

**STAFF REPORT:**

**Planning and Building Services Department**



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

**MEETING DATE:** June 7, 2010

**REPORT NO.:** PL.10.51

**SUBJECT:** Adult Entertainment  
Establishments Options Report

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

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.10.51, Adult Entertainment Establishments Options Report; and**

**THAT Council direct Staff to proceed with Option 4 and have Meridian Planning Consultants Inc. draft a 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 areas and to draft 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; and,**

**THAT Council review these draft policies and provisions prior to the holding of a statutory public meeting being held under the *Planning Act* to allow for comments.**

**B. Background**

The purpose of this report is to provide Council with an update on the status of the Adult Entertainment Establishments Project.

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.

Council further directed Staff to complete a study relating to the prohibition and/or regulation of adult entertainment establishments and the associated land uses within the municipality.

The Town subsequently retained Meridian Planning Consultants Inc. to undertake the study. The purpose of the study is to identify an appropriate policy framework for the purpose of addressing this issue, including: the identification of any necessary amendments to the *Town of The Blue Mountains Official Plan*; identification of provisions that can be implemented through amendments to the existing two Zoning By-laws (Township of Collingwood No. 83-40 and Town of Thornbury No. 10-77); identification of provisions that can be incorporated into the Town's Comprehensive Zoning By-law (currently being drafted); and discussion respecting the possible adoption of a Licensing By-law.

The study consists of four phases in accordance with the Terms of Reference which include:

- Phase 1 – Background;
- Phase 2 – Public Consultation;
- Phase 3 – Policy Direction; and
- Phase 4 – Final Recommendation.

The end product of the Study will include proposed Official Plan policies, Zoning By-law performance standards and licensing by-law provisions which will address adult entertainment establishment uses.

Phase 1 of the Study was completed with the release of the draft *Options for Regulating Adult Entertainment Establishments in the Town of The Blue Mountains, December 2009*, prepared by Meridian Planning Consultants Inc. This paper was provided to Council in December 2009, and outlined the following:

- the current policy context pertaining to adult entertainment establishments in the Town;
- policy and regulatory approaches utilized by other Ontario municipalities; and
- policy options for addressing adult entertainment uses in the Town.

From a high level review Meridian identified the following:

#### Official Plan

The majority of municipalities reviewed have provisions in their Official Plans that restrict Adult Entertainment Establishments to lands designated for industrial and/or employment. Policies included relate to separation distances from residential areas/schools, the necessity for full municipal services, buffering and restricting adult entertainment establishments to lots fronting on local roads (not County or Ministry of

Transportation Roads). Few municipalities have policies that contain explicit provisions relating to adult stores (books or “toys”). Given the policy context of the Town’s Official Plan, it is Meridian’s recommendation that amendments to the Town’s Official Plan to incorporate similar policies would be appropriate.

### Zoning By-law

A large number of municipalities reviewed contain definitions of Adult Entertainment Establishments in their Zoning By-laws but do not list the same as permitted in any specific use district. They do contain general provisions related to Adult Entertainment Establishments, such as setbacks, buffering, parking, etc. In general, many municipalities in Ontario do not list Adult Entertainment Establishments as a permitted land use within their Zoning By-laws and consider these uses through site specific zoning by-law amendments. Provided sound policies are incorporated in the Official Plan, it is Meridian’s recommendation that this would be an appropriate direction for the Town to proceed.

### Licensing

Although not within the context of Meridian’s work, Meridian does note that many municipalities make reference to the ability to licence Adult Entertainment Establishments pursuant to the *Municipal Act* within their Official Plans. The need and appropriateness for this will be further reviewed in the Background Paper.

On November 9, 2009, Council received Staff Report PL.09.115 - Adult Entertainment Establishments Project Update for information purposes.

As part of Phase 2 of the Study, Planning Staff and the consultant met the week of November 23, 2009, to discuss the draft Background Paper. This paper was released to the public in December 2009. A Public Open House was held on December 17, 2009, to present the Background Paper, gather public information and discuss the various options presented. The Study is now in Phase 3: Policy Directions, which entails providing a preliminary recommendation to Council which will be used as the basis for developing a draft policy framework including a proposed Official Plan Amendment, proposed Zoning By-law Provisions and possible Licensing provisions.

Staff had developed the Study framework to coincide with the work Meridian is undertaking for the Town regarding the new Comprehensive Zoning By-law. It was anticipated that after the December 17, 2009, Public Open House, subsequent Statutory Public meetings pertaining to the Adult Entertainment Establishment Study, Drive-through Facilities Study and Zoning By-law Project, would be combined. The Zoning By-law Project deadlines have been extended. Staff subsequently separated the Adult Entertainment Establishments and Drive-through Facilities Studies from the Zoning By-law work to continue moving forward.

### **Comments**

The Adult Entertainment Establishments Study is now in Phase 3: Policy Direction,

which entails Meridian providing preliminary recommendations to Staff and subsequently, to Council, for consideration. Meridian will also develop a draft policy framework including Official Plan Amendments, Zoning By-law Provisions and possible Licensing provisions which will be presented to Council prior to a formal public meeting being held.

Meridian has presented four policy and regulatory options in the final *Background & Options Paper for Regulating Adult Entertainment Establishments in the Town of The Blue Mountains*, June 2010, being the following:

Option	Description
1. Status Quo	Not address the issue at this time.
2. Prohibit in All Areas	Initiate a Town-wide prohibition of adult entertainment establishments.
3. Permit in Both Commercial and Industrial	Permit adult entertainment establishment in specified commercial and industrial areas.
4. Permit in Specified Industrial Areas subject to a Zoning By-law Amendment	Permit only in specific employment areas identified on Official Plan schedules subject to a Zoning By-law Amendment.

Option 4 (presented in Section 6.4. Permit in Specified Industrial Areas) is the approach preferred by staff as it would establish criteria within the Official Plan and require a public process prior to Council's consideration of any proposed amendment. Section 7.0 Conclusion of the Report outlines draft policies, regulations and criteria that will be included as part of the proposed Official Plan and/or Zoning By-laws. Council input is required on Option 4 as the preferred option prior to a final recommendation being provided by Council for consideration.

Phase 4 of the Study is to have Meridian draft the policies and provisions that would be brought forward to a statutory public meeting pursuant to the *Planning Act*. Council will be presented with these draft policies and provisions for comments prior to the statutory public meeting being held.

**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 is not expected to have significant adverse impacts on any element of the environment.

## **E. Budget Impact**

Meridian has been retained at a cost of \$14,450.65 (exclusive of GST).

