

Joseph Adkins, AICP
Deputy Director



Michael C. O'Connor
Mayor

FREDERICK

PLANNING

June 29, 2023

Jenni Hoover
Serenity Swimming
12405 Hill Court
Mount Airy, MD 21771

Re: 23-606ZD, Zoning Determination, 331 Aviation Way-Proposed Health Club for Swimming Lessons and Aquatic Exercise

Dear Ms. Hoover:

In response to your letter dated June 13, 2023, Staff has prepared the following information:

The subject property, 331 Aviation Way (the "Property"), is zoned M1 (Light Industrial). Per Section 401, Table 401-1 of the Land Management Code (LMC), the M1 district is intended to provide for offices and those industrial activities which do not require special measures to control odor, dust, or noise and which do not involve hazardous materials and whose environmental impacts are contained within the property limits. Residential uses are not appropriate for this zone.

The Property also falls entirely within the Airport Overlay (AO) district boundaries. Per Section 419 of the LMC, the purpose of the Airport Overlay District is to regulate and restrict the height of structures, objects, or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of Frederick Municipal Airport (FDK) by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and establishing penalties.

Per Section 404, Table 404-1, "Use Matrix", of the LMC, a Health Club or Spa is a use permitted by-right in the M1 district. A health club or spa is defined in the LMC as, "An operation that allows participants to use exercise equipment, steam baths, and the like". The LMC also lists its Land-Based Classification Standards (LBCS) function code as 5370, which is described as, "fitness, recreational sports, gym, or athletic club, which operate fitness and recreational sports facilities, or provide services for fitness or recreational sports teams, clubs, or individual activities". You describe your business, Serenity Swimming, as a health club that teaches swimming to children and adults in an indoor pool setting, and the pool is also used for aquatic exercises and therapy, and pool parties. The uses are most similar to a health club as defined in the LMC and LBCS and is therefore permitted by-right in the M1 district.

If you have any further questions, please don't hesitate to contact me at (301) 600-4588 or skelly@cityoffrederickmd.gov.

The purpose of the service provided by the Zoning Administrator regarding determinations/interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plan and the Land Management Code for compliance.

This determination applies solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.

Sincerely,



Sherry Kelly AICP
City Planner

In Concurrence,



Joseph A. Adkins, AICP
Deputy Director for Planning/Zoning
Administrator

cc: Gabrielle Collard, Division Manager of Current Planning

June 12, 2023

City of Frederick

Attn: Planner on Call

Planning Department

140 West Patrick Street

Frederick, MD 21701

Re: Zoning Determination Letter Request

331 Aviation Way

Frederick, Md 21701

To whom it may concern,

I am requesting a Zoning Determination Letter to see if my business, Serenity Swimming, fits the City of Frederick's zoning requirements. The location is 331 Aviation Way, Frederick, MD 21701. Zoning code M1.

Serenity Swimming is a health club that teaches swimming to children and adults. The indoor pool is also used for aquatic exercise – including swimming, water walking, and therapy, and pool parties. The facility will be about 5000 square feet. The pool will be about 1900 sq ft, equivalent to about 3 lap lanes (25 yds each). The indoor pool will provide a warm water, comfortable learning environment for children to learn to swim.

I am requesting a determination of the following:

- 1) The current zoning is M1
- 2) That the current zoning of the property will permit the operation of a health club or spa facility.

Thank you

Jenni Hoover

Serenity Swimming