

# ARTICLE 59-1. GENERAL ZONING ORDINANCE PROVISIONS

## [DIV. 1.1. IN GENERAL

SEC. 1.1.1. CITATION ..... 1 – 2  
SEC. 1.1.2. REPEAL OF EXISTING ZONING ORDINANCE..... 1 – 2  
SEC. 1.1.3. SEVERABILITY ..... 1 – 2

## DIV. 1.2. PURPOSE

SEC. 1.2.1. PURPOSE OF CHAPTER 59.....1 – 3

## DIV. 1.3. APPLICABILITY

SEC. 1.3.1. APPLICABILITY ..... 1 – 4  
SEC. 1.3.2. NONAPPLICABILITY TO CERTAIN MUNICIPALITIES ..... 1 – 4  
SEC. 1.3.3. ANNEXATIONS ..... 1 – 4

## DIV. 1.4. DEFINED TERMS

SEC. 1.4.1. RULES OF INTERPRETATION ..... 1 – 5  
SEC. 1.4.2. SPECIFIC TERMS AND PHRASES DEFINED ..... 1 – 5]

Key to Text Edits

Green text indicates changes made by the PHED committee  
Blue text indicates plain language edits, corrections, and clarifications

[Text deleted from the draft has brackets]  
Text added to the draft is underlined

## Division 1.1. In General

### Section 1.1.1. Citation

This Chapter is known as the “Zoning Ordinance” of the Montgomery County Code. Within this Chapter, the Zoning Ordinance may be referred to as this or the “Chapter.”

### Section 1.1.2. Repeal of Existing Zoning Ordinance

The existing zoning ordinance entitled, “Montgomery County Code Zoning Ordinance: Chapter 59,” as adopted on January 18, 2005 and as subsequently amended, is repealed as of [the effective date of the District Map Amendment. The adoption of the revised Zoning Ordinance] {FILL IN EFFECTIVE DATE}; however, this repeal does not affect or prevent any enforcement of the previous zoning ordinance, as applicable.

### Section 1.1.3. Severability

- A. Each provision of this Chapter is severable.
- B. Each provision of any amendment to this Chapter is severable unless the [Chapter] amendment says otherwise.
- C. The finding by a court that some provision of this Chapter or any amendment is unconstitutional and void does not affect the validity of the remaining portions of this Chapter unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed within the legislative intent of the District Council.

## Division 1.2. Purpose

### Section 1.2.1. Purpose of Chapter 59

The purpose of this Chapter is to provide zoning requirements designed to:

- A. control street congestion;
- B. promote health, public safety, and general welfare;
- C. provide adequate light and air;
- D. promote the conservation of natural resources;
- E. prevent environmental pollution;
- F. avoid an undue concentration of population; and
- G. promote or facilitate adequate transportation, water, sewerage, schools, recreation, parks, and other public facilities.

## Division 1.3. Applicability

### Section 1.3.1. Applicability

This Chapter applies to that portion of the Maryland-Washington Regional District in Montgomery County, except for certain municipalities in [Section\[Sec\]. 1.3.2.](#), and applies to all structures, lands, and uses over which the County has jurisdiction under the laws of the State of Maryland.

### Section 1.3.2. Nonapplicability to Certain Municipalities

This Chapter does not apply to the municipal corporations of Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove.

### Section 1.3.3. Annexations

#### Annexation of Additional Area to the Regional District

Any area annexed into that portion of the Maryland-Washington Regional District in Montgomery County after [\[the effective date of this Chapter\] {FILL IN EFFECTIVE DATE}](#) will immediately upon annexation be automatically classified in the most nearly comparable zone until a Sectional or District Map Amendment for such area has been adopted by the District Council. The Commission must recommend to the District Council zoning for the annexed area no later than 6 months after the effective date of such annexation.

## Division 1.4. Defined Terms

### Section 1.4.1. Rules of Interpretation

The following rules of interpretation apply to this Chapter.

#### A. How to Compute Periods Measured in Months

If a period of time is measured in months, the period begins and ends on the same day of a month; however, if there are not enough days in the final month for this to be possible, the period ends on the final day of the final month.

#### B. How to Compute Periods Measured in Days

If this Chapter requires or allows a person to perform an act within a specific time period measured in days, the person must compute the deadline in the following manner:

1. If the period follows an event, count the day after the event as the first day of the period,
2. Count the remaining number of days in the period; however, if the period is 7 days or fewer, omit Saturdays, Sundays, and legal holidays.
3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or if the office where the person must file a [\[paper\] document](#) or perform an act is not open during the regular hours of that office on that day.

#### C. Requirements to Act by a Specific Date

1. If the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday.
2. Any action required to be taken within a specific time period is measured from the date of a final agency action, or, if a party seeks judicial review of the agency action, from the date the court makes a final decision.

#### D. Signatures

The signature of a person may be the actual signature of the person or a mark that the person has authorized.

#### E. Singular and Plural

The singular includes the plural and the plural includes the singular.

#### F. Tense

The present tense includes the future tense.

#### G. Use of "Or"

"Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

#### H. Use of "Includes"

"Includes" does not limit a term to the specified examples.

#### I. Title of Articles, Divisions, and Sections

Titles and captions are not part of the law. They only advise the reader of the content of each Article, Division, or Section.

#### J. Illustrations and Examples

This Chapter contains numerous illustrations and examples to assist the reader in understanding and applying the Chapter. To the extent that there is any inconsistency between the text of this Chapter and any such illustration or example, the text controls unless otherwise provided in the specific section. All illustrations are illustrative.

### Section 1.4.2. Specific Terms and Phrases Defined

In this Chapter, terms that are not specifically defined have their ordinary meaning. The following words and phrases have the meanings indicated.

#### A.

**Abandonment:** The cessation of activity necessary to the operation of a conditional [or non-conforming](#) use for at least 6 months.

**Abutting:** 2 properties are abutting if they share a property line or easement line.

**Accessory Apartment:** [\[A second dwelling unit that is subordinate to the principal dwelling. An Accessory Apartment includes an Attached Accessory Apartment and a Detached Accessory Apartment.\] See Section 3.3.3.A.1](#)

**Accessory Structure:** [A structure subordinate to and located on the same lot as a principal building, the use of which is incidental to the use of the principal building or to the use of the land. An Accessory Structure is not attached by any part of a common wall or common roof to the principal building.] [See Section 3.7.4.A.1](#)

**Accessory Use:** [A use that is incidental and subordinate to the principal use of a lot or the principal building, and located on the same lot as the principal use or building.] [See Section 3.7.4.B](#)

**Adjacent:** Being close to or nearby without requiring the sharing of a common boundary.

**Adult Entertainment:** [An establishment that:

1. sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10% of the total floor area for selling, renting, exhibiting, or displaying all materials;
2. features nude persons in adult entertainment performances; or
3. otherwise requires a County license as an adult entertainment business.] [See Section 3.5.10.A.1](#)

**Adult Entertainment Material or Performance:** A book, magazine, periodical, or other printed matter; photograph, film, motion picture, video cassette, slide, or other visual representation; sculpture or 3- dimensional representation; recording or other sound representation; or sexual paraphernalia that depicts or describes, or a live performance that depicts, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in State law.

**Age-Restricted:** [A use restricted to persons who are 55 years of age or older.](#)

**Agricultural Auction Facility:** [Any structure and land where farm-related merchandise is sold to a bidder.] [See Section 3.2.1.A](#)

**Agricultural Education/Tourism:** [See Section 3.2.11.A.1](#)

**Agricultural Processing:** [An operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural Processing includes milk plant, grain elevator, and mulch or com-

post production and manufacturing, but does not include Slaughterhouse (see Sec. 3.2.8, Slaughterhouse).] [See Section 3.2.2.A](#)

**Agricultural Vending:** [The sale of produce by a vendor who is a certified agricultural producer as defined in Chapter 47.] [See Section 3.2.12.A.1](#)

**Agriculture:** The business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, livestock, and the products of forestry, horticulture, and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product.

**Airport Approach Area:** An area adjacent to an airport, airpark, or airfield designed for fixed-wing aircraft, which is a trapezoidal area extending from both ends of the landing strip with dimensions as recommended by the Federal Aviation Agency or the Maryland State Aviation Administration.

