



Zoning Text Amendment (ZTA) No. 13-06, Fenton Village Overlay – Building Height



Gregory Russ, Planner Coordinator, FP&P, gregory.russ@montgomeryplanning.org, 301-495-2174



Mary Dolan, Chief, FP&P, mary.dolan@montgomeryplanning.org, 301-495-4552

Completed: 07/03/13

Description

ZTA No. 13-06 would amend the provision for building heights in the Fenton Village Overlay zone. Currently, the Fenton Village Overlay Zone generally allows a 60 foot building height limit along the west side of Fenton Street, with higher heights allowed for majority residential projects located between Georgia Avenue and the west side of Fenton Street. The ZTA would require that any portion of a building taller than 60 feet be set back from Fenton Street at a ratio of one foot for each foot of height above 60 feet.

Summary

Staff recommends approval, with modifications, of ZTA No. 13-06 to establish step back/setback parameters for building heights above 60 feet along the west side of Fenton Street. The plain language modifications are proposed to clarify the intent of the legislation.

Background/Analysis

The Approved and Adopted Sector Plan for the Silver Spring CBD envisioned Fenton Village as a “diverse community of people living and working to create a tightly-knit urban neighborhood conducive to strolling and browsing ... providing ... a traditional town atmosphere not found in shopping centers or malls” (Sector Plan, 2000, pg 60). To this end, the Sector Plan envisioned maintaining and improving small-scale retail, capturing some of the Class C and Class B office space market in Montgomery County, and bringing new housing development to Fenton Village. A height incentive for housing in Fenton Village was recommended in the Sector Plan and implemented via an Overlay Zone (Fenton Village Overlay Zone) to spur residential development and provide a mixed use aspect to Fenton Village. It was expected that new housing development would improve the physical environment, activate the streets and provide a resident population to support businesses within the overlay zone.

On July 29, 2008 (effective August 18, 2008), the District Council approved Zoning Text Amendment No. 08-08 (Ordinance No. 16-24) allowing additional building height (up to 110 feet) to accommodate workforce housing between Georgia Avenue and the west side of Fenton Street where the building height is limited to 60 feet. The County Council believed that the ZTA maintained the overall intent of the Sector Plan to incentivize housing development, to activate streets, and to maintain an appropriate

scale of development that is less than that of the core CBD areas (143 feet to 200 feet) and compatible with the adjacent single-family neighborhoods located to the east (35 to 40 feet height limits). To further clarify that the height limits in the sector plan are established as a guide to assist in accomplishing the overall goals, the County Council added language to the Overlay Zone permitting building heights to be established therein without regard to the specific building height recommendations of the sector plan.

Zoning Text Amendment 13-06 (Attachment 1) proposes a revision to Section 59-C-18.192(b)(1)(B) (Fenton Village Overlay Zone-building height) that would require that any portion of a building taller than 60 feet be set back from the west side of Fenton Street at a ratio of one foot for each foot of height above 60 feet. Currently the overlay zone limits building heights along the west side of Fenton Street to 60 feet but provides no guidance on setbacks from the street for building heights above 60 feet. The map on Attachment 2 depicts the boundary of the Fenton Village Overlay Zone and the underlying zoning classifications within the zone and the surrounding properties. Attachment 3 includes several sketches depicting optional method maximum development heights in Fenton Village based on the existing overlay text and the overlay language as proposed in ZTA 13-06.

Conformance with the Applicable Sector Plan

Height limitations were recommended by the Sector Plan in order to ensure the compatibility of new development in Fenton Village with the adjacent neighborhoods (East Silver Spring and north Takoma Park) and to sustain Fenton Village as a *transitional* area between the Core and the surrounding single family residences (i.e. the tent effect goal of the Sector Plan). The Sector Plan intended for Fenton Village to maintain the scale of a village, not the scale of the adjacent CBD core which allows building heights from 143' to 200'. Per the Sector Plan recommendation, the Fenton Village Overlay Zone (which implements the recommendations in the Sector Plan) limits height to 90' on the east side of Georgia Avenue and 60' on the west side of Fenton Street. "Properties between Georgia Avenue and Fenton Street not fronting on either street are limited to 60 feet but may go up to 90 feet for projects that are at least 33 percent residential and where the additional height is placed closest to Georgia Avenue and tapered down moving west to Fenton Street", Sector Plan pg. 68.

The sector plan language is clear in its directive to taper heights down from Georgia Avenue to Fenton Street in order to ensure compatibility with adjacent residential neighborhoods to the east of Fenton Street, pg. 64. However, it does not provide guidance on how the tapering should be implemented in terms of dimensions or height setbacks from Fenton Street. The lack of guidance could result in an applicant proposing a 60-foot tall building on Fenton Street that immediately jumps up to 90' (110' if providing workforce housing) within a few feet of the front building line (see Attachment 3). Staff believes that a one to one setback (1-foot of setback for every additional 1-foot of height over 60') is a reasonable measure to ensure that a minimum tapering of heights takes place between Georgia Avenue and Fenton Street.