## **F. Attachments**

1. Meridian Planning Consultants Inc., *Background & Options Paper for Regulating Adult Entertainment Establishments in the Town of The Blue Mountains*, June 2010.

Submitted by:

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**BACKGROUND & OPTIONS PAPER FOR REGULATING  
ADULT ENTERTAINMENT ESTABLISHMENTS  
IN THE TOWN OF THE BLUE MOUNTAINS**

Prepared by



File # 3806  
June 2010



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## APPENDICES

- 1 – Interim Control By-laws – Town of The Blue Mountains
- 2 – Other Municipal Official Plan and Zoning By-laws – Summary Chart

## **1.0 INTRODUCTION**

### **1.1 Background, Purpose & Issue Summary**

On January 26, 2009, Town Council passed Interim Control By-law 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 12 months. Interim Control By-law No. 2009-9 defines adult entertainment establishments as including an adult entertainment business, body-rub business, adult bookstore or adult videotape store, as defined in the By-law. Council also directed staff to complete the following:

- a study relating to the prohibition and/or regulation of adult entertainment establishments and the associated land use issues in the Town.

By-law No. 2009-9 was set to expire on January 26, 2010. However, on December 14, 2009, Council passed By-law No. 2009-83 to amend Section 5 of By-law No. 2009-9 to extend the Interim Control By-law for an additional 6 months, to July 26, 2010. This has provided the Town with an opportunity to continue to study the issues, and establish appropriate policies and regulations to guide the establishment and use of these types of businesses. Copies of By-law Nos. 2009-9 and 2009-83 are attached to this report as Appendix 1. According to Town Staff, there are no known existing adult entertainment establishments in The Blue Mountains.

Meridian Planning Consultants Inc. (Meridian) was retained by the Town of The Blue Mountains to undertake a study and provide recommendations on the issue of regulating adult entertainment establishments. It is intended that this review will recommend new Official Plan polices which can be implemented through an amendment to the existing Official Plan. As well, it is proposed that new Zoning By-law provisions will be recommended that can be implemented through amendments to the existing two Zoning By-laws (Township of Collingwood No. 83-40 and Town of Thornbury No. 10-77). The recommended approach pertaining to zoning will also be incorporated into the new Town of The Blue Mountains Zoning By-law, which Meridian is developing.

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 and is usually found in industrial areas and away from residential areas. Other uses include body rub parlours which typically operate fairly anonymously in strip malls in commercial and industrial areas. Adult video stores and adult specialty stores typically operate wherever retail stores are permitted. In some cases, adult videos are sold in mainstream video stores in an area set aside for this purpose. Each of the above uses requires a different policy and regulatory framework. The challenge in developing the framework is to first determine where such uses should be located and then determine how they should be regulated.

This Paper includes a:

- review of the Municipal Act with respect to the ability of municipalities to regulate these uses;
- review of the Town's existing Official Plan and Zoning By-laws;
- review of policy and zoning approaches in other jurisdictions; and,
- discussion of policy options that could be considered in The Blue Mountains.

## **2.0 REVIEW OF LEGISLATION AND EXISTING POLICY**

### **2.1 Municipal Act**

The Ontario Municipal Act permits municipalities to license, regulate and govern adult entertainment establishments. The following is a brief description of relevant Municipal Act sections:

#### Section 153

- a municipality shall not refuse to grant a licence for a business under this Act by reason only of the location of the business
- a by-law providing for a system of licences for a business may require as a condition of obtaining, continuing to hold or renewing a licence that the business comply with land use control by-laws or requirements under the *Planning Act* or any other Act
- a municipality shall not refuse to grant a licence by reason only of the location of the business if the business was being lawfully carried on at that location at the time the by-law requiring the licence came into force so long as it continues to be carried on at that location

#### Section 154

- a local municipality, in a licensing by-law may,
  - define the area of the municipality in which adult entertainment establishments may or may not operate and limit the number of adult entertainment establishments in any defined area in which they are permitted
  - prohibit any person carrying on or engaged in an adult entertainment establishment business from permitting any person under the age of 18 years to enter or remain in the adult entertainment establishment or any part of it
- Any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business,
  - goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
  - body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, excluding premises or part of them where 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 to do so under a statute of Ontario.
  - a local municipality may exercise its administrative power of entry under section 436 at any time of the day or night to enter an adult entertainment establishment.

In this paper, all types of adult entertainment uses will be considered to be an adult entertainment establishment as defined by the Municipal Act. The Act does not allow municipalities to prohibit these uses and in fact, by specifically referring to these uses, the Act, expressly allows the existence of such businesses in any municipality. It should be noted that, in a 2004 case, the Courts upheld the decision of the City of Brantford to prohibit body rub parlours City-wide through the Zoning By-law. For the most part however, municipalities have been unsuccessful to date in attempts to expressly prohibit adult entertainment establishments in their community, mainly due to court challenges. As a result, the issue has become whether or not to regulate these businesses and, if a decision is made to regulate, how to regulate effectively in good faith and in

a manner that respects general community standards and expectations. To some, prohibition of these establishments may be considered an infringement of rights, but their existence, potential land use impacts and the perception of their entertainment role in the community is of concern to a large portion of society. This explains the diversity of municipal directions on regulating these types of establishments in the past.

## **2.2 Current Town Official Plan & Zoning By-laws**

Municipalities are delegated planning authority through the Planning Act. The Planning Act provides for a land use planning system led by provincial policy. Locally, the primary guiding document for land use planning is an Official Plan. An Official Plan contains the goals, objectives and policies established to manage and direct physical change and the effects on the social, economic and natural environment. The Official Plan may contain a description of the measures and procedures proposed to attain the objectives of the Plan.

A Zoning Bylaw is the implementation tool for the guidelines established by the Official Plan. Zoning Bylaws may restrict the use of land except for such purposes as set out by the municipality therein, and may regulate the erecting of, locating of and use of buildings or structures for those purposes as set out in the Bylaw.

### **Official Plan**

The Town's current Official Plan (OP), approved by the County of Grey in December 2004, does not provide any specific policy direction with respect to adult entertainment establishments. However, the OP does permit a range of undefined commercial uses in various land use designations. This is of concern as an argument could be made that some use terms may be broad enough to permit adult entertainment establishments in a number of designations, at least at the policy level. The following is a sample of the land use designations in the Town OP and permitted uses:

- Blue Mountain Village Core – food service and licensed establishments
- Village Centre – small scale restaurants and taverns
- Thornbury Commercial - predominant land use includes all forms of retail and service commercial uses, business and professional offices, restaurants and places of entertainment, public administration buildings and other uses that would not interfere with the primary purpose of the area as a place of commerce.