**Alley:** A right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties.

**Amateur Radio Facility (Up to 65 Feet in Height):** [\[Any structure used for personal, noncommercial radio communications licensed by the Federal Communications Commission.\] See Section. 3.5.14.A](#)

**Amateur Radio Facility (Over 65 Feet in Height):** [See Section 3.5.14.B.1](#)

**Ambulance, Rescue Squad (Private):** [\[Volunteer, privately supported, or non-profit facility providing emergency fire protection, rescue, or ambulance services. Ambulance, Rescue Squad \(Private\) does not include non-emergency ambulance transportation services.\] See Section. 3.4.1.A](#)

**Amenity Open Space:** [\[An outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.\] See Section 7.3.7.A.2](#)

**Animal Boarding and Care:** [\[The boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals at a location other than a Veterinary Office/](#)

Hospital, not including animals raised for agricultural purposes.] [See Section 3.5.1.B.1](#)

**Animal Husbandry:** [The practice of raising hens, ducks, miniature goats, rabbits, or bees.] [See Section 3.2.11.B.1](#)

**Animal Research Facility:** [Any structure or land for the use of non-human animals in scientific experimentation.] [See Section 3.6.1](#)

**Animal Services:** [The provision of care for animals. Animal Services does not include any use considered accessory to an agricultural use.] [See Section 3.5.1.A](#)

**Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips.

**Antenna on Existing Structure:** [One or more antennas attached to an existing support structure, including a building, a transmission tower, a monopole, a light pole, a water tank, a silo, a barn, or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.] [See Section 3.5.14.C.1](#)

**Apartment[/Condo]:** [A building containing 3 or more dwelling units vertically and horizontally arranged. An apartment[/condo] may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.] [See Section 4.1.3.D](#) and [Section 4.1.5.D](#)

**Artisan Manufacturing and Production:** [The manufacture and production of commercial goods by a manual worker or craftsman, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products. Artisan Manufacturing and Production does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property.] [See Section 3.6.4.A](#)

**Attached Accessory Apartment:** [A second dwelling unit that is part of a detached house building type and provides for cooking, eating, sanitation, and sleeping. An Attached Accessory Apartment is subordinate to the principal dwelling.] [See Section 3.3.3.B.1](#)

**Automobile Storage Lot:** [The storage of automobiles in connection with a towing operation. Automobile Storage Lot does not include the storage of junked cars.] [See Section 3.5.13.A.1](#)

**Awning:** A wall-mounted, cantilevered structure that provides shade and cover from the weather.

## B.

**Balcony:** A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window. A balcony is not fully enclosed.

**Base Density:** The maximum FAR or number of dwelling units per acre permitted by the zoning classification of a property without the use of optional method Cluster [Development](#), [optional method MPDU Development](#), or TDR density increase or application of a Floating zone.

**Base Zone:** The mapped zone and accompanying development standards that apply to a property before the application of a Floating or Overlay zone.

**Basement:** The portion of a building below the first floor joists of which at least half of its clear ceiling height is above the average elevation of the finished grade along the perimeter of the building.

**Bed and Breakfast:** [A detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfast to guests.] [See Section 3.5.6.B.1](#)

**Belt Courses:** A continuous course of brick, shingles, stone, or tile.

**Berm:** A continuous linear earthen mound of varying height designed and placed to screen the view of and reduce the noise from an adjacent, incompatible use, such as a highway.

**Bicycle Parking, Long-Term:** Secure bicycle parking intended for use by residents and employees of a building.

**Bicycle Parking, Short-Term:** Spaces for bicycle parking intended for use by visitors to a building.

**Bikeshare Facility:** A facility that includes a bikeshare dock and bicycles and is part of a network of bikeshare facilities that is available for shared use by the public and approved by the Director of the Department of Transportation or the Director's designee.

**Binding Element:** [A restriction or requirement in an approval that limit an element, such as the] [A condition of an approval that restricts or requires a use](#), building type, density, [building height](#), [restrictions or] setback, [or general development] [screening](#), public benefit, or layout [requirements] of a [development](#).

**Blank Wall:** [A portion of the exterior façade of the building that does not include windows or doors, or columns, pilasters, or other articulation greater than 8 inches in depth.] [See Section 4.1.7.D.2](#)

**Build-to-Area (BTA):** [The area on the lot where a certain percentage of the front building façade must be located, measured as a range from the edge of the lot line.] [See Section 4.1.7.B.3](#)

**Building:** A structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

**Building Height:** [In Agricultural, Rural Residential, and Residential zones, the distance measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line. In Commercial/Residential, Employment and Industrial zones, height is measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may measured from either curb grade. In the case of a building set back from the street line 35 feet or

more, the building height is measured from the average elevation of finished ground surface along the front of the building. Building height measurement excludes structures allowed under Sec. 4.1.5.D.3.] [See Section 4.1.7.C](#)

**Building Lot Termination (BLT):** A transferable development right (TDR) created from land that:

1. consists of at least 25 acres;
2. is capable of being served by an individual sewage treatment unit that [\[meets the requirements of\] satisfies Chapter 27A](#) and applicable regulations issued under that Chapter;
3. is located in the AR zone; and
4. could be encumbered by a BLT easement under this Chapter.

When a BLT easement is recorded in the land records, the easement extinguishes the right to build a dwelling unit in the AR zone; this attribute distinguishes a BLT from other TDRs.

**Bus, Rail Terminal/Station:** [\[Any structure and land used for bus and train arrivals and departures. Bus, Rail Terminal/Station does not include bus or train maintenance \(see Sec. 3.5.13.D, Repair \(Commercial Vehicle\)\).\] See Section 3.6.6.A.1](#)

## C.

**Cable Communications System:** [\[An arrangement of antennas, cables, amplifiers, towers, microwave links, lines, wires, waveguides, laser beams, satellites, or any other conductors, converters, equipment, or structures designed, constructed and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electrical signals, programs and services in which the signals are distributed by wire or cable to subscribing members of the public. Cable Communications System does not include any similar system with cables that do not touch public rights-of-way and that serve only the occupants of a single property under common ownership or management.\] See Section 3.5.2.A.1](#)

**Camp Retreat, Nonprofit:** [Land used by a nonprofit institution to provide social, recreational, and cultural activities for children, youth, or adults. A camp](#)



retreat may contain permanent structures for lodging, meeting, and recreational purposes.

**Campground:** [A parcel, lot, or tract of land used for 2 or more tent or recreational vehicle campsites. Campground does not include sites for manufactured homes.] See Section 3.5.10.B.1

**Car-Share Space:** A parking space intended for use by the customer of a vehicle-sharing service to park in-service vehicles.

**Car Wash:** [Any structure or land with mechanical or hand-operated facilities used for cleaning, washing, polishing, or waxing of motor vehicles.] See Section 3.5.13.B.1

**Catering Facility, Outdoor:** Any structure and land where food and drink is provided commercially at outdoor events. An outdoor catering facility includes an enclosed food preparation building.

**Cellar:** The portion of a building below the first floor joists of which at least half of the clear ceiling height is below the average elevation of the finished grade along the perimeter of the building.

**Cemetery:** [A place used for the permanent interment of deceased persons or animals or their cremated remains. A Cemetery does not include a memorial garden on the premises of a religious institution (see Sec. 3.4.10, Religious Assembly).] See Section 3.5.4.A.1

**Central Business District (CBD):** Any one of the principal business areas of the County that has been designated as a central business district in this Chapter as shown on the official map displayed on the Planning Department website at <http://www.montgomeryplanning.org/>

**Certified Site Plan:** A final document that incorporates all elements of the site plan approved by the Planning Board, including: a project data table; all necessary engineered drawings; specific references to all agency approvals required by the Planning Board approval resolution; and a complete copy of the approval resolution.

**Charitable, Philanthropic Institution:** [A private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, recreation, or environmental

conservation. Charitable, Philanthropic Institution does not include a trade or business whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. A Charitable, Philanthropic Institution also does not include other uses specifically defined or regulated in this Chapter such as a: Religious Assembly (See Sec. 3.4.10, Religious Assembly), public or private educational institution (See Sec. 3.4.5, Educational Institution (Private) and Sec. 3.4.9, Public Use (Except Utilities)), library or museum (See Sec. 3.4.3, Cultural Institution), Private Club, Service Organization (See Sec. 3.4.8, Private Club, Service Organization), Hospital (See Sec. 3.4.6, Hospital), Residential Care Facility (See Sec. 3.3.2.E, Residential Care Facility), or Independent Living Facility for Seniors or Persons with Disabilities (See Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).] See Section 3.4.2.A

**Child:** A biological child or an adopted child. A child does not include a stepchild, foster child, or grandchild, or a more remote descendant.

**Clinic (Up to 4 Medical Practitioners):** [A building occupied by medical practitioners and related services to provide healthcare on an outpatient basis.] See Section 3.5.7.A.1

**Clinic (More than 4 Medical Practitioners):** See Section 3.5.7.B.1

**Combination Retail:** See Section 3.5.11.A.1

**Commercial Kitchen:** [A part of a building that is accessory to Religious Assembly (Sec. 3.4.10, Religious Assembly) or Public Use (Except Utilities) (Sec. 3.4.9, Public Use (Except Utilities)) and satisfies the requirements of Chapter 15 for the preparation of food that could be sold to the public.] See Section 3.5.14.D.1

**Commercial Vehicle, Heavy:** Any motor vehicle, tandem axle trailer, or semi-trailer used for carrying freight or merchandise, or used in [the furtherance of] any commercial enterprise that is:

1. greater than 10,000 pounds gross vehicle weight;
2. rated by the manufacturer with a load capacity of more than one ton;
3. 21 feet long or longer, measured from the extremes of the vehicle, including any object on the vehicle; or

4. more than 8 feet high, with properly inflated tires, measured from the ground to the highest part of the vehicle, including any racks but excluding any antennas.

A heavy commercial vehicle does not include a recreational vehicle, a motor vehicle owned or operated by the County or other government agency, a machine or a vehicle for agricultural use, or a tow truck that is less than 10,000 pounds gross vehicle weight, shorter than 21 feet in length as measured under subsection (c), and less than 8 feet high as measured under subsection (d).

**Commercial Vehicle, Light:** Any motor vehicle or trailer used for carrying freight or merchandise, or used in the promotion of any commercial enterprise that is not a heavy commercial vehicle and not used as an office or containing an entry for transactions. A light commercial vehicle is not a recreational vehicle, a motor vehicle owned or operated by the County or other government agency, or a machine or vehicle for agricultural use.

