

ARTICLE 59-9. DEFINITIONS

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

Div. 9.1. In General

Sec. 9.1.1. 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 at 12:01 a.m. on the same number 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 Deadlines

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. Count the day after the event as the first day of the period, if the period follows an event.
2. Count the remaining number of days in the period. However, if the period is 7 days or less, omit Saturdays, Sundays, and legal holidays.
3. Do not count the last day if it is a Saturday, Sunday, or legal holiday or if the office where the person must file a paper or perform an act is not open during the regular hours of that office.

C. Requirements to Act by a Specific Date

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.

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. Title of Sections

Titles and captions are not part of the law of the County. They only advise the reader of the content of each section.

Div. 9.2. Defined Terms

Sec. 9.2.1. Specific Terms and Phrases Defined

In this Chapter, the following words and phrases have the meanings indicated.

A.

Accessory Apartment, Attached: See Sec. 3.#.#.

Accessory Apartment, Detached: See Sec. 3.#.#.

Accessory Buildings, Structures and Uses: See Sec. 3.#.#.

Accessory Structure: A building subordinate to and located on the same lot with, a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building. In addition to any other meaning the word “subordinate” may have in this definition, on a lot where the main building is a one-family detached residential dwelling, except for an accessory agricultural building, subordinate means that the footprint of the accessory building is smaller than the footprint of the main building.

Adult Entertainment: See Sec. 3.#.#.

Adult Entertainment Material or Performance: Material that is 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 (Section 416A of Article 27 of the Annotated Code of Maryland).

Agriculture: 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.

Agricultural Processing: Sec. 3.#.#.

Agricultural Education/Tourism: Sec.3.#.#.

Agricultural Vending: Sec. 3.#.#.

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

A.M.: Ante Merideum, the period between midnight and noon

Amateur Radio Facility: See Sec. 3.#.#.

Animal Boarding and Care: See Sec. 3.#.#.

Animal Husbandry: See Sec. 3.#.#.

Animal Research Facility: See Sec. 3.#.#.

Antique Shop (Rural): See Sec. 3.#.#.

Apartment/Condominium: See Sec. 4.1.2., Building Type Descriptions

Artisan Manufacturing & Production: See Sec. 3.#.#.

Assisted Living: See Sec. 3.#.#.

Auction Facility, Agricultural: See Sec. 3.#.#.

Awning: See Sec. 4.1.4.G.5.

B.

Balcony: See Sec. 4.1.4.G.3.

Bed & Breakfast: See Sec. 3.#.#.

Belt Courses: A continuous course of brick, shingles, stone or tile most commonly used in Romanesque architecture

Berms: A continuous linear earthen mound of varying height designed and placed to screen the view of and reduce the noise from adjacent, incompatible uses, such as highways.

Bicycle Parking, Long-Term: Indoor bike rooms, lockers or bike cages intended for use by residents and employees of a building.

B - C

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

Blank Wall: A portion of the exterior façade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than eight inches in depth.

Board: The Montgomery County Board of Appeals. [If we are using Board of Appeals throughout the code to differentiate it from the Planning Board, is this necessary?]

Build-to-Zone (BTZ): The area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

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 Coverage: See Sec. 4.1.4.C.4., Measurement and Exceptions.

Building Height: See Sec. 4.1.4.D., Measurement and Exceptions.

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 which meets the requirements of Chapter 27A and applicable regulations issued under that Chapter;
3. is located in the Agricultural Reserve (AR) zone; and
4. could be transferred by a BLT Easement under this Chapter.
5. 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.

Buildable Lot Termination Easement. A form of an agricultural easement that runs with the land in perpetuity and extinguishes the right to construct a residential dwelling unit on land located in the Agricultural Reserve and zoned AR.

Building Type: See Sec. 4.1.2.

Bus, Rail Terminal: See Sec. 3.#.#.

C.

Cable Communications System: See Sec. 3.#.#.

