



CITY OF VANCOUVER

POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: December 16, 2008
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Meeting Date: January 20, 2009

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: Amendments to Fitness Use Terms

RECOMMENDATION

- A. THAT the Director of Planning be instructed to make an application to:
- i. amend Section 2 of the Zoning and Development By-law by changing the definitions for "Fitness Centre" and "School - Arts or Self-Improvement", and by deleting the definition for "Personal Training Centre",
 - ii. amend the HA-2, IC-1 and IC-2, and IC-3 District Schedules by adding "Fitness Centre" use, and
 - iii. make other resulting consequential changes to the Zoning and Development By-law,
- all generally in accordance with Appendix A, and that the application be referred to a Public Hearing and be approved,

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amendments to the Zoning and Development By-law generally in accordance with Appendix A, for consideration at the Public Hearing.

- B. THAT, subject to approval of the amendments to the Zoning and Development By-law at a Public Hearing, the License By-law be amended, generally in accordance with Appendix B, and the Parking By-law be amended, generally in accordance with Appendix C; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the License By-law and Parking By-law, generally in accordance with Appendices B and C, at the time of enactment of the Zoning and Development By-law.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

On April 18, 2007 Council adopted the definition "Personal Training Centre" to provide more regulatory ease and flexibility for small businesses.

SUMMARY AND PURPOSE

This report recommends administrative changes related to Fitness Uses. Fitness Uses currently fall under one of three definitions (Personal Training Centre, Fitness Centre, School - Arts or Self Improvement) according to the range of fitness activities permitted. However, these definitions do not reflect the variety of fitness activities in existing facilities nor in development applications for new facilities. The recommended zoning changes will create two classes of fitness centres, based on size, both offering a full range of fitness activities. This will distinguish between smaller, less intensive fitness centres (Class 1) and larger centres (Class 2).

In addition to these zoning definition changes, staff recommend that Fitness Centre use be added to four District Schedules (HA-2, IC-1, IC-2 and IC-3) to ensure that currently permitted fitness activities can continue and do not become non-conforming.

Consequential amendments to the Parking By-law and the License By-law are also recommended.

BACKGROUND

In April 2007, a new fitness use category, "Personal Training Centre", was established to recognize smaller fitness centres offering a limited range of fitness activities with one-to-one instruction. This was one of several amendments to achieve Council's intent to provide more regulatory ease and flexibility for small businesses. Reduced license fees and parking requirements were applied and the use was included in zoning districts where Fitness Centre was an approved use.

Since that time, in applying the new approach, staff and applicants have struggled with the separate fitness use definitions in that most fitness-related businesses provide a range of fitness activities and a combination of one-to-one and group instruction.

DISCUSSION

1. Amendments to Fitness Use Definitions

Three definitions currently pertain to fitness use in the Zoning and Development By-law: Personal Training Centre, Fitness Centre and School - Arts or Self-Improvement. Table 1 lists the uses and size requirements permitted for each use term.

Table 1. Fitness Uses

Use Term	Uses	Size
Personal Training Centre	One-to-one exercise or instruction in yoga, pilates and weight loss	No greater than 200 m ² (2,153 sq. ft.) in gross floor area
Fitness Centre	Primarily group training or instruction in health centres, gymnasia, racket and ball courts and reducing salons	No restriction
School - Arts or Self-Improvement	Training or instruction in activities including drama, dance, self-defence, sports, music, art, driving, cooking, sewing, language or similar forms of self-improvement	No restriction

The separate definitions have created a challenge in that most fitness-related businesses provide a combination of uses from the three definitions, which has made it difficult for both the public and staff to define a proposed use.

To provide more clarity, staff recommend combining Personal Training Centre and Fitness Centre into one use, Fitness Centre, and creating two classes based on the size of the premises (no greater than 200 m² and greater than 200 m²), as noted in Appendix A. Lower licence fees and parking requirements would apply to the smaller fitness centres.

Staff also propose removing three uses, "dance", "self-defence", and "sports", from the definition for School - Arts or Self-Improvement and including them in both Fitness Centre classes. The amended use terms would continue to recognize the smaller and less intensive fitness facilities, as intended when Personal Training Centre was adopted as a use term, while allowing for a broader range of uses and more certainty for business operators. The proposed new definition is as follows:

Fitness Centre includes Fitness Centre - Class 1 and Fitness Centre - Class 2.

Fitness Centre - Class 1, which means the use of premises, which do not exceed 200 m² of gross floor area, for the development, on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasia, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence and sports; [lower license fees and parking requirements apply to this class]

Fitness Centre - Class 2, which means the use of premises, which exceed 200 m² of gross floor area, for the development, on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasia, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence and sports.

The amended fitness use definitions would apply to all districts where Fitness Centre and Personal Training Centre uses are currently permitted. These are districts allowing commercial uses, such as the C, IC and MC districts, as noted in Appendix A. In the RM-5C District, Fitness Centre- Class 1 would be permitted given that the District currently permits Personal Training Centre but not Fitness Centre.

2. Add Fitness Centre Use to HA-2, IC-1/IC-2 and IC-3 District Schedules

Deleting uses from the School - Arts or Self-Improvement definition and adding them to Fitness Centre has implications for the HA-2, IC-1/IC-2, and IC-3 Districts. These districts allow the former use but currently do not allow Fitness Centre. As a result, dance, self-defence and sports training/instruction facilities would no longer be permitted and existing facilities would become non-conforming. To prevent this, staff propose adding Fitness Centre - Class 1 and Class 2, as conditional uses, to the HA-2, IC-1/IC-2 and IC-3 districts. As a conditional use, the development application review process would include consideration of impacts on neighbouring properties and input received through neighbourhood notification, to determine whether the use is appropriate at the specified location.