**Commission:** The Maryland-National Capital Park and Planning Commission.

**Common Open Space:** [An outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.] See [Section 7.3.5.A.2](#)

**Community Garden:** [Land cultivated by a group of people to grow products for personal use or limited distribution and not for sale on-site. Community Garden includes cultivation of fruits, vegetables, flowers, ornamental plants, and beekeeping, but does not include Animal Husbandry (see Sec. 3.2.11.A, Animal Husbandry) or Urban Farming (see Sec. 3.2.9, Urban Farming).] See [Section 3.2.3.A](#)

**Conditional Use:** A use that must meet the conditional use standards in [Division \[Div\] 3.2](#) through [Division \[Div.\] 3.7](#) and requires approval by the [Board of Appeals or ] Hearing Examiner, under the findings in [Section \[Sec\]. 8.3.1](#). A conditional use is a special exception.

**Conference Center:** [A facility for conducting meetings, discussions, and conferences. Conference Center includes meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and supporting services designed to accommodate planned meetings. Conference Center does not include a Hotel, Motel (see Sec. 3.5.6.C, Hotel, Motel).] See [Section 3.5.10.C.1](#)

**Confronting:** Properties that are directly across a right-of-way [of less than 150 feet](#) from each other based on a line between the 2 properties that is drawn perpendicular to the right-of-way. Properties within a 45 degree diagonal across an intersection are also confronting.

**Construction Administration or Sales Office:** [A temporary office for construction administration or real estate sales.] See [Section 3.5.15.A.1](#)

**Contractor Storage Yard:** [An outdoor storage yard for construction equipment or building materials and supplies.] See [Section 3.6.2.A](#)

**Country Inn:** [An establishment for dining in a rural area that may include a maximum of 12 overnight guest rooms and the following subordinate uses: rural antique shop; handicrafts or art sales; equestrian-related retail sales and service; and recreational facilities primarily for the use of guests.] See [Section 3.5.3.A.1](#)

**County:** Montgomery County, Maryland.

**Coverage:** [The area of a lot or site occupied by buildings, including accessory buildings, structured parking, or other roofed structures such as porches, patios, decks, and steps. Coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.] See [Section 4.1.7.B.5](#)

**Crematory:** [A structure in which cremation occurs.] See [Section 3.5.4.B.1](#)

**Cultural Institution:** [Any private facility where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study, or reference, but not typically offered for sale. Cultural Institution includes a museum, cultural or art gallery, and library.] See [Section 3.4.3.A](#)

## D.

**Day Care Center (13 - 30 Persons):** [A Day Care Facility for 13 to 30 persons where staffing, operations, and structures comply with State and local regulations. A Day Care Center (13-30 Persons) includes a Family Day Care (Up to 8 Persons) and Group Day Care (9-12 Persons) where the provider is not a resi-

dent and cannot meet the non-resident provider requirement.] See Section [3.4.4.E.1](#)

**Day Care Center (Over 30 Persons):** [A Day Care Center (Over 30 Persons) is a Day Care Facility for over 30 persons where staffing, operations, and structures comply with State and local regulations and is not located in a townhouse or duplex building type.] See Section [3.4.4.F.1](#)

**Day Care Facility:** [An establishment where care is provided for less than 24 hours a day, for which the provider is paid, for any of the following: a child under the age of 17 years; any developmentally disabled person; any handicapped individual; or any elderly individual. Day Care Facility does not include a non-public kindergarten in which an instructional program is offered or provided for children who are at least 5 years old; or a non-public elementary school in which an instructional program is offered or provided for children who are in grades one through eight (see Sec. 3.4.5. Educational Institution (Private)).] See Section [3.4.4.A](#)

**dBa:** A-weighted decibels measure as defined in [Chapter 31B](#).

**DBH:** Diameter at breast height.

**Detached Accessory Apartment:** [A second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type and provides for cooking, eating, sanitation, and sleeping. A Detached Accessory Apartment is subordinate to the principal dwelling.] See Section [3.3.3.C.1](#)

**Detached House:** [A building containing one dwelling unit. A detached house may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. An existing detached house building type may be used entirely for a nonresidential use under Sec. 4.1.3.A.] See Section [4.1.3.A](#) and Section [4.1.5.A](#)

**Development Rights:** The potential for the improvement of a property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the property.

**Distribution Line (Above Ground):** [An above ground or below ground electric line, cable line, or telephone line.] See Section [3.6.7.A.1](#)

**Distribution Line (Below Ground):** See Section [3.6.7.B](#)

**District:** That portion of the Maryland-Washington Regional District in Montgomery County.

**District Council:** The Montgomery County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County.

**Dormitory:** [A building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.] See Section [3.3.2.B](#)

**DPS:** Department of Permitting Services or the Director of Permitting Services' designee.

**Drive-Thru:** [A facility where the customer is served while sitting in a vehicle. Drive-Thru includes drive-thru restaurants, banks, and pharmacies, but does not include Filling Station (see Sec. 3.5.13.C, Filling Station).] See Section [3.5.14.E.1](#)

**Dry Cleaning Facility (Over 3,000 SF):** [An establishment over 3,000 square feet of gross floor area for the mechanical cleaning of garments, articles, or goods of fabric. Dry Cleaning Facility (Over 3,000 SF) includes a linen, diaper, or uniform laundering service and may perform work on the premises for other dry cleaning and laundry services and serve retail customers.] See Section [3.6.3.A.1](#)

**Dry Cleaning Facility (Up to 3,000 SF):** [An establishment up to 3,000 square feet of gross floor area for the mechanical cleaning of garments, articles, or goods of fabric for retail customers. Dry Cleaning Facility (Up to 3,000 SF) does not include a laundromat or dry cleaning and laundry pick-up station, (see Sec. 3.5.11.A, Retail/Service Establishment).] See Section [3.6.3.B](#)

**Duplex:** [A building containing 2 principal dwelling units. A duplex may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.] See Section [4.1.3.B](#) and Section [4.1.5.B](#)

**Dwelling Unit:** A building or portion of a building providing complete living facilities for not more than one household, including, at a minimum, facilities for cooking, sanitation, and sleeping.

**Dwelling for Caretaker/Watchkeeper:** [A dwelling unit for a caretaker or watchkeeper and their families.] [See Section 3.3.3.D](#)

**E.**

**Educational Institution (Private):** [A private school or educational or training academy providing instruction or programs of learning. Educational Institution (Private) includes tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs, and summer day camps, any of which may serve individuals who are not enrolled as students in the institution's academic program. Educational Institution (Private) does not include schools operated by the County Board of Education or education conducted in the provider's home as a Home Occupation (See Sec. 3.3.3.H, Home Occupation).] [See Section 3.4.5.A](#)

**Encroachment:** Any structure that is located between the lot line and the required setback lines or above the height limit.

**Environmental Site Design (ESD):** Stormwater management practices, non-structural techniques, and site planning to mimic natural hydrologic runoff characteristics and minimize the impact of development on water resources as specified in the [Maryland Design Manual](#).

**Equestrian Activity:** The care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills.

**Equestrian Event:** A competition, exhibition, or other display of equestrian skills.

**Equestrian Facility:** [Any structure or land area that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. Equestrian Facility includes events such as competitions, exhibitions, or other displays of equestrian skills.] [See Section 3.2.4.A](#)

**Established Building Line:** A front setback line that is greater than the minimum setback required for structures in a designated zone.

**Euclidean Zone:** A zone that is applied to a specific geographic area on the zoning map.

**F.**

**Family Burial Site:** A location used for the permanent interment of deceased persons and ashes related to the property owner by blood, marriage, or adoption.

**Family Day Care:** [A Day Care Facility for a maximum of 8 persons in a dwelling where for child day care the registrant is the provider and a resident, or the registrant is not a resident but more than half the children cared for are residents. The provider's own children under the age of 6 are counted within the group of 8. For care of senior adults or persons with disabilities the registrant is the provider. Family Day Care does not include more than 2 non-resident staff members on-site at any time or a provider that is not a resident and does not meet the requirement for a non-resident provider (see Sec. 3.4.4.E, Day Care Center (13-30 Persons)).] [See Section 3.4.4.C](#)

**Farm Airstrip, Helistop:** [An accessory take-off and landing facility for aircraft associated with farming operations.] [See Section 3.2.11.C.1](#)

**Farm Market, On-site:** [The display and retail sale of agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of that farm market. A limited portion of the sales may include agricultural products produced on another farm. A Farm Market, On-site may include farm food products certified as non-potentially hazardous by the Department of Health and Human Services.] [See Section 3.2.11.D.1](#)

**Farm Supply or Machinery Sales, Storage, and Service:** [The sales, storage, or service of machinery used in farming for agricultural purposes. Farm Supply or Machinery Sales, Storage, and Service does not include sales, storage, or service of vehicles and other machinery not associated with farming.] [See Section 3.2.5.A](#)

**Farm Tenant Dwelling:** [A dwelling unit under the control of the owner or operator of the farm on which the dwelling unit is located and occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis. Farm Tenant Dwelling includes up to 3 mobile homes. A Farm Tenant Dwelling is not restricted by the definition of household, and may share a well or septic system or both.] [See Section 3.3.3.E.1](#)

**Farming:** [An operation on a property, with or without associated buildings, that is being used for agriculture. Agriculture is the business, science, and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product. Farming includes the following accessory uses:

1. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled within Montgomery or adjacent counties by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing.
2. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled in Montgomery and adjacent counties by the farmer.
3. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
4. The delivery and installation of horticultural products grown on the farm.] [See Section 3.2.6.A](#)

**Fence:** Any structure of posts and non-masonry connected material.

**Fence, Boundary:** A fence that is up to 5 feet high and constructed of unpainted wood posts and connecting material.

**Fence, Deer:** A fence that is up to 8 feet high and constructed of an open mesh ranging in size from 1.5 x 1.5 inches to 2 x 2.75 inches made of heavy weight, plastic or similar material that allows a clear view through the fence and may be constructed with wood, metal, or fiberglass posts.