Campground: See Sec. 3.#.#.

Car Share Space: A parking space that serves as the location of an in-service vehicle used by a vehicle-sharing service

Car Wash: See Sec. 3.#.#.

Catering Facility, Outdoor: A facility, which may include an enclosed food preparation building but all catering parties are held under pavilions, or in the open, and may include various recreational activities.

Cemetery: See Sec. 3.#.#.

Charitable, Philanthropic Institution: See Sec. 3.#.#.

Clinic, Medical & Dental: See Sec. 3.#.#.

Cluster Development: An optional development technique under zoning and subdivision regulations that allows residential dwellings to be placed on smaller than usual lots that have been grouped or clustered in order to leave some land undivided and available as common area or open space.

Code: See definition for “Zoning Code”

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 recreational vehicle, a motor vehicle owned by the County or other government agency, or a machine or a vehicle for agricultural use is not a heavy commercial vehicle. 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) is also not a heavy commercial vehicle.

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

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

Common Outdoor Area: See [Sec. 3.#.#.](#)

Community Garden: See [Sec. 3.#.#.](#)

Conditional Use: A use that must meet the conditional use standards in Div 3.2 through 3.6 and requires approval by the Board of Appeals or Hearing Examiner, subject to the findings in [Div 6.5.](#)

Conference Center: See [Sec. 3.#.#.](#)

Construction Administration or Sales Office: See [Sec. 3.#.#.](#)

Construction Dumpster: A large trash receptacle used for the disposal of building and construction materials.

Contractor Storage Yard: See [Sec. 3.#.#.](#)

Council or District Council: The Montgomery County Council, sitting as the district council for the portion of the Maryland-Washington Regional District. Located in Montgomery County

Coverage: See [Sec. 4.1.4.C.4, Measurement and Exceptions.](#)

Country Inn: See [Sec. 3.#.#.](#)

Country Market (Rural): See [Sec. 3.#.#.](#)

County: Montgomery County, Maryland.

County Telecommunications Transmission Facility Coordinating Group: The body convened by the Director of the Department of Information Services and Telecommunications as prescribed in [Section 2-58E \(d\)](#) to review, comment and facilitate communications between member agencies on telecommunications transmission facility policy and siting issues.

Crematory Services: See [Sec. 3.#.#.](#)

Crop Farm: See [Sec. 3.#.#.](#)

Cultural Institution: See [Sec. 3.#.#.](#)

D.

Day Care Facility: See [Sec. 3.#.#.](#)

dBA: A-weighted decibels measured as defined in [Chapter 31B.](#)

DBH: Diameter at breast height.

Density: See [Sec. 4.1.4.A.2, Measurement and Exceptions.](#)

Detached House: See [Sec 4.1.2, Building Type Descriptions.](#)

Director: [Director of the Planning Department?](#)

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

Dormitory: See [Sec. 3.#.#.](#)

DPS: Department of Permitting Services.

Drive-Thru Facility: See [Sec. 3.#.#.](#)

D - F

Dry Cleaning Facility: See [Sec. 3.#.#.](#)

Duplex: See [Sec. 4.1.2., Building Type Descriptions.](#)

Dwellings for Caretakers/ Watchkeepers: See [Sec. 3.#.#.](#)

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

E.

Educational Institution (Private): See [Sec. 3.#.#.](#)

Encroachment: Building features that are located beyond the required setback lines and above height limits.

Environmental Site Design: Small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydro-logic runoff characteristics and minimize the impact of development on water resources. Methods are specified in the [Maryland Design Manual.](#)

Equestrian Facility: See [Sec. 3.#.#.](#)

ESD: See "[Environmental Site Design.](#)"

Euclidean Zone: A zone that is applied to a specific geographic area on the zoning map. Certain uses are permitted in the zone, subject to requirements for dimensional standards. Euclidean zones may be applied by the government through the sectional map amendment process or by a property owner through a local map amendment. A local map amendment is permissible only if there has been a change in the character of the neighborhood since the last rezoning or a mistake in the application of original zoning by the government authority.

