
CITY OF NIAGARA FALLS

By-law No. 2002 - 201

A by-law to amend By-law No. 79-200, and to provide for adult entertainment parlours and body-rub parlours as permitted uses in the City of Niagara Falls.

WHEREAS By-law No. 79-200 is a by-law to regulate the use of land and the erection, use, height, bulk, location, spacing of any other matter relating to buildings and structures, and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the City of Niagara Falls;

AND WHEREAS City Council adopted Official Plan Amendment No. 45 to regulate the location of adult entertainment parlours and body-rub parlours..

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. By-law No. 98-03 is hereby repealed.
2. Sections 2.5 A, 2.10 a and 2.10 b of By-law No. 79-200, are hereby repealed.
3. Section 2 of By-law No. 79-200, is amended by adding the following sections:
 - “2.5a “Adult Entertainment Parlour” means any **premises** or part thereof in which is provided, in pursuance of a **business, services** by an entertainer appealing to or designed to appeal to erotic or sexual appetites or inclinations.
 - 2.5b “Services” means **services designed to appeal to erotic or sexual appetites or inclinations** and includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*;
 - 2.5c “Services designed to appeal to erotic or sexual appetites or inclinations” means:
 - (a) **Services** characterized by any person or persons involved or engaging in **specified sexual activities** or by an emphasis on the display of human **specified body areas**; or
 - (b) **Services** 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, or in respect of which is advertised the availability of “table dancing”, or any other form of entertainment held out to be, by reason of its sexual content, not suitable for minors;
 - 2.5d “Specified body areas” means one or more of the following:
 - (a) In the case of a female person, her nipples, and areolae; and
 - (b) In the case of all persons, the pubic, perineal, perianal areas, the genitals, anus, and the buttocks;

2.5e “Specified sexual activities” means one or more of the following:

actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, oral sexual intercourse, direct physical stimulation of genital organs, and flagellation, bondage or torture in the context of a sexual relationship or activity;

2.10a “Body-rub” includes 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 to do so under the laws of the Province of Ontario;

2.10b “Body-rub parlour” means any **premises** or part thereof where a **body-rub** is performed, offered or solicited in pursuance of a **business**;

2.10c “Body-rubber” means an individual person who, in pursuance of a **business** or calling, provides, performs, offers or solicits **body-rubs**, or engages in a **business** involving the provision or receiving of **body-rubs** by such person;

2.11a “Business” includes a trade or occupation.

2.42a “Premises” includes a building or any part thereof, and any place.”

4. Schedule “C” and Schedules C-A through to and including C-L, attached to this by-law, shall form part of By-law No. 79-200.

5. Section 3.2 of By-law No. 79-200, is amended by adding the words “as well as Schedule C and Schedules C-A through to and including C-L” after “B-4” and before the words “together” in the fourth line.

6. Table 1 of clause (a) of section 4.19.1 of By-law No. 79-200, is amended by adding the words, “**Adult Entertainment Parlour**” after the words “Restaurant if not part of a motel or hotel”.

7. Section 10 of By-law No. 79-200, is amended by adding the following section:

“10.5 **Adult entertainment parlours** and **body-rub parlours** which are permitted within PI, LI, GI, HI and TDI zones shall only be permitted subject to the provisions of the applicable zone category as well as the following provisions:

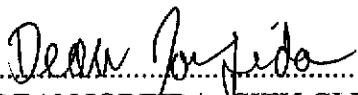
(a) **Adult entertainment parlours** and **body-rub parlours** are only permitted within areas shown hatched on Schedule C and Schedules C-A through to and including C-L”;

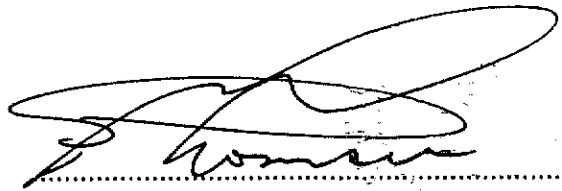
(b) **Adult entertainment parlours** and **body-rub parlours** must be separated from each other by a minimum distance of 300 metres measured from building to building; and

(c) **Adult entertainment parlours** and **body-rub parlours** are permitted only in freestanding, single use structures.

- (3,229 sq. ft) (d) No **body-rub parlour** shall have a **gross leasable floor area** greater than 300 square metres.
- (10,000 sq. ft.) (e) No **adult entertainment parlour** shall have a **gross leasable floor area** greater than 929 square metres.”
8. Section 11.1.1 of By-law 79-200, is amended by:
- renaming clause “(p)” to “(r)”;
 - adding clause “(p) **adult entertainment parlour**, subject to the provisions of section 10.5 ”; and
 - adding clause “(q) **body-rub parlour**, subject to the provisions of section 10.5”.
9. Section 11.2.1 of By-law 79-200, is amended by:
- renaming clause “(aa)” to “(cc)”;
 - adding clause “(aa) **adult entertainment parlour**, subject to the provisions of section 10.5”; and
 - adding clause “(bb) **body-rub parlour**, subject to the provisions of section 10.5”.
10. Section 11.3.1 of By-law 79-200, is amended by:
- renaming clause “(pp)” to “(rr)”;
 - adding clause “(pp) **adult entertainment parlour**, subject to the provisions of section 10.5 ”; and
 - adding clause “(qq) **body-rub parlour**, subject to the provisions of section 10.5”.
11. Section 11.4.1 of By-law 79-200, is amended by: a
- renaming subsection “(q)” to “(s)”;
 - adding clause “(q) **adult entertainment parlour**, subject to the provisions of section 10.5 ”; and
 - adding clause “(r) **body-rub parlour**, subject to the provisions of section 10.5”.
12. Section 11.5.1 of By-law 79-200, is amended by:
- renaming clause “(i)” to “(k)”;
 - adding clause “(i) **adult entertainment parlour**, subject to the provisions of section 10.5”; and
 - adding clause “(j) **body-rub parlour**, subject to the provisions of section 10.5”.

