

Ordinance No.: 17-50
Zoning Text Amendment No.: 14-05
Concerning: Health Clubs – C-1 zone
Draft No. & Date: 2 – 7/14/14
Introduced: April 22, 2014
Public Hearing: July 8, 2014
Adopted: July 22, 2014
Effective: August 11, 2014

**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: Councilmember Navarro

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow a health club use to exceed 14,500 square feet in gross floor area in a structure in the C-1 zone under certain circumstances; and
- allow increased building height in the C-1 zone under certain circumstances.

By adding the following subsection of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-4. “COMMERCIAL ZONES.”

Section 59-C-4.2. “Land Uses.”

Section 59-C-4.34. “C-1 zone-Purpose and development standards.”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by 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 No. 14-05 was introduced on April 22, 2014. The ZTA would amend the standards for health clubs which are currently limited to a maximum size of 14,500 square feet on any C-1 zoned property.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with amendments. The amendments would make the size limitation on health clubs a percentage of gross floor area. Addition proposed amendment would conform the building height standards to the same criteria used in the zoning code that will be effective October 30, 2014.

The County Council held a public hearing on July 8, 2014, to receive testimony concerning the proposed text amendment. Most testimony favored approval with some changes recommended by the Planning Board. The most critical testimony suggested that the ZTA was discriminatory because it would only apply to larger shopping centers. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on July 14, 2014 to review the amendment. The Committee recommended approval with amendments generally consistent with the Planning Board's recommendation. In order to retain neighboring serving retail, the Committee recommended limiting a health club in any one center to 40 percent of the floor area in the center.

The District Council reviewed Zoning Text Amendment No. 14-05 at a worksession held on July 22, 2014 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee, but corrected line 42 by adding "or" as the last word in the line.

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. 14-05 will be approved as amended.

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:

Section 1. Division 59-C-4 is amended as follows:

59-C-4. COMMERCIAL ZONES.

* * *

Sec. 59-C-4.2. Land Uses.

* * *

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(f) Cultural, entertainment and recreational:												
Health Club.	P ⁵⁸	P ³⁴	P ³⁴	P ³⁴	P ⁵⁴	P	P	P		P		

* * *

54 Must not exceed [[14,500 sq. ft. of gross floor area. This limitation does not apply to the reconstruction or enlargement of a retail center that exceeds 100,000 square feet of gross floor area at completion if the health club use occupies 45,000 square feet of gross floor area or less.]]

40% of the gross floor area of a retail center. The gross floor area for a health club use must be calculated on the gross floor area of the retail center after any reconstruction or enlargement.

* * *

Sec. 59-C-4.34. C-1 zone-Purpose and development standards.

* * *

59-C-4.342. Building height.

(a) Notwithstanding any other provisions of this Code allowing greater height for any reason except under subsections (b) and (c), no building shall exceed the height of 30 feet as measured from the average elevation of finished grade surface along the base of the front, rear, and sides of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridges of a gable, hip,

or gambrel roof; provided, however, that the height in the front, rear, or any side shall not exceed 45 feet. On lots having severe topography, the Board of Appeals shall have authority to grant variances from the maximum 45-foot height limitation on the front, rear, or any side up to a maximum 60 feet on such side; provided, however, that the average height shall in no case exceed the 30-foot average height limitation contained herein.

(b) Where land is zoned in the C-1 classification on October 30, 1978, and an application for a building permit is received by the Department on or before March 1, 1979, the height of a building may not exceed 35 feet measured as set forth in this section.

(c) The maximum building height for a retail center that exceeds 100,000 square feet of gross floor area at completion is 45 feet, as measured from the average elevation of finished ground surface along the front of the building.]]:

(1) 45 feet where the subject property:

(A) abuts R-200 zoned property or property in a lower density residential zone;

(B) is greater than 5 acres or is contiguous with 5 or more acres of land zoned C-1;

(C) is in a master planned designated historic district; or

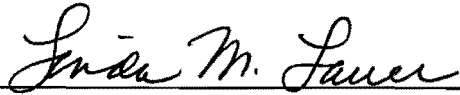
(D) abuts property in a townhouse zone or abuts a property more densely zoned;

(2) 35 feet where the subject property abuts or confronts property zoned R-90, R-60, or R-40.

Under this subsection, building height must be measured from the average elevation of the finished ground surface along the front of the building.

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in cursive script, reading "Linda M. Lauer", is written over a horizontal line.

Linda M. Lauer, Clerk of the Council