**Fence, Rustic:** A fence that is up to 4 feet high and constructed of unpainted wood where the number of posts do not exceed 1 post for every 6 feet of fence plus 1 and the number of rails between any 2 posts do not exceed 3; the rails must leave at least 75% of the space created between the posts open.

**Filling Station:** [A facility used primarily to dispense motor vehicle fuels to the consumer. Filling Station includes minor repair services as an accessory use and an accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles are limited to 2 bays. Filling Station does not include storage or parking offered for rent.] [See Section 3.5.13.C.1](#)

**Floating Zone:** A flexible zone that is to be used for a designated purpose, but whose location is to be determined in the future as part of a Local Map Amendment.

**Floor Area Ratio (FAR):** The ratio between the [total] gross floor area of all buildings on a tract divided by the area of the tract.

**Food Service Truck:** A mobile food service where food or drink is prepared, served, or sold from a commercial vehicle.

**Footprint:** The area encompassed by a building's outer wall at ground level.

**Freight Movement:** [A establishment involved in the movement of goods or equipment, including temporary storage, for delivery to other facilities or the final consumer. Freight Movement does not include on-site sales activity.] [See Section 3.6.8.A](#)

**Frontage:** A property line shared with an existing or master-planned public or private road, street, highway, or alley right-of way or easement boundary.

**Funeral Home, Undertaker:** [A facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.] [See Section 3.5.4.C.1](#)

## G.

**Gallery:** A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side.

**General Building:** [A building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses. When a general building is approved for a limited or conditional use in a Residential

Detached zone, the building and site design must, to the maximum extent practicable, have the exterior appearance of a detached house.] [See Section 4.1.5.F](#)

**Golf Course, Country Club:** [The course and surrounding land maintained for the game of golf, including accessory maintenance facilities, putting greens and driving ranges, and club houses that may contain locker rooms, restaurants, pro shops, tennis courts, and pools. Golf Course, Country Club includes the provision of food, refreshments, and entertainment for club or organization members and their guests.] [See Section 3.5.10.D.1](#)

**Grain Elevator:** A structure for elevating, drying, storing, and discharging grain.

**Green Area:** Outdoor scenic, recreational, or similar amenities, including lawns, decorative plantings, sidewalks and walkways, and active and passive recreational areas that are available for occupants and visitors of the building.

**Greenhouse:** A structure used for the cultivation and protection of plants including a hoophouse or high tunnel.

**Grocery Store:** A Retail/Service Establishment with at least 80% of the sales floor area devoted to the sale of food products for home preparation.

**Gross Floor Area (GFA):**The sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls and from the center line of walls separating buildings. Gross floor area includes:

1. basements;
2. elevator shafts and stairwells at each floor;
3. floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more;
4. floor space in an attic with structural headroom of 6 feet, 6 inches or more (regardless of whether a floor has been installed); and
5. interior balconies and mezzanines.

Gross floor area does not include:

6. mechanical equipment on rooftops;
7. cellars;

8. unenclosed steps, balconies, and porches;

9. structured parking;

10. floor area for publicly owned or operated uses or arts and entertainment uses provided as a public benefit under the optional method of development;

11. floor area for an historic resource recommended in the master plan to be preserved and reused, which does not occupy more than 10% of the gross floor area;

12. interior balconies and mezzanines for common, non-leasable area in a regional shopping center;

13. in the Commercial/Residential and Employment zones, floor area for all Moderately Priced Dwelling Units (MPDUs) that exceed the minimum 12.5% of required MPDUs; and

14. in the LSC and Industrial zones, floor space used for mechanical equipment.

**Gross Leasable Area:** The total floor area designed for commercial tenant occupancy and exclusive uses, including basements, mezzanines, and the upper floors if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

**Group Day Care (9 - 12 Persons):** [A Day Care Facility for 9 to 12 persons where staffing, operations, and structures comply with State and local regulations and the provider's own children under the age of 6 are counted towards the maximum allowed persons.] [See Section 3.4.4.D.1](#)

**Group Living:** [The residential occupancy of a structure by a group of people that does not meet the definition of a Household Living use under Sec. 3.3.1, where tenancy is arranged on a monthly or longer basis.] [See Section 3.3.2.A](#)

**Group Picnic, Catering, and Recreation Facility:** Any structure and land for company and group picnics, casual banquets, meetings and parties, and on-site and off-site food preparation for catering service.

**Guest House:** [A detached dwelling that is intended, arranged, or designed for occupancy by transient, nonpaying visitors of the resident owner of the principal dwelling.] [See Section 3.3.3.F.1](#)

## H.

**Hazardous Material Storage:** [The storage of materials that the US Environmental Protection Agency (EPA) has determined are hazardous. Hazardous Material Storage includes materials on the F-list (wastes from common manufacturing processes), K-list (wastes from specific industries), and P- and U-lists (wastes from commercial chemical products) as well as characteristic wastes that are not included on any of the previous listings, but that generally exhibit ignitability, corrosivity, reactivity, or toxicity.] [See Section 3.6.8.B.1](#)

**Health Clubs and Facilities:** [An establishment designed to enhance physical conditioning and general health. Health Clubs and Facilities includes dance, martial arts, and yoga studios.] [See Section 3.5.10.E.1](#)

**Hearing Examiner:** The Hearing Examiner or Examiners appointed by the County Council to conduct certain zoning hearings and make recommendations to the County Council and other duties under [Chapter 2A](#).

**Heavy Manufacturing and Production:** [The processing, manufacturing, or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosives, and may involve outdoor operations as part of their manufacturing process. Heavy manufacturing processes have greater than average impacts on the environment or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards. Heavy Manufacturing and Production does not include arsenals; blast furnaces; boiler works; distillation of bones; dumps; fat rendering; forge plants; incinerators, except when operated or licensed by a duly authorized public agency; ore reduction; packing houses, including meat canning or curing houses; petroleum refining, or storage in more than tank car lots; rolling mills; smelting; tanning, curing or dyeing of leather, rawhides or skins, or storage of skins; and wool pulling or scouring. Heavy Manufacturing and Production also does not include acetylene; ammonia, bleaching powder,

chlorine; asphalt; celluloid or pyroxylin (or treatment of celluloid or pyroxylin); disinfectants; emery cloth or sandpaper; explosives, fireworks or gunpowder; fertilizers; gas for illumination or heating; glue, size, or gelatin; insecticides; lampblack; leather goods; linoleum; matches; mortar, lime, plaster, cement, gypsum; oil cloth or oiled products; paint, oil, shellac, turpentine or varnish employing a boiling or rendering process; potash; rubber or products made therefrom; soap; shoeblacking or polish; soda or soda compound; acids or other corrosive or offensive substances; tar or tar roofing or water proofing or other tar products or distillation thereof; and yeast, except as part of medical and biotechnical research and development.] [See Section 3.6.4.B](#)

**Heavy Vehicle Sales and Rental:** [The sales, rental, or leasing of heavy equipment, manufactured homes, and commercial vehicles, including 18-wheelers, commercial box trucks, high-lifts, and construction and heavy earth-moving equipment.] [See Section 3.5.12.A.1](#)

**Helipad, Heliport:** [A designated area, either at ground level or elevated on a structure, that is used on a regular basis for the landing and takeoff of rotorcraft. Helipad, Heliport includes support facilities such as refueling services, maintenance and cargo loading areas, tie-downs and hangars, administration offices, and other appropriate terminal facilities.] [See Section 3.6.6.B.1](#)

**Helistop:** [A designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. Helistop includes a small fuel tank for a ground level facility and minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space. Helistop does not include major support facilities (see Sec. 3.6.6.B, Helipad, Heliport).] [See Section 3.5.14.F.1](#)

**High Technology:** Any activity that requires advanced scientific equipment, advanced engineering techniques, or computers. High technology includes electronics, information technology, optics, nanotechnology, robotics, renewable energy development, telecommunications, and biomedical research.

**Home Address, Proof of:** Any valid document showing where a person lives as established by regulations under [Method 2 of Chapter 2A](#) ([\[Sec.\] Section 2A-15](#)).

**Home Health Practitioner:** [The office of a health practitioner who is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene, has an advanced degree in the field from an accredited educational institution, and who resides in the dwelling unit in which the office is located. Home Health Practitioner includes a registered nurse or physician's assistant if that person has an advanced degree in the field and practices independently. Home Health Practitioner does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.] [See Section 3.3.3.G.1](#)

**Home Health Practitioner (Low Impact):** [A Home Health Practitioner that is limited to 2 resident health practitioners and one nonresident support person in a 24-hour period.] [See Section 3.3.3.G.3.a](#)

**Home Health Practitioner (Major Impact):** [A Home Health Practitioner that is limited to 2 resident health practitioners and 2 or more non-resident support persons in a 24-hour period.] [See Section 3.3.3.G.4.a](#)

**Home Occupation:** [Any occupation that provides a service or product and is conducted within a dwelling unit by a resident of the dwelling unit. Home Occupation does not include Home Health Practitioner (see Sec. 3.3.3.G, Home Health Practitioner), Bed and Breakfast (see Sec. 3.5.6.B, Bed and Breakfast), Day Care Facility (see Sec. 3.4.4, Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see Sec. 3.5.5, Landscape Contractor), or Educational Institution (Private) (see Sec. 3.4.5, Educational Institution (Private)).] [See Section 3.3.3.H.1](#)

**Home Occupation (Low Impact):** [A Home Occupation that is limited to one non-resident employee per 24-hour period and is required to register with DPS.] [See Section 3.3.3.H.4.a](#)

**Home Occupation (Major Impact):** [A Home Occupation that is limited to 2 non-resident employees per 24-hour period and is regulated under Sec. 8.3.1, Conditional Use.] [See Section 3.3.3.H.5.a](#)

**Home Occupation (No Impact):** [A Home Occupation that is not required to register with DPS, prohibits non-resident employees, and is not regulated under Sec. 8.3.1, Conditional Use.] [See Section 3.3.3.H.3.a](#)

**Home Occupation and Home Health Practitioner, Eligible Area:** The total number of square feet of floor area, measured horizontally between interior faces of walls, in any building on a lot, including the area of a basement and any accessory building on the same lot but excluding the area of any cellar, uncovered steps, and uncovered porches. Eligible area does not include any addition to any building or any accessory building that was constructed no later than 18 months after DPS approved a Home Occupation on the lot.

**Hospital:** [An institution providing health services primarily for the sick or injured and offering inpatient medical or surgical care. Hospital includes accessory facilities, such as laboratories, helistops, training facilities, classrooms, central service facilities, and staff offices integral to the Hospital. Hospital does not include a stand-alone hospice (see Sec. 3.3.2.E, Residential Care Facility).] [See Section 3.4.6.A](#)

**Hotel, Motel:** [A building containing guest rooms arranged for short-term stays of less than 30 days for compensation and may contain one or more restaurants, meetings rooms, or banquet facilities. Hotel, Motel includes a hostel.] [See Section 3.5.6.C](#)

**Household:** A person living alone, or any [one](#) of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. any number of people related by blood, marriage, adoption, or guardianship;
2. up to 5 unrelated people; [or](#)
3. 2 unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, or guardianship; [or](#)
4. not more than 8 unrelated people who are "handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h). This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).]

Household does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose



association is seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

**Household Living:** [The residential occupancy of a dwelling unit by a household on a monthly or longer basis.] [See Section 3.3.1.A](#)

**I.**

**Immediate Family Member:** A person's parent, spouse, child, or sibling.

**Impervious Surface:** Any covering that prevents or significantly impedes the infiltration of water into the underlying soil, including any structure, building, patio, deck, sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile, swimming pool, or artificial turf. Impervious surface also includes any area used by or for motor vehicles or heavy commercial equipment regardless of surface type or material, any road, road shoulder, driveway, or parking area.

**Independent Living Facility for Seniors or Persons with Disabilities:** [A building containing dwelling units and related services for senior adults or persons with disabilities. Independent Living Facility for Seniors or Persons with Disabilities includes meal preparation and service, day care, personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations.] [See Section 3.3.2.C.1](#)

**Individual Living Unit:** A private living space located in a Personal Living Quarters building.

**Infill Development:** The building or construction of a detached house on a lot in an R-60, R-90, or R-200 zone if:

1. the lot was created by a plat recorded before January 1, 1978; or by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
2. the lot is less than 25,000 square feet in area; and
3. the construction proposed is:
  - a. a new detached house;

- b. the demolition and reconstruction of more than 50% of the floor area of the dwelling; or
- c. the addition of more than 50% of the floor area of the dwelling]

**Inherent Adverse Effects:** Adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.

**J.**

**K.**

**L.**

**Landfill, Incinerator, or Transfer Station:** [A landfill is a facility that collects and disposes of waste according to State of Maryland requirements for landfills. A landfill includes land clearing debris landfills, rubble landfills, and industrial waste landfills. An incinerator is a facility intended to reduce waste to ash through combustion and may produce energy or heat for re-use. An incinerator includes medical incinerator. A transfer station is a facility that receives solid or liquid wastes from others for transfer to another location according to State of Maryland requirements for transfer stations. Landfill, Incinerator, or Transfer Station is included in the Comprehensive Solid Waste Management Plan for Montgomery County.] [See Section 3.6.9.A.1](#)

**Landscape Contractor:** [The business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal.] [See Section 3.5.5.A](#)

**Lawn Maintenance Service:** The business of cutting grass, raking leaves, snow removal, and other activities associated with maintaining a yard, [and regulated by the provisions of Home Occupation \(Low Impact\)](#).

**Leader:** A downspout [for water](#) or a duct for conducting hot air to an outlet in a hot-air heating system.

**Life Sciences:** [\[Research, development, and manufacturing activities concerning one or more of the following scientific fields: biology, biophysics, biochemistry, bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine, immunology, embryology, clinical engineering, diagnostics, therapeutics, nutraceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy activities. For a business, institution, or government agency conducting such activities in a Life Sciences Center, Life Sciences also includes related activities and supporting services, such as administrative offices, educational facilities, libraries, data services, nanotechnology, informational technology, and robotics.\] See Section 3.5.8.A](#)

**Lighting Fixture (Luminaire):** A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and ballast (where applicable), and to connect the lamp to the power supply.

**Light Manufacturing and Production:** [\[The manufacturing of finished products or parts including processing, fabrication, assembly, treatment, and packaging of such products and parts, and incidental storage, sales, and distribution, where all manufacturing processes and any noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing processes are contained entirely within a building.\] See Section 3.6.4.C.1](#)

**Light Shelf:** A horizontal device, which may project into a room, beyond the exterior wall plane, or both, positioned to reflect daylight onto the ceiling and to shield the area immediately adjacent to the window from direct sunlight.

**Light Vehicle Sales and Rental (Indoor):** [\[The indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental \(Indoor\) includes the minor repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors.\] See Section 3.5.12.B.1](#)

**Light Vehicle Sales and Rental (Outdoor):** [\[The outdoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental \(Outdoor\) includes the minor repair of vehicles](#)

[and equipment for sale, rent, or lease as an incidental use.\] See Section 3.5.12.C.1](#)

**Limits of Disturbance:** An area on a certified site plan within which all construction work must occur.

**Live/Work Unit:** [\[A building, or space within a building, that combines space for a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.\] See Section 3.3.3.l](#)

**Lodging:** [\[Short-term overnight accommodation for compensation.\] See Section 3.5.6.A](#)

**Lot:** [\[A contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.\] See Section 4.1.7.A.3](#)

**Lot Area:** [\[The geographic extent defined by lot boundaries.\] See Section 4.1.7.A.4](#)

**Lot, Child:** A lot created for use for a detached house by a child, or the spouse of a child, of a property owner.

**Lot, Corner:** A lot abutting 2 or more streets at their intersection where the interior angle of the intersection does not exceed 135 degrees.

**Lot, Flag:** A lot with a narrow strip providing access to a public street where the bulk of the property contains no frontage.

**Lot, Interior:** Any lot other than a corner lot, including a through lot.

**Lot Line:** A line bounding a lot.

**Lot, Through:** An interior lot fronting on two streets, excluding a corner lot.

**Lot Width:** The horizontal distance between the side lot lines.

**Low Income:** At or below 60% of the area median income (as determined annually by the U.S. Department of Housing and Urban Development), adjusted for household size.

**M.**

**Management Control Plan:** An agreement that binds the owner of land to control signage as approved by the management authority under the agreement.

**Manufactured Home:** A structure intended for residential use and transportable in one or more sections, which is 8 feet or more in width and 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities. Manufactured Home includes the plumbing, heating, air conditioning, and electrical systems contained therein, and is manufactured under [the standards that are (1) promulgated by] the U.S. Department of Housing and Urban Development (HUD)[,] and [(2) stated in] the Code of Maryland Regulations 05.01.01, [revised January 1, 1984,] as [they may be] amended [from time to time,] and carries the HUD label. A manufactured home does not include a recreational vehicle.

**Media Broadcast Tower:** [Any structure used to transmit radio or television communications that are intended to be received by the public. Media Broadcast Tower does not include amateur radio antenna (see Sec. 3.5.14.A through Sec. 3.5.14.B, Amateur Radio Facility) or Telecommunications Tower (see Sec. 3.5.2.C, Telecommunications Tower).] See Section 3.5.2.B.1

**Medical, Dental Laboratory:** [A private, non-profit, or research facility for the testing of blood and other clinical specimens, including a blood or plasma donation center. Medical, Dental Laboratory includes the fabrication of medical or dental appliances.] See Section 3.5.7.C

**Medical Practitioner:** [A licensed physician, surgeon, dentist, osteopath, chiropractor, optometrist, physician's assistant, or nurse practitioner.] A healthcare professional licensed or certified by a board administered by the Maryland Department of Health and Mental Hygiene.

**Medical/Scientific Manufacturing and Production:** [The manufacturing, compounding, processing, assembly, or packaging, including incidental storage, sales, and distribution, of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, products resulting from biotechnical and biogenetic research, and medical, scientific, or technical instruments, devices, and equipment.] See Section 3.6.4.D.1

**Memorial Garden:** Any structure and land located on the premises of a Religious Assembly where ashes of deceased persons may be scattered or placed and where such areas may be set apart by formal plantings. A memorial garden includes an individual marker used to identify the location where the ashes of the deceased person are interred but does not include any individual monuments or headstones.