Passed this 4th day of Nov. , 2002.


 DEAN IORFIDA, CITY CLERK


 WAYNE THOMSON, MAYOR

First Reading: Nov. 4, 2002.
 Second Reading: Nov. 4, 2002.
 Third Reading: Nov. 4, 2002.

SCHEDULE C (INDEX MAP) TO BY-LAW No. 2002-201



Industrial Areas Permitting Adult Entertainment
Parlours & Body-Rub Parlours
(After application of separation distances from
sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200


Applicant: City of Niagara Falls

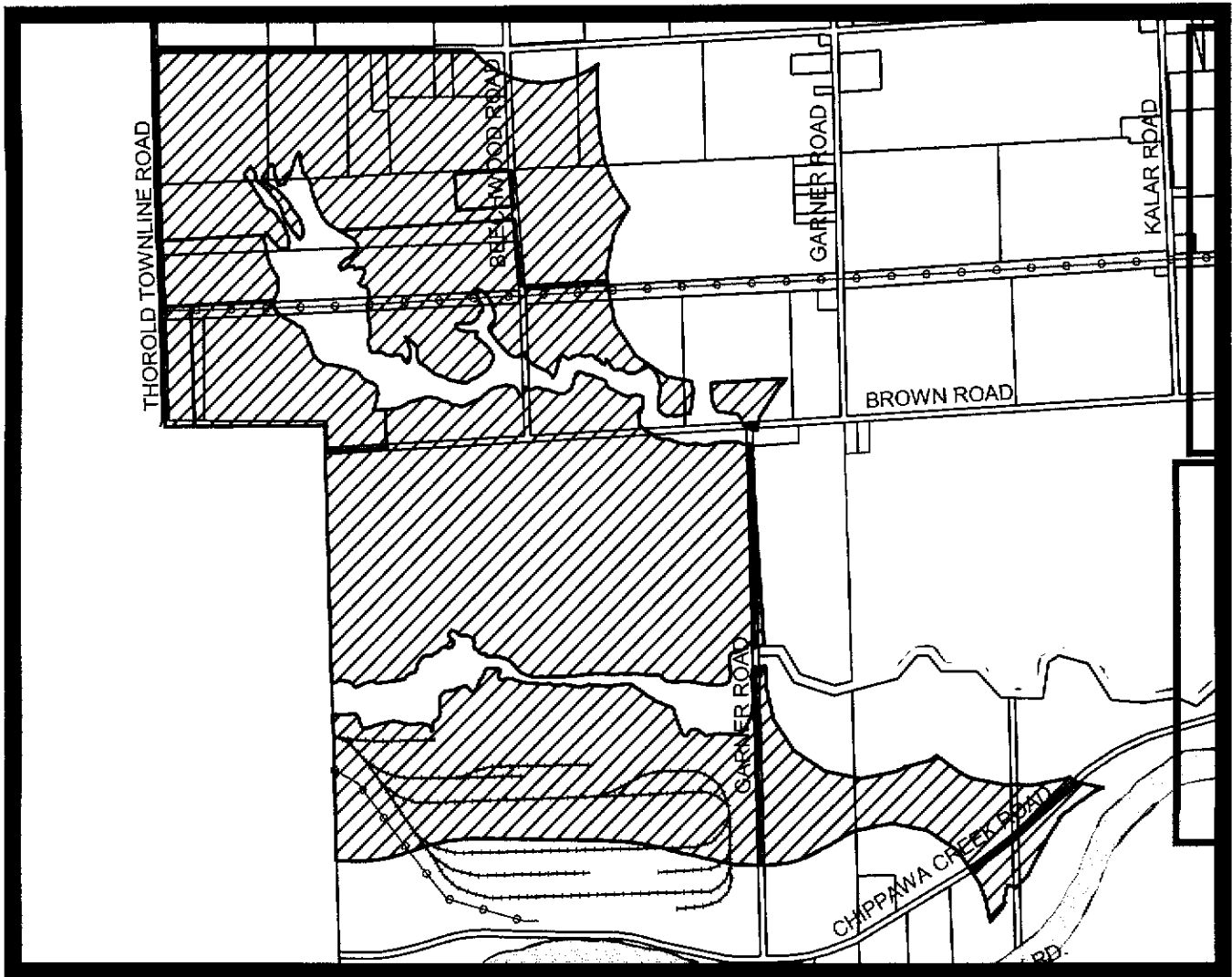
AM-21/2002



I:NTS