Section 3.3(7) Commercial Areas of the OP does identify of a number of land use factors when considering an application for Zoning By-law Amendment for proposed commercial development including:

- (a) the adequacy of on-site parking and loading areas provided
- (c) the design, layout and massing of the development so as to blend in with adjacent development, the character of the area, and the natural environment
- (d) the adequacy of buffer plantings between commercial uses and any adjacent residential area
- (e) the availability of municipal services, and where private water and sewage systems are proposed, the ability to sustain the use.

Section 3.3(12) of the OP states that “all new commercial development shall be subject to site plan control and shall have particular regard for and show sensitivity to surrounding residential uses as well as the visual amenities and attractions of the development”.

Section 3.17 Buffering of the OP contains the following policies:

- (1) Where different land uses abut, every effort shall be made to avoid potential conflicts between such different uses. Where deemed appropriate, buffering shall be required for the purpose of reducing or eliminating the adverse effects of one land use upon the other. A buffer may consist of open space, a berm, wall, fence, plantings, or any combination of the aforementioned sufficient to accomplish the intended purpose. The use of site plan control shall be exercised, where appropriate, to ensure adequate buffering is provided and maintained.
- (2) In some cases, abutting uses which are considered incompatible may be prohibited under the Zoning By-law where buffering is considered inadequate to properly mitigate land use conflicts. Incompatible mixed uses on the same lot, such as a residence above a commercial garage, may also be prohibited.

Subsections 4.21.3 (2) and (5) of the OP state the following:

- (2) In the Highway Commercial designation, Council shall be assured that the design and appearance of the use including exterior massing, siting, location and landscaping does not detract from surrounding uses. All lighting and signing and other surface utilities shall be carefully sited and be in keeping with good design and highway safety practices to maintain the appearance and safety of the area.
- (5) Adequate natural buffering shall be provided between the Commercial use and the surrounding residential area uses to ensure the visual protection and amenity of the residential area.

### **Zoning By-laws**

The two existing Zoning By-laws for the Town, Collingwood (83-40) and Thornbury (10-77), will be consolidated as a result of the ongoing Town-wide Zoning By-law Review. The existing By-laws contain no specific definitions, nor specifically list permitted/prohibited uses for any type of adult entertainment use. As a result, an argument could be made that adult entertainment uses may be permitted in certain zones in the existing By-laws. However, Section 6.11 of the Thornbury By-law does stipulate that all uses are prohibited unless specifically listed as a permitted use in a Zone or in the general provisions section of the By-law. The following is a summary of existing definitions and zone permissions of note with respect to adult entertainment uses:

#### Collingwood By-law

- Retail Store permitted in General Commercial C1 and Village Core General Commercial C5 Zones.
- Retail Store and Retail Store Convenience definitions
- Retail Uses permitted in Village Core Resort Commercial C7 Zone. Retail Uses not defined in By-law. The term Use is defined; Retail is not.

- Place of Entertainment defined
- Place of Entertainment permitted in Recreational Commercial C4 and Village Core General Commercial C5 Zones

#### Thornbury By-law

- Commercial Club defined as “any club other than a private club”
- Commercial and Retail Store definitions
- Commercial Uses and Retail Stores permitted in General Commercial C1 Zone
- Retail Stores and Places of Entertainment permitted in General Commercial C2 Zone. Places of Entertainment are not defined.
- Places of Entertainment are permitted in Recreational Commercial C4 Zone.

#### **Summary**

The lack of specific definitions, policies and regulations, and questions related to existing definitions and use permissions, in the existing Official Plan and Zoning By-laws contribute to confusion in interpreting these documents. While the Official Plan does provide some generally policy direction with respect to incompatible uses, parking, buffering, etc., 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”. “Adverse effects” is not defined in the Official Plan but is defined in the Provincial Policy Statement (PPS) as follows:

**“Adverse effects:** as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business”.

However, 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 and Zoning By-laws, the Town does not have the ability to effectively control adult entertainment uses. As the Town continues to grow, the issue will become more pressing and the Town may face challenges if there is no policy and regulatory direction respecting adult entertainment uses.

### **3.0 REVIEW OF ONTARIO MUNICIPAL DIRECTIONS**

In order to identify possible approaches to adult entertainment uses, Meridian has chosen a cross-section of municipalities to review. The subject municipalities are:

- Aurora;
- Burlington;
- Halton Hills;
- Oakville;
- Kitchener;
- Meaford;
- Milton;
- Mississauga; and,
- Ottawa.

A summary of how these municipalities are dealing with the issue of adult entertainment is provided in this section and in a Table attached in Appendix 2.

### **Town of Aurora**

The Town of Aurora Official Plan permits adult entertainment uses on lands designated Employment Areas subject to the following policy requirements:

- Site specific rezoning to permit the proposed use;
- Adequate separation distances from residential areas, and institutional and recreational facilities;
- Minimum setback of 800 metres from any other adult entertainment use;
- Licensing By-law required to ensure adequate separation distances from, and minimal impacts on, adjacent uses.

The Town's Zoning By-law does not contain any definitions or regulations pertaining to adult entertainment uses. However, the Town does have a Licensing By-law that sets out a detailed set of regulations and procedures for adult entertainment uses including:

- Adult entertainment parlours not permitted on lands abutting specified roads (for example Yonge Street, Bayview Avenue);
- Minimum setback of 270 metres from Highway 404, residential zones, schools, churches, public parks, open space or day nurseries;
- Minimum setback of 170 metres from any land zoned Industrial M1;
- The adult entertainment use must be the sole use on the lot;
- Permitted hours of operation - 2:00 pm to 1:00 am;
- Maximum of 2 adult entertainment parlours permitted in the Town;
- Prohibited on lands that are not connected to full municipal services.

### **City of Burlington**

In 2006, the City of Burlington commenced a review of appropriate locations for adult entertainment facilities, and the land use and regulatory issues associated with them. In 2008, the City adopted amendments to the Official Plan and Zoning By-law, and approved a Licensing By-law to implement the recommendations of the City's Adult Entertainment Study. In assessing appropriate parking standards, the City reviewed data from the Institute of Transportation Engineers (ITE) from the United States which included a land use term "*Adult Cabaret*" which is similar to an adult entertainment establishment as defined in the City's Zoning By-law. The ITE data identified an average peak period (Saturday evening) parking demand for this type of use of between 5.2 and 5.9 spaces per 92.9 square metres (1,000 square feet) of gross floor area. The

City determined that the ITE parking demand data translated into a parking requirement of one space for every 16 to 18 square metres of floor area.

