from the street, overall size, massing and building width, exterior materials selected, and the size, shape, proportion and number of windows and doors”* (Heritage Conservation District Plan - 4.4).
- *“Typically, new buildings should be 1-1/2 to 2 stories for residential buildings, and 2-3 stories for commercial buildings”* (Heritage Conservation District Plan - 4.4).

f) Building Code and Emergency Services

- The Ontario Building Code was updated in June 2008 to require full sprinkler systems in residential building over two stories in height.

- The Fire Chief has commented that although dealing with a multi-storey building can prove challenging, there is nothing in the Fire Department's operational capabilities that should prevent the construction of buildings with greater than 3 storeys in height in St. Marys. The Fire Chief has indicated that there would be the need for the Fire Department to procure some equipment upgrades and that a new 75' aerial will help with these rescues, fire fighting, etc.. The Fire Chief has also indicated that there will be the need to undergo some in-house training with respect to dealing with fires and rescues in taller buildings.

Options

The considerations in the previous section emphasize the need to examine options to encourage intensification and the provision of affordable housing, while maintaining the overall character of St. Marys as well as the character of smaller areas and neighbourhoods in the Town.

Based on these considerations and review of best practices in other municipalities, the following options are presented.

1. Status Quo

This option would maintain the current policy approach for buildings in Residential areas identified in the Official Plan, thus requiring an Official Plan Amendment for any proposal exceeding the 3-storey maximum. A benefit of the status quo approach is that it requires an Official Plan Amendment (OPA) and the associated planning review and public consultation with any proposal that exceeds 3 storeys. However, the requirement for an OPA can be viewed as a barrier to the development community due to the additional time and effort required into securing this additional approval. Also, limiting new development to a maximum of 3 storeys may make certain projects less financially viable (as compared to the return on development that allows for a greater number of residential units on a lot).

2. Increase the Maximum Permitted Height for all Residential Areas from 3 to 4 storeys

To implement this option, Section 3.1.2.7(a) of the Official Plan would be amended to read *"development will not involve a building in excess of ~~three~~ four full stories above average finished grade and designed to be in keeping with the general character of the area"*. However, such proposals would still be subject to the policies of the Official Plan which require the Town to consider a number of factors before approving such development.

In addition, staff has included a series of new policies in the preliminary draft of the new Official Plan to provide additional policy direction to ensure that potential impacts on adjacent properties and the surrounding neighbourhood are considered (including shadowing, access and circulation, and privacy). New policies to specifically address higher density development proposals (townhouses, multiples and apartments) have also been added to the preliminary draft of the Official Plan, including policies to ensure:

- there is a transition between areas of different development intensity and scale, achieved through appropriate setbacks or separations of buildings and/or appropriate changes in densities and/or the stepping down of building heights;
- potential shadowing impacts, views onto adjacent lower density lots and abrupt changes in scale are considered in relation to the height and massing of proposed buildings;
- sites have adequate land area to incorporate required resident and visitor parking, recreational facilities, landscaping and buffering on-site; and,
- proposed buildings are designed following consideration of the materials and characteristics of existing buildings in the neighbourhood.

This approach would allow for more intensive development provided such development meets the policies addressing compatibility, urban design, etc. There could be concerns that there is less public consultation since an OPA would no longer be required however, there would still be a public process related to a Zoning By-law Amendment application. There may also be concerns due to a lack of uncertainty on future development or redevelopment is established neighbourhoods since there is only a single Residential designation in the Official Plan which applies to all residential areas.

3. Increase the Maximum Permitted Height Based on Location, Character and/or Planned Function

Council has provided direction that, through the Official Plan review, staff should review and identify properties that would be appropriate for the creation of property specific policies regarding intensification, higher density, and price point for dwelling sales. This option is presented in keeping with that direction.

The City of Stratford and the Town of Cobourg regulate the heights of residential development based on designations or areas identified in the Official Plan as follows:

- 3 storeys in Stable Residential Areas
- 4 storeys in New Residential Areas
- 6 storeys in High Density Residential Areas (3 storey minimum height)