October 2002

SCHEDULE C-A TO BY-LAW No. 2002-201

 Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

AM-21/2002

500 0 500 Meters

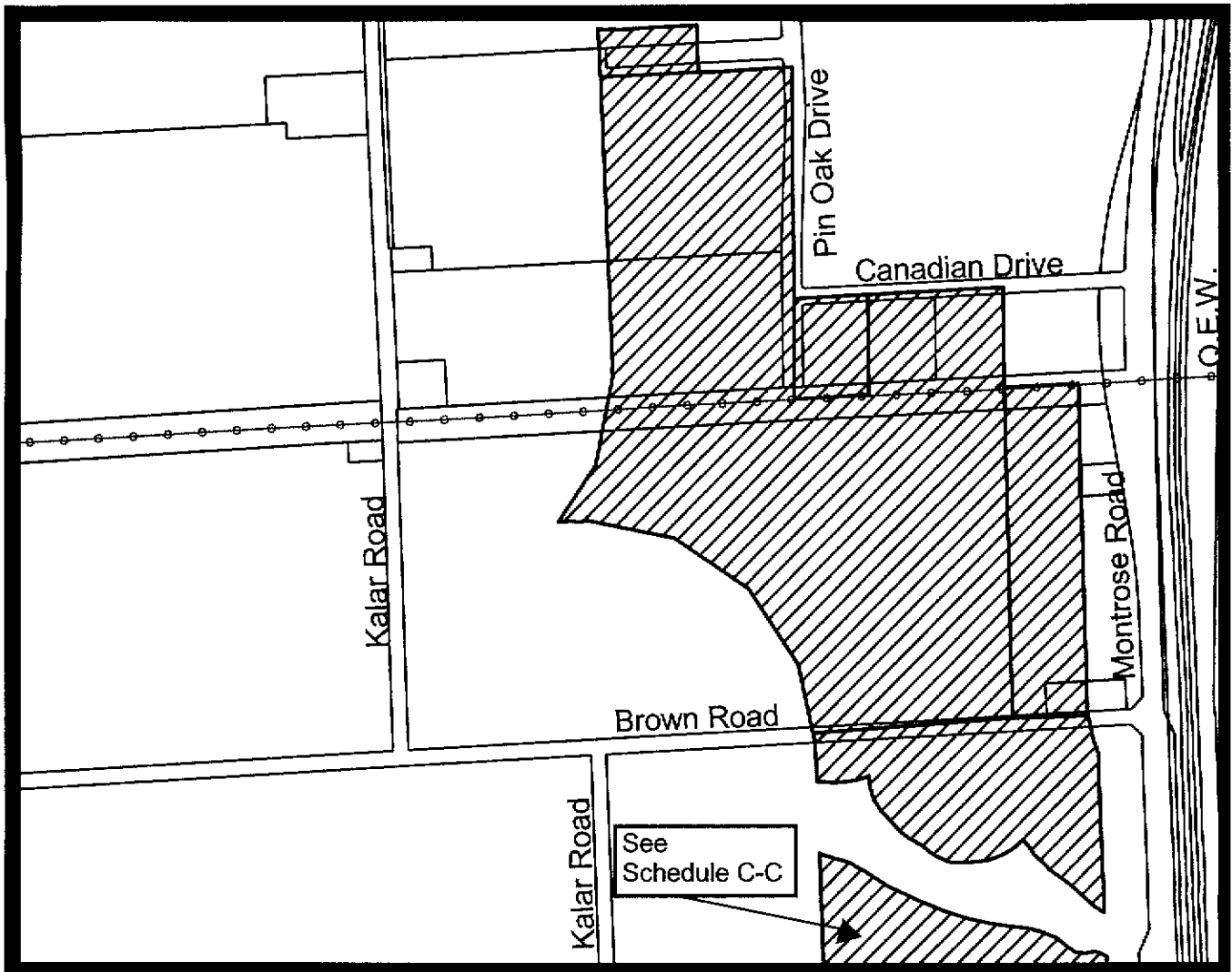


Scale: 1:2,200
October 2002

SCHEDULE C-B TO BY-LAW No. 2002-201



Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

AM-21/2002

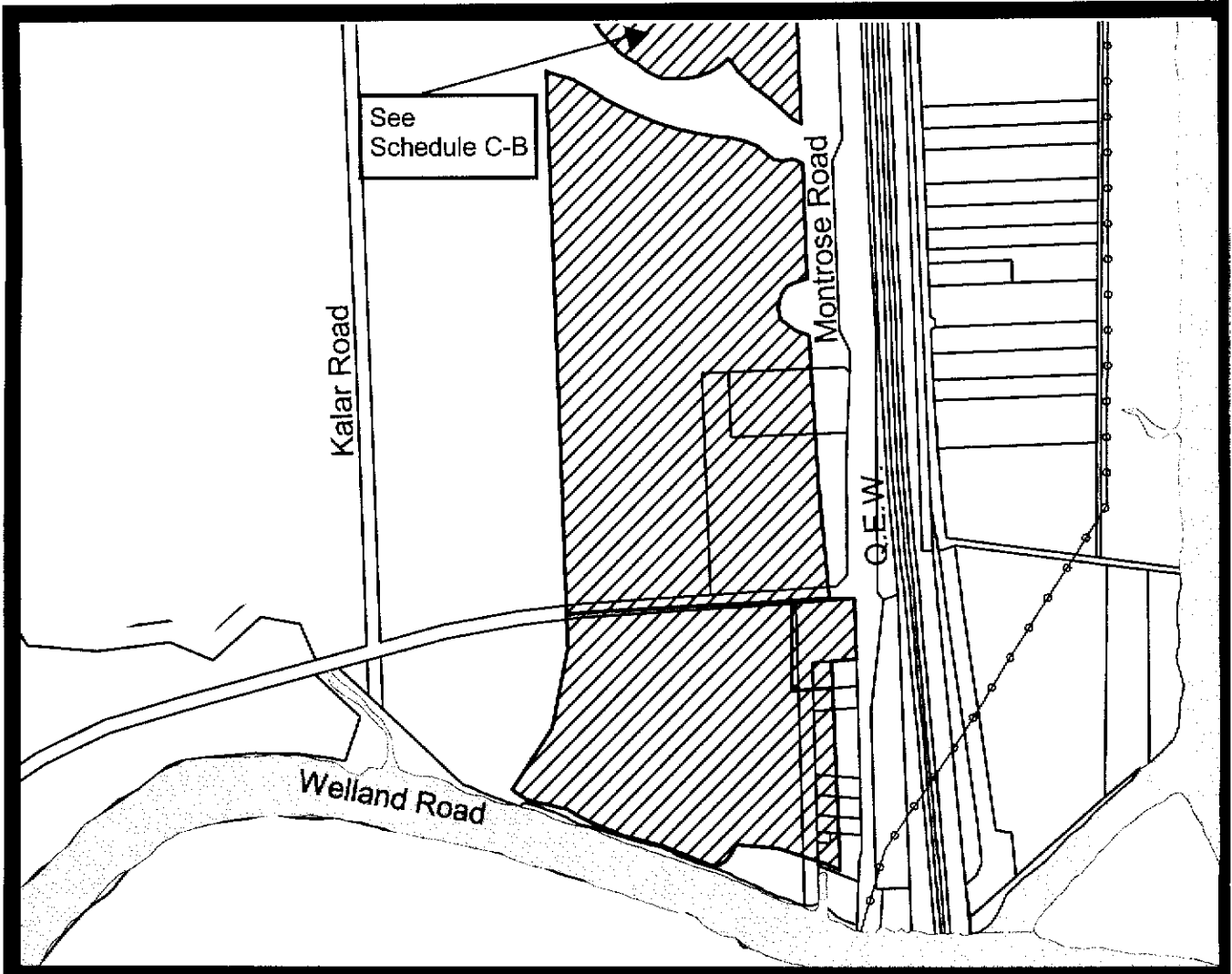


Scale: 1: 9,000
October 2002

SCHEDULE C-C TO BY-LAW No. 2002-201



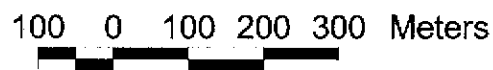
Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