The City Official Plan was amended to permit adult entertainment uses in the General Employment designation. The Zoning By-law, as amended, only permits adult entertainment establishments on interior lots and in specific areas identified on the By-law Schedules. Furthermore adult entertainment establishments are specifically prohibited in a range of zone categories including Commercial, Mixed-Use Corridor, Downtown Mixed-Use Centre and Uptown Mixed-Use Centre. Other adult entertainment related Zoning By-law regulations include:

- Prohibited as an accessory use;
- Parking requirement of one space for every two persons building capacity;
- Minimum setback of 1,000 metres from the lot line of any property containing another adult entertainment use (but reduced to 400 metres if separated by the QEW);
- Use must be the sole use on lot.

### **Town of Halton Hills**

In 2003, the Town of Halton Hills passed an Interim Control By-law to prohibit new adult entertainment uses for a period of one year and initiated an Adult Entertainment Study. Ultimately, the Town's Adult Entertainment Study led to amendments to the Official Plan and Zoning By-law and the passage of a Licensing By-law.

The Town's Official Plan contains a series of detailed policies to regulate a range of adult entertainment uses including:

- Permitting adult specialty stores in certain designations including the Downtown Core Sub-Area, Major Commercial Sub-Area, Secondary Commercial Sub-Area, and Mixed Use Sub-Area;
- Adult entertainment parlours and body rub parlours are permitted in the General Employment Area designation subject to setbacks from certain roads;
- A rezoning is required to establish new adult entertainment parlours;
- Adult entertainment establishments must be the only use on the lot and setback a minimum of 800 metres from any other similar use;
- Body rub parlours are to be permitted as-of-right in the Zoning By-law but must be setback a minimum of 500 metres from other body rub parlours and must not occupy more than 15% of the total floor area (or 150 square metres whichever is less) of multiple unit buildings;
- Policy requiring Licensing By-law.

The Town is currently undertaking an update to their Zoning By-law and is considering other specific restrictions including:

- Adult entertainment uses are not permitted as a home occupation or cottage industry;
- Parking requirement for an adult entertainment parlour is one space for every 5.8 square metres;
- Parking requirement for an adult specialty store or adult video store is one space for every 20 square metres;

- Adult specialty stores are to be permitted in certain zones in compliance with the Official Plan.

### **Town of Oakville**

The Oakville Official Plan allows adult entertainment establishments on lands designated Light Employment. The Town Zoning By-law permits such uses on lands zoned Employment E1 and E2 but prohibits adult entertainment establishments abutting highway corridors. However, these uses must be setback a minimum of 800 metres from any Residential Zone, must be the only use on a particular lot and the parking requirement is one space for every 18 square metres. In 2006, the Town of Oakville passed a Licensing By-law to regulate and govern adult entertainment establishments through a series of requirements including:

- Registration of 'Attendants', as defined, required;
- Licensing fees range from \$1,650 to \$3,300;
- Owners of establishments must inform a Town Licensing Commissioner of intended hours of operation;
- Maximum number of licenses is two;
- Specified areas where uses are permitted are identified on maps attached to the Licensing By-law.

### **City of Kitchener**

The only relevant policies contained in the City of Kitchener Official Plan relate to adult sex film theatres wherein these uses are only permitted on lands designated Heavy Industrial Area. These uses must be setback a minimum of 300 metres from any residential property, day care facility, school, religious institution or other adult sex film theatre. Adult sex film theatre is the only adult entertainment use defined in the City's Zoning By-law and is permitted only in the Industrial M4 Zone subject to the same criteria set out in the Official Plan.

### **Municipality of Meaford**

The Meaford Official Plan contains no policies pertaining to adult entertainment uses. The Zoning By-law contains definitions of adult entertainment parlour, and specifically prohibits adult entertainment parlours in the definition of place of entertainment and recreational establishment.

### **Town of Milton**

The Milton Official Plan stipulates that adult entertainment uses are only permitted within the Industrial Area designation located north of Highway 401. The following other Official Plan policies pertain to adult entertainment uses:

- Minimum separation distance of 500 metres from the lot line of any lot containing a residential, institutional or other sensitive land use;
- Minimum separation of 100 metres from any arterial road or Provincial highway;
- Adult video store, adult specialty store or body rub parlour must not exceed 15% of the gross floor area of any multi-unit building;
- Only one adult entertainment use is permitted per lot;

- Any adult entertainment use, other than an adult video store, adult specialty store or body rub parlour, must be located within a free-standing building.

The Milton Zoning By-law implements the policies of the Official Plan respecting adult entertainment uses and also sets out a parking requirement of one space for every 5 square metres of gross floor area. In addition, uses are not permitted to locate any closer than 9 metres to any street line and uses accessory to adult entertainment uses are prohibited.

### **City of Mississauga**

The Mississauga Official Plan contains no policies relating to adult entertainment uses. The Mississauga Zoning By-law permits adult entertainment establishments, adult video stores and body rub establishments on lands zoned Employment E2 and Industrial E3. In addition, the Zoning By-law requires a minimum setback of 800 metres from any Residential Zones.

The City of Mississauga also has an Adult Entertainment Establishments Licensing By-law which regulates adult entertainment businesses, body rub businesses, adult book stores and adult video stores. The Licensing By-law defines a range of uses and sets out very specific requirements for business applications, use restrictions, operation and employee requirements, and fees including the following:

- Licensing fees range from \$180.00 to \$5,370.00;
- Permitted hours of operation - noon to 2:00 am, and 4:00 pm to 2:00 am on Sundays;
- The maximum number of licenses permitted for issuance are 9 for adult entertainment businesses, 14 for body rub businesses and 6 for adult video stores.

### **City of Ottawa**

The Ottawa Official Plan contains no policies related to adult entertainment uses. A site specific amendment to the City's Zoning By-law is required for the establishment of an adult entertainment use, but stipulates a minimum setback between adult entertainment uses of 1,000 metres.

