

Ordinance No.:  
Zoning Text Amendment No.: 08-08  
Concerning: Fenton Village Overlay Zone –  
Workforce Housing Height  
Draft No. & Date: 1- 4/17/08  
Introduced: April 29, 2008  
Public Hearing: June 10, 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**

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By: The District Council at the request of the County Executive

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AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow optional method of development projects in the Fenton Village Overlay Zone additional building height to accommodate workforce housing units; and
- generally amend building height limits 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

<p>EXPLANATION: <b>Boldface</b> indicates a heading or a defined term. <u>Underlining</u> 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. <u>Double underlining</u> 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.</p>
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*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:**

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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:

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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  
18 uses except housing, which must not exceed 60 feet[.]; and

19 (C) between Georgia Avenue and Fenton Street, any optional method of  
20 development project may be approved up to the maximum height limit  
21 in the underlying zone for the construction of workforce housing units  
22 as defined in Chapter 25B if the additional height is the minimum  
23 necessary to allow for the construction of workforce housing units.  
24 The additional building height for workforce housing units may be  
25 approved notwithstanding any limits recommended in a sector plan;  
26 however, the building height along the west side of Fenton Street  
27 must not exceed 60 feet.

28 \* \* \*

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

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33 This is a correct copy of Council action.

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39 Linda M. Lauer, Clerk of the Council

Resolution No:  
Introduced: April 29, 2008  
Adopted: April 29, 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
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WITHIN MONTGOMERY COUNTY, MARYLAND

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By: The District Council at the request of the County Executive

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

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. 08-08, introduced on April 29, 2008, would amend the Zoning Ordinance to allow additional building height to accommodate workforce housing 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.

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Linda M. Lauer, Clerk of the Council