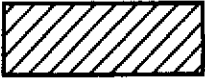
Applicant: City of Niagara Falls

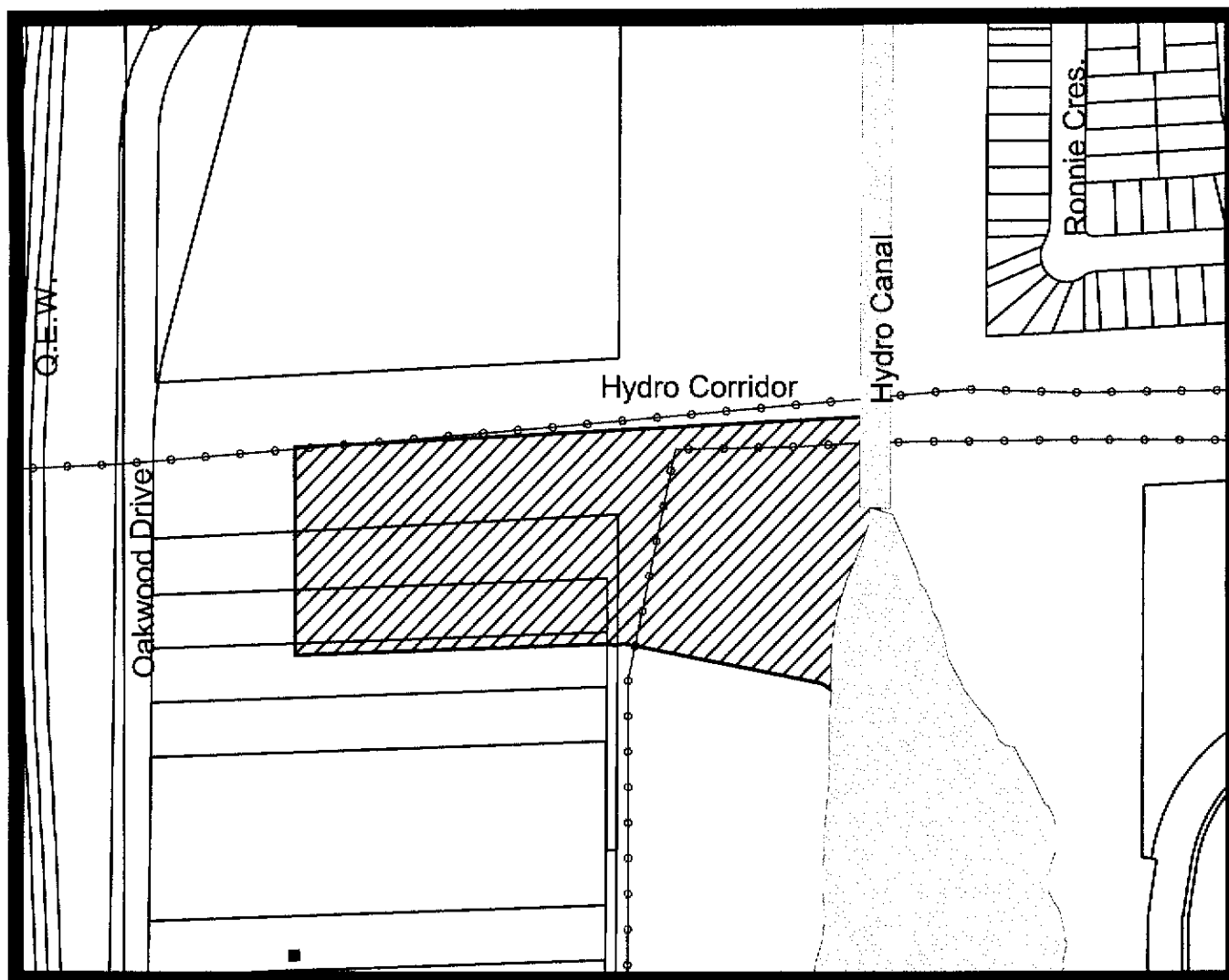
AM-21/2002



Scale: 1:10,000
October 2002

SCHEDULE C-D TO BY-LAW No. 2002-201

 Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

AM-21/2002



Scale: 1: 4,000
October 2002

SCHEDULE C-E TO BY-LAW No. 2002-201



Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

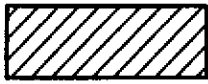
AM-21/2002



300 0 300 600 Meters

Scale: 1:15,000
October 2002

SCHEDULE C-F TO BY-LAW No. 2002-201



Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

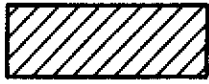
AM-21/2002



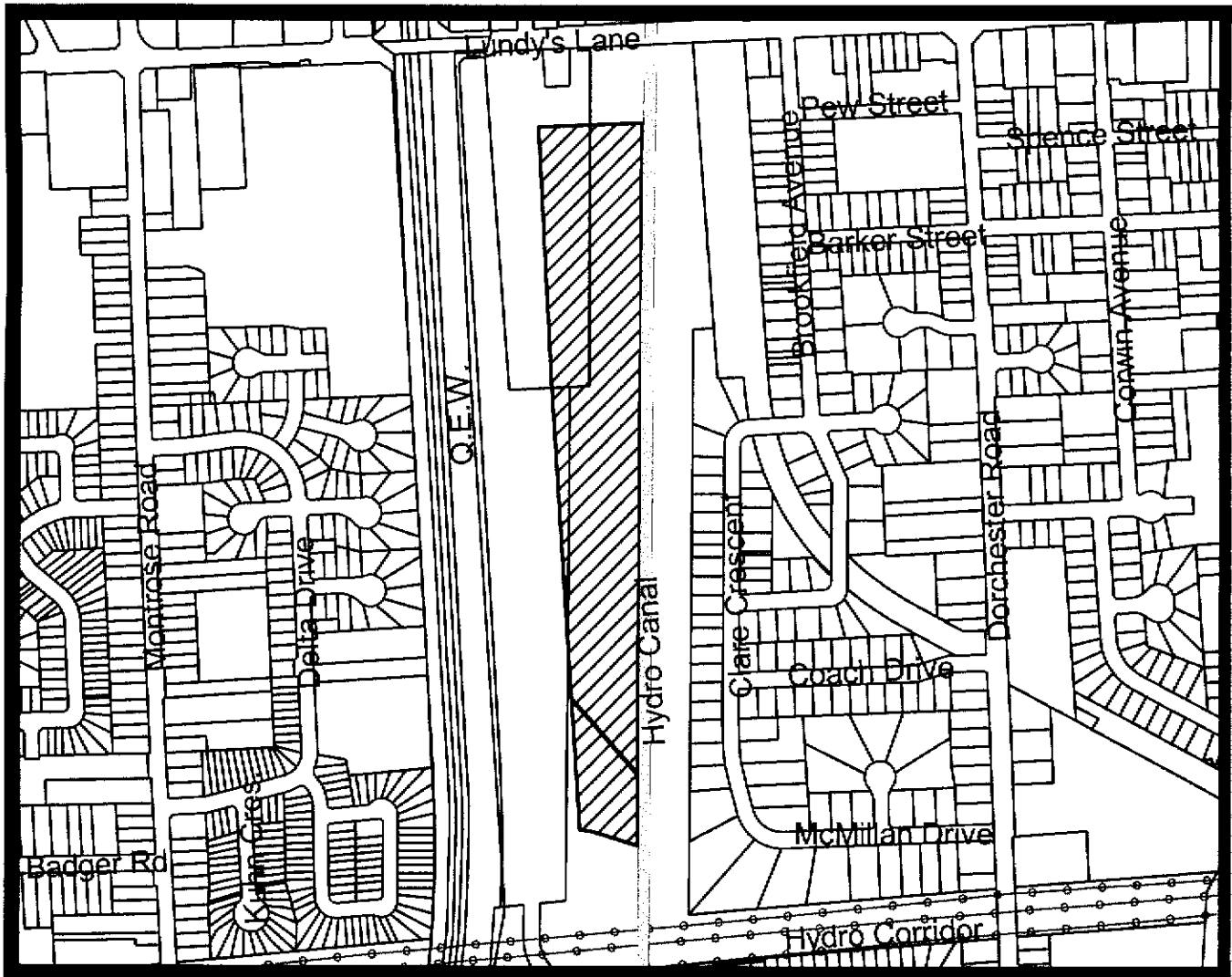
Scale: 1:4,000