Conclusion

With the proposed changes to the ZTA language as depicted in Attachment 1 (plain language clarifications), staff recommends approval of ZTA 13-06. Providing certainty on height-tapering from Georgia Avenue to Fenton Street can assist in minimizing compatibility concerns with adjacent

residential communities located to the east of the Fenton Village Overlay zone while also maintaining the overall intent of the sector plan to provide incentives for increasing housing, to activate street fronts, and to establish development at a scale that is less than the core CBD areas.

Attachments

1. ZTA No. 13-06 as modified by staff
2. Map of Fenton Village Overlay
3. Example Sketches of Height Elevations along Fenton Street per ZTA 13-06

ATTACHMENT 1

Zoning Text Amendment No.: 13-06
Concerning: Fenton Village Overlay –
Building Height
Draft No. & Date: 1 – 6/04/13
Introduced: June 11, 2013
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**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: Councilmember Elrich

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- generally amend the provision for building heights in the Fenton Village Overlay zone

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-C-18.

“Overlay Zones.”

Section 59-C-18.19.

“Fenton Village Overlay Zone.”

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 that text 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 **Sec. 1. Division 59-C-18 is amended as follows:**

2 DIVISION 59-C-18. OVERLAY ZONES.

3 * * *

4 **Sec. 59-C-18.19. Fenton Village Overlay Zone.**

5 * * *

6 59-C-18.192. Regulations.

7 * * *

8 (b) Development standards. The development standards are the same as those
9 in the underlying zones, except:

10 (1) Building height in the Overlay Zone:

11 (A) along a major highway must not exceed 90 feet;

12 (B) along any street confronting any block that includes property
13 zoned in a one-family residential classification, must not exceed
14 60 feet; [[and,]] when a building is allowed to exceed [[be
15 higher than]] 60 feet, however, [[behind the Fenton Street
16 frontage of the building, each additional foot in building
17 height]] the building façade for any portion of the building
18 above 60 feet [[requires at least an additional]] must be at least
19 one foot for every foot in building height above 60 feet
20 [[stepback from the front]] behind the facade of the portion of
21 the building that is at or below 60 feet along Fenton Street;

22 (C) within the area between a major highway and a street that
23 confronts a block that includes property zoned in any one-
24 family residential classification, must not exceed 60 feet but
25 may increase up to 90 feet the maximum height allowed if at
26 least 33% of a project's floor area is residential; however, if
27 additional building height is necessary [to allow] to

28 accommodate workforce housing units and at least 33% of the
29 project's floor area is residential, up to 110 feet and where the
30 additional height is placed near a major highway and decreases
31 in the direction of the closest property zoned in any one-family
32 residential classification;

33 * * *

34 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
35 Council adoption.

