

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Aaron Hair, Planner III

Date: February 18, 2021

Subject: Zoning By-law Application ZBA-5-2021, 20 North Rear Road

Recommendation

Approve a Temporary Zoning By-law Amendment Application ZBA-5-2021 to permit the temporary use of 20 North Rear Road as a film studio for a maximum period of 3 years, for a parcel of land, indicated as the “Subject Property” on the Key Map, Figure 1 (Appendix 1);

Direct the Clerk to read By-law 19-2021 amending the Zoning By-law, By-law 2-2012, as presented at the March 9, 2021 Council meeting.

Background

The subject of this application is a 4.30 hectare parcel in area, located at the northeast corner of County Road 19 (Manning Road) and North Rear Road (See Appendix 1). The applicant is proposing a film studio as a temporary use on the subject property for a maximum of 3 years (allowed for a period of 3 years with possible extensions of 3 years under Section 39 of the *Planning Act*).

On June 22, 2017 Council approved ZBA-5-2017 (By-law 58-2017) to permit film studio as a temporary use on the subject site. The temporary use by-law expired on July 11th, 2020, and the current owner has requested that this use be extended for an additional 3 years.

Subject Parcel	Lot Area – 4.30 ha Existing Use – two large vacant buildings (<i>buildings were initially intended for the growing and processing of medical marihuana of which the project has been abandoned</i>), single detached dwelling Proposed Use – film studio as a temporary use Access – existing Servicing – municipal water and private septic system
Surrounding Uses	North – farmland & solar farm

	East – Hicks Road & single detached dwelling and farmland West – County Road 25 (Manning Road) single detached dwellings & farmland South – farmland
Official Plan	Agricultural, Limit of Regulated Area
Existing Zoning	A-95 Agriculture Zone

Comments

Planning Act

Under Section 39 of the *Planning Act*, a municipal council may pass a by-law authorizing the temporary use of land or buildings “for any purpose...otherwise prohibited by the by-law.” The by-law may be for a period of up to three years with further extension of up to three years for each increment.

Provincial Policy Statement (PPS) and County Official Plan (COP)

These two documents are silent on the matter of temporary use.

Lakeshore Official Plan (LOP)

Temporary use by-law policies are found in Section 8.3.2.2 of the LOP and are below, with comments following:

- a) the proposed use will be of a temporary nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;

Comment: no major investment by the applicant in the site will be required. Any improvements with the buildings will made at the expense of the entertainment enterprise leasing the premises and would be removed at the completion of the film. Should this undertaking prove successful the applicant can (a) seek a permanent rezoning of the site to permit a movie studio; (b) seek an additional period for a temporary use zone; or, (c) relocate the facility to another site. In any case, a subsequent planning approval will be required from Council and / or the County.

- b) the compatibility of the proposed use with the surrounding land uses and character of the surrounding area;

Comment: the character of the surrounding area will remain largely unaffected, mainly as the movie studio use will occur wholly indoors.

- c) the proposed use will be properly serviced and not require the extension or expansion of existing municipal services;

Comment: there will be no requirement for the extension of municipal services.

- d) the proposed use will not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the areas roads;

Comment: County Road 19 (Manning Road), which will handle the bulk of traffic generated by the proposed use is classified as a Rural Secondary Road in the LOP and is designed to handle the volume and type of traffic expected to be generated. As the entrance to the site is on North Rear Road, designated as a Rural Collector Road, a very short section of this road will be used as well. Similar to Manning Road, the amount and type of traffic on North Rear Road is not expected to create traffic problems.

- e) parking facilities will be provided entirely on-site;

Comment: all parking can be accommodated on site.

- f) the proposed use will generally be beneficial to the surrounding community; and
- g) the conformity of the proposed temporary use with the policies of this Plan. Where the proposed temporary use may not conform in its entirety with the Official Plan, the Town will consider what is in the best interests of the public.

Comment: there are two principal benefits for the Lakeshore community. First this proposal for a movie studio has the potential for significant economic development, creating employment for people in the region. Second, the proposal will bring certainty to the uses undertaken in the substantial vacant buildings on this site.

Zoning By-law

The subject lands are currently zoned "Agriculture Zone exception 95 (A-95)" which permits a film studio as an additional permitted use, for the site. The zone exception goes further by stating that the additional use of a film studio shall not be permitted following the expiry date of the Temporary Use By-law 58-2017 (July 11, 2020).

Notwithstanding the above, the temporary use can be extended through a new temporary use by-law.

Financial Impacts

There are no adverse financial impacts resulting from the recommendation.

Attachment(s):

Appendix A – Key Plan

Report Approval Details

Document Title:	Temporary Use By-law Report ZBA-05-2021.docx
Attachments:	- Appendix 1 Key Map.docx
Final Approval Date:	Mar 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride