

**STAFF REPORT:**

**Planning & Building Services Department**



**REPORT TO:** Planning & Building Services Committee  
**MEETING DATE:** December 8, 2010  
**REPORT NO.:** PL.10.119  
**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.10.119, Adult Entertainment Establishments, Official Plan Amendment and Zoning By-law Amendments; and**

**THAT Council enact a By-law to adopt Official Plan Amendment Number 12 to the Town of The Blue Mountains Official Plan to restrict the establishment of adult entertainment establishments to specific and limited industrial areas in the Town of The Blue Mountains Official Plan and direct staff to forward the Amendment to the County of Grey for approval; and**

**THAT Council hereby enact an amendment to Township of Collingwood Zoning By-law No. 83-40, as amended, to clarify that adult entertainment establishments are not permitted as of right and that any proposed adult entertainment establishment would be subject to a public Zoning By-law Amendment process; and**

**THAT Council hereby enact an Amendment to Town of Thornbury Zoning By-law No. 10-77, as amended, to clarify that adult entertainment establishments are not permitted as of right and that any proposed adult entertainment establishment would be subject to a public Zoning By-law Amendment process.**

**B. Background**

On September 8, 2010, a statutory public meeting was held to obtain formal public and agency comments on the preliminary recommendations for the regulation of Adult Entertainment Establishments as provided by Meridian Planning Consultants. Council was presented with the proposed Official Plan Amendment to the existing Town of The Blue Mountains Official Plan so as to restrict the establishment of adult entertainment establishments to specific and limited industrial area and the drafted proposed Zoning By-law Amendments to the Township of Collingwood Zoning By-law No. 83-40 and the Town of Thornbury Zoning By-law No. 10-77, so as to clarify that adult entertainment

establishments are not permitted as of right and that any proposed adult entertainment establishment would be subject to a public Zoning By-law Amendment process.

With the completion of the statutory public meeting, the Adult Entertainment Establishment Study is now in the final phase of presenting Recommendations. As such, Meridian Planning Consultants has prepared their final recommendations as it relates to the Official Plan and Zoning By-law Amendments for Council's consideration taking into account the input received at the statutory public meeting. The purpose of this report is to summarize the recommended approach as well as outline the next steps in the process.

## **Statutory Public Meeting Comments**

A number of comments were received prior to and at the statutory public meeting. Meridian Planning Consultants have provided a response to the various public submissions as identified below.

### Grey County (September 7, 2010)

#### 1. Comment

Provincial Policy Statement (PPS) requires municipalities to plan for an appropriate mix and range of employment; term employment has become synonymous with 'higher level' employment such as industrial, manufacturing or office uses.

#### Response

*The PPS defines 'employment area' as "those areas designated in an official plan for clusters of business and economic activities, including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities". The proposed policies and regulations would not impact the ability of the Town to continue to appropriately plan for employment uses.*

#### 2. Comment

Existing County OP does not have specific policies relating to adult entertainment establishments; policies of the Urban designation generally defer to detailed policies and development standards of the local OP.

Consider impact on industry resulting from proposed separation distances from incompatible commercial or entertainment land uses. Would an adult entertainment facility create land use incompatibilities with existing or future industry? Would the separation distance apply reciprocally (i.e. from existing sensitive land use to a proposed adult entertainment use, and from an existing adult entertainment use to a proposed sensitive land use?).

#### Response

*The proposed requirements apply to separations between adult entertainment uses and sensitive land uses, not industrial. However, the wording of policies and regulations in the draft Official Plan and Zoning By-law Amendments prepared prior to the public meeting could be interpreted to apply reciprocally and potentially impact the*

*establishment of sensitive uses, including retail commercial uses. Modifications to the proposed Amendments are recommended to apply minimum separation distances to the establishment of adult entertainment uses only.*

3. Comment

Need for level of detail under Section 3.23. May lead to the need for official plan and zoning by-law amendments for an adult entertainment use that cannot meet all criteria.

Response

*Intent is to permit adult entertainment uses subject to proposed policies and regulations without the need for Amendments to the Official Plan or Zoning By-laws.*

4. Comment

Appears to be no employment lands currently designated that could meet the 800 metre minimum separation distance requirement. Consider applying varying minimum separation distances for different types of adult entertainment uses.

Response

*800 metre minimum separation distance requirement included in draft Official Plan Amendment as directed by Town Staff.*

5. Comment

Zoning By-law Amendment requirement would appear to be reasonable.

Niagara Escarpment Commission (September 14, 2010)

The Niagara Escarpment Commission has stated they have no direct objection on the merits of the proposed Amendments.

September 8, 2010 Public Meeting

1. Comment

Question respecting the use of term “Employment Lands” in the proposed Official Plan Amendment.

Response

*The Employment Lands designation is used for urban industrial/employment areas in the current Official Plan.*

2. Comment

Question respecting the term “multi-occupancy buildings”.

Response

*The term is required as the proposed Official Plan and Zoning By-law Amendments restrict adult entertainment parlours to free standing buildings, but permit body rub parlours, adult specialty store and adult video stores in multi-occupancy buildings subject to certain criteria.*

## **Planning Act**

The proposed Official Plan Amendment and two Zoning By-law Amendments, to date, have been, and will continue to be, processed in accordance to the *Planning Act*, R.S.O, 1990, c. P.13.

## **Provincial Policy Statement (2005)**

The proposed Official Plan Amendment and two Zoning By-law Amendments have been prepared to be consistent with the Provincial Policy Statement (2005) of the Province of Ontario.

## **Niagara Escarpment Plan**

The proposed Official Plan Amendment and Zoning By-law Amendments are not in conflict with the Niagara Escarpment Plan.

## **County of Grey**

The existing County of Grey Official Plan does not have any specific policies relating to adult entertainment establishments. The adopted Official Plan Amendment #80 to the County Plan also does not have any specific policies relating to adult entertainment establishments. The proposed Official Plan Amendment and two Zoning By-law Amendments have been prepared to be in conformity with the existing County of Grey Official Plan and Amendment No. 80 to the County of Grey Official Plan.

## **Town of The Blue Mountains Official Plan**

There are a lack of specific definitions, policies and regulations, and questions related to existing definitions and use permissions in the current Official Plan. While the Official Plan does provide some generally policy direction with respect to incompatible uses including parking and buffering there is no clear direction respecting adult entertainment uses. Section 3.17 of the Official Plan does identify buffering requirements to deal with potential conflicts between abutting land uses. The policy specifically refers to “reducing or eliminating the adverse effects of one land use upon the other”. The provisions of Section 3.17 of the Official Plan only deal with abutting uses. Given that there is a lack of clear policy direction and regulation in the Town’s Official Plan the Town does not have the ability to effectively control adult entertainment uses. The policy and regulatory direction respecting adult entertainment uses as put forth by Meridian Planning Consultants is in response to this.

## **Comments**

Staff are in concurrence with Meridian Planning Consultants findings and is satisfied that the recommended policy and regulatory approach is appropriate and defensible from a land use planning perspective. This report, including the submission by Meridian Planning Consultants found as Attachment No. 1, constitutes staff’s conclusion related

to the required study or review of the matter and final recommendations pertaining to the Adult Entertainment Study as it pertains to the Official Plan and Zoning By-law (*Planning Act* matters). It is recommended that Council adopt Official Plan Amendment No. 12 and pass the appropriate Zoning By-laws to implement these recommendations.

### **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 is not expected to have significant 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. Final Recommendations Memorandum, Town of The Blue Mountains – Adult Entertainment Establishments Study
2. Official Plan Amendment No. 12.
3. Proposed Zoning By-law Amendments.

Submitted by:

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## MEMORANDUM

To: David Finbow & Cindy Welsh  
From: Mark Stone  
Date: November 30, 2010  
Re: Final Recommendations Memorandum  
Town of The Blue Mountains - Adult Entertainment  
Establishments Study  
Proposed Official Plan & Zoning By-law Amendments  
Our File No: 3806

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The Background & Options Paper for Regulating Adult Entertainment Establishments was prepared in June 2010. The planning review process has consisted of extensive consultation with the public, agencies and Town Council. This consultation included a Public Open House in December 2009, presentations to the Town Planning & Building Committee and Council, and the statutory public meeting in September 2010.

The purpose of this Memorandum is to:

1. Summarize and respond to issues raised and comments received throughout the planning review process.
2. Provide additional comments, advice and recommendations respecting the subject applications.

### 1. Comments & Issues

The following is a summary of comments received through public and agency consultation.

#### December 2009 Public Open House

- Question respecting ability of municipality to regulate health matters related to attendants.  
*Zoning By-law cannot regulate such matters however, a licensing by-law can to some extent. For example, the Oakville licensing by-law requires compliance with specified health and sanitation related requirements. The Burlington licensing by-law requires attendants to provide a medical certificate from a physician certifying they are free of communicable diseases.*

#### Grey County (September 7, 2010)

- Provincial Policy Statement (PPS) requires municipalities to plan for an appropriate mix and range of employment; term employment has become

synonymous with 'higher level' employment such as industrial, manufacturing or office uses.

*The PPS defines 'employment area' as "those areas designated in an official plan for clusters of business and economic activities, including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities". The proposed policies and regulations would not impact the ability of the Town to continue to appropriately plan for employment uses.*

- Existing County OP does not have specific policies relating to adult entertainment establishments; policies of the Urban designation generally defer to detailed policies and development standards of the local OP.
- Consider impact on industry resulting from proposed separation distances from incompatible commercial or entertainment land uses. Would an adult entertainment facility create land use incompatibilities with existing or future industry? Would the separation distance apply reciprocally (i.e. from existing sensitive land use to a proposed adult entertainment use, and from an existing adult entertainment use to a proposed sensitive land use?).  
*The proposed requirements apply to separations between adult entertainment uses and sensitive land uses, not industrial. However, the wording of policies and regulations in the draft Official Plan and Zoning By-law Amendments prepared prior to the public meeting could be interpreted to apply reciprocally and potentially impact the establishment of sensitive uses, including retail commercial uses. Modifications to the proposed Amendments are recommended to apply minimum separation distances to the establishment of adult entertainment uses only.*
- Need for level of detail under Section 3.23. May lead to the need for official plan and zoning by-law amendments for an adult entertainment use that cannot meet all criteria.  
*Intent is to permit adult entertainment uses subject to proposed policies and regulations without the need for Amendments to the Official Plan or Zoning By-laws.*
- Appears to be no employment lands currently designated that could meet the 800 metre minimum separation distance requirement. Consider applying varying minimum separation distances for different types of adult entertainment uses.  
*800 metre minimum separation distance requirement included in draft Official Plan Amendment as directed by Town Staff.*
- Zoning By-law Amendment requirement would appear to be reasonable.

#### September 8, 2010 Public Meeting

- Question respecting the use of term "Employment Lands" in the proposed Official Plan Amendment.  
*The Employment Lands designation is used for urban industrial/employment areas in the current Official Plan.*
- Question respecting the term "multi-occupancy buildings".  
*The term is required as the proposed Official Plan and Zoning By-law*

*Amendments restrict adult entertainment parlours to free standing buildings, but permit body rub parlours, adult specialty store and adult video stores in multi-occupancy buildings subject to certain criteria.*

#### Niagara Escarpment Commission (September 14, 2010)

- No direct objection on the merits of the proposed Amendments.

## 2. Summary & Recommendations

### Options / Draft Official Plan Policies & Zoning Provisions

In the Background and Options Paper, four options were presented for the Town's consideration, and the "Permit in Specified Industrial Areas" Option was recommended. This option would entail permitting adult establishments on lands designated "Employment Lands" in the Town's Official Plan but requiring a site-specific amendment to the applicable Zoning By-law to permit the establishment of any new use. Draft Official Plan and Zoning By-law Amendments were prepared for public and agency consideration and included definitions for adult entertainment parlour, body rub parlour, adult specialty store and adult video store. Policies, regulations and criteria were included in the proposed Official Plan and/or Zoning By-laws including:

- minimum 800 metre setback between adult entertainment uses and sensitive land uses (e.g. residential, institutional and parks)
- adult entertainment uses prohibited on lots fronting Highway 26, any County road or any Town arterial road
- adult entertainment parlours must be established in a single-use building and must be the only use on a lot
- body rub parlours, adult specialty stores and adult video stores are permitted in multi-occupancy buildings but the maximum permitted floor area for any adult entertainment use is equal to 15% of the gross floor area of the multi-occupancy building
- adult entertainment uses prohibited on lands not connected to full municipal services
- no adult entertainment use is permitted on a corner lot
- parking requirement for adult entertainment parlours is one space for every 9 square metres
- parking requirement for body rub parlours, adult specialty stores or adult video stores is one space for every 20 square metres

### Issues and Final Recommendations

Based on a review of the information contained in the Background and Options Paper, and agency and public comments received during the consultation process, we recommend the adoption of the proposed Official Plan and Zoning By-law Amendments, as modified to clarify the applicability of minimum separation distances as described in Section 1 of this Memorandum.

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS  
BY-LAW NO. \_\_\_\_\_**

**Being a By-law to adopt Amendment No. 12 to the  
Official Plan of the Town of The Blue Mountains**

The Council of the Corporation of the Town of The Blue Mountains in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P.13, hereby enacts as follows:

1. Amendment No. 12 to the Official Plan of the Town of The Blue Mountains, is hereby adopted.
2. The Clerk is hereby authorized and directed to submit Amendment No. 12 together with the required record, to the appropriate Approval Authority for approval.
3. This By-law shall come into force and take effect on the day of the final passing by Council, subject to any approval necessary pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Corrina Giles, Town 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 \_\_\_\_\_, 2010.

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed: \_\_\_\_\_  
Corrina Giles, Town Clerk

**AMENDMENT NO. 12**  
**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWN OF THE BLUE MOUNTAINS**

\_\_\_\_\_, 2010

**AMENDMENT NO. 12 TO THE  
OFFICIAL PLAN OF THE  
TOWN OF THE BLUE MOUNTAINS**

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**AMENDMENT NO. 12 TO THE  
TOWN OF THE BLUE MOUNTAINS  
OFFICIAL PLAN**

**THE CONSTITUTIONAL STATEMENT**

**PART A - THE PREAMBLE** does not constitute a part of this Amendment.

**PART B - THE AMENDMENT** consisting of the following text constitutes Amendment No. 12 to the Official Plan for the Town of The Blue Mountains.

## **PART A - THE PREAMBLE**

### **1. PURPOSE**

The purpose of this Amendment is to establish policies for adult entertainment uses in the Town of The Blue Mountains Official Plan.

### **2. LOCATION**

This Amendment amends the policies of the Town's Official Plan by permitting adult entertainment establishments only on lands designated "Employment Lands" and establishing policies for the location and built form of these uses. A key map has not been provided as the Amendment potentially applies to all lands designated "Employment Lands" in the Town.

### **3. BASIS**

#### Overview

This Amendment is prepared in response to the need to plan for and regulate adult entertainment establishments in the Town of The Blue Mountains. The Official Plan does not currently provide policies specific to adult entertainment establishments in the municipality. There are a number of distinct uses that fall under the adult entertainment establishments "umbrella". The first is the adult entertainment parlour which functions as a bar/night club/restaurant. Other uses include body rub parlours, adult video stores and adult specialty stores which are further defined in this Amendment.

On January 26, 2009, Council passed Interim Control By-law (ICBL) No. 2009-9 to effectively apply a Town-wide prohibition on the use of any land, buildings or structures for the purposes of adult entertainment establishments and drive-through facilities for a period of twelve (12) months. On December 14, 2009, Council passed By-law No. 2009-83 to extend the ICBL for an additional six (6) months, to July 26, 2010. On June 28, 2010, Council passed By-law No. 2010-45 to provide for a further and final extension to the ICBL to January 25, 2011.