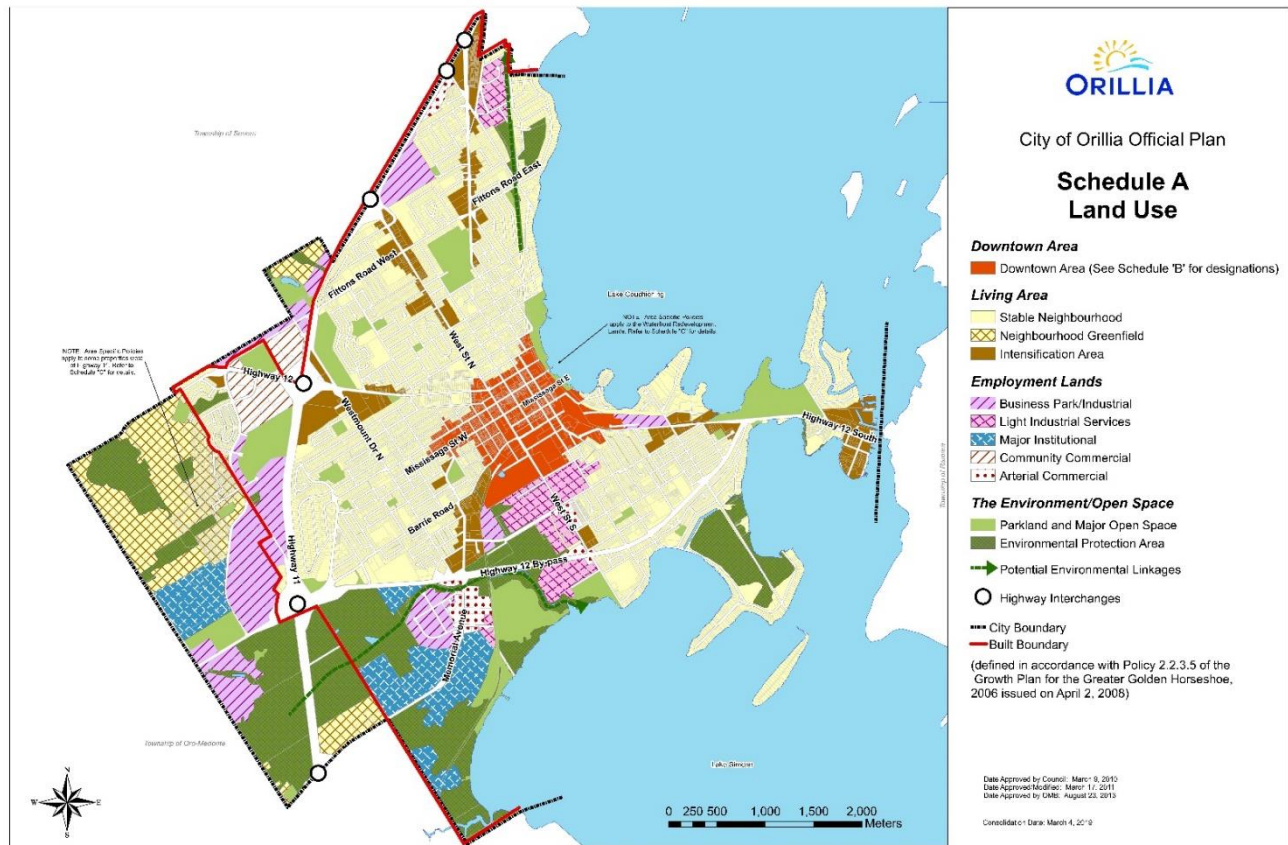
To implement this in St. Marys, there may be the need for an analysis to identify what areas should continue to have a 3 storey maximum and identify properties and/or areas where 4+ storey buildings and/or higher densities may be appropriate. For example, the 4-storey maximum could apply to Greenfield areas such as the undeveloped land in the Thames Crest Farms area. A six-storey maximum could apply to these same Greenfield areas with specific locations being identified based on certain criteria or area characteristics such as:

- existing abutting land uses;
- view and shadowing impacts; and,
- appropriateness of lands for residential development based on the characteristics of the neighbourhood.