### **Summary**

The following is a short summary of the common policies and regulations in the Official Plans and Zoning By-laws reviewed:

- Definitions of uses and a general statement in the Official Plan about these uses is common;
- Definitions in Zoning By-laws, normally include adult entertainment parlour use or establishment, body rub parlour and adult video store, and other definitions that are incidental to these uses. However, some municipalities will only define an adult entertainment establishment, use or parlour;
- Many Official Plans and Zoning By-laws will specifically exclude adult entertainment uses in the definitions of other non-related uses (e.g. Place of Entertainment);

- Some municipalities will identify areas and criteria for uses through the Official Plan, but require site-specific rezoning to establish any new uses. In most cases, uses are directed to locate in industrial areas/zones;
- Some municipalities have taken a 'tiered' approach based on the type of adult entertainment use. For example, adult video stores may be permitted as-of-right in certain zones but adult entertainment parlours may only be permitted through a site specific Zoning By-law Amendment.
- Many Official Plans require a Licensing By-law for the municipality;
- Separation distances between adult entertainment establishments and 'sensitive land uses' or zones of between 170 m and 1000 m are common. Sensitive land uses can include residential zones, institutional uses, public parks, day care facilities, etc.
- Adult entertainment parlours are often permitted as a stand alone use while body rub parlours and adult video stores can be located in multi-unit buildings. However, some municipalities only permit one adult entertainment use per lot and in a free-standing building;
- It is common to see floor area restrictions for body rub parlours in multiple unit buildings (e.g. not permitted to occupy more than 15% of total floor area of building)
- Parking regulations for adult entertainment parlours are generally similar to restaurant requirements. However, a range of standards (1 space/5 m<sup>2</sup> – 18 m<sup>2</sup>), and methods of calculation (floor area vs. capacity), are used;
- Other restrictions include minimum parking area setbacks from street lines, mezzanines prohibited, use is prohibited if lot is not connected to full municipal services, and accessory uses not permitted; and,
- Landscaping and signage requirements may be included but standards vary.

## Licensing

Although not a part of this review project, our survey has revealed that many municipalities have passed Licensing By-laws and implemented licensing procedures. Though most municipalities appear to use the Official Plan and/or Zoning By-law to define the use, location and separation distances, licensing bylaws are often the main regulatory tool. In essence, the Licensing By-law is used in conjunction with the Official Plan and/or Zoning Bylaw provisions to ensure that a comprehensive approach to regulating adult entertainment uses is in place.

Licensing by-laws typically contain:

- Definitions of uses, services and service providers with respect to adult entertainment establishment classifications;
- Requirements for all owners, operators and service providers to be licensed;
- Nuisance control, and fine/imprisonment penalties for non-compliance;
- Restrictions on the maximum number of licensed facilities in the municipality;
- Conditions that include restrictions respecting days and hours of operation, employee/attendant age restrictions, inspection provisions, limitations on communication and advertising of business related items, accessibility to and within the establishment, provisions for sanitary conditions and limits on services provided; and,
- Provisions regarding annual licensing fees of up to \$5370.00 for owners/operators and service provider licensing fees of \$75.00 and up.

## **4.0 TOWN STUDIES**

There are a number of studies currently underway in the Town however, some of these studies have not yet been endorsed by Council and therefore, the contents and recommendations of these studies were considered in this context. The following is a brief summary of studies/reports relevant to the review of adult entertainment establishments.

### **4.1 Town Comprehensive Transportation Strategic Plan – Final Draft Report – March 2010**

The Town, County and Ministry of Transportation retained AECOM and C.C. Tatham and Associates to prepare a Comprehensive Transportation Strategic Plan to address “short, medium and long-term transportation needs for all levels of road infrastructure”.

The Draft Report identifies a number of transportation needs based on future traffic projections to 2028, and provides a “series of recommendations and strategic policies based on a multi-modal approach to transportation that considers existing and future transportation needs”. These recommendations include road network improvements, traffic demand management, etc.

### **4.2 Town Planning, Urban Design & Sustainability Strategy - Thornbury, Clarksburg & Craigeith Commercial Areas - February 2010**

The Planning, Urban Design and Sustainability (PUDS) Strategy is the third report prepared as part of the Town’s Community Improvement Plan, which is currently being prepared for the Town by RCI Consulting, GSP Group and Enermodal. A Background Report and Interim Report were prepared in 2009. The primary role of the PUDS Strategy report is to “outline the planning and urban design framework and sustainable design principles that will guide private sector development and redevelopment and public sector improvement projects within the Community Improvement Project Area”. The Study Area for the Strategy includes the commercial areas of Thornbury, Craigeith and Clarksburg, as defined in the report.

The PUDS Strategy report suggests a vision for the Thornbury, Clarksburg and Craigeith commercial areas, which includes:

- Clear and definable character and identity in both the public and private realms (#2)
- Encouraging new development that complements existing character (#10)

The PUDS Strategy vision is generally in-line with the vision in the Official Plan that speaks to protecting the character and uniqueness of communities. The Draft Report also states that “design controls are needed which provide general design direction and yet accommodate creativity on a site-by-site basis”.

## **5.0 PUBLIC INFORMATION SESSION**

On December 17, 2009, the Town held a public information session, following the release of Options for Regulating Adult Entertainment Establishments in the Town of the Blue Mountains, December 2009, to discuss and obtain public input on policy and regulatory options with respect to drive-through facilities in the Town. The public information session for the review of adult

entertainment establishments project was held concurrently with the drive-through facilities session on December 17, 2009.

There were approximately 7 attendees at the public information session, including some members of Council and members of the public. Following a presentation of the project and the draft paper by Town staff and Meridian, there was some limited discussion respecting the various options presented in the paper. Members of the public were encouraged to submit written comments to the Town.

There was one question during the session respecting the ability of the Town to regulate health matters related to attendants. The Zoning By-law cannot be used to regulate such matters but additional research following the meeting revealed that some municipal licensing by-laws include health-related requirements such as:

- compliance with other health/sanitation related matters
- Burlington requires a medical certificate from a physician certifying that an attendant is free of communicable diseases and fit to perform body-rubs
- many municipal licensing by-laws require extensive proof of identity for attendants

## **6.0 POLICY AND REGULATORY OPTIONS**

Based on the review of policy and regulatory tools, and municipal experiences, The Blue Mountains has the following four policy options to consider.

### **6.1 “Status Quo”**

The Town could decide to not comprehensively address the issue at this time. In this case, when an application is submitted to establish such a use, the applicant would perhaps be subject to an Official Plan Amendment and Zoning By-law Amendment process, depending on the interpretation of the Official Plan and Zoning By-law.

This option would entail:

- Not including any provisions for adult entertainment establishments in the Official Plan or Zoning By-law; and,
- Not passing a Licensing By-law.

