

Report

City of Merritt
REGULAR Council Meeting
December 17, 2019

File Number: 3900.2187

To: Scott Hildebrand, Chief Administrative Officer
From: Sean Smith, Director of Corporate Services
Date: December 12, 2019
Subject: Zoning Amendment Bylaw – Health and Fitness Facilities

RECOMMENDATION:

THAT Council give first reading to Zoning Amendment Bylaw No. 2278, 2019;

AND

THAT Council give second reading to Zoning Amendment Bylaw No. 2278, 2019;

Background:

At the November 26, 2019 Regular Council Meeting, Council passed the following resolution:

THAT Council direct staff to bring forward a Zoning Amendment Bylaw, accompanied by further staff research, that would add the “Participant Recreation Services, Indoor” use to the Light Industrial (M1) and potentially the Service Commercial (C3) zones.

The purpose of this report is to present the requested further research and to recommend that Council give first and second readings to Zoning Amendment Bylaw No. 2278, 2019.

Comparison to other communities

Staff followed up with the research presented by Ms. Megan Paquette, which was included as part of the Report to Council on November 26, 2019. Staff confirmed that it is quite common in many British Columbia municipalities to allow for health and fitness facilities in the Light Industrial (M1) zone, and that this type of use is even more prevalent in the Service Commercial (C3) zone (or its equivalent).

Compatibility with neighbouring uses

Staff reviewed our Zoning Bylaw to determine if the “Participant Recreation Services, Indoor” use is compatible with other uses. The lists of permitted uses in both the M1 and C3 zones are attached to this report as Schedule “B”.

Comparing the uses in these zones, staff found that the proposed use is largely dissimilar from other uses in the M1 zone, which raises some concerns regarding public accessibility, though this is not necessarily fatal. A comparison of uses in the C3 zone did not raise any concerns.

In most cases, uses in the M1 zone generate noise, smoke, dust, fumes or odours, and involve only the presence of employees and small numbers of the public at any given time. The “Participant Recreation Services, Indoor” use differs from the majority of these uses in that there is unlikely to be significant noise, smoke, dust, fume or odour generation and there could be large numbers of the public present. The notable exception within the M1 zone is the “Public transit depot including bus depot”, which could generate a significant number of the public.

The primary issue with allowing a use that could involve the attendance of larger groups of the public, is that Light Industrial areas are not designed to accommodate the public in that there are usually no streetlights or sidewalks and often there are no nearby transit stops. While this is not necessarily prohibitive, as most people choosing to attend a health and fitness centre in the M1 zone would do so by car, accessing the facility by any other mode, such as walking, biking or transit may be less safe or convenient for the public.

Downtown Revitalization

Staff also has some reservation about the potential impacts that this rezoning bylaw may have on Council’s downtown revitalization efforts.

While staff is careful not to overstate the potential impact, this rezoning would allow businesses that generate public attendance in the downtown area to relocate to lower-cost industrial areas, which could contribute in a minor way to downtown storefront vacancy.

While downtown would not benefit from this amendment, it is possible that this rezoning would encourage more indoor recreation businesses to open, given the cost, building

size, and parking advantages of industrial areas. As such it is difficult to evaluate the net benefit to residents that this rezoning could have.

Conclusion

Considering the information available, staff tentatively supports advancing Zoning Amendment Bylaw No. 2278, 2019 to a public hearing by giving the Bylaw first and second readings.

There is a stronger argument to be made that the “Participant Recreation Services, Indoor” use is appropriate in the C3 zone, though that change may not provide any benefit to the business owner who requested that Council consider this change.

Options / discussion

1. **THAT Council give first reading to Zoning Amendment Bylaw No. 2278, 2019;**

AND THAT Council give second reading to Zoning Amendment Bylaw No. 2278, 2019;

2. **THAT Council direct staff to provide further information prior to advancing the Bylaw to second reading;**
3. **THAT Council amend Zoning Amendment Bylaw No. 2278, 2019 by deleting clause 3, which would have the effect of only allowing the proposed use in the C3 zone, but not the M1 zone.**
4. **THAT Council receive this report for information.**

Others Consulted:

Don McArthur, Planning and Development Services Manager

Attachments:

Schedule “A” – Zoning Amendment Bylaw No. 2278, 2019

Schedule “B” – Permitted Uses in M1 and C3 Zones

Respectfully submitted,

Sean Smith
Deputy CAO/Director of Corporate Services

Schedule "A"
CITY OF MERRITT

BYLAW NO. 2278

A BYLAW TO AMEND ZONING BYLAW NO. 2187, 2015

WHEREAS the Municipal Council of the City of Merritt desires to add additional uses to the Light Industrial (M1) and Service Commercial (C3) Zones;

AND WHEREAS the zoning amendment conforms to the City of Merritt Official Community Plan Bylaw No. 2116, 2011 as amended;

NOW THEREFORE the Council of the City of Merritt, in open meeting assembled, enacts as follows:

1. This bylaw shall be cited as "**ZONING AMENDMENT BYLAW NO. 2278, 2019**".
2. That section 6.15.2 of City of Merritt Zoning Bylaw No. 2187, 2015, be amended by adding "Participant Recreation Services, Indoor" as a permitted use and that the uses listed be consequently renumbered.
3. That section 6.20.2 of City of Merritt Zoning Bylaw No. 2187, 2015, be amended by adding "Participant Recreation Services, Indoor" as a permitted use and that the uses listed be consequently renumbered.

