

AGENDA ITEM #4
May 6, 2008

Introduction

MEMORANDUM

May 2, 2008

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: **Introduction:** Zoning Text Amendment 08-10,
Fenton Village Overlay Zone - Hotel Height

Zoning Text Amendment (ZTA) 08-10, sponsored by Councilmembers Ervin and Elrich, is scheduled to be introduced on May 6, 2008. ZTA 08-10 would amend the Zoning Ordinance to allow additional building height to accommodate a hotel in mixed-use optional method of development projects in the Fenton Village Overlay Zone. A public hearing will be held on June 17, 2008 at 1:30 p.m. if the Council approves the attached resolution.

Currently, the Fenton Village Overlay Zone limits building heights to 60 feet for housing projects on the west side of Fenton Street. ZTA 08-10 would allow a maximum building height of 60 feet for a mixed-use optional method project that includes a hotel on the west side of Fenton Street.

Ordinance No.:
Zoning Text Amendment No.: 08-10
Concerning: Fenton Village Overlay Zone –
Hotel Height
Draft No. & Date: 1- 4/22/08
Introduced: March 6, 2008
Public Hearing: June 17, 2008
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**

By: Councilmembers Ervin and Elrich

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow additional building height to accommodate hotels in mixed-use optional method of development projects in the Fenton Village Overlay Zone; and
- generally amend allowable building heights in the Fenton Village Overlay Zone.

By amending the following sections of the Montgomery County Zoning Ordinance:

Division 59-C-18 OVERLAY ZONES
Section 59-C-18.192 Fenton Village Overlay Zone - Regulations

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.

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-18 is amended as follows:**

2

3 **59-C-18. OVERLAY ZONES.**

4 * * *

5 59-C-18.19. Fenton Village Overlay Zone.

6 * * *

7 59-C-18.192. Regulations.

8 * * *

9 (1) Building height in the Overlay Zone:

10

11 (A) along the east side of Georgia Avenue must not exceed 90 feet; along
12 the west side of Fenton Street must not exceed 60 feet; within the area
13 between Georgia Avenue and Fenton Street must not exceed 60 feet
14 but may increase up to 90 feet for projects that are at least 33%
15 residential and where the additional height is placed closest to Georgia
16 Avenue and decreases as you move east to Fenton Street; and

17 (B) along the east side of Fenton Street must not exceed 45 feet for all uses,
18 except [housing, which must not exceed 60 feet] the building height
19 must not exceed 60 feet for:

20 (i) any residential use; or

21 (ii) any mixed use optional method of development project that
22 includes a hotel notwithstanding any building height limits
23 recommended in the sector plan.

24 * * *

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

27

28

29 This is a correct copy of Council action.

30

31

32

33

34 _____

35 Linda M. Lauer, Clerk of the Council

Resolution No:
Introduced: May 6, 2008
Adopted: May 6, 2008

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

By: Councilmembers Ervin and Elrich

Subject: Notice of Public Hearing on Zoning Text Amendment 08-10

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 08-10, introduced on May 6, 2008, would amend the Zoning Ordinance to allow additional building height to accommodate a hotel in mixed-use optional method of development projects in the Fenton Village Overlay Zone.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on June 17, 2008 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council