F.

Family: See [Household.](#)

Family Burial Site: A place used for the permanent interment of dead human bodies and ashes related to the property owner by blood, marriage or adoption.

Farm Airstrip: See [Sec. 3.#.#.](#)

Family Day Care: See [Sec. 3.#.#.](#)

FAR: See Floor area ratio

Farm Market, On-Site: See [Sec. 3.#.#.](#)

Farm Supply, Machinery Sales, Storage, Service: See [Sec. 3.#.#.](#)

Farm Tenant Dwelling: See [Sec. 3.#.#.](#)

Farming, Crop: See [Sec. 3.#.#.](#)

Farming, Livestock: See [Sec. 3.#.#.](#)

Fire/ EMS (Private): See [Sec. 3.#.#.](#)

Flag Lot: [\[See Pam\]](#)

Floating Zone: A flexible zone that is to be used for a designated purpose and that is approved as to particular characteristics, but whose location is to be determined in the future. To approve a floating zone, the District Council must find the proposed rezoning to be compatible with surrounding uses and in accord with the expressed purposes and other requirements of the zone, as well as the General Plan. The traditional finding of change or mistake required for the grant of a Euclidian zone is not required for a floating zone.

Floor Area of Building, Total: The total number of square feet of floor area in a building, including the area of a basement and any accessory building on the same lot but excluding the area of a cellar, uncovered steps and uncovered porches. All horizontal measurements must be made between interior faces of walls.

Floor Area Ratio (FAR): A figure which expresses the total gross floor area as a multiple of the gross tract area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Food Service Truck: A mobile food service facility where food or drink is prepared, served or sold.

Freight Movement: See [Sec. 3.#.#.](#)

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.

Fuel Sales: See Sec. 3.#.#.

Funeral Home, Undertaker: See Sec. 3.#.#.

G.

Garage, Private: An accessory structure or portion of a principal structure designed, arranged or used for the housing of private motor vehicles. A private garage having any part of a wall or roof in common with a dwelling must be considered a part of the principal building and not an accessory structure.

Gallery: See Sec. 4.1.4.G.4.

General Building: See Sec. 4.1.2., Building Type Descriptions.

GFA: See "Gross floor area".

Golf Course, Country Club: See Sec. 3.#.#.

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

Green Area: See Sec.7.3.#.

Gross Floor Area (GFA): The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating 2 buildings. The term "gross floor area" shall include basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment (with structural headroom of 6 feet, 6 inches or more) penthouses, attic space (whether or not a floor has actually been laid, providing structural headroom of 6 feet, 6 inches or more), interior balconies and mezzanines. The term "gross floor area" shall not include cellars, outside balconies which do not exceed a projection of 6 feet beyond the exterior walls of the building, parking or rooftop mechanical structures.

Gross Tract Area: See Sec. 4.1.4.A.2b.

Group Day Care: See Sec. 3.#.#.

Group Home: See Sec. 3.#.#.

Group Picnic, Catering and Recreation Facility: A facility for company and group picnics, casual banquets, meetings and parties, and on-site and off-site food preparation for buffet service.

H.

Hazardous Material Storage: See Sec. 3.#.#.

Health Clubs and Facilities: See Sec. 3.#.#.

Heavy Manufacturing and Production: See Sec. 3.#.#.

Heavy Vehicle/Equipment Sales and Rental: See Sec. 3.#.#.

Helipad/ Heliport: See Sec. 3.#.#.

Helistop: See Sec. 3.#.#.

Home Address, Proof of: Any valid document showing where a person lives as established by regulations under Method 2 of Section 2A-15.

Home Health Practitioner: See Sec. 3.#.#.

Home Occupation: See Sec. 3.#.#.

