

**STAFF REPORT:**

**Planning & Building Services Department**



**REPORT TO:** Planning & Building Services Committee  
**MEETING DATE:** June 6, 2011  
**REPORT NO.:** PL.11.46  
**SUBJECT:** Adult Entertainment Establishments, Official Plan Amendment and Zoning By-law Amendments  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.11.46, Adult Entertainment Establishments, Official Plan Amendment and Zoning By-law Amendments for information purposes.**

**B. Background**

The purpose of this report is to advise Council that on May 20, 2011, the County of Grey reported to Planning Staff that no appeals have been filed with the Ontario Municipal Board regarding Official Plan Amendment No. 12 to the Town of The Blue Mountains Official Plan, adopted by By-law No. 2011-1, and therefore is approved with modifications and came into force and effect the day after the last date of appeal being May 17, 2011.

As Council may recall, on January 10, 2011, Council passed By-law No. 2011-1 which adopted Official Plan Amendment No. 12 in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c.P. 13 and passed Zoning By-law Amendments No. 2011-2 and 2011-3, under Section 34 of the Planning Act. The purpose and effect of the Official Plan Amendment and Zoning By-law Amendments were to establish policies for adult entertainment uses. The effect of these Amendments were to permit adult entertainment establishments on lands designated Employment Lands, define uses and establish criteria for the design, built form and location of such uses.

On January 25, 2011, the Town forwarded to the County of Grey the record of adoption for Official Plan Amendment No. 12 for approval. Subsequent to this submission, County staff advised that to consider approval, additional justification related to the 800 metres minimum separation distance between an adult entertainment establishment and a sensitive land use such as residential, institutional, parks and retail commercial uses would have to be provided or, alternatively, the 800 metre setback be removed (with it being noted that this minimum distance separation would continue in the implementing Zoning By-laws).

On April 26, 2011, the County of Grey approved Official Plan Amendment No. 12 with one modification being as follows:

Number	Policy Number	Modification
1	Part B –The Amendment, Details of the Amendment, Item 1, Section 3.23(3)(b)	Section 3.23(3)(b) is hereby deleted and replaced with the following:  “(b) An appropriate minimum separation distance is required between adult entertainment establishments and sensitive land uses such as residential, institutional, parks and retail commercial uses.”

The purpose of this modification is to remove the 800 metres minimum separation distance between an adult entertainment establishment and a sensitive land use such as residential, institutional, parks and retail commercial uses. As noted previously, this 800 metre setback continues in the implementing Zoning By-laws.

The last date to file an appeal regarding Official Plan Amendment No. 12 to the Ontario Municipal Board was May 16, 2011 with none being filed. As well, Zoning By-law Amendments No. 2011-2 and 2011-3 are now in full effect as of April 26, 2011, in accordance with Section 24 (2) of the *Planning Act*.

**C. The Blue Mountains’ Strategic Plan**

1. Managing growth to ensure the ongoing health and prosperity of the community.

**D. Environmental Impacts**

The work pertaining to Adult Entertainment Establishments will not have adverse impacts on any element of the environment.

**E. Budget Impact**

Meridian’s work was completed within the allocated budget of \$14,450.65 (exclusive of GST).

## **F. Attachments**

1. County of Grey Decision on Amendment No. 12 to the Town of The Blue Mountains Official Plan, April 26, 2011.
2. E-mail from Scott Taylor, County of Grey to Planning Staff updating status of approval, May 20, 2011.

Submitted by:

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Senior Policy Planner  
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RECEIVED

APR 28 2011

**CORPORATION OF THE COUNTY OF GREY  
PLANNING & DEVELOPMENT DEPARTMENT**

Randy Scherzer, Director  
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Owen Sound ON N4K 3E3

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April 26, 2011

Town of The Blue Mountains  
P.O. Box 310  
26 Bridge Street  
THORNBURY, ON NOH 2P0

Attention: Corrina Giles  
Town Clerk

Dear Ms. Giles:

**Re: Decision on Amendment No. 12 to the  
Town of The Blue Mountains Official Plan  
County File No. LOPA 42-42-OPA-12**

This letter is to advise that approval has been given, for Official Plan Amendment No. 12 to the Town of The Blue Mountains Official Plan as set out in the attached Notice of Decision given on this date.

