

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>						<u>P</u>	<u>P</u>			
* * *										

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

23

24 This is a correct copy of Council action.

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27 Linda M. Lauer, Clerk of the Council