

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 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) A property containing an adult entertainment establishment shall be located no closer than 800 metres to the property 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 m², 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

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