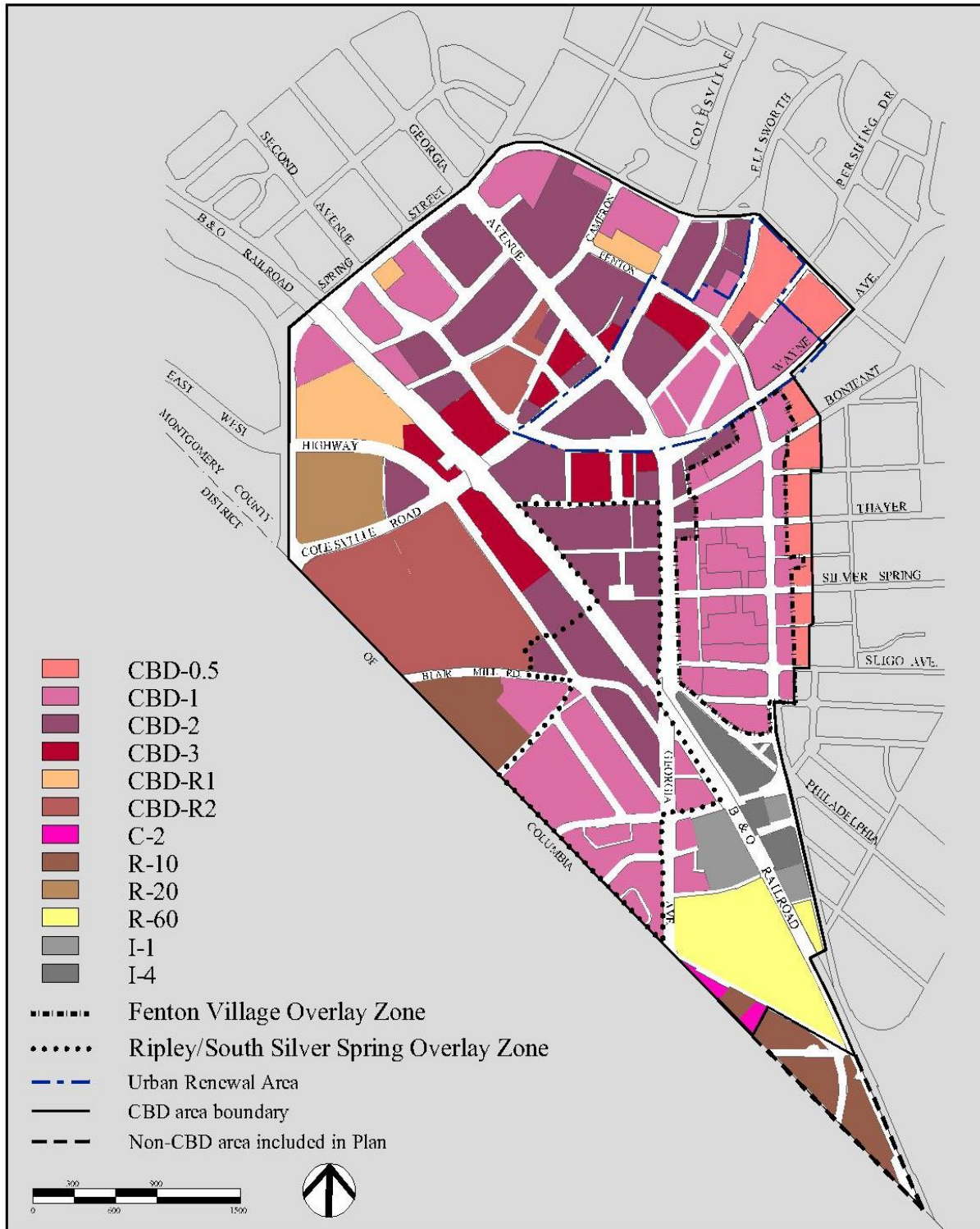
36

37 This is a correct copy of Council action.

38

39 _____

40 Linda M. Lauer, Clerk of the Council



60' ON WEST SIDE
OF FENTON STREET, IMMEDIATELY
STEPPING UP TO 90'-FEET

$\geq 1'$

30'-0"

60'-0"