**Mineral Storage:** [Any structure and land for the off-loading, transfer, or storage of sand, gravel, or rocks.] See Section 3.6.8.C.1

**Mining, Excavation:** [Any use that extracts minerals and other natural resources from land. Mining, Excavation includes borrow pit and gravel mining.] See Section 3.6.5.A

**Mobile Home:** A structure intended for residential use and transportable in one or more sections, which is 8 feet or more in width and 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling without permanent foundation when connected to the required utilities. Mobile Home includes the plumbing, heating, air conditioning, and electrical systems contained therein, and is manufactured under [the standards that are (1) promulgated by] the U.S. Department of Housing and Urban Development (HUD)[,] and [(2) stated in] the Code of Maryland Regulations 05.01.01, [revised January 1, 1984,] as [they may be] amended [from time to time,] and carries the HUD label.

**Modal Split:** The relative proportion of persons arriving at a destination by each available method of transportation.

**Moderately Priced Dwelling Unit (MPDU):** Any dwelling unit that meets the requirements for a moderately priced dwelling unit in Chapter 25A.

**Monopole:** A single, freestanding pole-type structure, tapering from base to top and supporting one or more antenna for wireless transmission. A monopole is not a tower.

**MPDU Income:** The income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program under Chapter 25A.

**Multi-Unit Living:** [Dwelling units in an apartment/condo or multi use building type. Multi-Unit Living includes ancillary offices to manage, service, and maintain the development.] [See Section 3.3.1.E.1](#)

**Multi Use Building:** [A building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.] [See Section 4.1.5.E](#)

## N.

**Non-Auto Driver Mode Share (NADMS):** The percentage of commuters who travel to their worksite by means other than a single-occupant vehicle as calculated for an area [based on the results of] using an Annual Commuter Survey administered by the area's Transportation Management District (TMD) or by other acceptable means.

**Noncommercial Kennel:** [Any County-licensed establishment used for the keeping, breeding, or care of dogs, cats, or other domestic animals belonging to the site's owner and kept for purposes of show, hunting, breeding, or as pets. Noncommercial Kennel does not include an Equestrian Facility (see Sec. 3.2.4, Equestrian Facility).] [See Section 3.7.1.A](#)

**Noncomplying Use:** A term used to describe any structure located in a Residential Detached zone that was erected as or has been converted to a multi-unit dwelling and used continuously as a multi-unit dwelling from before January 1, 1954, to the effective date of Ordinance No. 8-66, March 23, 1979, even though such structure does not comply with the provisions of the zone in which it is located. Noncomplying use does not refer to and is not applicable to lawful nonconforming uses.

**Nonconforming Building or Structure:** A structure that was lawful when constructed, that no longer conforms to the requirements of the zone in which it is located.

**Nonconforming Use:** A use that was lawful when established, that no longer conforms to the requirements of the zone in which it is located.

**Non-Inherent Adverse Effects:** Adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.

**Nonresidential Building:** [See Section 4.1.3.E](#)

**Nursery (Retail):** [An establishment for selling plants and plant materials to the public, as well as garden supplies, equipment, and related items. Nursery (Retail) does not include Landscape Contractor (see Sec. 3.5.5, Landscape Contractor).] [See Section 3.2.7.A.1](#)

**Nursery (Wholesale):** [An establishment for selling plants and plant materials to other businesses, as well as garden supplies, equipment, and related items. Nursery (Wholesale) includes the stocking and sale of fertilizers, plant food, and pesticides that are produced off-site. Nursery (Wholesale) does not include Landscape Contractor (see Sec. 3.5.5, Landscape Contractor).] [See Section 3.2.7.B.1](#)

## O.

**Office:** [A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is conducted. Office includes a chancery, but does not include medical or dental services (see Sec. 3.5.7, Medical and Dental) ) or Veterinary Office/Hospital (see Sec. 3.5.1.C, Veterinary Office/Hospital).] [See Section 3.5.8.B.1](#)

**Overlay Zone:** A zone mapped over the underlying base zone that modifies the requirements of the underlying zone.

## P.

**Parcel:** A contiguous area of land that is described by deed or plat recorded in the land records.

**Parking:** [A lot or structure that provides parking for motor vehicles where the facility is the principal use and a fee may be charged.] [See Section 3.5.9.A](#)

**Parking, Shared:** Privately-owned parking that is available as public parking [at all times or during specified periods of time] [at least for some time periods.](#)

**Parking, Tandem:** The arrangement of parking spaces where one space is directly in front of another space and one vehicle must be moved [in order] to access the other.

**[Parking Benefit District (PBD):** A designated area in which a parking minimum and parking maximum apply and developers have the option to pay a fee in lieu of providing off-street parking. See Chapter 60.]

**[Parking Benefit District, Primary:** See Chapter 60.]

**[Parking Benefit District, Secondary:** See Chapter 60.]

**Parking Lot District:** A designated area defined in Chapter 60 that does not require provision of a minimum amount of parking and limits parking that may be provided to a maximum number.

**Permeable Area:** Any surface that allows the infiltration of water into the underlying soil. Permeable area does not include any structure, building, patio, deck, sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile, swimming pool, artificial turf, or any area used by or for motor vehicles or heavy commercial equipment, regardless of surface type or material, including any road, road shoulder, driveway, or parking area.

**Person:** Any individual, corporation, association, firm, or partnership.

**Person with Disability:** A person who is determined by a qualified medical authority to have a physical or mental impairment that:

1. is expected to be of long continued and indefinite duration;
2. substantially impedes the ability to live independently; or
3. is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

**Personal Living Quarters:** [Any building or portion of a building containing more than 5 individual living units, which must have shared cooking facilities and may have shared sanitation facilities.] See Section 3.3.2.D.1

**Pipeline (Above Ground):** [A conduit for the distribution of liquids or gas.] See Section 3.6.7.C.1

**Pipeline (Below Ground):** See Section 3.6.7.D

**Planning Board:** The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (M-NCPPC).

**Planning Department:** The Planning Department for Montgomery County under the Maryland-National Capital Park and Planning Commission (M-NCPPC).

**Planning Director:** The staff member in the Planning Department who is in charge of all planning, zoning, and land development approval activities of that Department, and who reports directly to the Planning Board. Planning Director includes the Planning Director's designee.

**Plan, Comprehensive:** A plan of the entire district or a significant portion of the district addressing land use and zoning that amends the general plan and any applicable underlying master plan.

**Plan, Functional Master:** A master plan addressing either a system, such as circulation or green infrastructure, or a policy, such as agricultural preservation or housing, which amends the general plan. See **Land Use Article of the Annotated Code of Maryland.**

**Plan, General:** A plan for the physical development of the Maryland-Washington Regional District in Montgomery County. See **Land Use Article of the Annotated Code of Maryland.**

**Plan, Master:** A plan of any portion of the general plan that may consist of maps, data, and other descriptive matter, that guides the physical development of the district or any portion of the district, including any amendments, extensions, or additions adopted by the Commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zones, or other similar information. Master plan includes sector plan. See **Land Use Article of the Annotated Code of Maryland.**

**Playground, Outdoor Area (Private):** [An area used for outdoor recreation, often containing recreational equipment such as slides or swings. Playground, Outdoor Area (Private) includes both passive and active facilities, trails, and greenways.] See Section 3.4.7.

**Porch:** A raised structure attached to a building, forming a covered entrance to a doorway. A porch is roofed.

**Porch, Enclosed:** A roofed structure abutting an exterior dwelling wall with any kind of vertical or horizontal obstruction at the perimeter with the exception of a column, guardrail, or pillar as required in the Building Code.

**Porch, Unenclosed:** A roofed structure abutting an exterior dwelling wall with no obstruction on any other sides at the perimeter with the exception of a guardrail as required in the Building Code.

**Pre-Development Level of Ground:** The grade that existed when an application for a building or demolition permit is filed, that is determined by examination of the contour lines on the property as they extend to the adjoining properties and to the street.

**Principal Building:** A building in which the principal use of the property is conducted.

**Private Club, Service Organization:** [An association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the public.] [See Section 3.4.8.A](#)

**Property:** One or more tracts that are under common control, operation, or ownership or are under one application.

**Public Arts Trust Steering Committee:** A committee of the Arts and Humanities Council that allocates funds from the Public Arts Trust.

**Public Facilities and Amenities:** Any structures and land of a type and scale necessary to provide an appropriate environment or to satisfy public needs resulting from, or related to, the development of a particular project, or to support County or State government programs or services. Public facilities and amenities includes:

1. green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation;
2. streetscaping that includes elements such as plantings, special pavers, bus shelters, benches, and decorative lighting;
3. public space designed for performances, events, vending, or recreation;
4. new or improved pedestrian walkways, tunnels, or bridges;
5. features that improve pedestrian access to transit stations;

6. dedicated spaces open to the public, such as museums, art galleries, cultural arts centers, community rooms, recreation areas;
7. day care for children or senior adults and persons with disabilities;
8. public art; and
9. a publicly owned or operated government facility.

Public facilities and amenities may be recommended or identified in a master plan. Public amenities do not include road improvements or other capital projects that are required under the Adequate Public Facilities Ordinance (APFO) to serve the property.