This option would see the Town requiring that each proposed use is subject to a detailed review through the Planning Act process. However, without the establishment of Town-wide standards, controls on location, separation distances, use definitions and other important criteria would be left to the review of individual applications. In addition, and more importantly, there are concerns that, if no changes are made to the Official Plan and Zoning By-laws, one could argue that the use is permitted as-of-right through the interpretation of existing use terms.

### **6.2 Prohibit in All Areas**

The Town could initiate a Town-wide prohibition of adult entertainment establishments. This option would require wording in the Official Plan and Zoning By-law to prohibit adult entertainment

uses and the re-writing of any definition of land use that could be construed as allowing these uses.

This option would entail:

- Amending the Official Plan to include a section that clearly defines and prohibits the location of adult entertainment establishments within Town boundaries;
- Amending the Zoning By-laws to define and specifically prohibit adult entertainment establishments in any zone; and,
- Ensuring that any Official Plan or By-laws definitions do not provide for the establishment of the use;

With the prohibition, there is also the option of including general criteria in the Official Plan and/or Zoning By-law to guide the municipality in dealing with future applications. The following table summarizes the options.

**Table 1: Prohibit in all Areas (Official Plan & Zoning By-Laws) – sub-options**

General criteria in Official Plan for considering proposed adult entertainment establishments	General criteria in Zoning By-laws
	No criteria in Zoning By-laws
No criteria in Official Plan for considering proposed adult entertainment establishments	General criteria in Zoning By-laws
	No criteria in Zoning By-laws

This would be a clear direction on municipal policy. However, the Town will very likely face challenges that this direction contravenes the intent of the Municipal Act. And like the Status Quo option, if no criteria are established, this will prevent the Town from establishing clear land use controls and guidelines for reference when dealing with future applications, court challenges or Ontario Municipal Board hearings. Lastly, without a Licensing By-law, the Town will not have the additional regulatory control if a landowner is successful with future Planning Act applications or court challenges.

### **6.3 Permit in Both Commercial and Industrial Areas**

This option would entail permitting adult entertainment establishments in specified commercial and industrial areas. An approach used in some municipalities permits adult specialty stores and adult video stores in specified commercial areas, while restricting adult entertainment parlours and body rub parlours to industrial areas.

With respect to the Official Plan and Zoning By-laws, there are two approaches to consider in permitting adult entertainment uses in commercial and industrial areas:

1. Permit in Official Plan and Zoning By-laws;
2. Permit in Official Plan only; site-specific amendment to Zoning By-laws required.

Either of the above approaches could be used, and should be tailored to each type of adult entertainment use. For example, approach #1 could be used for adult video and specialty stores, while approach #2 could be used for parlours.

This option would entail:

- Amending the Official Plan and Zoning By-laws to define uses and criteria for permitting these uses in commercial and industrial areas;
- Enacting a Licensing By-law to further implement the provisions of the Official Plan and Zoning By-laws; and,
- Amending/preparing maps and schedules in the Official Plan, Zoning By-laws and/or Licensing By-law to designate areas where uses are permitted.

Many of the Town's existing and planned commercial areas are surrounded by residential uses and located in areas that are highly visible to the general population and traveling public. In particular, there may be some concern that the character and urban form of the downtown commercial cores could be impacted by the introduction of adult entertainment uses. Similar issues apply when considering uses in industrial areas, including compatibility with land uses and visual impacts at intersections and roads. Therefore, with any approach to implement this option, a combination of criteria would be required, such as designated areas where uses are permitted, minimum setbacks and prohibitions along certain roads. As a general note, the Town should be cognizant of the overall impact of any combination of restrictions based on specified areas and criteria (including separation distances and other restrictions).

#### **6.4 Permit in Specified Industrial Areas**

Adult entertainment establishments could be permitted only in specific employment areas identified on Official Plan schedules. Another approach would be to permit these uses on any land designated Employment (through policy) but restricted in location by separation distances and other criteria. Regardless of the Official Plan approach, general provisions could be included in the Zoning By-laws. The Zoning By-laws could permit all or some adult entertainment uses as-of-right however, it is recommended that the Town require an amendment to the By-law for the establishment of any new use.

This option would entail:

- Amending the Official Plan to identify Employment designation(s), define uses and establish criteria for locating adult entertainment establishments;
- Amending the Zoning By-laws to define uses, clarify other uses, and establish the requirement for site-specific amendment for any use or permit some or all uses as-of-right; and,
- Enacting a Licensing By-law for implementation and further regulation.

This option specifically allows adult entertainment uses and defines the location and built form based on a set of principles and criteria. This option would prevent the establishment of these uses in commercial areas and corridors. The option requiring site-specific amendments to the Zoning By-law would result in a comprehensive approach to directing and regulating adult entertainment establishments. Similar to the option described in Section 6.3, the Town would need to assess the overall impact of combined location restrictions, separation distances, setbacks and other regulations. In addition, specific criteria would be applied to each type of adult entertainment use through the Official Plan, Zoning By-laws and Licensing By-law (if the Town deems to enact a Licensing By-law). This option is the least permissive of the four options presented.

## **7.0 CONCLUSION**

It is recommended that the Town consider the 'Permit in Specified Industrial Areas' option, as set out in Section 6.4, as the preferred option to plan for and regulate adult entertainment uses in the Town. 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. It is recommended that both the Official Plan and Zoning By-laws include definitions for adult entertainment parlour, body rub parlour, adult specialty store and adult video store. In addition, the Town should amend the Official Plan and/or Zoning By-laws, as required, to ensure that existing permitted uses and definitions do not indirectly permit adult entertainment uses.

It is recommended that the Town consider the following policies, regulations and criteria for inclusion in the Official Plan and/or Zoning By-laws, as appropriate:

- minimum 800 metre setback from any property zoned to permit (or containing existing) residential, institutional, park or other adult entertainment uses
- 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

It should be noted that upon selection of a proposed preferred option, Meridian and Town staff will undertake a mapping exercise, based on the proposed criteria, to analyze and confirm the effect of the proposed Official Plan policies and zoning provisions. The Town should also consider the inclusion of policies in the Official Plan to require the passage of a licensing by-law to regulate adult entertainment uses.

## APPENDIX 1 – INTERIM CONTROL BY-LAW

### THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

### BY-LAW NO. 2009 -09

Being a By-law to establish an Area of Interim Control  
Pursuant to Section 38 of the *Planning Act*.

