

# ARTICLE 59-1. GENERAL ZONING ORDINANCE PROVISIONS

## 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. Severability

- A. Each provision of this Chapter is severable.
- B. Each provision of any amendment to this Chapter is severable unless the 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 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 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 October 30, 2014 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 within 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 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.

#### K. Use of "Chapter"

Chapter means a numbered section in the Montgomery County Code.

### 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:** See [Section 3.3.3.A.1](#)

**Accessory Structure:** See [Section 3.7.4.A.1](#)

**Accessory Use:** See Section 3.7.4.B

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

**Adult Entertainment:** 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:** See Section 3.2.1.A

**Agricultural Processing:** See Section 3.2.2.A

**Agricultural Vending:** 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, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling 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 to prepare the product for market and may 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):** 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):** See Section 3.4.1.A

**Amenity Open Space:** See Section 6.3.7.A.2

**Animal Boarding and Care:** See Section 3.5.1.B.1

**Animal Research Facility:** See Section 3.6.1

**Animal Services:** 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:** See Section 3.5.14.C.1

**Apartment Building:** See Section 4.1.3.D and Section 4.1.5.D

**Artisan Manufacturing and Production:** See Section 3.6.4.A

**Attached Accessory Apartment:** See Section 3.3.3.B.1

**Automobile Storage Lot:** 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:** 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 condition of an approval that restricts or requires a use, building type, density, building height, setback, screening, public benefit, or layout of a development.

**Blank Wall:** See Section 4.1.7.D.2

**Build-to-Area (BTA):** 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:** 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 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:** See Section 3.6.6.A.1

## C.

**Cable Communications System:** 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:** 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:** See Section 3.5.13.B.1

**Catering Facility, Outdoor:** A land use within the scope of "Recreation and Entertainment 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:** 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://mcplanning.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=b421403f69994752ae555c6e17a169b6>

**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:** 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):** 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:** 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 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 3, and less than 8 feet high as measured under subsection 4.

**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:** See Section 6.3.5.A.2

**Community Garden:** See Section 3.2.3.A

**Conditional Use:** A use that must meet the conditional use standards in Division 3.2 through Division 3.7 and requires approval by the Hearing Examiner, under the findings in Section 7.3.1. A conditional use is a special exception.

**Conference Center:** See Section 3.5.10.C.1

**Confronting:** Properties that are directly across a right-of-way with a master plan width of less than 80 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:** See Section 3.5.15.A.1

**Contractor Storage Yard:** See Section 3.6.2.A

**Country Inn:** See Section 3.5.3.A.1

**County:** Montgomery County, Maryland.

**Coverage:** See Section 4.1.7.B.5

**Crematory:** See Section 3.5.4.B.1

**Cultural Institution:** See Section 3.4.3.A

## D.

**Day Care Center (13 - 30 Persons):** See Section 3.4.4.E.1

**Day Care Center (Over 30 Persons):** See Section 3.4.4.F.1

**Day Care Facility:** See Section 3.4.4.A

**dBA:** A-weighted decibels measure as defined in Chapter 31B.

**DBH:** Diameter at breast height.

**Detached Accessory Apartment:** See Section 3.3.C.1

**Detached House:** See [Section 4.1.5.A](#)

**Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or Conditional Use allowed in the zone:** See [Section 4.1.3.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):** 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:** See [Section 3.3.2.B](#)

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

**Drive-Thru:** See [Section 3.5.14.E.1](#)

**Dry Cleaning Facility (Over 3,000 SF):** See [Section 3.6.3.A.1](#)

**Dry Cleaning Facility (Up to 3,000 SF):** See [Section 3.6.3.B](#)

**Duplex:** 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:** See [Section 3.3.3.D](#)

## E.

**Educational Institution (Private):** 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:** 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:** See [Section 3.4.4.C](#)

**Farm Airstrip, Helistop:** See [Section 3.2.11.A.1](#)

**Farm Market, On-site:** See [Section 3.2.11.B.1](#)

**Farm Supply or Machinery Sales, Storage, and Service:** See [Section 3.2.5.A](#)

**Farm Tenant Dwelling:** See [Section 3.3.3.E.1](#)

**Farming:** 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:** 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 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:** 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, open space, or easement boundary.

**Funeral Home, Undertaker:** 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:** See [Section 4.1.5.F](#)

**Golf Course, Country Club:** 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. A grocery store is not a Combination Retail.

**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:

1. mechanical equipment on rooftops;
2. cellars;
3. unenclosed steps, balconies, and porches;
4. structured parking;
5. floor area for publicly owned or operated uses or arts and entertainment uses provided as a public benefit under the optional method of development;
6. 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;
7. interior balconies and mezzanines for common, non-leasable area in a regional shopping center; and
8. 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):** See Section 3.4.4.D.1

**Group Living:** 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:** See Section 3.3.3.F.1

## H.

**Hazardous Material Storage:** See Section 3.6.8.B.1

**Health Clubs and Facilities:** 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:** See Section 3.6.4.B

**Heavy Vehicle Sales and Rental:** See Section 3.5.12.A.1

**Height:** See Section 4.1.7.C

**Helipad, Heliport:** See Section 3.6.6.B.1

**Helistop:** 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 Executive regulations under Method 2 of Chapter 2A (Section 2A-15).