The amended definition for Fitness Centre use is appropriate for the HA-2 and IC districts given that several similar uses are currently permitted (e.g. sports training facilities, dance studios, vocational and trade schools), with comparable neighbourhood impacts (e.g. noise, parking).

3. Licence By-law and Parking By-law

The changes proposed to the License By-law, noted in Appendix B, and the Parking By-law, noted in Appendix C, reflect the recommended changes to the Zoning and Development By-law for fitness uses.

FINANCIAL IMPLICATIONS

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

CONCLUSION

The recommended amendments to the Zoning and Development By-law and various CD-1 By-laws, including consequential amendments to the License By-law and Parking By-law will provide more clarity for staff and business operators with respect to Fitness Uses.

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DRAFT AMENDMENTS TO THE ZONING AND DEVELOPMENT BY-LAW

Note: A by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

[Additions are shown in *bold italic*, deletions in ~~strikeout~~.]

In Section 2, Definitions,

1. delete the following definition:

~~“Personal Training Centre which means the use of premises for the provision of physical fitness or personal training including yoga, pilates, and weight loss if the exercise or instruction is primarily on a one-to-one basis, and the premises do not exceed 200 m² gross floor area;”~~.

2. amend the following definitions:

~~“Fitness Centre *includes Fitness Centre - Class 1 and Fitness Centre - Class 2* which means the use of the premises for the development of physical fitness including health centres, gymnasia, racket and ball courts, and reducing salons if the training or instruction is primarily in group sessions or classes but excludes **Personal Training Centre**”; and~~

~~“School - Arts or Self-Improvement, which means the use of premises for training or instruction other than as included in any other use in this By-law, including, but not limited to training or instruction in drama, ~~dance, self-defence, sports,~~ music, art, driving, cooking, sewing, language or similar forms of self-improvement;”~~.

3. add the following definitions:

“Fitness Centre - Class 1, which means the use of premises, which do not exceed 200 m² of gross floor area, for the development, on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasia, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence, and sports”; and

“Fitness Centre - Class 2, which means the use of premises, which exceed 200 m² of gross floor area, for the development, on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasia, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence, and sports”.

4. In the Zoning and Development By-law, delete “Personal Training Centre” from the following district schedules:

- RM-5C, RM-6, C-1, C-2, C-2B, C-2C, C-2C1, C-3A, C-5, C-6, C-7, C-8, FC-1, HA-1, HA-1A, HA-3, MC-1, MC-2, M-1, M-1A, I-3

5. In the Zoning and Development By-law, add "Fitness Centre - Class 1" to "Conditional Approval Uses" (3.2.1.C) under "[Cultural and Recreational]" in the RM-5C District Schedule.

6. In the Zoning and Development By-law, add "Fitness Centre" to "Conditional Approval Uses" (3.2.C) under "[Cultural and Recreational]" in the following District Schedules:

- HA-2, IC-1, IC-2, IC-3

DRAFT LICENSE BY-LAW AMENDMENTS

[Additions are shown in *bold italic*, deletions in strikeout.]

In Section 2, Definitions:

1. Delete the following definition:

~~“Personal Training Centre” means the use of premises for the provision of physical fitness or personal training including yoga, pilates, and weight loss if the exercise or instruction is primarily on a one-to-one basis, and the premises do not exceed 200 m² gross floor area.”~~

2. Amend the following definitions:

~~“Fitness Centre” includes Fitness Centre - Class 1 and Fitness Centre - Class 2 means the use of premises for the development of physical fitness including health centres, gymnasia, racket and ball courts, and reducing salons if the training or instruction is primarily in group sessions or classes but excludes Personal Training Centre.~~

3. Add the following definitions:

“Fitness Centre - Class 1” means the use of premises, which do not exceed 200m² of gross floor area, for the development on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasia, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence, and sports.

“Fitness Centre - Class 2” means the use of premises, which exceed 200m² of gross floor area, for the development, on a one-to-one basis or in a group session, of physical fitness including health centres, gymnasia, racket and ball courts, reducing salons, yoga, pilates, weight loss, dance, self-defence, and sports.

4. In Schedule A, Council repeals:

“PERSONAL TRAINING CENTRE	166.00	116.00	per annum” .
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5. In Schedule A, Council repeals:

“FITNESS CENTRE	266.00	216.00	per annum” ,
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And substitutes:

“FITNESS CENTRE - CLASS 1	166.00	116.00	per annum” ,
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“FITNESS CENTRE - CLASS 2	266.00	216.00	per annum” .
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DRAFT PARKING BY-LAW AMENDMENTS

[Additions are shown in *bold italic*, deletions in strikeout.]

1. Amend section 4.2 (d) as follows:

“a fitness centre - *class 1* ~~or personal training centre~~ that does not include racquet and ball courts, school-arts or self-improvement, restaurant, health enhancement centre, health care office or animal clinic, that consists of less than 200 m², that is commencing business in an existing building in the C-2, C-3A, C-5, or C-6 zone, and that constitutes a change of use from the previous use in the same premises, in which case the parking standard is the lesser of the number of parking spaces listed in Column 2 for such new use and the number of parking spaces available for the previous use.

2. Amend section 5.2 as follows:

“Loading spaces for any building classified in Column 1 must meet the corresponding standard listed in Column 2, except for Fitness Centre - *Class 1* ~~or Personal Training Centre~~ that does not include racquet and ball courts, School-arts or self-improvement, Restaurant, Health Enhancement Centre, Health Care Office or Animal Clinic, that consists of less than 200 m², that is commencing business in an existing building in the C-2, C-3A, C-5 or C-6 zone, and that constitutes a change of use from the previous use in the same premises, in which case the loading standard is at least one Class A space for each 100-200 m² of gross floor area.”