The ICBL provided the Town with the opportunity to comprehensively study the issues, and establish appropriate policies and regulations to guide the establishment and use of these types of establishments. Meridian Planning Consultants Inc. was retained by the Town to undertake the Study which resulted in four (4) possible options for regulating these uses. The preferred option of permitting adult entertainment uses on lands designated "Employment Lands" subject to criteria is the basis for this Amendment. This Amendment would permit adult entertainment establishments on lands designated "Employment Lands" subject to criteria in a new Adult Entertainment Establishments Section in the General Development Policies Section of the Plan. This new Section includes a requirement for a site-specific amendment to the Zoning By-law(s) for any

adult entertainment establishment, defines adult entertainment uses and provides criteria/policies for the location and built form of these uses. Criteria/policies include minimum separation distances from incompatible and sensitive land uses such as residential, institutional, parks and retail commercial uses, prohibiting these uses on main transportation corridors and corner lots due to concerns with high visibility of such uses, and restricting adult entertainment parlours to free-standing, single storey buildings where there is only one use on the lot.

In addition to the ability to control uses under the *Planning Act*, municipalities have the right to license, regulate and govern any business located within the municipality under the *Municipal Act*. As permitted under the *Municipal Act*, the Town may enact a Licensing By-law to further define areas where adult entertainment uses may operate, limit the number of uses in the defined area(s), and contain other provisions including a prohibition on persons under the age of 18 years and identifying powers of entry.

## **PART B - THE AMENDMENT**

All of this part of the document entitled “Part B - The Amendment” consisting of the following text constitutes Amendment No. 12 to the Official Plan of The Town of The Blue Mountains.

### **DETAILS OF THE AMENDMENT**

The Official Plan is hereby amended as follows:

**Item 1:**        **Section 3 GENERAL DEVELOPMENT POLICIES** is hereby amended by adding the following new subsection:

#### **“3.23        Adult Entertainment Establishments**

(1)            Adult entertainment establishments are only permitted on lands designated Employment Lands EL and subject to the definitions and policies of this section.

(2)            The following definitions shall apply with respect to adult entertainment establishments:

- (a)            “Adult entertainment establishment” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services or entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations. Adult entertainment establishment includes an adult entertainment parlour, adult video store, adult specialty store and body rub parlour.

For the purposes of the definition of adult entertainment establishment, the following definitions also apply:

“goods” includes books, magazines, pictures, slides, film, disks, phonograph records, prerecorded magnetic tape and any other viewing or listening matter, clothing and accessories;

“services or entertainment” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;

“services or entertainment which are designed to appeal to erotic or sexual appetites or inclinations” and includes,  
i) services or entertainment of which a principal feature or

characteristic is the nudity or partial nudity of any person, including, but not limited to the nudity or partial nudity of specified body areas; and,

ii) services or entertainment in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any other picture, symbol or representation having like meaning or implication, is used in any advertisement.

- (b) “Adult entertainment parlour” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

For the purposes of the definition adult entertainment parlour, the following definitions also apply:

“services” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*,

“services designed to appeal to erotic or sexual appetites or inclinations” includes,

i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;

ii) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or picture, symbol or representation having like meaning or implication as used in any advertisement.

- (c) “Adult specialty store” means a retail establishment specializing in the sale of a variety of goods and materials made or designed to appeal to erotic or sexual appetites, but does not include a retail store or convenience retail store.

- (d) “Adult video store” means an establishment where pre-recorded video tape, video discs, films and/or slides made or designed to appeal to erotic or sexual appetites or depicting sexual acts are offered for rent or sale where the proportion of adult videotapes to non-adult videotapes offered is equal to or exceeds the ratio of 10:100 (adult videotape to non-adult videotape). An adult video store shall not include facilities for the screening or viewing of such products.

- (e) “Body rub” means the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means of a person’s body or part thereof but does not include medical or therapeutic treatment given

by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

- (f) “Body rub parlour” means and includes any premises or part thereof where a body rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

- (3) Regulations relating to the location of adult entertainment establishments shall be included in the Parent Zoning By-law(s) and shall implement the following policies:

- (a) A site-specific amendment to the Zoning By-law(s) will be required to permit any adult entertainment establishment.
- (b) An adult entertainment establishment shall not be located less than 800 metres of a sensitive land use such as residential, institutional, parks and retail commercial uses.
- (c) Properties containing adult entertainment establishments shall not abut a Provincial Highway, County Road or Town arterial road.
- (d) An adult entertainment parlour must be located within a free-standing, single storey building and must be the sole use on a lot.
- (e) A body rub parlour, adult specialty store or adult video store is permitted in a multi-occupancy building to a maximum of 15% of the gross floor area of the building or 150 m<sup>2</sup>, whichever is less.
- (f) Accessory uses are not permitted in conjunction with any adult entertainment establishment and an adult entertainment establishment shall not be considered an accessory use.
- (g) Adult entertainment establishments are prohibited on corner lots and lots not connected to full municipal services.