October 2002



SCHEDULE C-G TO BY-LAW No. 2002-201



Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

AM-21/2002

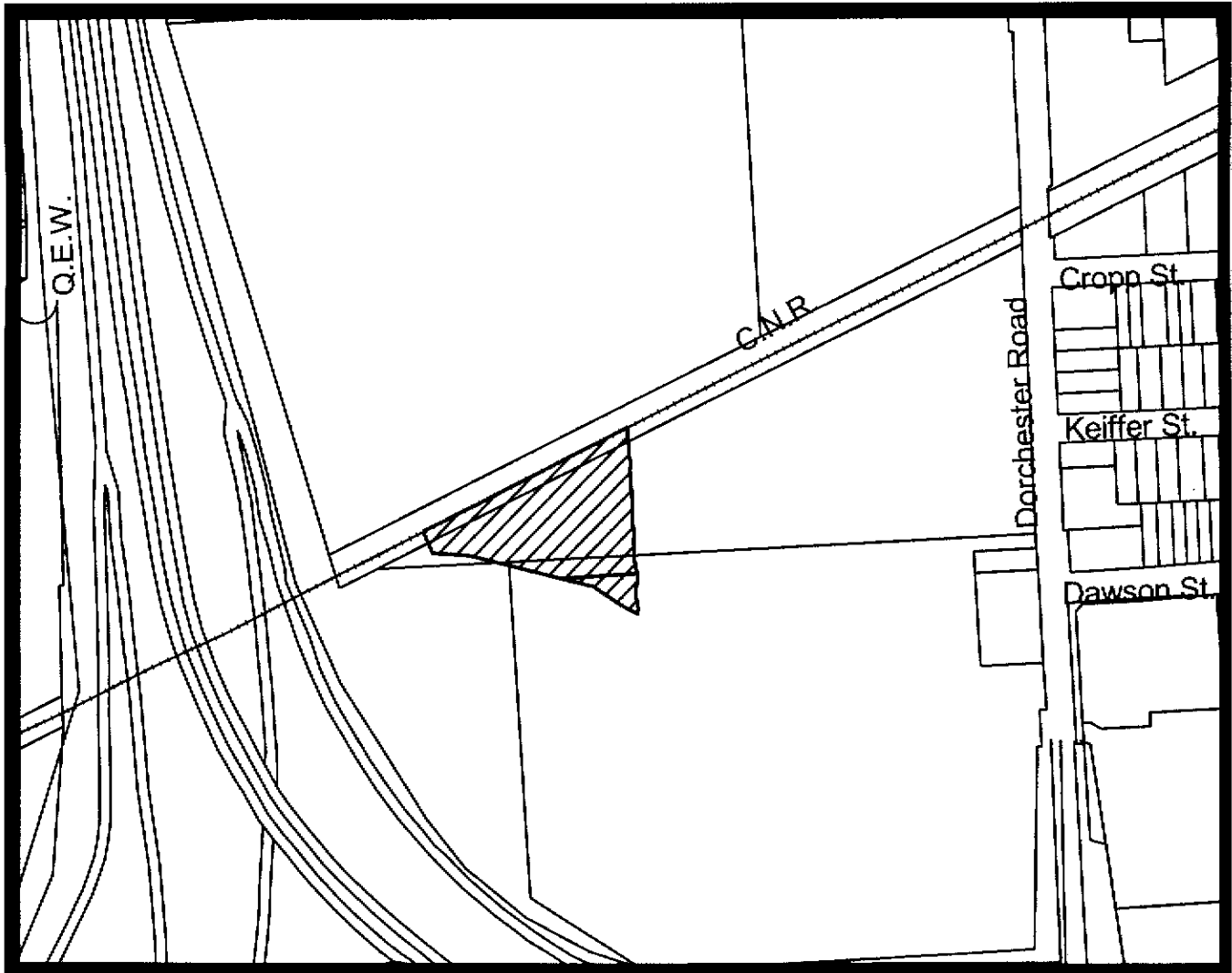
200 0 200 400 Meters

Scale: 1:7,500
October 2002

SCHEDULE C-H TO BY-LAW No. 2002-201



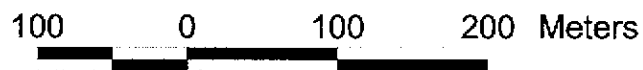
Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