You will note that the text of the amendment has been slightly modified. However, the overall intent of the amendment does not change.

Please be advised that once the appeal period is over a subsequent letter will be sent to confirm whether the decision is then final.

Should you require any further information, please do not hesitate to contact this office.

Yours truly,

**Randy Scherzer, MCIP RPP  
Director of Planning & Development  
County of Grey**

Encl.

cc: - David Finbow, Town of The Blue Mountains  
- Bruce Curtis, Ministry of Municipal Affairs and Housing

File No: LOPA 42-42-OPA-12  
Municipality: Town of The Blue Mountains  
Subject Lands: Town of The Blue Mountains  
(general policies)

Date of Decision: April 26, 2011  
Date of Notice: April 26, 2011  
Last Date of Appeal: May 16, 2011  
Effective Date: \_\_\_\_\_

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**NOTICE OF DECISION**  
**With respect to an Official Plan Amendment**  
**Subsection 17(35) and 21 of the Planning Act**

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A Decision was made on the date noted above to approve all of Official Plan Amendment No.12 to the Town of The Blue Mountains Official Plan as adopted by By-law No. 2011-1 with modifications.

**Purpose and Effect of the Official Plan Amendment**

The purpose of Amendment No. 12 is to establish policies for adult entertainment uses in the Town of The Blue Mountains Official Plan by permitting such uses in the Employment Lands (EL) designation in accordance with specific siting criteria.

**When and How to File an Appeal**

Any appeal to the Ontario Municipal Board must be filed with the County of Grey no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Director of Planning, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

**Who Can File An Appeal**

Only individuals, corporations or public bodies may appeal the decision of the County of Grey to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual who is a member of the association or group.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral

submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

**When the Decision is Final**

The decision of the County of Grey is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

**Other Related Applications**

There are no other related applications at this time.

**Getting Additional Information**

Additional information about the application is available for public inspection during regular office hours at the County of Grey Planning & Development office at the address noted below or from the Town of The Blue Mountains.

**Mailing Address for Filing a Notice of Appeal:**

County of Grey Planning & Development Dept.  
595-9<sup>th</sup> Avenue East  
**OWEN SOUND, ON N4K 3E3**  
Tel: (519) 376-2205  
Fax: (519) 376-7970

# DECISION

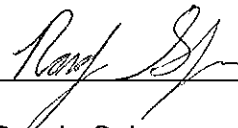
## With respect to an Official Plan Amendment Subsection 17(34) of the Planning Act

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The County of Grey hereby approves all of proposed Official Plan Amendment No. 12 to the Town of The Blue Mountains Official Plan as adopted by By-law No. 2011-1 subject to the following modification in Schedule 1:

Number	Policy Number	Modification
1	Part B –The Amendment, Details of the Amendment, Item 1, Section 3.23(3)(b)	Section 3.23(3)(b) is hereby deleted and replaced with the following:  <b>“(b) An appropriate minimum separation distance is required between adult entertainment establishments and sensitive land uses such as residential, institutional, parks and retail commercial uses.”</b>

Dated at Owen Sound this 26<sup>th</sup> day of  
April 2011



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Randy Scherzer, MCIP RPP  
Director of Planning & Development  
County of Grey

#2

## Cindy Welsh

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**From:** Taylor, Scott [Scott.Taylor@grey.ca]  
**Sent:** May 20, 2011 4:07 PM  
**To:** Cindy Welsh  
**Subject:** Town of The Blue Mountains Official Plan Amendment # 12

Hi Cindy,

This email is further to the Notice of Decision given on April 26, 2011 under Subsections 17(34) & (35) of the Planning Act with respect to Amendment No. 12 to amend the Town of The Blue Mountains Official Plan.

The purpose of this correspondence is to provide you with the status of the decision on the official plan amendment pursuant to Subsections 17(36) and (38) of the Planning Act, which pertains to appeals, when the decision becomes final and when approvals come into effect.

Please be advised that all of Amendment No. 12 to the Town of The Blue Mountains Official Plan, adopted by By-law 2011-1 is approved with modifications and came into force and effect the day after the last date of appeal being May 17, 2011.

Should you require any further information, please do not hesitate to contact our office.

Thanks

Scott Taylor, MCIP, RPP  
Senior Planner  
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Planning and Development  
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