- (3) Council must be satisfied that traffic from an adult entertainment establishment can be accommodated on area roads and will not conflict with truck traffic, and that an appropriate amount of parking and landscaping is located on site.

- (4) Council shall consider the passage of a Licensing By-law under the *Municipal Act* to further implement the policies of this Plan and regulations under the Zoning By-law(s). Any required license shall not be issued for an adult entertainment establishment unless such use is permitted under the implementing Zoning By-law, and in compliance with all applicable requirements, including the policies of this Plan. In the event that there is any non-compliance with any of the aforementioned controls, for any

reason whatsoever, the Town may refuse to issue or renew, and may revoke, any required license, in which case the use must cease.

**Item 2:**      **Section 4.22 Employment Lands EL** is hereby amended by adding the following new subsection at the end of subsection 4.22.2 (2):

“(g)            adult entertainment establishments, as provided under Section 3.23.”

### **IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through Zoning By-law Amendments pursuant to the *Planning Act* and other relevant legislation.

## THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

### BY-LAW NO. \_\_\_\_\_

Being a By-law to amend Zoning By-law No. 83-40  
which may be cited as “The Township of Collingwood  
Zoning By-law”

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, the By-law may be amended by Council of the Municipality;

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

1. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is hereby amended by adding the following new definitions and renumbering subsequent definitions accordingly:

3.4 “Adult entertainment establishment” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services or entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations. Adult entertainment establishment includes an adult entertainment parlour, adult video store, adult specialty store and body rub parlour.

For the purposes of the definition of adult entertainment establishment, the following definitions also apply:

“goods” includes books, magazines, pictures, slides, film, disks, phonograph records, prerecorded magnetic tape and any other viewing or listening matter, clothing and accessories;

“services or entertainment” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;

“services or entertainment which are designed to appeal to erotic or sexual appetites or inclinations” and includes,

i) services or entertainment of which a principal feature or characteristic is the nudity or partial nudity of any person, including, but not limited to the nudity or partial nudity of specified body areas; and,

ii) services or entertainment in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any other picture,

symbol or representation having like meaning or implication, is used in any advertisement.

- 3.5 “Adult entertainment parlour” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

For the purposes of the definition of adult entertainment parlour, the following definitions also apply:

“services” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;

“services designed to appeal to erotic or sexual appetites or inclinations” includes,

- i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
- ii) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or “nu” any other word or picture, symbol or representation having like meaning or implication as used in any advertisement.

- 3.6 “Adult specialty store” means a retail establishment specializing in the sale of a variety of goods and materials made or designed to appeal to erotic or sexual appetites, but does not include a retail store or convenience retail store.

- 3.7 “Adult video store” means an establishment where pre-recorded video tape, video discs, films and/or slides made or designed to appeal to erotic or sexual appetites or depicting sexual acts are offered for rent or sale where the proportion of adult videotapes to non-adult videotapes offered is equal to or exceeds the ratio of 10:100 (adult videotape to non-adult videotape). An adult video store shall not include facilities for the screening or viewing of such products.

- 3.20 “Body rub” means the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

- 3.21 “Body rub parlour” means and includes any premises or part thereof where a body rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part

thereof where the body rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

2. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by adding “but shall not include any adult entertainment establishment” following the last word at the end the following existing definitions:
  - (i) 3.28 Clinic, Health
  - (ii) 3.30 Commercial
  - (iii) 3.85 Home Industry
  - (iv) 3.86 Home Occupation
  - (v) 3.89 Hotel
  - (vi) 3.113 Motel
  - (vii) 3.135 Practitioner, Drugless
  - (viii) 3.141 Retail Store, Convenience
  - (ix) 3.147 Service Commercial Use, Personal
  - (x) 3.160 Tavern
  
3. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by adding “and any adult entertainment establishment” following the last word at the end the following existing definitions:
  - (i) 3.16 Base Lodge
  - (ii) 3.140 Retail Store
  
4. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by adding “or any adult entertainment establishment” between the words “amusement” and “otherwise” in Section 3.132 Place of Entertainment.
  
