

Ordinance No.: 19-21
Zoning Text Amendment No.: 21-03
Concerning: Charitable, Philanthropic
Institution – Kitchens
Draft No. & Date: 4 – 9/16/2021
Introduced: June 15, 2021
Public Hearing: July 20, 2021
Adopted: September 21, 2021
Effective: October 11, 2021

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Friedson
Co-Sponsors: Councilmember Navarro, Council President Hucker, and Councilmembers Glass,
Katz, Albornoz, Reimer, Rice, and Jawando

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow charitable and philanthropic institutions to have kitchens under certain circumstances

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

Division 3.4. “Civic and Institutional Uses”
Section 3.4.2. “Charitable, Philanthropic Institution”

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) 21-03, lead sponsor Councilmember Friedson, co-sponsors Councilmember Navarro, Council President Hucker, and Councilmembers Glass, Katz, Alborno, Reimer, Rice, and Jawando, was introduced on June 15, 2021.

In 2015, the Council passed ZTA 15-08, Charitable Institutions – Residential Support. ZTA 15-08 allowed a charitable institution to provide shelter in an existing detached house or townhouse for people who are supporting a family member at a medical institution. As an expansion of that use, ZTA 21-03 would allow food to be prepared on the premises and distributed for off-site consumption, but without payment.

In its report to the Council, the Montgomery County Planning Board and Planning Staff recommended approval of ZTA 21-03. The Planning Board recommended an amendment limiting the scope of this ZTA by requiring direct access to a public road with a master-planned right-of-way of 120 feet or greater in order to distribute food.

The Council's public hearing was conducted on July 20, 2021. There were five speakers, all in support, including the Executive Director of Bikur Cholim, the Co-Chair of Food for Montgomery, and the Director of Maryland Government and Community Relations for the Jewish Community Relations Council.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation. The PHED Committee held a worksession on July 28, 2021. The PHED Committee unanimously (3-0) recommended approval with the amendments proposed by the Planning Board.

The Council agreed with the recommendation of the 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. 21-02 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:

1 **Sec. 1. DIVISION 59-3 is amended as follows:**

2 **Division 3.4. Civic and Institutional Uses**

3 * * *

4 **Section 3.4.2. Charitable, Philanthropic Institution**

5 * * *

6 **B. Use Standards**

7 1. Where a Charitable, Philanthropic Institution is allowed as a limited
8 use, it must satisfy the following standards:

- 9 a. The Charitable, Philanthropic Institution must be primarily for
10 the provision of support and hospitality services for persons
11 who are present as a result of treatment or care being provided
12 to a member of their household by a federal treatment facility or
13 a Hospital.
- 14 b. Services may be provided daily, during any hours, to persons
15 who are not permanent residents of the premises but are present
16 as a result of treatment or care being provided to a member of
17 their household by a federal treatment facility or a Hospital.
- 18 c. The support and hospitality services are provided without
19 payment.
- 20 d. For properties that front on and have direct access to a public
21 road with a master-planned right-of-way of 120 feet or greater,
22 [[Food]] food may be prepared on the premises [[and may be
23 distributed]] for off-site consumption but must be provided
24 without payment.
- 25 [d]e. The Charitable, Philanthropic Institution must use an existing
26 detached house and must retain the appearance of a detached
27 house.

28 [e]f. The maximum number of guests that may reside on the
29 property at one time is 8, excluding:

- 30 i. resident staff; or
31 ii. children younger than 2 months of age, when present
32 with a parent or legal guardian.

33 [f]g. A maximum of 2 resident staff may live on-site.

34 [g]h. One parking space is required for each resident staff member. A
35 minimum of 0.25 parking spaces is required for each guest bed.

36 * * *

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

39

40 This is a correct copy of Council action.

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42  _____

43 Selena M. Singleton, Esq.

44 Clerk of the Council