

Policy Options for Amendments to the Zoning By-law to Permit Temporary Drive-in Theatre, Concert or Performance Events

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Recommended by:	General Manager of Growth and Infrastructure
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Report Summary

This report provides a recommendation regarding zoning by-law provisions related to drive-in theatre, concert and performance events.

Resolution

THAT the City of Greater Sudbury directs staff to initiate an amendment to the Zoning By-law to incorporate provisions that would allow temporary drive-in theatre, concert or performance events in certain locations within the City, as outlined in the report entitled, "Policy Options for Amendments to the Zoning By-law to Permit Temporary Drive-in Theatre, Concert or Performance Events", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021.

Relationship to the Strategic Plan / Health Impact Assessment

Establishing provisions to enable temporary drive-in theatres, concerts or performance events is consistent with the economic development goals of the Strategic Plan. Specifically, strategic objective 2 Business Attraction, Development and Retention aims to make Greater Sudbury an attractive place to do business and thrive, and strategic objective 4 Economic Capacity and Investment Readiness reflects Council's desire to "prepare the ground" for economic growth across the community.

Financial Implications

There are no financial implications associated with the report.

Background

On November 17, 2020, a report was presented to Finance and Administration Committee that reviewed potential municipal responses to the COVID-19 pandemic and recommended a number of Action Items. On January 12, 2021, through resolution CC2021-07 Council directed staff to incorporate action items into the 2021 work plan that would help mitigate the impacts of the COVID-19 pandemic and facilitate an economic recovery. Though the topic of drive-in theatres, concerts and performances was not specifically identified as an action item, with COVID-19 continuing to impact Ontario, providing additional options for recreation and entertainment that complies with physical distancing guidance is a topic that has come to the forefront in

Greater Sudbury and other municipalities (see references 3 and 4). Drive-in theatres, concerts and other live performances, in particular have gained in popularity.

Drive-ins and other special events would require an application and review by the Special Events team. The review and application would include a risk management plan, and other terms and conditions under which the event will operate to ensure the safety of the general public, volunteers and event organizers.

The Zoning By-law for the City of Greater Sudbury currently defines a drive-in theatre as “An area of land, together with accessory buildings and structures, designed and used specifically for the showing of motion pictures on an outdoor screen for viewing by patrons from within their vehicles”. However, “drive-in theatre” is not listed as a permitted use in any zone, which has the effect of drive-in theatres not being permitted in the City of Greater Sudbury without a site specific amendment to the Zoning By-law. Staff have identified a potential amendment to the Zoning By-law that would facilitate the hosting of temporary events of this nature for a limited time period.

A review of sixteen (16) municipalities, each of which have drive-in theatres, was completed with respect to how the use is considered in their respective zoning by-laws. Approaches vary: eight (8) of the municipalities are silent on drive-in theatres, four (4) of the sixteen permit them through a site specific amendment, three (3) define drive-in theatres, but do not list them as permitted uses, one (1) has site specific provisions and appears to include drive-in theatres in the definition of “commercial entertainment”. There does not appear to be a consistent approach to permitting drive-in theatres, temporary or otherwise.

Proposed Amendments

The proposed approach is to facilitate drive-in theatres and similar uses, including concerts, theatre, stand-up comics, by considering them in the same manner as carnivals in the context of the Zoning By-law.

Carnivals are defined as follows: “A temporary use of land, *buildings* or structures for the purpose of providing or locating facilities for *commercial* entertainment and participatory amusement activities, including games and rides, and includes, without limiting the generality of the foregoing, an itinerant circus or midway, but does not include an *amusement park* or other use where such facilities are located or made available for use by the general public for more than 14 days per year.”

Carnivals are currently permitted in the “Shopping Centre Commercial (C5) Zone” and the “Parks (P) Zone” where such park is owned or operated by the Municipality.

The proposed amendment would add “drive in theatre, concert or performance events” in order to allow those types of events to take place on a temporary and limited basis in specific zones. It is proposed that carnivals would also be permitted in the “Downtown (C6) Zone”. A draft of the proposed amendment is attached to this report as Appendix A.

Permanent drive-in theatres would continue to require a site specific amendment to the Zoning By-law.

Provincial Policy Statement (PPS)

Municipalities in the Province of Ontario are required under Section 3 of the *Planning Act* to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

The proposed amendment does not conflict with the Provincial Policy Statement, 2020.

Growth Plan for Northern Ontario (GPNO)

Municipalities in the Province of Ontario are required under Section 3 of the *Planning Act* to ensure that

decision affecting planning matters conform with the Growth Plan for Northern Ontario.

The proposed amendment is consistent with the economic development policies of section 2.3 A growing and diversified economy.

Official Plan for the City of Greater Sudbury

The Official Plan establishes goals, objectives and policies to manage and direct physical change and its effects on the social, economic and natural environment in the next 20 years. Economic Development is an essential building block to a Healthy Community. As outlined in Section 1.4 the Vision for Greater Sudbury identifies the City has an important centre in northern Ontario and focal point for regional investment and growth, as well as maintaining an 'open for business' environment.

The proposed amendment is consistent with the overall vision and economic development goals of the City.

Conclusion/Next Steps

The proposed amendment would ensure that the City has a framework in place to allow temporary drive-in theatres, concerts and performance events should proposals be received for such events. The proposed framework would permit those types of event to occur on a temporary and limited basis in the C5 (Shopping Centre Commercial), C6 (Downtown Commercial) and P (Park) where the park is owned or operated by the Municipality. Further, the proposed amendment would be consistent with Council's strategic objectives of attracting and retaining business as well as investment readiness. It is recommended that staff be directed to initiate an amendment to the City's Zoning By-law as outlined in the report.

Resources Cited

1. City of Greater Sudbury Zoning By-law <https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/#PART%203:%20%20%20DEFINITIONS>
2. [City of Greater Sudbury staff report. Economic Recovery Action Items. November 17, 2020. https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=4&id=1516](https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=4&id=1516)
3. Pop-up drive-ins set to return to northern Ontario. CTV Northern Ontario. June 19, 2020. <https://northernontario.ctvnews.ca/pop-up-drive-ins-set-to-return-to-northern-ontario-1.4992247>
4. Summer at the drive-in during COVID-19. TVO. August 8, 2020. <https://www.tvo.org/article/summer-at-the-drive-in-during-covid-19>
5. City of Greater Sudbury website "Plan a Special Event" <https://www.greatersudbury.ca/play/plan-a-special-event/>