



**Zoning Text Amendment (ZTA) No. 14-05, Health Clubs – C-1 zone**

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**Completed: 06/19/14**

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**Description**

ZTA No. 14-05 would allow a health club use to exceed 14,500 sq. 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. Specifically, the ZTA would allow a health club in a C-1 zone to exceed the current 14,500 square feet limitation, up to a maximum size of 45,000 square feet, if the use is located in a retail center that exceeds 100,000 square feet of gross floor area at the completion of its reconstruction or enlargement. The ZTA would also allow a maximum building height of 45 feet for a retail center of this size. The current height maximum is 30 feet as measured from the average elevation of finished grade surface along the base of the front, rear, and sides of the building; provided, however, that the height in the front, rear, or any side shall not exceed 45 feet.

**Summary**

**Staff recommends approval, with modifications, of ZTA No. 14-05 to allow a health club use to exceed 14,500 sq. 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. Staff modifications reflect building height limitations consistent with those recommended as part of the Zoning Conversion project associated with District Map Amendment DMA G-956. Instead of a blanket 45 feet height restriction for a C-1 zoned retail center of greater than 100,000, staff believes that the height requirement should be based on the density of any abutting or confronting residential zone, as recommended in DMA G-956.**

**Background/Analysis**

Currently, a health club is permitted by right in the C-1 zone but limited in size to 14,500 square feet of gross floor area. The purpose of the C-1 zone is to provide locations for convenience shopping facilities in which are found retail commercial uses which have a neighborhood orientation and which supply necessities usually requiring frequent purchasing with a minimum of consumer travel. Such facilities should be located so that their frequency and distributional pattern reflect their neighborhood orientation. In addition, such facilities should not be so large or so broad in scope of services as to attract substantial amounts of trade from outside the neighborhood. It is further the intent of this zone that, in order to restrict the size of such facilities, the convenience commercial zone should not be

located in close proximity to other commercial areas; and it shall not be applied to land which is located within a central business district.

The sponsor of ZTA 14-05 believes that health clubs should be allowed to be larger in size to accommodate the emerging trends in the industry. Some of these building expansion trends include:

1. Larger Locker rooms (providing gender separated saunas, etc within locker rooms)
2. Indoor sports courts
3. Indoor aquatic facilities
4. Splash play areas
5. Classrooms and meeting rooms
6. Climbing walls
7. Bleachers and seating
8. Fitness centers
9. Exercise studio rooms
10. Natural turf sports fields

#### Uses Allowed in the C-1 Zone

Section 59-C-4.2, (Land uses.) depicts a number of commercial/service uses permitted by-right in the C-1 zone including: appliance stores, antique shops, book stores, drug stores, eating and drinking establishments, excluding a drive-in, food and beverage stores, furniture stores (limited in size), garden supply shops, grocery stores, hardware stores, jewelry stores, photographic and art supply stores, variety and dry goods stores, wearing apparel stores, child day care facilities, day care facility for senior adults and persons with disabilities, dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area, dry cleaning and laundry pick-up stations, duplicating services, self-service laundromats, trade, artistic or technical schools, health clubs (limited to 14,500 square feet). Staff believes that allowing larger health clubs in the C-1 zone would be consistent with many other uses currently allowed in the C-1 zone that have no maximum floor area requirement. As introduced, the ZTA would limit the floor area of a health club to less than half the size of the retail center and would allow the larger facility only if the overall gross floor area of a retail center was greater than 100,000 square feet at the completion of its reconstruction or enlargement. It should be noted that the C-1 Zone does not have a maximum density in terms of Floor Area Ratio (FAR).

#### Building Height in the C-1 Zone

The building height requirements of the C-1 Zone are as follows:

*Notwithstanding any other provisions of this Code allowing greater height for any reason, 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.*

The Zoning Ordinance Rewrite provides a clearer translation of height requirements for its C-1 equivalent zones as follows:

*Where the C-1 zone abuts R-200 or a lower density residential zone, or property is greater than 5 acres or contiguous with 5 acres or more, or property is in a master plan designated historic district, height is allowed up to 45 feet.*

*Where the C-1 zone abuts or confronts R-90, R-60 or R-40, height is allowed up to 35 feet.*

*Where the C-1 zone abuts a townhouse zone or denser area, height is allowed up to 45 feet.*

ZTA 14-05 as introduced permits a 45 feet maximum building height for a retail center that exceeds 100,000 square feet of gross floor area. Staff recommends applying the parameters for building height as recommended in the Zoning Ordinance Rewrite zoning conversions for the C-1 zone. Staff has modified the text amendment language to reflect this recommendation.

#### Existing Shopping Center Data

Attachment 2 includes a table depicting nine existing shopping centers exceeding 100,000 square feet of gross floor area. The table also provides eight additional centers between 80,000 square feet and 96,000+ square feet, where potential redevelopment or reconstruction could increase the overall floor area above 100,000 square feet. The table further depicts the varying height requirements as proposed for the Zoning Ordinance Conversion parameters of DMA G-956. The heights are either 35 feet or 45 feet, based on adjacency to varying densities of abutting or confronting residential zones.

