
ZONING CODE INTERPRETATION

TO: ZONING CODE INTERPRETATION FILE
FROM: DAVID SCHOON, ASSISTANT DIRECTOR FOR COMMUNITY PLANNING
CC: RICHARD NAHRSTADT, VILLAGE MANAGER
DATE: JANUARY 5, 2008
RE: ONE-ON-ONE PERSONAL FITNESS TRAINING FACILITIES (SIC 7991.01)

BACKGROUND

On April 22, 2003, the Village Board of Trustees adopted **Ordinance No. 03-26**, An Ordinance Amending Certain Articles of the Northbrook Zoning Code (1988), as Amended, Regarding Religious Organizations, Membership Organizations, and Similar Land Use Activities. In addition to a number of other amendments regarding the regulation of “group” activities, Ordinance No. 03-26, amended the Zoning Code to prohibit all Physical Fitness Facilities (7991.00), Membership Sports and Recreation Clubs (7997.00), and Amusement and Recreation Services, Not Elsewhere Classified, in the I-1 Restricted Industrial District. Given that the Village found it inappropriate to allow religious organization facilities in the industrial districts and in order to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Board decided to prohibit these similar land use activities.

On June 22, 2004, the Village Board of Trustees adopted **Ordinance No. 04-28**, An Ordinance Amending the Text of the Northbrook Zoning Code to Allow One-on-One Personal Fitness Training Facilities in the I-1 Restricted Industrial District (7999.01). This ordinance was adopted in response to a request by The Trainers Club, Inc. and Accelerated Rehabilitation Centers. Ltd. The Board of Trustees determined that the land use impacts of one-on-one personal fitness training facilities are compatible with the I-1 Restricted Industrial District when appropriately limited to training centers that operate by appointment only and when allowed only as a special permit use. In addition, the Plan Commission determined that the proposed use is not in the nature of an assembly, or a religious or other membership organization in its land use impacts and thus can be regulated in a different manner.

Ordinance No. 04-28 amended the Zoning Code by adding the following definition for one-on-one personal fitness training facility:

An establishment offering only one-on-one personal fitness training by appointment only, and no group fitness training activities. Each client must work directly with a certified personal trainer when using such an establishment and each trainer shall work with no more than two clients at one time.

The definition did not define “personal fitness training” nor did it specify the specific certification required for personal trainers.

On December 12, 2006, the Board of Trustees adopted **Ordinance No. 06-71**, An Ordinance Amending the Northbrook Zoning Code concerning Permitted Uses, Conditional Uses, and Special Permit Uses in Non-Residential Zoning Districts. Ordinance No. 06-71 amended the Zoning Code to allow One-on-One Personal Fitness Training Facilities (7991.01) as a permitted use in all commercial districts, the O-2, O-3, and O-4, and I-1 zoning districts.

When added to the Permitted Uses, Conditional Uses, and Special Permit Uses table of Section 7-102 of Article VII, Industrial Districts, "One-on-One Personal Fitness Training Facilities" was assigned the Village SIC Code of 7991.01. A (strict) interpretation of the Zoning Code would mean that one-on-one personal fitness training facilities is a subcategory of the Standard Industrial Classification (SIC) Code Manual's Industry Number 7991, Physical Fitness Facilities, which is a subcategory of the Industry Group 7990 Miscellaneous Amusement and Recreation Services, which is a subgroup of the Major Group 7900 Amusement and Recreation Services;

- 7900 Amusement and Recreation Services
 - 7990 Miscellaneous Amusement and Recreation Services
 - 7991 Physical Fitness Facilities
 - 7991.01 One-on-One Personal Fitness Training Facilities

Physical Fitness Facilities is defined by the manual as:

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| <p>7991 Physical Fitness Facilities</p> <p>Establishments primarily engaged in operating reducing and other health clubs, spas, and similar facilities featuring exercise and other active physical fitness conditioning, whether or not on a membership basis. Also included in this industry are establishments providing aerobic dance and exercise classes. Sports and recreation clubs are classified in Industry 7997 if operated on a membership basis, and in Industries 7992 or 7999 if open to the general public. Health resorts and spas providing lodging are classified in Major Group 70. Establishments that promote physical fitness through diet control are classified in Industry 7299.</p> <table><tr><td><p>Aerobic dance and exercise classes Clubs, health Exercise salons Fitness salons Gymnasiums Physical fitness centers</p></td><td><p>Reducing facilities, physical fitness, without lodging Slenderizing salons Spas, health fitness: except resort lodges</p></td></tr></table> | <p>Aerobic dance and exercise classes Clubs, health Exercise salons Fitness salons Gymnasiums Physical fitness centers</p> | <p>Reducing facilities, physical fitness, without lodging Slenderizing salons Spas, health fitness: except resort lodges</p> |
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A strict interpretation would mean that only those uses referred and listed by this definition would be allowed as one-on-one personal fitness training facilities,

When drafted the intent of the definition of "one on one personal fitness training facilities" was to be broader than the SIC Manual definition. It was intended to include other one on one training activities such as:

- One-on-one dance training lessons

- One-on-one sports training lessons (basketball, baseball, football, softball, gymnastics, racquet sports, boxing, golf, skating and skiing, bicycling, water sports, table games, etc.)
- One-on-one yoga training lessons

OFFICIAL INTERPRETATION

The Village SIC Code 7991.01, One-on-One Personal Fitness Training Facilities, is hereby interpreted to include the following one-on-one amusement and recreational training facilities:

- a) One-on-one amusement and recreational training facilities that fall within the SIC Code of 7900.00 – Amusement and Recreation Services, subject to the following limitations:
 - a. All one-on-one personal fitness training facilities that fall within the SIC Code of 7991.00, Physical Fitness Facilities;
 - b. One-on-one dance and theatrical training facilities;
 - c. One-on-one sports training facilities, including, but not limited to training facilities for basketball, baseball, football, softball, gymnastics, racquet sports, boxing, golf, skating and skiing, bicycling, water sports, and table games; and
 - d. One-on-one yoga training lessons.
- b) All one-on-one amusement and recreational training facilities:
 - a. Shall meet the operational requirements as provided for in the Zoning Code’s definition of one-on-one personal fitness training facilities;
 - b. Shall be located indoors;
 - c. Shall not involve amusement and recreational activities involving the use of live animals or motor vehicles (e.g. sports cars, motorcycles, go-carts, motor boats, etc);
 - d. Shall not involve the use of guns and live explosives, such as fireworks; and
 - e. Shall not include any facilities from which spectators can view the training activities.