

CITY OF NIAGARA FALLS

By-law No. 2002 - 199

A by-law to amend By-law No. 79-200, being the Zoning By-law to provide for adult stores as a permitted use 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 there is an Official Plan in effect for the City of Niagara Falls.

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

1. Section 2 of By-law No. 79-200, is amended by the addition of the following sections:

2.51a **"Adult Store "** means:

- (a) any **adult videotape** store; or
- (b) any store used for the carrying on of the **business** of the provision of **adult videotapes; adult goods; adult magazines**; or the showing or viewing of **adult videotapes**, or any combination of any or all of them, but does not include a store where the provision of **adult videotapes, adult goods, adult magazines**, or any combination of them is only incidental to the carrying on of the business of the provision and display of videotapes, magazines or goods.

2.51b **"Adult Videotape Store"** means any **premises** used for the carrying on of the **business** of the provision of **adult videotapes** but does not include a store where the provision of **adult videotapes** is only incidental to the carrying on of the **business** of the provision and display of **adult videotapes**.

2.51c **"Adult Videotape"** means any videotape the content or container 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 human specified body areas, and any videotape classified by the Ontario Film Review Board as "restricted", with the added information piece "adult sex film".

2.51d **"Videotape "** means any cinematographic film, videotape, disc, and any other medium from which may be produced visual images that may be viewed as moving pictures.

2.51e **"Adult Goods"** means goods appealing or designed to appeal to erotic or sexual appetites or inclinations, described as follows: dildos, vibrators and other masturbatory devices; toys, devices and novelties described or advertised as appropriate due to their sexual nature or use only for adults; clothing, devices and other goods advertised as related, or relating, to fetishism, or otherwise used for the satisfaction of sexual appetites or interests; goods generally referred to as "erotica"; any postcard, photograph or other pictorial photographic or graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involving or engaging in specified sexual activities, or by emphasis on the display of human specified areas; and any other goods referred to as "adult" in a sexual context, individually or in any combination thereof.

2.51f **"Adult Magazine"** means any magazine, the content or cover 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 emphasis on the display of human **specified body areas**.

3. Table 1 of clause (a) of section 4.19.1 of Zoning By-law No. 79-200, is amended by inserting the words "**Adult Store**" after the words "Retail establishment," in all cases.

4. Section 8.1.1 of Zoning By-law No. 79-200, is amended by:

- (a) renaming clause "(k)" to "(l)"; and
- (b) adding clause "(k) **Adult Store** provided the **adult store** is separated from another **adult store** by a minimum distance of 100 metres and from an **adult entertainment parlour** or **body-rub parlour** by a minimum distance of 300 metres."

5. Section 8.2.1 of Zoning By-law No. 79-200, is amended by:

- (a) renaming clause "(mm)" to "(nn)"; and
- (b) adding clause "(mm) **Adult Store** provided the **adult store** is separated from another **adult store** by a minimum distance of 100 metres and from an **adult entertainment parlour** or **body-rub parlour** by a minimum distance of 300 metres."

6. Section 8.4.1 of Zoning By-law No. 79-200, is amended by adding the following clause:

"(x) **Adult Store** provided the **adult store** is separated from another **adult store** by a minimum distance of 100 metres and from an **adult entertainment parlour** or **body-rub parlour** by a minimum distance of 300 metres."

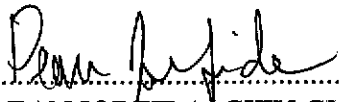
7. Section 8.5.1 of Zoning By-law No. 79-200, is amended by:

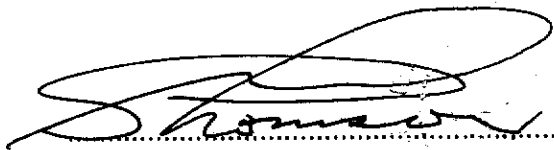
- (a) renaming clause “(ii)” to “(jj)”; and
- (b) adding clause“(ii) **Adult Store** provided the **adult store** is separated from another **adult store** by a minimum distance of 100 metres and from an **adult entertainment parlour** or **body-rub parlour** by a minimum distance of 300 metres.”

8. Section 8.6.1 of Zoning By-law No. 79-200, is amended by:

- (a) renaming clauses “(hh)”, “(ii)”, “(jj)”, “(kk)” and “(ll)” to “(ii)”, “(jj)”, “(kk)”, “(ll)” and “(mm)” respectively; and
- (b) adding clause “(hh) **Adult Store** provided the **adult store** is separated from another **adult store** by a minimum distance of 100 metres and from an **adult entertainment parlour** or **body-rub parlour** by a minimum distance of 300 metres.”

Passed this 4thday of Nov. , 2002.


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DEAN IORFIDA, CITY CLERK


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WAYNE THOMSON, MAYOR

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