**Public Open Space:** [Space devoted to public use or enjoyment that enhances the public realm.] [See Section 7.3.6.A.2](#)

**Public Use (Except Utilities):** [A publicly-owned or publicly operated use. Public Use (Except Utilities) includes County office buildings, maintenance facilities, public schools and parks, post offices, and State and Federal buildings. Public Use (Except Utilities) does not include a Public Utility Structure (see Sec. 3.6.7.E, Public Utility Structure).] [See Section 3.4.9](#)

**Public Utility Structure:** [A utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service.] [See Section 3.6.7.E.1](#)

Q.

R.

**Rainwater Collection System:** A system designed to redirect and store water. Rainwater collection system includes gutters, downspouts, storage tanks, cisterns, pumps, and filtration systems.

**Railroad Tracks:** [Tracks and lines for the movement of trains.] [See Section 3.6.6.C](#)

**Receiving Area:** Land designated on the zoning map as qualified for development beyond its base density through the transfer of development rights.

**Recreation and Entertainment Facility, Indoor:** [A building with a capacity up to 1000 persons that provides recreation or entertainment activities in an indoor setting, such as sport facilities, theaters, and dance clubs. Recreation and Entertainment Facility, Indoor does not include Shooting Range (Indoor) (see Sec. 3.5.10.I, Shooting Range (Indoor)) or Health Clubs and Facilities (see Sec. 3.5.10.E, Health Clubs and Facilities).] [See Section 3.5.10.F.1](#)

**Recreation and Entertainment Facility, Major:** [A structure or land for performances, cultural or sporting events, or general public interest events that is a place of assembly for over 1,000 participants or attendees.] [See Section 3.5.10.H.1](#)

**Recreation and Entertainment Facility, Outdoor:** [A structure or land with a capacity up to 1,000 persons providing outdoor recreation activities. Recreation and Entertainment Facility, Outdoor includes golf driving range, but does not include Golf Course, Country Club (see Sec. 3.5.10.D, Golf Course, Country Club), or Shooting Range (see Sec. 3.5.10.J, Shooting Range (Outdoor)).] [See Section 3.5.10.G.1](#)

**Recreational Vehicle:** A licensed and registered vehicle that is used for the leisure of the operator and guests and not used as an office or contain an entry for transactions. Recreation vehicle includes:

1. motor homes;
2. travel trailers;
3. campers or camping trailers including truck inserts and collapsible units; or
4. non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

**Reconstruction:** Constructing the same or less floor area on or within the footprint of an existing building that does not retain at least 25% of its structural elements.

**Recycling Collection and Processing:** [Any structure or land used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or

products and result in less than 10% non-marketable waste by volume and inventory stored on-site must be turned over at least once every 3 months. Recycling Collection and Processing includes an automobile recycling facility, but does not include a transfer station (See Sec. 3.6.9.A, Landfill, Incinerator, or Transfer Station).] [See Section 3.6.9.B.1](#)

**Reduced Parking Area:** A designated area defined by a property's zoning and location including any property not in a Parking Lot District, and

1. in a CR, CRT, LSC, EOF, or equivalent Floating zone, or
2. in a CRN, NR, GR or equivalent Floating zone that is within 1 mile of a transit station or stop as defined by Transit Proximity.

**Regional Shopping Center:** A shopping center with a minimum of 600,000 gross leasable square feet and a minimum of 50 separate tenants.

**Religious Assembly:** [A meeting area for religious practices, including a church, synagogue, mosque, convent, or monastery. Religious Assembly includes a memorial garden on the premises.] [See Section 3.4.10.A](#)

**Renovation:** An interior or exterior alteration that does not affect a building's footprint.

**Repair (Commercial Vehicle):** [The repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Repair (Commercial Vehicle) includes the sale of fuel for aircraft.] [See Section 3.5.13.D](#)

**Repair (Major):** [An establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment (see Sec. 3.5.13.D, Repair (Commercial Vehicle)).] [See Section 3.5.13.E.1](#)

**Repair (Minor):** [An establishment where minor vehicle repair and service is conducted, including audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Repair (Minor) does not include repair or services for commercial vehicles or heavy equipment (see Sec. 3.5.13.D, Repair (Commercial Vehicle)).] [See Section 3.5.13.F.1](#)

**Research and Development:** [The study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and Development also includes the development of prototypes and the marketing of resultant products and related activities, including administrative offices, educational facilities, libraries, data services, and the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products.] [See Section 3.5.8.C.1](#)

**Residential Care Facility:** [A group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

1. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
2. resident staff necessary for operation of the facility are allowed to live on-site; and
3. the number of residents includes members of the staff who reside at the facility, but does not include infants of less than 2 months old.
4. Residential Care Facility includes nursing home, assisted living facility, continuing care retirement community, hospice, and group home. Residential Care Facility does not include Hospital (see Sec. 3.4.6, Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).] [See Section 3.3.2.E.1](#)

**Restaurant:** [Any structure and land for the preparation and sale of food or drink for consumption. Restaurant includes catering, take-out services, and banquet facilities, but does not include a Drive-Thru (see Sec. 3.5.14.E, Drive-Thru).] [See Section 3.5.3.B.1](#)

**Retail/Service Establishment:** [A business providing personal services or sale of goods to the public. Retail/Service Establishment does not include Animal Services (see Sec. 3.5.1, Animal Services) or Drive-Thru (see Sec. 3.5.14.E, Drive-Thru).] [See Section 3.5.11.B.1](#)

**Right-of-Way:** Land dedicated to the passage of people, vehicles, or utilities as shown on a record plat as separate and distinct from the abutting lots or parcels [\[and not included within their dimensions\]](#).

**Road, Arterial:** [See Chapter 49.](#)

**Road, Business:** [See Chapter 49.](#)

**Road, Residential Primary:** [See Chapter 49.](#)

**Rotorcraft:** A steep-gradient aircraft whose aerodynamic capability is obtained by means of rotating blades or wings. Rotorcraft include helicopters and all steep-gradient aircraft capable of reduced airspeed down to a hover. Rotorcraft does not include ultra-light aircraft.

**Rural Antique Shop:** [The sale of items belonging to, made in, or typical of an earlier period.] [See Section 3.5.11.C.1](#)

**Rural Country Market:** [The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. Rural Country Market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland. Rural Country Market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishment (see Sec. 3.5.3, Eating and Drinking).] [See Section 3.5.11.D.1](#)

**Rural Open Space:** [Land that is managed as farmland or is returning to its natural state without human intervention.] [See Section 7.3.4.A.2](#)

## S.

**Seasonal Outdoor Sales:** [The temporary sales of seasonal farm products offered annually for a limited period of time, such as the sale of pumpkins and evergreen trees.] [See Section 3.2.12.B.1](#)

**Security Pavilion:** [A single-room building designed and arranged for housing security personnel and surveillance equipment.] [See Section 3.7.4.C.1](#)

**Self-Storage:** [A structure providing separate storage areas for personal or business use designed to allow private access by the tenant.] [See Section 3.6.8.D.1](#)



**Senior Adult:** A person who is 62 years of age or older.

**Setback:** The minimum distance that a structure or parking area must be [\[set back\] located](#) from a specified lot line or right-of-way.

**Setback, Front:** [\[The setback\] A distance](#) measured from the front lot line [to a structure or surface parking lot](#).

**Setback, Rear:** [\[The setback\] A distance](#) measured from the rear lot line [to a structure or surface parking lot](#).

**Setback, Side:** [\[The setback\] A distance](#) measured from the side lot line [to a structure or surface parking lot](#).

**Setback, Side Street:** [\[The setback\] A distance](#) measured from the side street right-of-way [to a structure or surface parking lot](#).

**SF:** Square feet.

**Shooting Range (Indoor):** [\[An area in a building with targets for rifle or handgun practice.\] See Section 3.5.10.I.1](#)

**Shooting Range (Outdoor):** [\[Any structure, not including a building, or land with targets for rifle, pistol, skeet, or trap shooting practice.\] See Section 3.5.10.J.1](#)

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to attract attention or to communicate information.

**Sign Area:** The surface measurement of a sign under [\[Sec.\] Section 7.7.5](#).

**Sign, Canopy:** A sign which forms an integral part of a permanent or semi-permanent shelter for sidewalks, driveways, windows, doors, seating areas, or other customer convenience areas, like awnings or umbrellas.

**Sign Concept Plan:** A plan required before DPS can issue a permit, (i) for certain Commercial/Residential, Employment, or Industrial zoned sites where the total area of signs is greater than 800 square feet; or (ii) for more than one Commercial/Residential, Employment, or Industrial site developed under a management control plan, if the total area of signs on one or more of the sites is greater than 800 square feet, or (iii) for optional method development projects within an approved urban renewal area. The sign concept plan includes

scale drawings of the site delineating the location, dimensions, colors, shape, and architectural characteristics of all signs.

**Sign, Freestanding:** Any sign that is not attached in whole or in part to a building. There are 2 types of freestanding signs:

1. **Sign, Ground:** A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimension closest to the ground is greater than the height.
2. **Sign, Supported:** A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign.

**Sign, Inflatable Device:** A sign that is cold air inflated made of flexible fabric, resting on the ground or attached to a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices may be restrained, attached, or held in place by a cord, rope, cable, or similar method. An inflatable device is not an object that contains helium, hot air, or lighter-than-air substance.

**Sign Installer:** A business or person engaged in a sign related activity, such as installation, maintenance, alteration, and modification of a sign intended for use by a person other than the business or person.

**Sign, Limited Duration:** A non-permanent sign that is:

1. displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period; or
2. within the public right-of-way.