Home Occupation and Home Health Practitioner, Eligible Area: The total number of square feet of floor area in any building on a lot or parcel, 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. All horizontal measurements must be made between interior faces of walls. Eligible area does not include any addition to any building and any accessory building that was constructed within 18 months after the Department approved a home occupation on the lot or parcel.

Hospice: See Sec. 3.#.#.

Hospital: See Sec. 3.#.#.

Hotel, Motel: See Sec. 3.#.#.

Household: A person living alone, or any of the following groups living together as a single, housekeeping unit and sharing common living, sleeping, cook-ing, and eating facilities:

H - L

1. Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
2. Up to five unrelated people;
3. Two unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, guardianship, or other duly-authorized custodial relationship; or
4. Not more than eight 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)**.
5. The definition of a family does not include any society, club, fraternity, sorority, association, lodge, federation or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Household living: See **Sec. 3.#.#.**

I.

Incinerator: See **Sec. 3.#.#.**

Independent Living Facility for Seniors or Persons with Disabilities: See **Sec. 3.#.#.**

Infill Development: Development that takes place on vacant or underutilized parcels within an area that is already developed and has access to existing urban services.

J.

Jurisdictional Wetland: Wetlands subject to regulation under **Section 404 of the Clean Water Act.**

K.

L.

Landfill: See **Sec. 3.#.#.**

Landscape Contractor: See **Sec. 3.#.#.**

Lawn Maintenance Service: The business, run as a home occupation (see **Sec. 3.#.#.**), of cutting grass, raking leaves, snow removal and other activities associated with maintaining a yard.

Leader: A downspout 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.

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 Shelves: A horizontal device positioned (usually above eye level) to reflect daylight onto the ceiling and to shield direct sunlight from the area immediately adjacent to the window. The light shelf may project into the room, beyond the exterior wall plane, or both.

Light Manufacturing and Production: See **Sec. 3.#.#.**

Light Vehicle/Equipment Sales and Rental: See **Sec. 3.#.#.**

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

Live/Work Unit: See [Sec. 3.#.#.](#)

Livestock Farm: See [Sec. 3.#.#.](#)

Local Area Transportation Review Guidelines (LATR): Guiding limits established by the Adequate Public Facilities Ordinance (APFO) test used to determine if a proposed development will produce detrimental traffic impacts that go beyond the capacity of existing and programmed roadways and intersections in the vicinity of the site.

Lodging: See [Sec. 3.#.#.](#)

Lot: See [Sec. 4.1.4.B.1., Measurement and Exceptions.](#)

Lot Area: See [Sec. 4.1.4.B.2, Measurement and Exceptions.](#)

Lot, Child: A lot created for use for a one-family dwelling unit by a child, or the spouse of a child, of a property owner.

Lot, Corner: Any lot at the intersection of two thoroughfares.

Lot, Flag: A lot accessible only by a long narrow strip of land that leads to a public or private right-of-way.

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

Lot, Through: An interior lot, fronting on two parallel or approximately parallel streets.

Lot Width: See [Sec. 4.1.4.B.3, Measurement and Exceptions.](#)

Low Impact Home Health Practitioner: See [Sec. 3.#.#.](#)

Low-Impact Home Occupation: See [Sec. 3.#.#.](#)

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

M.

Major Impact Home Health Practitioner: See [Sec. 3.#.#.](#)

Major Impact Home Occupation: See [Sec. 3.#.#.](#)

Manufactured Home: A structure intended for residential use and transportable in one or more sections, which is eight feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, manufactured in accord with 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. Such a structure must carry the HUD label. A recreational vehicle is not a manufactured home.

Master Plan: A comprehensive plan of any portion of the general plan which may consist of maps, data and other descriptive matter, as a guide for the physical development of the district or any portion thereof, including any amendments, extensions or additions thereto adopted by the commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

Media Broadcast Tower: See [Sec. 3.#.#.](#)

Medical, Dental Laboratory: See [Sec. 3.#.#.](#)

Medical Practitioner: A licensed physician, surgeon, dentist, osteopath, chiropractor or optometrist.

