



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 18, 2020
<b>SUBJECT/REPORT NO:</b>	Business Licensing By-law 07-170 - Amendments to the Adult Entertainment (Schedule 1) and Body-Rub Parlours (Schedule 4) (PED20045) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Monica Ciriello (905) 546-2424 Ext. 5809
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the amendment to the City of Hamilton Business Licensing By-law 07-170 be amended to delete Map 2 in Schedule 1 (Adult Entertainment) and Schedule 4 (Body-Rub Parlours) described in Report PED20045, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED20045, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

**EXECUTIVE SUMMARY**

There is a discrepancy between the Business Licensing By-law 07-170 (Licensing By-law) and the Zoning By-law 05-200 regarding the permitted locations of Adult Entertainment Establishments and Body-Rub Parlours (collectively referred to in the Zoning By-law as adult entertainment) in the City of Hamilton (The City). The Licensing By-law permits these types of businesses to operate in two separate areas whereas the Zoning By-law only permits them to operate in one particular area. Staff are recommending that the Licensing By-law be amended to delete one of the areas, as

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referenced in Map 2 (45 Goderich Road, the north-west corner of Centennial Parkway North and Goderich Road) to be consistent with the Zoning By-law.

**Alternatives for Consideration – see Page 4**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial/Staffing/Legal: N/A

**HISTORICAL BACKGROUND**

Schedule 1, which licences adult entertainment establishments and Schedule 4, which licences body-rub parlours under the Licensing By-law references two sites that permit adult entertainment establishments and body-rub parlours: Map 1 and Map 2.

There are 15 sites in the area surrounding the intersection of Rymal Road East and Dartnall Road as outlined in Map 1 that are zoned C7 which permits an adult entertainment use.

“Arterial Commercial” (C7) which allows for commercial uses that cater to the travelling or drive by consumer. It also allows for land extensive commercial uses that need outside storage (e.g. car dealership).

The site referenced in Map 2 (Appendix “B”) is located at 45 Goderich Road (the north-west corner of Centennial Parkway North and Goderich Road). This site is one of the first sites to be seen when travelling south on Centennial Parkway and the Centennial GO station is proposed on the site directly south of the subject property. The lands within the Centennial Neighbourhood area were left out of the Commercial and Mixed Use (CMU) Zoning Project since the development of the secondary plan was underway. However, inadvertently this site, as referenced in Map 2, was inadvertently added to this area through the CMU project when all the other properties were left out. When staff reviewed where adult entertainment establishments and body-rub parlours were, staff did not look in this area as it was believed that all the properties had been left out.

Council directed that adult entertainment establishments be permitted on sites that were identified in the Licensing By-law. At the time, the CMU Zoning was passed, staff did not include the adult entertainment establishment use on the site at 45 Goderich Road since they did not realize this site was included.

Since the adoption of the Centennial Neighbourhoods Secondary Plan in February 2018, the vision for the area surrounding this site has changed. The Secondary Plan was undertaken as part of a larger City building initiative. This initiative included

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developing a planning and transportation framework that would encourage this area to evolve into more of a mixed use pedestrian focussed area supported by the future GO station.

Its vision, in part, is:

*“The Centennial Neighbourhoods Secondary Plan area is home to some of the City’s most vibrant shopping, recreation, living and mixed use spaces. The Centennial Node will feature a higher order transit corridor and two major transit hubs, which are supported by compact, mixed use development along the Queenston Road and Centennial Parkway corridors.”*

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

Legal Services and the Planning Division were consulted in the preparation of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

Sections 153 and 154 of the *Municipal Act, 2001* speak to limitations regarding the location of businesses and restrictions of adult entertainment uses. The City has the authority to define the area in which adult entertainment uses may or may not operate and limit the number in any defined area in which they are permitted.

The Licensing By-law allows for two licences for both adult entertainment (Schedule 1) and body-rub parlours (Schedule 4). At present, there are no adult entertainment establishment licences issued within the City and there are no pending applications. There are currently two body-rub parlours that were grandfathered in their current locations.

There are 15 sites in the area surrounding the intersection of Rymal Road East and Dartnall Road as outlined in Map 1 that are zoned C7 which permit an adult entertainment use. Whereas Map 2 only has one municipal address, 45 Goderich Road. Attached as Appendix “B” is Map 2.

Based on the vision and policy directions of the Urban Hamilton Official Plan (UHOP) and the site’s location at the entrance of Centennial Parkway, it is no longer appropriate to permit an adult entertainment establishment. The character of the area is planned to

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change from a primarily industrial area with quasi commercial and industrial sites fronting on Centennial Parkway to an area where residential and other commercial uses that cater to the travelling or drive by customer.

**ALTERNATIVES FOR CONSIDERATION**

Amend the Zoning By-law to permit the use of adult entertainment establishments and body-rub parlours at 45 Goderich Road.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Draft Amending By-law to the Licensing By-law

Appendix “B”: Location Map 2 to Schedules 1 and 4 of the Licensing By-law

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