


Public Hearing

MEMORANDUM

January 20, 2012

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Public Hearing – Zoning Text Amendment 11-08,
Residential Zones – Accessory Commercial Kitchen

Zoning Text Amendment (ZTA) 11-08, sponsored by Councilmember Leventhal, was introduced on December 13, 2011. The Planning, Housing, and Economic Development Committee has tentatively scheduled a worksession on January 30, 2012 for ZTA 11-08.

ZTA 11-08 would define commercial kitchens as food preparation facilities that satisfy the health code provision for places that prepare food for sale. Those standards, which incorporate Maryland State code standards, require proper sanitation, ventilation, and food storage facilities.

ZTA 11-08 would allow accessory commercial kitchens in the R-90 and R-60 zones if the primary use of the property is a service use that is permitted without a special exception. Accessory commercial kitchens would be prohibited in homes. The only service uses that are allowed to have accessory commercial kitchens are ambulance or rescue squads, churches, fire stations, and publicly owned or operated uses. The size of an accessory commercial kitchen would be limited to 5 percent of the floor area of the permitted use. The sponsor believes that small commercial kitchens on properties that lack a residential character would allow a modest, but appropriate, opportunity for additional commercial kitchens.

This Packet Contains
ZTA 11-08

© number
1 – 4

Zoning Text Amendment No.: 11-08
Concerning: Residential Zones –
 Accessory Commercial Kitchen
Draft No. & Date: 1 – 12/5/11
Introduced: December 13, 2011
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 Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Define a commercial kitchen; and
- Add accessory commercial kitchen as a permitted land use in certain residential zones under certain circumstances.

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

DIVISION 59-A-2 “DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1 “Definitions”
DIVISION 59-C-1 “RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.31 “Land uses”

EXPLANATION:

***Boldface** indicates a heading or 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 **Sec. 1. DIVISION 59-A-2 is amended as follows:**

2 **Division 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **Sec. 59-A-2.1. Definitions.**

4 * * *

5 **Commercial Kitchen:** a facility that satisfies the requirements of Chapter 15 for
6 the preparation of food that could be sold to the public.

7 * * *

8 **Sec. 2. DIVISION 59-C-1 is amended as follows:**

9 **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

10 * * *

11 **Sec. 59-C-1.3 Standard development.**

12 The procedure for approval is specified in Chapter 50.

13 **59-C-1.31. Land uses.**

14 No use is allowed except as indicated in the following table:

15 - **Permitted Uses.** Uses designated by the letter "P" are permitted on any lot
16 in the zones indicated, subject to all applicable regulations.

17 - **Special Exception Uses.** Uses designated by the letters "SE" may be
18 authorized as special exceptions under Article 59-G.

19

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
* * *										
(g) Miscellaneous.										
* * *										
<u>Commercial kitchen, if accessory to service uses that are permitted without a special exception. However, accessory commercial kitchens are prohibited in home occupations, day care facilities, and adult foster care homes. The accessory commercial kitchen must occupy less than 5% of the building in which it is located and must not be used as part of an on-site eating and drinking establishment.</u>						P	P			
* * *										

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21 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
 22 Council adoption.

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24 This is a correct copy of Council action.

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 Linda M. Lauer, Clerk of the Council