Medical/Scientific Manufacturing and Production: See [Sec. 3.#.#.](#)

Memorial Garden: A place located on the premises of a church where ashes of deceased persons may be scattered or placed. Such areas may be set apart by formal plantings, but no individual monuments or headstones are included; a single identifying monument, sign or marker may be provided for the garden. An individual marker may be used to identify the location where the ashes of the deceased person are interred.

Mineral Storage: See [Sec. 3.#.#.](#)

Mining, Excavation: See [Sec. 3.#.#.](#)

Mixed Use Building: See [Sec. 4.1.2., Building Type Descriptions.](#)

M - P

Modal Split: The percent of persons arriving at a destination by one of the available transportation modes. For example, the percent of persons who arrive at a destination by private automobiles is called the “auto mode split” and includes both drivers and passengers.

Moderately Priced Dwelling Units (MPDU): Any dwelling unit that meets the requirements for a moderately priced dwelling unit as set forth in [chapter 25A of this Code](#), titled “Housing, Moderately Priced”.

MPDU: See [Moderately Priced Dwelling Units](#).

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](#).

Modular Home: A structure intended for residential use and manufactured off-site in accord with the [BOCA Basic Building Code](#) as defined in [Chapter 8](#).

Multi-Unit Living: See [Sec. 3.#.#](#).

N.

Non-Auto Driver Mode Share (NADMS): The percentage of commuters who travel to their worksite by means other than single-occupant vehicle. The NADMS calculation for an area is based on the results of an Annual Commuter Survey administered by the area’s Transportation Management District (TMD).

Non-Auto Driver Mode Share (NADMS) factor: Established during the master planning process based on a Department of Transportation calculation.

Nonconforming Building or Structure: A building or structure that was lawful when constructed and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

Nonconforming Use: A use that was lawful when established and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

Nonresident Professional Office: See [Sec. 3.#.#](#).

No-Impact Home Occupation: See [Sec. 3.#.#](#).

Nursery, Retail: See [Sec. 3.#.#](#).

Nursery, Wholesale: See [Sec. 3.#.#](#).

Nursing Home: See [Sec. 3.#.#](#), Residential Care Facility.

O.

Office: See [Sec. 3.#.#](#).

Open Space: See [Sec. 3.#.#](#).

Optional Method Development: A process in which a developer provides certain amenities or public benefits in exchange for increased flexibility in certain development standards.

Outparcel/Out Lot: A parcel of land which is shown on a record plat but which is not to be occupied by a building or otherwise considered as a buildable lot within the meaning of this chapter. A building permit must not be issued on any land so designated. An out lot may be converted to a lot in accordance with the procedures contained in [Chapter 50](#).

Overlay Zone: A geographic area that constitutes a mapped district superimposed over the underlying base zone on the official zoning map. An overlay zone includes development regulations and standards that either add to or modify the requirements of the underlying zone.

P.

Parking, Shared: Parking that is available as public parking during specified periods of time.

Parking, Structured: See [Sec. 3.#.#](#).

Parking, Surface: See [Sec. 3.#.#](#).

Parking, Tandem: The arrangement of parking spaces where 2 vehicles park nose-to-end and one space is directly in front of another space. One vehicle must be moved in order to access the other.

Parking Benefit Districts: Areas designated (in Bethesda, Silver Spring, Wheaton, and Montgomery Hills) in which businesses have the option to pay a fee in lieu of providing off-street parking requirements. The funds are administered by the Department of Transportation and used to provide public parking facilities in the district. See [Chapter 60](#).

Parking Benefit Districts, Primary: See [Chapter 60](#).

Parking Benefit Districts, Secondary: See [Chapter 60](#).

