

Ordinance No.: 17-51  
Zoning Text Amendment No.: 14-07  
Concerning: Accessory Commercial  
Kitchen – Standards  
Draft No. & Date: 2 – 7/14/14  
Introduced: June 10, 2014  
Public Hearing: July 15, 2015  
Adopted: July 22, 2014  
Effective: July 22, 2014

**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:

- Revise the development standards for an accessory commercial kitchen

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

DIVISION 59-C-1. “RESIDENTIAL ZONES, ONE-FAMILY.”  
Section 59-C-1.31. “Land uses.”

**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 text that 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.*

## OPINION

Zoning Text Amendment (ZTA) No. 14-07 was introduced on June 10, 2014. It would change the size allowed for an accessory commercial kitchen to a percentage of floor area on a tract of land, not just the building in which the kitchen would be located.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with an amendment to clarify the percentage would be measured from all buildings on the tract.

The County Council held a public hearing on July 15, 2014 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on July 14, 2014 to review the amendment with the expectation of favorable testimony at the Council July 15 hearing. The Committee tentatively recommended approval of ZTA 14-07 with the Planning Board's recommended revision.

The District Council reviewed Zoning Text Amendment No. 14-07 at a worksession held on July 22, 2014 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 14-07 will be approved as amended.

## 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:*

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

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

\* \* \*

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

The procedure for approval is specified in Chapter 50.

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

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

- **Permitted Uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.
- **Special Exception Uses.** Uses designated by the letters "SE" may be authorized as special exceptions under Article 59-G.

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
* * *										
<b>(g) Miscellaneous.</b>										
* * *										
Commercial kitchen. <sup>55</sup>						P	P			
* * *										

<sup>55</sup> A commercial kitchen is permitted only as an accessory to a service use that is permitted without a special exception; however, it is prohibited as an accessory use for home occupations, day care facilities, and adult foster care homes. Where a commercial kitchen is allowed, it must:

- 18 (1) occupy less than 5% of the floor area [of the building in] of all buildings on  
19 the tract in common ownership on which [it] the commercial kitchen is  
20 located;
- 21 (2) not be used as part of an on-site eating and drinking establishment;
- 22 (3) submit a parking plan acceptable to the Director that provides adequate on-  
23 site or off-site parking for the users of the commercial kitchen during hours  
24 of operation in subsection (4); and
- 25 (4) be used for the preparation of food for public consumption off-site only  
26 between the hours of 6:00 AM and 9:00 PM weekdays; and 8:00 AM and  
27 9:00 PM weekends.

28 \* \* \*

29

30 **Sec. 2. Effective date.** This ordinance takes effect immediately upon the  
31 date of Council adoption.

32

33 This is a correct copy of Council action.

34 

35 \_\_\_\_\_  
36 Linda M. Lauer, Clerk of the Council