**WHEREAS** Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area(s) thereof;

**AND WHEREAS** Council by resolution on January 26, 2009, directed that a study be undertaken with respect to the prohibition and /or regulation of adult entertainment establishments and the land use issues associated therewith in the municipality;

**AND WHEREAS** Council by resolution on January 26, 2009, directed that a study be undertaken with respect to the prohibition and/or regulation drive-through facilities and the land use issues associated therewith in the municipality;

**AND WHEREAS** Council has deemed it necessary and expedient to pass an interim control by-law with respect to adult entertainment establishments and drive-through facilities;

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

1. For the purposes of this By-law, the following terms shall have the corresponding meanings;

*"Adult Book" means printed matter which depicts or describes specified sexual activities or specified anatomical areas.*

*"Adult Bookstore" means any premises or part thereof where Adult Books are provided, offered for sale or rent, or for the use of a patron or member in the pursuance of a business, trade, calling, occupation, club, association or venture;*

*"Adult Entertainment Business" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business, occupation, club, association or venture, services or goods appealing to or designed to appeal to erotic or sexual appetites or inclinations;*

*"Adult Entertainment Establishment" includes an Adult Entertainment Business, Body-rub Business, Adult Book Store or an Adult Videotape Store;*

*"Adult Videotape" means any Videotape the content of which is designed or held out as designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject-matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of specified human body areas and, in the absence of evidence to the contrary, a videotape classified by the Ontario Film Review Board as "restricted" with the added information piece "adult sex film" shall be deemed to be an Adult Videotape.*

*"Adult Videotape Store" means any premises or part thereof where Adult Videotapes are provided, offered for sale or rent, or for the use of a patron or member in the*

*pursuance of a trade, calling, business, occupation, club, association or venture, services or goods appealing to or designed to appeal to erotic or sexual appetites or inclinations ;*

*“Body-rub” is an activity where the primary function is the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, 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;*

*“Body-rub Business” means any premises or part thereof where a Body-rub is performed, offered or in pursuance of a trade, calling, business, occupation, club, association or venture, but does not include any premises or part thereof where Body-rubs are performed for medical or therapeutic reasons by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario;*

*“Drive-through Facility” means any premises or part thereof used to provide or dispense products or services, through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A drive-through facility does not include an automobile service station, automobile washing establishment or car wash, vehicle washing establishment or vehicle fuel station.*

2. Except as noted, words or phrases found in this By-law shall have the same meaning as found in Zoning By-law No. 83-40, as amended, or Zoning By-law 10-77, as amended, as applicable.

3. The provisions of this by-law shall apply to:

a. Those lands located within the area regulated by the “Township of Collingwood” Zoning By-law No. 83-40, as amended, zoned:

- i. General Commercial (C1) Zone;
- ii. Highway Commercial (C2) Zone;
- iii. Recreational Commercial (C4) Zone;
- iv. Village Core General Commercial (C5) Zone;
- v. Village Core Service Commercial (C6) Zone;
- vi. Village Core Resort Commercial (C7) Zone;
- vii. Local Commercial (C8) Zone;
- viii. Service Industrial (M1) Zone;
- ix. General Industrial (M2) Zone;
- x. Institutional (I) Zone;
- xi. Private Recreational (PREC) Zone;
- xii. Recreational Ski Facility (SF) Zone; and,
- xiii. Development (D) Zone.


b. Those lands located within the area regulated by the “Town of Thornbury” Zoning by-law No. 10-77, as amended, zoned:

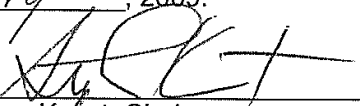
- i. Core Commercial C1 Zone;
- ii. General Commercial C2 Zone;
- iii. Local Commercial C3 Zone;
- iv. Recreational Commercial C4 Zone;
- v. Industrial M1 Zone; and,
- vi. Institutional I Zone.

4. Notwithstanding any other by-laws to the contrary, including any site specific and/or exceptions found in Section 32 of Zoning By-law No. 83-40, as amended, or Section 26 of Zoning By-law No. 10-77, as amended, no person shall, within those areas noted in Section 3 of this By-law erect or use any land, buildings or structure for the purposes of an Adult Entertainment Establishment or Drive-through Facility.

5. This By-law shall come into full force and effect on the date of enactment and shall expire twelve months therefrom unless the term is extended pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Enacted and passed this 26 day of January, 2009.

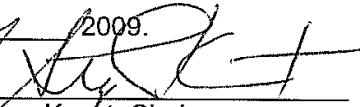
  
\_\_\_\_\_  
Ellen Anderson, Mayor

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

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I hereby certify that the foregoing is a true copy of By-law No. 2009-09 as enacted by the Council of the Corporation of the Town of The Blue Mountains on the 26 day of January, 2009.

DATED at The Blue Mountains  
this 26<sup>th</sup> day of  
January 2009.

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

4788682.1

THE CORPORATION OF THE TOWN OF  
THE BLUE MOUNTAINS

BY-LAW NO. 2009- 83

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;

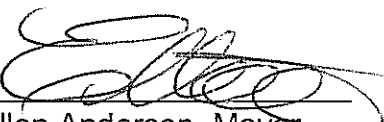
**AND WHEREAS** Council on January 26, 2009, passed By-law No. 2009-09 to establish an Area of Interim Control for a period of time which shall not exceed twelve months from the date of passage of the By-law;

**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 14 day of December, 2009.

  
Ellen Anderson, Mayor

  
Stephen Keast, Clerk

\*\*\*\*\*

I hereby certify that the foregoing is a true copy of By-law No. 2009-83 as enacted by the Council of the Corporation of the Town of The Blue Mountains on the 14 day of December, 2009.

DATED at The Blue Mountains

this 14 day of

December, 2009.