Parking Space, Electric Plug-In: A space reserved for parking and charging electric vehicles.

Park, Playground (Private): See [Sec. 3.#.#](#).

Permeable Area: Any surface that allows the infiltration of water into the underlying soil. 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, partnership or the like, singular or plural.

Person with Disability (Adult): A person who is 18 years of age or older and who is determined by a qualified medical authority to have physical or mental impairments that:

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

Personal Living Quarters: See [Sec. 3.#.#](#).

Pipeline: See [Sec. 3.#.#](#).

Planning Board: The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

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.

Plan, Master: A comprehensive plan of any portion of the general plan which may consist of maps, data and other descriptive matter, as a guide for the physical development of the district or any portion thereof, including any amendments, extensions or additions thereto adopted by the commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

P.M.: Post Merideum, the period between noon and midnight.

Porch: See [Sec. 4.1.4.G.1](#)

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 at the time of application for a building or demolition permit, or the grade necessary to implement an approved subdivision plan.

Private Club, Service Organization: See [Sec. 3.#.#](#).

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

Public Benefit: See Div. 6.6.

Public Use: See [Sec. 3.#.#](#).

Public Use Space: See [Sec. 3.#.#](#).

Public Utility Building or Structure: See [Sec. 3.#.#](#).

Q.

R - S

R.

Rainwater Collection or Harvesting System: A system designed to redirect and store water for both potable and non-potable uses including drinking, irrigation, laundry, hygiene and toilets. May include gutters, downspouts, storage tanks, cisterns, pumps and filtration systems.

Receiving Area: An area designated on an approved and adopted general, master, sector or functional plan appropriate for development beyond its base density through the transfer of development rights.

Recreation and Entertainment Facility: See [Sec. 3.#.#.](#)

Recreational Vehicle: A duly licensed and registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests. A recreational vehicle must not be used as an office nor have customer entry for a retail transaction. For the purpose of this Chapter the following are recreation vehicles:

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: Building the same or less floor area on or within the footprint of a demolished or partially demolished building.

Recycling Drop –Off Center: See [Sec. 3.#.#.](#)

Recycling Collection and Processing: See [Sec. 3.#.#.](#)

Religious Assembly: See [Sec. 3.#.#.](#)

Renewable Energy Generation: See [Sec. 3.#.#.](#)

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

Research and Development: See [Sec. 3.#.#.](#)

Residential Care Facility: See [Sec. 3.#.#.](#)

Restaurant: See [Sec. 3.#.#.](#)

Retail / Service Establishment: See [Sec. 3.#.#.](#)

Right-of-Way: A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electronic transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use. Must be shown on a record plat as separate and distinct from the adjoining lots or parcels and not be included within their dimensions. Rights-of-way maintained by a public agency are shown as dedicated to public use on the record plat.

Road, Arterial: A road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.

Road, Business: A road meant for circulation in commercial and mixed-use zones.

Road, Residential Primary: A road meant primarily for circulation in residential zones, although some through traffic is expected.

Rural Open Space: See [Sec. 3.#.#.](#)

S.

Seasonal Outdoor Sales: See [Sec. 3.#.#.](#)

Self-Storage: See [Sec. 3.#.#.](#)

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

Setback: The minimum distance that a building or parking area must be set back from a specified lot line or right-of-way. Minimum setbacks are specified in some zones, while other zones allow the Planning Board to establish the setbacks, thereby allowing greater flexibility for development.

Setback, Front: The setback measured from the front street right-of-way.

Setback, Rear: The setback measured from the rear property line.

Setback, Side Interior: The setback measured from the side property line.

Setback, Side Street: The setback measured from the side street right-of-way.

SF: Square Feet

Shared Parking: Parking that is available as public parking during specified periods of time.