FENTON
STREET

CBD-1 WITH
FENTON OVERLAY
60' W/ RESIDENTIAL USE
45' COMMERCIAL ONLY

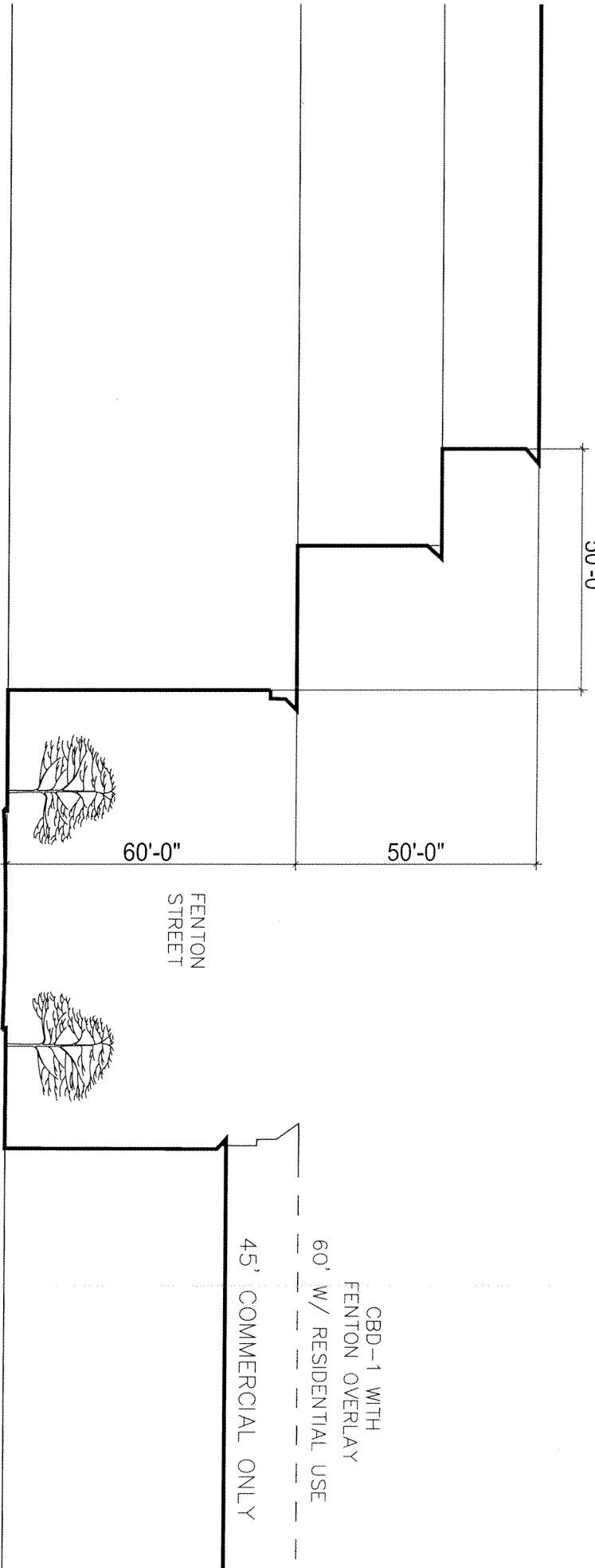
OPTIONAL METHOD MAXIMUM HEIGHTS
IN FENTON VILLAGE OVERLAY ZONE

1 Fenton Street

SCALE: 1"=20'-0"

1

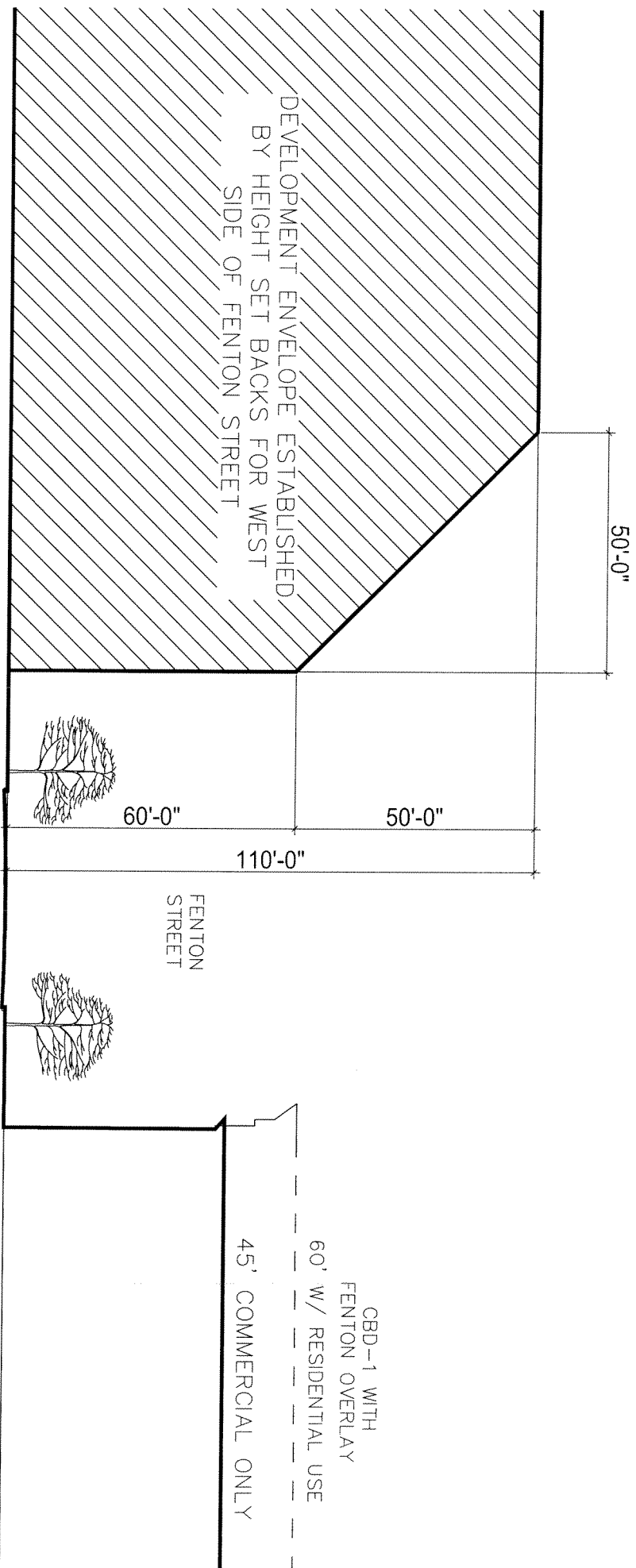
60' ON WEST SIDE OF FENTON STREET
STEPPING UP TO 110-FEET TO ACCOMMODATE
WORK-FORCE HOUSING



OPTIONAL METHOD MAXIMUM HEIGHTS
IN FENTON VILLAGE OVERLAY ZONE PER
ZTA 13-06

1 Fenton Street

1 SCALE: 1"=20'-0"



OPTIONAL METHOD MAXIMUM HEIGHTS
 IN FENTON VILLAGE OVERLAY ZONE PER
 ZTA 13-06

1 Fenton Street

1 SCALE: 1"=20'-0"