#### Conclusion

With the proposed changes to the ZTA language as depicted in Attachment 1 (building height parameters), staff recommends approval of ZTA 14-05. Staff believes that allowing larger health clubs in the C-1 zone would be consistent with many other uses currently allowed in the C-1 zone that have no maximum floor area requirement. Modification to the building height recommendation of ZTA 14-05 will establish consistency with the height parameters for conversion of the C-1 zone as recommended by staff for DMA G-956.

#### **Attachments**

1. ZTA No. 14-05 as modified by staff
2. Shopping Centers in C-1 Zone over 80,000 square feet

# ATTACHMENT 1

Zoning Text Amendment No.: 14-05  
Concerning: Health Clubs – C-1 zone  
Draft No. & Date: 1 – 4/10/14  
Introduced: April 22, 2014  
Public Hearing:  
Adopted:  
Effective:

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

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By: Councilmember Navarro

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow a health club use to exceed 14,500 sq. 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.*

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

2   59-C-4.     **COMMERCIAL ZONES.**

3   \* \* \*

4   **Sec. 59-C-4.2.     Land Uses.**

5   \* \* \*

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

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7   \* \* \*

8   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.

11   \* \* \*

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

13   \* \* \*

14   **59-C-4.342. Building height.**

15   (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

23 Appeals shall have authority to grant variances from the maximum 45-foot  
24 height limitation on the front, rear, or any side up to a maximum 60 feet on  
25 such side; provided, however, that the average height shall in no case exceed  
26 the 30-foot average height limitation contained herein.

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

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

35 (i) 45 feet where the C-1 zoned property abuts the R-200 zone or a lower  
36 density residential zone, or the C-1 zoned property is greater than 5 acres  
37 or is contiguous with 5 or more acres, or the property is in a master plan  
38 designated historic district.

39 (ii) 35 feet where the C-1 zoned property abuts or confronts the R-90, R-60  
40 or R-40 zone.

41 (iii) 45 feet where the C-1 zoned property abuts a townhouse zone or denser  
42 zone.

43 Under this provision building height is measured from the average elevation  
44 of finished ground surface along the front of the building.

45  
46 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
47 date of Council adoption.

48  
49 This is a correct copy of Council action.

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52 Linda M. Lauer, Clerk of the Council

## ATTACHMENT 2

Shopping Center	Location	Current SF GFA	Current Zoning	Proposed Zoning**
Wildwood Shopping Center	Old Georgetown Road & Democracy Blvd	82,505	C-1	NR-1.0 H-45
Potomac Place Shopping Center	S corner, River Road & Falls Road	82,675	C-1	NR-1.0 H-35
Rock Creek Village Shopping Center	Norbeck Road & Bauer Drive	85,273	C-1	NR-1.0 H-45
Quince Orchard Marketplace	Darnestown Road & Quince Orchard Road	86,456	C-1	NR-1.0 H-45
K Mart	Connecticut Ave & Georgia Ave	86,951	C-1	NR-1.0 H-45
Plaza del Mercado	Layhill Road and Bel Pre Road	95,217*	C-1	NR-1.0 H-45
Colesville Center	NW corner, New Hampshire Ave & Randolph Road	95,624	C-1	NR-1.0 H-45
Aspen Manor	SE corner, Georgia Ave & Aspen Hill Road	96,126	C-1	NR-1.0 H-45
Westwood Center	Westbard Ave	101,637	C-1	NR-1.0 H-45
Kemp Mill Shopping Center	Arcola Ave & Lamberton Dr	104,809	C-1	NR-1.0 H-45
Hillandale Shopping Center	New Hampshire Ave & Powder Mill Road	119,496	C-1	NR-1.0 H-45
Georgetown Square	Old Georgetown Road & Democracy Blvd	121,705	C-1	NR-1.0 H-45
Stoney Mill Square	Veirs Mill Road & Randolph Road	127,854	C-1	CRT-1.0 C-0.75 R-0.5 H-45
Aspen Hill Shopping Center	Connecticut Ave , S of Aspen Hill Road	164,764	C-1	NR-1.0 H-45
Arliss Shopping Center	Arliss Street & Piney Branch Road	166,987	C-1	NR-1.0 H-45
Potomac Promenade	W corner, River Road & Falls Road	171,665	C-1	NR-1.0 H-35

## ATTACHMENT 2

Shopping Center	Location	Current SF GFA	Current Zoning	Proposed Zoning**
Shops at Summer Place	Sangamore Road & Sentinel Drive	255,532	C-1	NR-1.0 H-45

\* Layhill Shopping Center is adjacent to Plaza del Mercado and has 48,358 SF GFA. If combined, the floor area would exceed 100,000 square feet.

\*\* The proposed zoning densities could be reduced to 0.75 by the Council based on the "Alternative Conversion" recommendations by Planning staff.