AM-21/2002

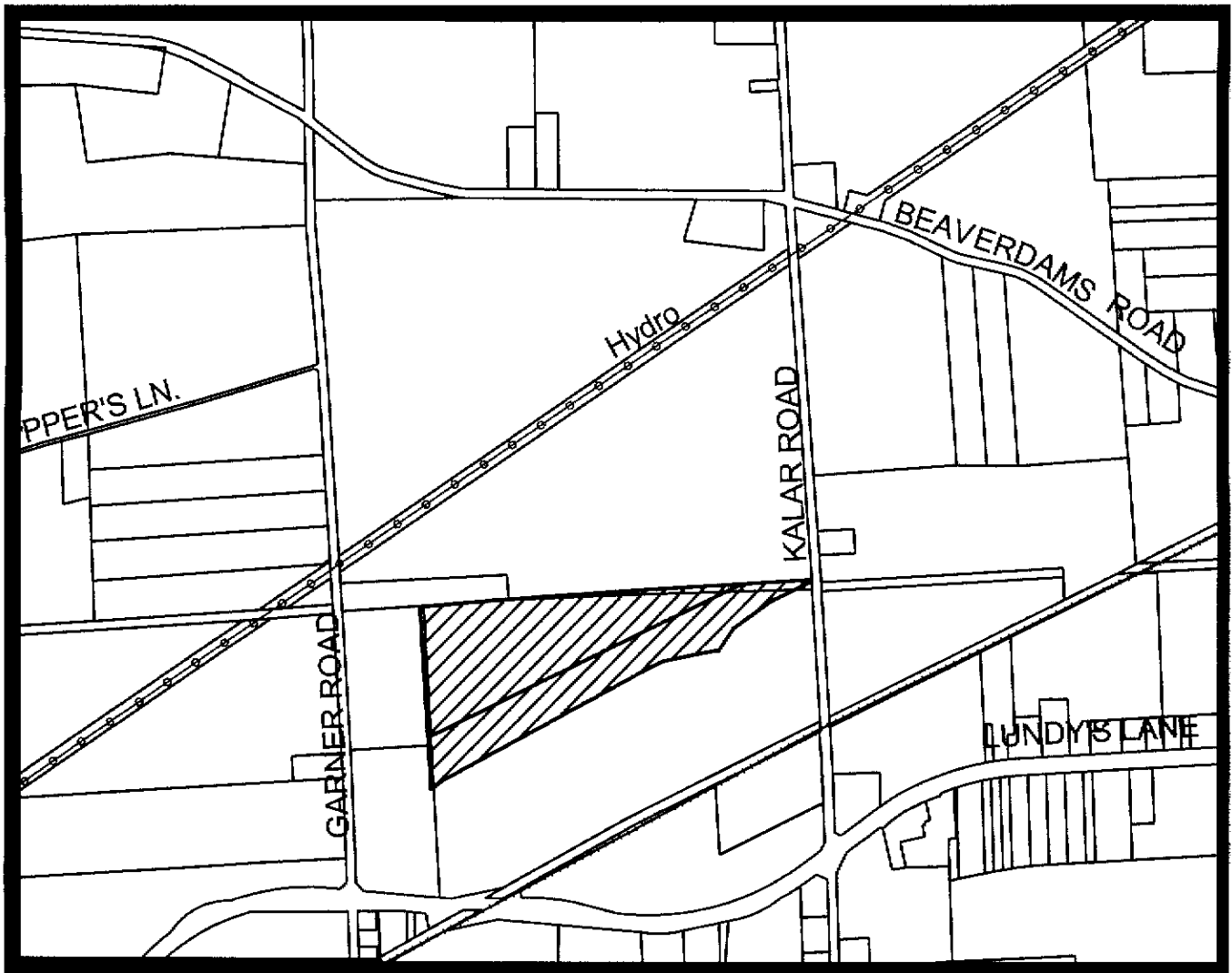


Scale: 1:5,000
October 2002

SCHEDULE C-I TO BY-LAW No. 2002-201



Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

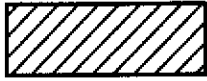
AM-21/2002



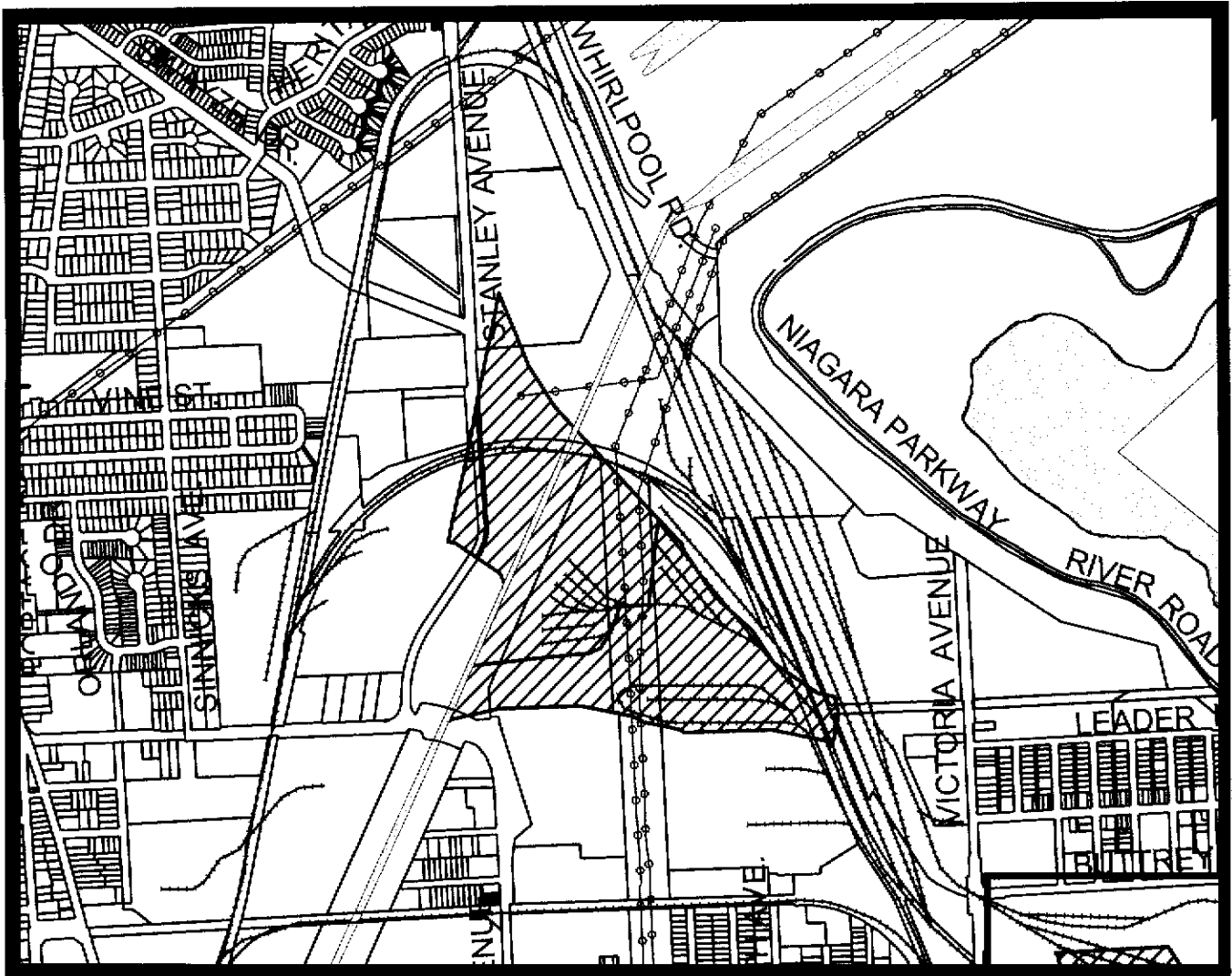
300 0 300 600 Meters

Scale: 1:15,000
October 2002

SCHEDULE C-J TO BY-LAW No. 2002-201



Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

AM-21/2002