5. Section 5.2 Accessory Uses of By-law No. 83-40, as amended, is amended by adding the following subsections:
  - (xi) be considered an accessory use, building or structure if accessory to an adult entertainment establishment.
  
  - (xii) permit any adult entertainment establishment as an accessory use, building or structure.
  
6. Section 5.14 Parking Requirements of By-law No. 83-40, as amended, is amended by adding the following parking requirements:
  - 5.14(a)(xxv) Adult entertainment parlour – 1 parking space for every 9 square metres of gross floor area.

5.14(a)(xxvi) Body rub parlours, adult specialty stores and adult video stores – 1 parking space for every 20 square metres of gross floor area.

7. SECTION 5: GENERAL PROVISIONS of By-law No. 83-40, as amended, is hereby amended by adding the following new Section:

5.25 Adult Entertainment Establishments

Adult entertainment establishments are only permitted through a site-specific amendment to this By-law and subject to the following provisions:

- (a) Adult entertainment establishments are only permitted on an interior lot.
- (b) An adult entertainment establishment is not permitted on any property located closer than 800 metres to the property line of another parcel containing or zoned for a residential, institutional, park or retail commercial use.
- (c) An adult entertainment parlour must be located within a free-standing, single storey building and must be the sole use on a lot.
- (d) A body rub parlour, adult specialty store or adult video store is permitted in a multi-occupancy building to a maximum of 15% of the gross floor area of the building or 150 m<sup>2</sup>, whichever is less.
- (e) Accessory uses are not permitted in conjunction with any adult entertainment establishment and an adult entertainment establishment shall not be considered an accessory use.
- (f) Adult entertainment establishments are only permitted on lots connected to full municipal services.

8. SECTION 15: VILLAGE CORE GENERAL COMMERCIAL (C5) ZONE of By-law No. 83-40, as amended, is amended by adding “but shall not include any adult entertainment establishment” at the end of the following uses in Section 15.1(b):

- (i) Theatre
- (ii) Health Spa

9. SECTION 17: VILLAGE CORE RESORT COMMERCIAL (C7) ZONE of By-law No. 83-40, as amended, is amended by adding “but shall not include any adult entertainment establishment” at the end of the following uses in Section 17.1(a):

- (i) Hotels, lodges, inns, motels
- (ii) Retail uses, service commercial uses and personal service totally within the hostels, lodges, inns and motels

10. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 12, in accordance with Section 24 (2) of the *Planning Act*.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Corrina Giles, Town Clerk

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I hereby certify that the foregoing is a true copy of By-law No. 2010 - \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed: \_\_\_\_\_  
Corrina Giles, Town Clerk

## THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

### BY-LAW NO. \_\_\_\_\_

Being a By-law to amend Zoning By-law No. 10-77  
which may be cited as “The Town of Thornbury  
Zoning By-law”

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, the By-law may be amended by Council of the Municipality;

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

1. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is hereby amended by adding the following new definitions and renumbering subsequent definitions accordingly:

2.3 “Adult entertainment establishment” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services or entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations. Adult entertainment establishment includes an adult entertainment parlour, adult video store, adult specialty store and body rub parlour.

For the purposes of the definition of adult entertainment establishment, the following definitions also apply:

“goods” includes books, magazines, pictures, slides, film, disks, phonograph records, prerecorded magnetic tape and any other viewing or listening matter, clothing and accessories;

“services or entertainment” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;

“services or entertainment which are designed to appeal to erotic or sexual appetites or inclinations” and includes,

i) services or entertainment of which a principal feature or characteristic is the nudity or partial nudity of any person, including, but not limited to the nudity or partial nudity of specified body areas; and,

ii) services or entertainment in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any other picture,

symbol or representation having like meaning or implication, is used in any advertisement.