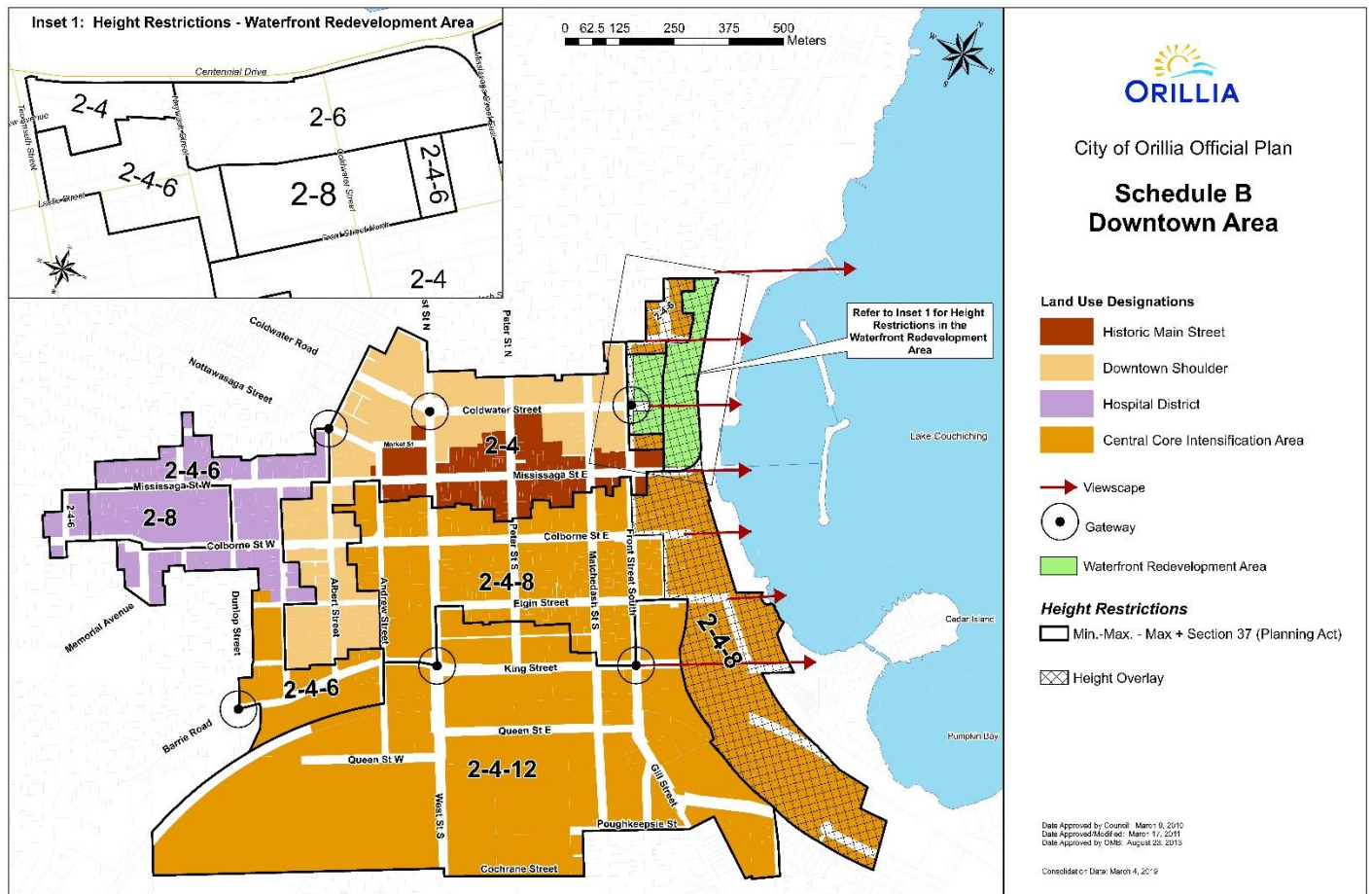
In the City of Orillia Official Plan, specific height restrictions are identified as follows:

- Stable Residential
 - maximum height of 3 storeys

- the implementing Zoning By-law may provide more restrictive height limits based on the specific context of a neighbourhood or area within the City



- Historic Main Street and Downtown Shoulder
 - building heights are identified on a Schedule to the Official Plan
 - other than small scale development within or attached to existing buildings, building heights restricted to between 2 and 4 storeys
- Central Core Intensification Area
 - Example Area 1: 2 to 4 storeys + height bonus up to 6 storeys
 - Subject to angular planes for lands abutting Historic Main Street, Downtown Shoulder and Stable Residential



SUMMARY

The key question for Council to consider is whether or not the Town should revisit the restriction on building heights in St. Marys. Out of this report staff is seeking direction from the Committee that can be incorporated into the Official Plan review.

It is noted that permitting increased building heights will assist the Town in meeting its intensification and housing affordability objectives. Permitting additional units to be built on smaller footprints can make it more likely that a development is financially viable. There can also be negative impacts resulting from increased building heights and densities if potential issues are not addressed, such as shadowing or development that is not in keeping with neighbourhood or streetscape character.

FINANCIAL IMPLICATIONS

Not known at this time.

SUMMARY

It is noted that permitting increased building heights will assist the Town in meeting its intensification and housing affordability objectives. Permitting additional units to be built on smaller footprints can make it more likely that a development is financially viable. There can also be negative impacts resulting from increased building heights and densities if potential issues are not addressed, such as shadowing or development that is not in keeping with neighbourhood or streetscape character.

STRATEGIC PLAN

Refer to Considerations section of this report.

OTHERS CONSULTED

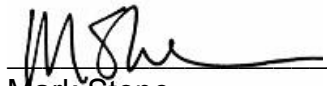
Jason Silcox, Building Inspector; Jed Kelly, Director, Public Works; Jeff Wolfe, Engineering and Asset Management Specialist; Dave Blake, Environmental Services Supervisor; Richard Anderson, Director, Emergency Services/Fire Chief; Brian Leverton, Fire Prevention Officer.

ATTACHMENTS

None.

REVIEWED BY

Recommended by the Department

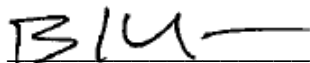


Mark Stone
Planner



Grant Brouwer
Director Building and Planning

Recommended by the CAO



Brent Kittmer, CAO / Clerk