**Sign, Location:** A sign which portrays a logo, symbol, name, or address to identify the location of the building or use.

**Sign, Off-site:** A sign that identifies a location, person, entity, product, business, message, or activity that is not connected with a use that is lawfully occurring on the property where the sign is located.

**Signs, Permanent:** A sign, requiring a permit from DPS, that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.

**Sign, Portable:** A sign installed on a support or structure that permits removal or relocation of the sign by pulling, carrying, rolling, or driving, such as a sign with wheels; a menu or sandwich board sign; an inflatable sign; an umbrella, but not a canopy sign, may be a temporary sign or a limited duration sign, but not a permanent sign. A portable sign includes a sign attached or painted on a vehicle parked and visible from the public right-of-way, unless it is a currently licensed and registered vehicle used in the daily operation of the business. A portable sign does not include a sign on any light or heavy commercial vehicle, which is operated within the public right-of-way.

**Sign, Temporary:** A sign that is displayed on private property for less than 30 days and usually made of a non-permanent material like canvas, cardboard, paper, or wood.

**Sign, Wall:** Any sign that is attached to the wall of a building. There are 2 types of wall signs:

1. **Flat Wall Sign:** A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face.
2. **Projecting Wall Sign:** A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

**Sign, Window:** A sign that is attached to a window, or which is visible through a window. A show window or three-dimensional display is not a window sign.

**Sill:** The framing that forms the lower side of a window or door.

**Single-Unit Living:** [One dwelling unit contained in a detached house building type.] See Section 3.3.1.B.1

**Site:** [An area of land including all existing and proposed lots and parcels in one application, except proposed and existing dedications and rights-of-way.] See Section 4.1.7.A.2

**Site Design:** The external elements between and around structures that give shape to patterns of activity, circulation, and form. Site design includes landforms, driveways, parking areas, roads, sidewalks, trails, paths, plantings, walls or fences, water features, recreation areas and facilities, lighting, public art, or other external elements.

**Site Element:** A feature, including trash receptacle; outdoor furniture; full cutoff light fixture; bike rack/locker; recreation equipment; plant container; deck, patio, or sidewalk up to 625 square feet; water feature; compost bin; and trash/recycling enclosure.

**Slaughterhouse:** [Any structure and land where livestock raised off-site are slaughtered for commercial purposes.] See Section 3.2.8.A

**Solar Collection System:** [An arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices.] See Section 3.7.2.A

**Special Event Parking:** [Off-street parking of automobiles in connection with a sporting or cultural event.] See Section 3.5.15.B.1

**Special Protection Area:** A geographic area designated by District Council where: existing water resources or other environmental features are of high quality or unusually sensitive; and proposed land uses would threaten the quality or preservation of those resources or features in the absence of special water quality protection measures which are closely coordinated with appropriate land use controls.

**Stoop:** A small raised platform that serves as an entrance to a building. A stoop may be covered but cannot be fully enclosed.

**Storage Facility:** [Any structure and land for the short- or long-term storage of goods or equipment, not including Self-Storage (See Sec. 3.6.8.D, Self-Storage).] See Section 3.6.8.E.1

**Stream Buffer Area:** A strip of natural vegetation contiguous with and parallel to the bank of a perennial or intermittent stream.

**Structure:** A combination of materials that requires permanent location on the ground or attachment to something having permanent location on the ground, including buildings and fences.

**Structured Parking:** [A one or more level free-standing structure for parking or storing motor vehicles that does not share a common floor or ceiling with

another use allowed in the zone. Structured Parking does not include Surface Parking.] [See Section 3.5.9.B](#)

**Surface Parking for Commercial Uses in an Historic District:** [The parking of motor vehicles on land zoned Agricultural, Rural Residential, or Residential in a master plan-designated historic district, where the parking must abut land zoned Commercial/Residential or Employment in the same master plan-designated historic district.] [See Section 3.5.9.D.1](#)

**Surface Parking for Use Allowed in the Zone:** [Surface parking in connection with any permitted or limited use allowed in the zone where no building or other use requiring parking is on the same lot.] [See Section 3.5.9.C.1](#)

**Surfaced Parking Area:** An area appropriately surfaced for vehicular parking using materials such as gravel, asphalt, concrete, or pavers.

**Swimming Pool (Community):** [A private swimming pool shared by its members, including recreational facilities such as tennis courts as an accessory use. Swimming Pool (Community) does not include swimming pools owned by a homeowner's association, operated as part of an apartment complex, or pools that are accessory to a dwelling.] [See Section 3.4.11.A](#)

## T.

**Taxi/Limo Facility:** [Any structure or land for the dispatch or storage of taxis, limousines, or other vehicles for hire.] [See Section 3.6.6.D.1](#)

**Teen Center:** A supervised building, or a supervised area of a building, which provides for the social, recreational, or educational use by children between the ages of 12 and 18 with at least 80% of the facility's hours of operation for the use of teenagers.

**Telecommunications Tower:** [Any structure other than a building, providing wireless voice, data, or image transmission within a designated service area. Telecommunications Tower consists of one or more antennas attached to a support structure and related equipment, but does not include amateur radio antenna (see Sec. 3.5.14.A through Sec. 3.5.14 B., Amateur Radio Facility), radio or TV tower (see Sec. 3.5.2.B, Media Broadcast Tower), or an antenna on

an existing structure (See Sec. 3.5.14.C, Antenna on Existing Structure).] [See Section 3.5.2.C.1](#)

**Tower:** A structure, other than a building, with guyed or freestanding supporting antennas used for radio or television broadcasting, telecommunications, or wireless transmission.

**Townhouse:** [A building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.] [See Section 4.1.3.C and Section 4.1.5.C.](#)

**Townhouse Living:** [3 or more dwelling units in a townhouse building type.] [See Section 3.3.1.D.1](#)

**Tract:** [A tract is a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title. A tract does not include land conveyed for consideration.] [See Section 4.1.7.A.1](#)

**Transfer of Development Rights (TDRs):** The conveyance of development rights, as authorized by law, to another tract of land and the recordation of that conveyance.

**Transient Visitor:** A person residing in the County for any one period of time not exceeding 6 months, except that, in a Bed and Breakfast, a transient visitor is a person who resides in the lodging for no longer than 14 days in any one visit.

**Transit Proximity:** Transit proximity is categorized in 3 levels: 1. Proximity to an existing or master planned Metrorail Station; 2. Proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; this excludes a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility; and 3. Proximity to an existing or master planned Marc station. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

**Transit Station Development Area:** An area near a metro transit station, or along an existing or proposed transit right-of-way, which is not located within

a central business district, that has been designated as a Transit Station Development Area by a master plan.

**Transitory Use:** [A use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours. Transitory Use includes a food service truck.] [See Section 3.5.15.C.1](#)

**Transparency:** Percentage of windows and doors on an exterior wall of a building.

**Transportation Management Plan:** Actions designed to alleviate traffic congestion by reducing dependence on the single-occupancy vehicle through transit, carpooling, and other alternatives.

**Two-Unit Living:** [2 dwelling units contained in a duplex building type.] [See Section 3.3.1.C.1](#)

## U.

**Urban Farming:** [The cultivation of fruits, vegetables, flowers, and ornamental plants, as well as the limited keeping and raising of fowl or bees and the practice of aquaculture.] [See Section 3.2.9.A](#)

**Usable Area:** The area upon which the density of development is calculated in MPDU and Cluster Development Optional Method projects. If more than 50% of the tract is within environmental buffers usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.

**Use:** Except as otherwise provided, the purpose for which a property or the building on that property is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

## V.

**Very Low Income:** Income at or below 50% of the area median income (as determined annually by the U.S. Department of Housing and Urban Development) adjusted for household size.

**Veterinary Office/Hospital:** [Any structure and land where medical, surgical, and other veterinary care is provided to domestic animals, which may stay overnight only for medical purposes. Veterinary Office/Hospital does not include Animal Boarding and Care (see Sec. 3.5.1.B, Animal Boarding and Care).] [See Section 3.5.1.C.1](#)

## W.

**Water Quality Plan:** A plan, including supporting documents, required as part of a water quality review for significant projects [\[being developed within proposed to be located in\]](#) a special protection area, intended to measure and control the effect that development will have on water resources or other environmental features lying within a special protection area.

**Wildlife, Game Preserve, and Other Conservation Areas:** [A public or private area used for raising, protecting, breeding or hunting wildlife within a natural environment. Wildlife, Game Preserve, and Other Conservation Areas includes a regulated shooting ground licensed by the Maryland Wildlife Administration.] [See Section 3.7.3](#)

**Winery:** [Any structure and land for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets where a minimum of 5 acres of grapes or other fruit must be grown on the same parcel or lot as the processing facility.] [See Section 3.2.10.A](#)

**Workforce Housing:** A dwelling unit that satisfies rent limits or sale controls under Chapter 25B. Workforce Housing is not an MPDU.

## X.

## Y.

**Z.**

**Zone:** An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces may be required; lot areas, building height limits, and other requirements are established; and all of the foregoing apply uniformly within the zone.

**Zoning Map:** The digital zoning map of the Maryland-Washington Regional District in the County, together with all amendments to the zoning map subsequently adopted.

**Zoning Ordinance:** Chapter 59 of the Montgomery County Code, also referred to as this Chapter.

**#.**

**100-year Flood Plain:** An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a [100-year frequency] storm event[,], or a [100-year] flood expected once every 100 years.

PAGE INTENTIONALLY BLANK