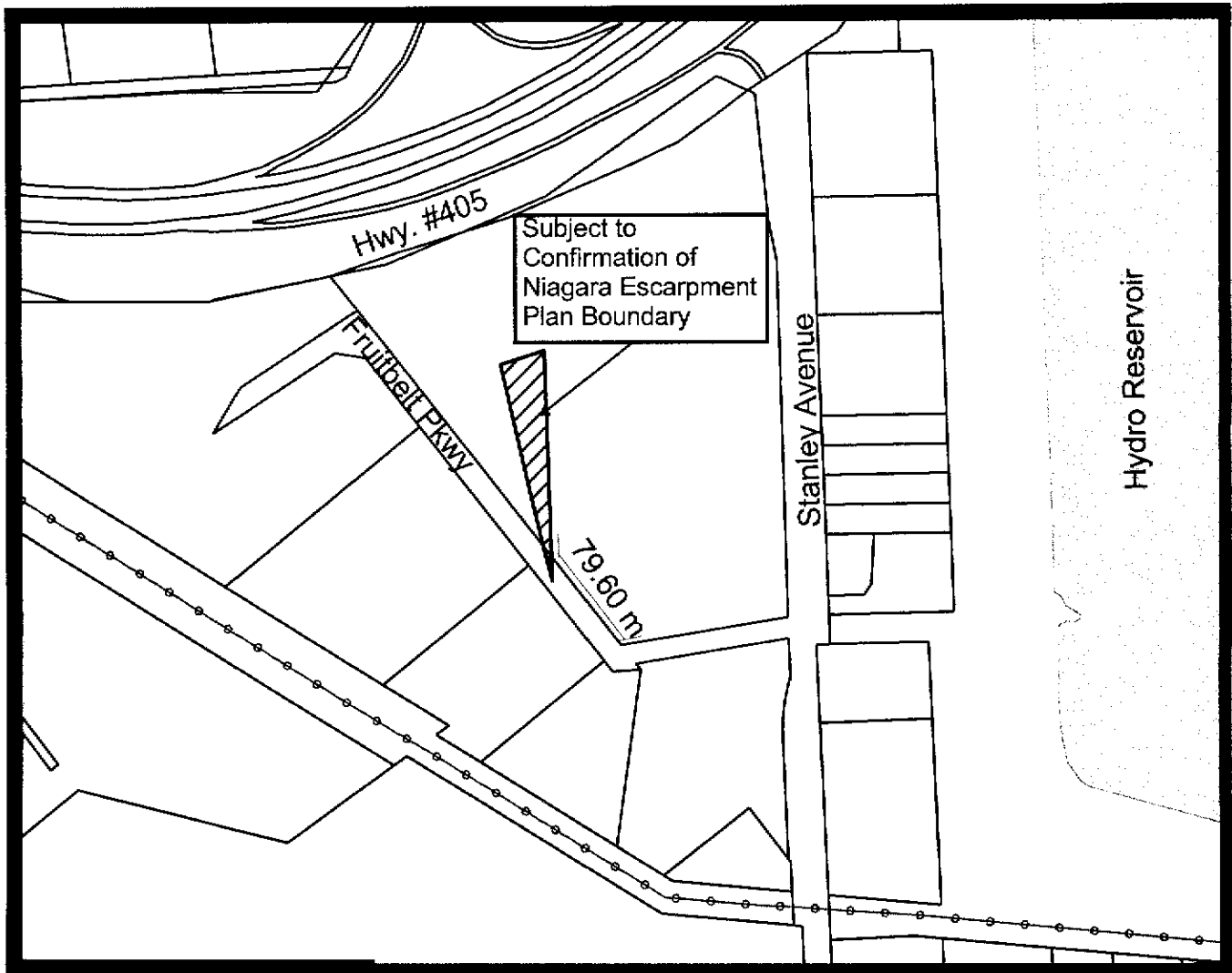


Scale: 1:15,000
October 2002

SCHEDULE C-K TO BY-LAW No. 2002-201



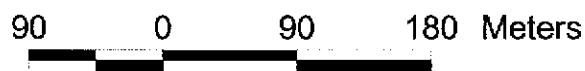
Industrial Areas Permitting Adult Entertainment Parlours & Body-Rub Parlours
(After application of separation distances from sensitive zones, lands uses and QEW Highway)



Amending Zoning By-law No. 79-200

Applicant: City of Niagara Falls

AM-21/2002



Scale: 1: 5,000
October 2002