

STAFF REPORT:

Planning and Building Services Department



REPORT TO: Planning & Building Services Committee
MEETING DATE: June 7, 2010
REPORT NO.: PL.10.53
SUBJECT: Interim Control By-law Extension – Adult Entertainment Establishments and Drive-through Facilities
PREPARED BY: Cindy Welsh, MCIP, RPP
Senior Policy Planner

A. Recommendations

THAT Council does hereby receive Planning Staff Report PL.10-53, Interim Control By-law Extension - Adult Entertainment Establishments and Drive-through Facilities; and

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

B. Background

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

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

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

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

On July 13, 2009, Council authorized the retention of Meridian Planning Consultants Inc. to undertake both studies. These studies will provide options related to land use policies for these uses and will: identify any necessary amendments to the *Town of The Blue Mountains Official Plan*; identify 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); identify provisions that can be incorporated into the Town's Comprehensive Zoning By-law (currently being drafted); and provide background information and best practices related to a Licensing By-law for Adult Entertainment Establishments. At both the November 2, 2009, and June 7, 2010, Planning & Building Committee, Staff provided updates on these studies.

Interim Control By-law No. 2009-09, amended by By-law No. 2009-83, extended the expiration date to July 26, 2010. With Meridian's work pertaining to Adult Entertainment Establishments and Drive-through Facilities continuing into the Summer/Fall, 2010, Staff are recommending that Interim Control By-law No. 2009-09, be amended to extend the time period for another six months, to January 25, 2011, pursuant to Section 38(2) of the *Planning Act*.

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

C. The Blue Mountains' Strategic Plan

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

D. Environmental Impacts

The work pertaining to Adult Entertainment Establishment and Drive-through Facilities is not expected to have significant adverse impacts on any element of the environment.

E. Budget Impact

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

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

F. Attachments

1. Interim Control By-law Draft Extension.

Submitted by:

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CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2010-

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;

AND WHEREAS Council on December 14, 2009, passed By-law No. 2009-83 to extend the period of time that By-law No. 2009-09 would be in effect until July 26, 2010;

AND WHEREAS Council wishes to further extend the period of time that By-law No. 2009-09 will be in effect to January 25, 2011;

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 January 25, 2011".

Enacted and passed this _____ day of _____, 2010.

Ellen Anderson, Mayor

Corrina Giles, Town Clerk

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