Shooting Range, Indoor: See [Sec. 3.#.#.](#)

Shooting Range, Outdoor: See [Sec. 3.#.#.](#)

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 as set forth in [Sec. 7.#.#.](#)

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 the Director of DPS can issue a permit, (i) for certain commercial or industrial zoned sites where the total area of signs is greater than 800 square feet; or (ii) for more than one commercial or industrial zoned 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 plan consists of 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 two 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.

Signs, Permanent: sign 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. A permit must be obtained from the Director of DPS for a permanent sign.

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 sign attached or painted on a vehicle parked and visible from the public right-of-way is also bound by [Div. 7.5](#), unless it is a currently licensed and registered vehicle used in the daily operation of the business. This does not include a sign on any light or heavy commercial vehicle as defined in this Article, which is operated within the public right-of-way.

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

S - U

Sign, Wall: Any sign that is attached to the wall of a building. There are two 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.

Site: See [Sec. 4.1.4.A, Measurement and Exceptions](#).

Slaughterhouse: See [Sec. 3.#.#](#).

Special Event Parking: See [Sec. 3.#.#](#).

Special Exception: See [Conditional Use](#).

Storage Facility: See [Sec. 3.#.#](#).

Stream Buffer Area (Stream Alley Buffer): The outermost limits of a wetland, wetland buffer, 100-year floodplain, and a perennial or intermittent stream and stream buffer. An environmental buffer may also include hydraulically connected steep slopes and erodible soils.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio and television broadcasting towers, telecommunications facilities, water tanks, trestles, open sheds, shelters, fences, walls, signs, power line towers, pipelines, railroad tracks and poles.

Swimming Pool (Community): See [Sec. 3.#.#](#).

Teen Center: A supervised building, or a supervised area of a building, which provides a facility for the social, recreational, or educational use of children between the ages of 12 and 18. At least 80 percent of the facility's hours of operation must be for the use of teenagers.

Temporary Use: See [Sec. 3.#.#](#).

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

Townhouse: See [Sec. 4.1.2., Building Type Descriptions](#).

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

Transportation Demand Management: See [Sec. 42.A-21.\[?\]](#)

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

Transit Proximity: Transit proximity is categorized in two levels: 1. Proximity to an existing or master planned Metrorail Stations; 2. Proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

Transfer of Development Rights: The conveyance of development rights, as authorized by local law, to another parcel of land and the recordation of that conveyance among the land records of Montgomery County.

Transfer Station: See [Sec. 3.#.#](#).

Transitory Use: See [Sec. 3.#.#](#).

Transmission Line: See [Sec. 3.#.#](#).

Two-Unit living: See [Sec. 3.#.#](#).

T.

Taxi / Limo Facility: See [Sec. 3.#.#](#).

U.

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

Urban Farm: See **Sec. 3.#.#**.

Usable Area: See **Sec 6.1.2.B**.

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

V.

Vehicle/ Equipment Sales & Rentals: See **Sec. 3.#.#**.

Vehicle, Recreational: A duly licensed and registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests. A recreational vehicle must not be used as an office nor have customer entry for a retail transaction. Includes motor homes, travel trailers, campers or non-freight trailers used to transport other leisure equipment such as a boat, hose, motorcycle, show car, race, snowmobile, or bicycle.

Very Low Income: Income is at or below 50 percent 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: See **Sec. 3.#.#**.

W.

Winery: See **Sec. 3.#.#**.

Wireless Communications Tower, Freestanding: See **Sec. 3.#.#**.

Wireless Antennae on Existing Structure: See **Sec. 3.#.#**.

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 are required; lot areas, building height limits and other requirements are established; and all of the foregoing are identical for the zone in which they apply.

Zoning Code: Also referred to as the code, this chapter and zoning ordinance. Chapter 59 of the Montgomery County Code.

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

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100-year Flood Plain: The area along a stream or drainage course, lake, or pond, which, after total development of the watershed, would experience inundation by stormwater runoff equivalent to that which would occur on the average of once every 100 years.

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