

**STAFF REPORT:**

**Planning and Building Services Department**



**REPORT TO:** Planning & Building Services  
Committee

**MEETING DATE:** December 7, 2009

**REPORT NO.:** PL.09.124

**SUBJECT:** Interim Control By-law  
Extension – Adult Entertainment  
Establishments and Drive-  
through Facilities

**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.09.124, Interim Control By-law Extension - Adult Entertainment Establishments and Drive-through Facilities; and**

**THAT Council enact an amendment to Interim Control By-law No. 2009-09 to extend the time in effect for an additional six (6) months.**

**B. Background**

The purpose of this report is to provide Council with an update on work completed to-date on the requisite studies associated with Interim Control By-law No. 2009-09 (Adult Entertainment Establishments and Drive-through Facilities) and to recommend a six-month extension in order to allow for the completion of the studies and public consultation prior to Council's consideration of Official Plan and Zoning By-law Amendments (which are proposed to be presented to Council for consideration in March, 2010).

On January 26, 2009, Council approved the passage of Interim Control By-law No. 2009-09, which prohibits for a period of twelve months the use of any land, buildings or structures for the purposes of adult entertainment establishments and the land use issues associated therewith on lands zoned General Commercial (C1), Highway Commercial (C2), Recreational Commercial (C4), Village Core General Commercial (C5), Village Core Service Commercial (C6), Village Core Resort Commercial (C7), Local Commercial (C8), Service Industrial (M1), General Industrial (M2), Institutional (I) , Private Recreational (PREC), Recreational Ski Facility (SF) and Development (D) as established and declared in the Township of Collingwood Zoning By-law 83-40, as amended, and on all lands zoned Core Commercial C1, General Commercial C2, Local Commercial C3, Recreational Commercial C4, Industrial M1 Zone and Institutional I as established and declared in the Town of Thornbury Zoning By-law 10-77, as amended.

At the same time, Council directed Staff to complete the following:

- a study relating to the prohibition and/or regulation of adult entertainment establishments and the land use issues associated therewith in the municipality; and
- a study relating to the prohibition and/or regulation of drive-through facilities and the land use issues associated therewith in the municipality.

On July 13, 2009, Council authorized the retention of Meridian Planning Consultants Inc. to undertake both studies. These studies will provide options related to land use policies for these uses, identify any necessary amendments to the *Town of The Blue Mountains Official Plan*, incorporation of provisions into the Town's Comprehensive Zoning By-law (currently being drafted) and provide background information and best practices related to a Licensing By-law for Adult Entertainment Establishments.

At the November 2, 2009, Planning & Building Committee, Staff provided updates on these studies. Meridian has presented Staff with Draft options reports for both studies. On December 17, 2009, Staff, along with the consultants, will be hosting a public information meeting with respect to the Adult Entertainment Establishments and Drive-through Facilities Review to obtain input.

Interim Control By-law No. 2009-09 will expire on January 25, 2010, with Meridian's work pertaining to Adult Entertainment Establishments and Drive-through Facilities scheduled to be completed in March, 2010. As per the work plan, Official Plan and Zoning By-law Amendments will be presented to Council for their consideration in March, 2010. Staff are therefore recommending that Interim Control By-law No. 2009-09, be amended to extend the time period for another six months pursuant to Section 38(2) of the *Planning Act*.

If the appropriate Official Plan policies and Zoning By-law Amendments are in place before the extension period is complete, Council can rescind the Interim Control By-law at that time.

### **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 Establishment and Drive-through Facilities is not expected to have significant adverse impacts on any element of the environment.

### **E. Budget Impact**

The extension of the Interim Control by-law does not impact the budget.

Meridian's costs related to both studies are \$ \$14,000.47 (exclusive of GST) for Adult Entertainment Establishments and \$11,999.53 (exclusive of GST) for Drive-through Facilities. Both studies are on budget.

## **F. Attachments**

### 1. Interim Control By-law Draft Extension.

Submitted by:

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**CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

**BY-LAW NO. 2009-**

Being a By-law passed pursuant to the provisions of Section 38 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to provide for the amendment of By-law No. 2009-09 to extend the period of time that such Interim Control By-law will be in effect.

**WHEREAS** authority is given to Council by Subsection 38(1) of the *Planning Act*, R.S.O. 1990, c. P. 13, to pass an Interim Control By-law, for a period of time which shall not exceed one year from the date of passage of the By-law;

**AND WHEREAS** Council on January 26, 2009, passed By-law No. 2009-09 to establish an Area of Interim Control for a period of time which shall not exceed twelve months from the date of passage of the By-law;

**AND WHEREAS** authority is given to Council under Subsection 38(2) of the *Planning Act*, R.S.O. 1990, c. P. 13, to extend the period of time that an Interim Control By-law will be in effect, provided the total period of time does not exceed two years from the date of the passing of the Interim Control By-law;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:**

- 1. That Section 5 of the Town of The Blue Mountains By-law No. 2009-09 is hereby amended by deleting the words "twelve months therefrom" and substituting the date "on July 26, 2010".

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
Stephen Keast, Clerk

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I hereby certify that the foregoing is a true copy of By-law No. \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

DATED at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed: \_\_\_\_\_  
Stephen Keast, Clerk