

Zoning Text Amendment No: 08-09
Concerning: Industrial Zones – Health Clubs
Draft No. & Date: 1 - 3/19/08
Introduced: April 29, 2008
Public Hearing: June 10, 2008
Adopted: July 8, 2008
Effective: July 28, 2008
Ordinance No: 16-21

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- remove the restrictions on health clubs in industrial zones; and
- generally amend the provision related to health clubs in industrial zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5. INDUSTRIAL ZONES
Section 59-C-5.21 Allowable uses

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.
Double underlining indicates text that is added to the text
amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) 08-09, sponsored by Council President Knapp, proposes to amend the industrial zones to allow health clubs as a permitted use. Currently, health clubs are permitted in the industrial zones only if the use has access to a street that is not the principal access for the industrial area. In the sponsor's opinion, the current limitation unduly restricts health clubs.

The Council held a public hearing on ZTA 08-09 on June 17, 2008. There was no testimony submitted from the public.

On June 5, 2008 the Planning Board recommended approval of ZTA 08-09. In taking that action, the Planning Board endorsed the Planning Staff's recommendation. The Planning Staff's analysis stated the following:

A health club is defined in the Zoning Ordinance as "a facility designed to enhance physical conditioning and general health". A health club is permitted in all industrial zones except the heavy industrial (I-2) zone. However, the footnote associated with the use limits the location of these facilities to interior areas of industrial developments. Staff believes that a health club can provide a complementary amenity to a light industrial/research and development area and should not be limited in its location within these areas. Light industrial uses generate less heavy truck use and have fewer adverse environmental effects on surrounding areas, as compared to heavy industrial uses. Thus, any concern for the compatibility of a health club with light industrial uses is minimized.

The Planning, Housing, and Economic Development Committee held a worksession on June 23, 2008 to review the text amendment. After careful review of the materials of record, the Committee recommended that ZTA 08-09 be approved as introduced. The Committee concluded that the recommendation of the Planning Board was sound.

The District Council reviewed Zoning Text Amendment No. 08-09 at a worksession held on July 8, 2008. The Council agreed with the Committee recommendation to approve ZTA 08-09 as introduced.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 08-09 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-C-5. is amended as follows:**

2 **Division 59-C-5 INDUSTRIAL ZONES.**

3 * * *

4 **59-C-5.21. Allowable uses.**

5 No use is allowed except as indicated in the following table:

6 **-Permitted Uses.** Uses designated by the letter "P" and uses of a similar character,
7 are permitted on any lot in the zones indicated, subject to all applicable regulations.

8 **-Special Exception Uses.** Uses designated by the letters "SE" may be authorized
9 as special exceptions, in accordance with the provisions of Article 59-G.

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	I-1	I-2	I-3	I-4	R&D	LSC
* * *						
(f) Cultural, entertainment and recreational.						
Art or cultural centers.			SE		SE	SE
Health clubs. ^[17]	P		P	P	P	P
Libraries, scientific or technical.	P		P	P	P	P
Private clubs. ¹⁷	SE		SE	SE	SE	
Recreational facilities primarily for the use of employees. ¹⁷	P	P	P	P	P	P ²⁹
Recreational or entertainment establishments, commercial.	SE	SE		SE		
Rifle or pistol ranges, indoor.	SE	SE		SE		
Service organizations.	SE			SE		

Swimming pools, private.			P ¹⁸			
* * *						

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* * *

12 17 Must not adjoin any street which provides the principal access to the principal use or uses
 13 served.

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15 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
 16 Council adoption.

17 This is a correct copy of Council action.

18

19 *Linda M. Lauer*

20 Linda M. Lauer, Clerk of the Council