- 2.4 “Adult entertainment parlour” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

For the purposes of the definition adult entertainment parlour, the following definitions also apply:

“services” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;

“services designed to appeal to erotic or sexual appetites or inclinations” includes,

- i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
- ii) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or “nu” any other word or picture, symbol or representation having like meaning or implication as used in any advertisement.

- 2.5 “Adult specialty store” means a retail establishment specializing in the sale of a variety of goods and materials made or designed to appeal to erotic or sexual appetites, but does not include a retail store or convenience retail store.

- 2.6 “Adult video store” means an establishment where pre-recorded video tape, video discs, films and/or slides made or designed to appeal to erotic or sexual appetites or depicting sexual acts are offered for rent or sale where the proportion of adult videotapes to non-adult videotapes offered is equal to or exceeds the ratio of 10:100 (adult videotape to non-adult videotape). An adult video store shall not include facilities for the screening or viewing of such products.

- 2.20 “Body rub” means the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

- 2.21 “Body rub parlour” means and includes any premises or part thereof where a body rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part

thereof where the body rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

2. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding “but shall not include any adult entertainment establishment” following the last word at the end the following existing definitions:

- (i) 2.13 Auditorium
- (ii) 2.23 Business or Professional Office
- (iii) 2.29 Clinic
- (iv) 2.31 Commercial
- (v) 2.32 Commercial Club
- (vi) 2.72 Hotel
- (vii) 2.90 Motel
- (viii) 2.101 Private Club
- (ix) 2.107 Retail Store
- (x) 2.108 Retail Store, Convenience
- (xi) 2.113 Shopping Centre

3. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding “but shall not include any adult entertainment establishment” to the end of subsection 2.30 (ii) of the existing Club definition.

4. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding the following to the end of subsection 2.69 of the existing Home Occupation definition:

“(vi) shall not include any adult entertainment use.”

5. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by adding the following to the end of subsection 2.98 of the existing Personal Service Shop definition:

“(iii) shall not include any adult entertainment use.”

6. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is amended by replacing the first line of subsection 2.121 of the existing Tourist Establishment definition to read as follows:

“Tourist Establishment means a building designed or used for the accommodation of the traveling or vacationing public but shall not include an adult entertainment establishment.”

7. Section 6.1 Accessory Uses of By-law No. 10-77, as amended, is amended by

adding the following subsections:

- (x) shall not be considered an accessory use, building or structure if accessory to an adult entertainment establishment.
  - (xi) shall not permit any adult entertainment establishment as an accessory use, building or structure.
8. Section 6.9 Parking Area Regulations of By-law No. 10-77, as amended, is amended by adding the following parking requirements:

Adult entertainment parlour – 1 parking space for every 9 square metres of gross floor area.

Body rub parlours, adult specialty stores and adult video stores – 1 parking space for every 20 square metres of gross floor area.

9. SECTION 6: GENERAL PROVISIONS of By-law No. 10-77, as amended, is hereby amended by adding the following new Section:

6.19 Adult Entertainment Establishments

Adult entertainment establishments are only permitted through a site-specific amendment to this By-law and subject to the following provisions:

- (a) Adult entertainment establishments are only permitted on an interior lot.
  - (b) An adult entertainment establishment is not permitted on any property located closer than 800 metres to the property line of another parcel containing or zoned for a residential, institutional, park or retail commercial use.
  - (c) An adult entertainment parlour must be located within a free-standing, single storey building and must be the sole use on a lot.
  - (d) A body rub parlour, adult specialty store or adult video store is permitted in a multi-occupancy building to a maximum of 15% of the gross floor area of the building or 150 m<sup>2</sup>, whichever is less.
  - (e) Accessory uses are not permitted in conjunction with any adult entertainment establishment and an adult entertainment establishment shall not be considered an accessory use.
  - (f) Adult entertainment establishments are only permitted on lots connected to full municipal services.
10. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 12, in accordance with Section 24 (2) of the *Planning Act*.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Corrina Giles, Town Clerk

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I hereby certify that the foregoing is a true copy of By-law No. 2010 - \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed: \_\_\_\_\_  
Corrina Giles, Town Clerk