READ A FIRST TIME THIS

17th day of December, 2019

READ A SECOND TIME THIS

17th day of December, 2019

PUBLIC HEARING HELD THIS

28th day of January, 2020

READ A THIRD TIME THIS

___ day of ___, 2020

ADOPTED THIS

___ day of ___, 2020

Linda Brown,
MAYOR

Sean Smith,
CORPORATE OFFICER

6.15 Service Commercial (C3)

6.15.1 Intent

The purpose of the Service Commercial Zone is to accommodate vehicular oriented commercial uses of low intensity, and commercial uses requiring large areas for storage and handling of materials goods, and equipment.

6.15.2 Permitted Uses

The following principal uses and no others shall be permitted in the zoning district designated C3:

- a. Animal Clinic;
- b. Auction room;
- c. Autobody shop;
- d. Automobile, boat, trailer, and recreational vehicle showroom and sale and rental lot, including minor repair shop;
- e. Automobile repair shop;
- f. Bakery;
- g. Building supply establishment;
- h. Business support services;
- i. Car washing establishment;
- j. Delivery and express facility;
- k. Food and beverage packaging and distribution;
- l. Furniture and cabinet assembly;
- m. Gasoline service station;
- n. Machine welding shop;
- o. Mini warehousing;
- p. Mobile home sales, service and storage;
- q. Motorcycle sales and service;
- r. Office, storage building, workshop and yard for general contractor and trade contractor;
- s. Personal service establishments;
- t. Public transportation depot including bus terminal;
- u. Public use;
- v. Recreation vehicle sales;
- w. Recycling depot;
- x. Retail sale of new automobile parts and accessories, including related minor repair shop;

- y. Retail sales, Convenience;
- z. Retail sales, General;
- aa. Sales and repair of machinery, farm implements and heavy equipment;
- bb. Second hand store, Pawn shop;
- cc. Truck travel centre;
- dd. Upholstering shop.

6.15.3 Accessory Uses

The following accessory uses and no others shall be permitted in the zoning district designated C3:

- a. Accessory buildings and structures (limited to food and convenience items);
- b. Automobile storage;
- c. Bulk petroleum product sales;
- d. Commercial card lock facility;
- e. Residential security / operator suite.

6.15.4 Subdivision Regulations

- a. Minimum lot width: 15 metres
- b. Minimum lot area: 550 m²

6.15.5 Site Development Regulations

- a. Maximum Parcel Coverage: 50%
- b. Maximum height: the lesser of 11.5 metres or three storeys

6.15.6 Conditions of Use

- a. Outdoor merchandise display shall have a minimum setback of 2 metres from all parcel lines.

6.15.7 Special Regulations

- a. Notwithstanding Section 6.15.2, the only use permitted on the parts of Lot A, Plan 31180, TP 91, W6M; Lot 11, Plan 11461, TP 91, W6M; and Lot 33, Plan 707, TP 91, W6M that lies within the C3 zone are a machine welding shop and associated storage and rental storage.

6.15.8 Other Regulations

- a. All buildings and structures shall comply with Part 4;
- b. All Specific Use Regulations shall comply with Part 5;
- c. Screening and Landscaping shall comply with Part 7;
- d. Off-street parking and loading shall comply with Part 8.

6.20 Light Industrial (M1)

6.20.1 Intent

The Light Industrial zone is oriented towards a range of light and medium manufacturing, processing and other industrial uses that are likely to require outdoor storage and or produce noise, smoke, dust, glare, fumes or odours.

6.20.2 Permitted Uses

The following principal uses and no others shall be permitted in the zoning district designated M1:

- a. Animal clinic;
- b. Automobile, boat, trailer and recreation vehicle sales and rentals, repairs and body shop;
- c. Building supply establishment;
- d. Bulk petroleum products sales;
- e. Cartage, delivery or express facility;
- f. Commercial card lock facility;
- g. Brewing and Distilling Amending Bylaw No. 2147(2018);
- h. Light manufacturing, processing, finishing and packaging;
- i. Metal recycling;
- j. Mobile home sales lot;
- k. Moving and storage;
- l. Nursery or greenhouse;
- m. Office, storage building, workshop and yard for general contractor and trade contractor;
- n. Public transit depot including bus depot;
- o. Public use;
- p. Sale, rental and repair of tools and small equipment;
- q. Storage buildings, warehousing and wholesale establishment, packing and crating, cold storage;
- r. Technology Centre;
- s. Truck and truck-tractor sales or rental lot.