Signed:   
Stephen Keast, Clerk

**APPENDIX 2 – OTHER MUNICIPAL OFFICIAL PLANS & ZONING BY-LAWS**  
**ADULT ENTERTAINMENT ESTABLISHMENTS**

MUNICIPALITY	OFFICIAL PLAN	ZONING
Aurora	<p>Employment Areas – Adult Entertainment Uses may be permitted:</p> <ul style="list-style-type: none"> <li>• Subject to rezoning with adequate separation from residential areas, institutional and recreational facilities</li> <li>• Located a minimum of 800 metres from another Adult Entertainment use</li> <li>• Licensing By-law required to ensure adequate separation and minimal impacts to adjacent uses</li> </ul>	<ul style="list-style-type: none"> <li>• No definitions or regulations pertaining to Adult Entertainment Uses in ZBL</li> </ul> <p>Licensing By-law</p> <ul style="list-style-type: none"> <li>• 270 m minimum setback from Hwy 404, residential zones, schools, churches, public parks, open space or day nurseries</li> <li>• 170 m min setback from M1 zone in Zoning By-law</li> </ul> <p>Adult Entertainment use must be only use on lot</p>
Burlington	<ul style="list-style-type: none"> <li>• Adult Entertainment defined</li> <li>• Adult Entertainment Parlour specifically excluded in definitions of entertainment use and recreation use</li> <li>• Adult Entertainment uses permitted in General Employment designation</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Entertainment Establishments only permitted on interior lots in specific areas identified on By-law Schedules</li> <li>• Adult Entertainment establishment specifically prohibited in commercial, mixed use corridor, downtown mixed use centre and uptown mixed use centre zones</li> <li>• Adult Entertainment Establishment not permitted as an accessory use</li> <li>• Adult Entertainment Establishment only defined term</li> <li>• Adult Entertainment uses specifically excluded from definitions of: entertainment establishment, night club, recreational establishment</li> <li>• Parking – 1 space/2 persons capacity</li> <li>• 1000 m minimum setback from property boundary of another Adult Entertainment use (400 m if separated by QEW)</li> <li>• Adult Entertainment use must be only use on lot</li> </ul>
Halton Hills	<ul style="list-style-type: none"> <li>• Adult Specialty Stores permitted in Downtown Core Sub-Area, Major Commercial Sub-Area, Secondary Commercial Sub-Area, and Mixed Use Sub Area</li> <li>• Adult Entertainment Parlours and Body Rub Parlours permitted in General Employment Area – specific setbacks from certain roads</li> <li>• Rezoning required for Adult Entertainment Parlour and must be only use on lot and setback 800 m from Adult Entertainment use.</li> <li>• Body Rub Parlours to be permitted as-of-right in ZBL and must be 500 m from other BR Parlours and in multiple unit buildings,</li> </ul>	<p>Proposed ZBL</p> <ul style="list-style-type: none"> <li>• Adult Entertainment Establishment Use, Specialty Store, Video Store defined</li> <li>• Adult Entertainment use not a permitted home occupation or cottage industry use</li> <li>• Parking <ul style="list-style-type: none"> <li>○ Adult Entertainment Parlour 1/5.8 m<sup>2</sup></li> <li>○ Adult Specialty &amp; Video Store 1/20 m<sup>2</sup></li> </ul> </li> <li>• Adult Specialty Store permitted in DC1, GCN1, GCN2, GCN3, SN &amp; CC zones</li> <li>• Adult Video Store permitted in CC zone</li> </ul>

	<p>must not occupy more than 15% of floor area or 150 m<sup>2</sup>, whichever is less</p> <ul style="list-style-type: none"> <li>• Policy requiring licensing by-law</li> <li>• Adult Entertainment Use, Parlour, Specialty Store, Video Store defined in OP</li> </ul>	
Kitchener	<ul style="list-style-type: none"> <li>• Adult Sex Film Theatres permitted in Heavy Industrial Areas – 300 m setback required from residential property, day care facility, school, religious institution</li> <li>• 300 m setback from other ASF Theatres</li> </ul>	<ul style="list-style-type: none"> <li>• Only “Adult Sex Film Theatre” defined in ZBL and permitted in M4 Zone subject to certain criteria</li> <li>• ASF Theatres – 300 m setback required from residential property, day care facility, school, religious institution or other ASF Theatre</li> <li>• Commercial Entertainment definition specifically excludes ASF Theatres</li> </ul>
Meaford	<ul style="list-style-type: none"> <li>• No policies pertaining to Adult Entertainment uses</li> </ul>	<ul style="list-style-type: none"> <li>• Adult entertainment parlour defined and specifically excluded in place of entertainment and recreational establishment definitions</li> </ul>
Milton	<ul style="list-style-type: none"> <li>• Adult Entertainment uses defined in OP</li> <li>• Industrial Area designation – Adult Entertainment use only permitted within Industrial Area north of Hwy 401</li> <li>• Any Adult Entertainment Use must provide for the following: <ul style="list-style-type: none"> <li>a) a lot line distance separation from residential, institutional or other sensitive land use of 500 m, and;</li> <li>b) a lot line distance separation from any arterial road or Provincial Highway of 100 m, and;</li> <li>c) Adult Video Store, Adult Specialty Store or Body Rub Parlour shall not exceed 15% of the gross floor area of any multi unit building, and;</li> <li>d) only one Adult Entertainment Use is permitted per lot, and;</li> <li>e) any Adult Entertainment Use other than an Adult Video Store, Adult Specialty Store or Body Rub Parlour must be located within a free standing building.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Adult Entertainment Parlour, Adult Specialty Store and Adult Video Store defined</li> <li>• Adult Entertainment uses specifically excluded in definitions of: cultural use, night club, personal service shop, place of entertainment, theatre, video retail store</li> <li>• Parking requirement: 1/5 m<sup>2</sup> GFA for Adult Entertainment parlour, video store, specialty store, body rub parlour</li> <li>• Parking for Adult Entertainment uses not permitted closer than 9 m to any street line</li> <li>• Video stores, specialty stores &amp; body rub parlours – max 15% of GFA of any multi unit building</li> <li>• Adult Entertainment parlour must locate in free standing, single storey building with no mezzanine and must be sole use in building</li> <li>• Accessory uses not permitted with any Adult Entertainment use</li> </ul>
Mississauga	No policies related to Adult Entertainment Uses.	<ul style="list-style-type: none"> <li>• Variety of Adult Entertainment uses defined</li> <li>• Employment (E2) &amp; Industrial (E3) - Adult Entertainment Establishment, Adult Video Store &amp; Body-rub Establishment permitted</li> <li>• Minimum 800 m setback from residential zones for all Adult Entertainment uses</li> </ul>
Oakville	Adult Entertainment Establishments are permitted uses within Light Employment land use designation.	<ul style="list-style-type: none"> <li>• Variety of Adult Entertainment uses defined</li> <li>• Adult Entertainment Establishments not permitted “abutting the Highway</li> </ul>

		<p>Corridor”</p> <ul style="list-style-type: none"> <li>• Adult Entertainment Establishments permitted in E1 &amp; E2 zones and must be only use on lot</li> <li>• Minimum setback from residential zones – 800 m</li> <li>• Parking requirement - 1/18 m<sup>2</sup></li> </ul>
Ottawa	No policies related to Adult Entertainment Uses.	<ul style="list-style-type: none"> <li>• Site specific ZBA required</li> <li>• Minimum setback from other Adult Entertainment uses – 1000 m</li> </ul>