**Home Health Practitioner:** See Section 3.3.3.G.1

**Home Health Practitioner (Low Impact):** See Section 3.3.3.G.3.a

**Home Health Practitioner (Major Impact):** See Section 3.3.3.G.4.a

**Home Occupation:** See Section 3.3.3.H.1

**Home Occupation (Low Impact):** See Section 3.3.3.H.4.a

**Home Occupation (Major Impact):** See Section 3.3.3.H.5.a

**Home Occupation (No Impact):** 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 within 18 months after DPS approved a Home Occupation on the lot.

**Hospital:** See Section 3.4.6.A

**Hotel, Motel:** 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.

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:** 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:** See [Section 3.3.2.C.1](#)

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

**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:** See [Section 3.6.9.A.1](#)

**Landscape Contractor:** See [Section 3.5.5.A](#)

**Lawn Maintenance Service:** See [Section 3.5.14.G](#)

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

**Life Sciences:** 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:** 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):** See [Section 3.5.12.B.1](#)

**Light Vehicle Sales and Rental (Outdoor):** 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:** See [Section 3.5.14.H](#)

**Lodging:** See [Section 3.5.6.A](#)

**Lot:** See [Section 4.1.7.A.3](#)

**Lot Area:** 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 Line, Front:** A lot line abutting a right-of-way or common open space.

**Lot Line, Rear:** The lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than 10 feet long or the lot comes to a point at the rear, such rear lot line is assumed to be a line not less than 10 feet long lying wholly within the lot, parallel to the front lot line, or in

the case of a curved front lot line, parallel to the chord of the arc of such front lot line.

**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 U.S. Department of Housing and Urban Development (HUD) and the Code of Maryland Regulations 05.01.01, as amended and carries the HUD label. A manufactured home does not include a recreational vehicle.

**Media Broadcast Tower:** See [Section 3.5.2.B.1](#)

**Medical, Dental Laboratory:** See [Section 3.5.7.C](#)

**Medical 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:** 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:** See [Section 3.6.8.C.1](#)

**Mining, Excavation:** 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 U.S. Department of Housing and Urban Development (HUD) and the Code of Maryland Regulations 05.01.01, as amended 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:** See [Section 3.3.1.E.1](#)

**Multi Use Building:** 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 using an Annual Commuter Survey administered by the area's Transportation Management District (TMD) or by other acceptable means.

**Noncommercial Kennel:** 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 Street:** A right-of-way with a business district street or higher classification under [Chapter 49](#).

**Nursery (Retail):** See [Section 3.2.7.A.1](#)

**Nursery (Wholesale):** See [Section 3.2.7.B.1](#)

## O.

**Office:** See [Section 3.5.8.B.1](#)

**Open Space:** See [Division 6.3](#)

**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:** See [Section 3.5.9.A](#)

**Parking, Shared:** Privately-owned parking that is available as public parking 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 to access the other.

**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 has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.

**Personal Living Quarters:** See [Section 3.3.2.D.1](#)

**Pipeline (Above Ground):** 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):** 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:** 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 [Chapter 50](#) to serve the property.

**Public Open Space:** See [Section 6.3.6.A.2](#)

**Public Use (Except Utilities):** See [Section 3.4.9](#)

**Public Utility Structure:** 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:** 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:** See [Section 3.5.10.F.1](#)

**Recreation and Entertainment Facility, Major:** See [Section 3.5.10.H.1](#)

**Recreation and Entertainment Facility, 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:** 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:** See [Section 3.4.10.A](#)

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

**Repair (Commercial Vehicle):** See [Section 3.5.13.D](#)

**Repair (Major):** See [Section 3.5.13.E.1](#)

**Repair (Minor):** See [Section 3.5.13.F.1](#)

**Research and Development:** See [Section 3.5.8.C.1](#)

**Residential Care Facility:** See [Section 3.3.2.E.1](#)

**Restaurant:** See [Section 3.5.3.B.1](#)

**Retail/Service Establishment:** 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.

**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:** See [Section 3.5.11.C.1](#)

**Rural Country Market:** See [Section 3.5.11.D.1](#)

**Rural Open Space:** See [Section 6.3.4.A.2](#)



**S.**

**Seasonal Outdoor Sales:** See [Section 3.2.12.B.1](#)

**Security Pavilion:** See [Section 3.7.4.C.1](#)

**Self-Storage:** 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 located from a specified lot line or right-of-way.

**Setback, Front:** A distance measured from the front lot line to a structure or surface parking lot.

**Setback, Rear:** A distance measured from the rear lot line to a structure or surface parking lot.

**Setback, Side:** A distance measured from the side lot line to a structure or surface parking lot.

**Setback, Side Street:** A distance measured from the side street right-of-way to a structure or surface parking lot. A corner lot may have 2 front setbacks instead of a side street setback under [Section 4.1.7.B.2](#).

**SF:** Square feet.

**Shooting Range (Indoor):** See [Section 3.5.10.I.1](#)

**Shooting Range (Outdoor):** 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 [Section 6.7.5](#).

**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:** See [Section 3.3.1.B.1](#)

**Site:** 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:** See [Section 3.2.8.A](#)

**Solar Collection System:** See [Section 3.7.2.A](#)

**Special Event Parking:** See [Section 3.5.15.B.1](#)

**Special Protection Area:** A geographic area designated by the 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:** 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:** See [Section 3.5.9.B](#)

**Surface Parking for Commercial Uses in an Historic District:** See [Section 3.5.9.D.1](#)

**Surface Parking for Use Allowed in the Zone:** 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):** See [Section 3.4.11.A](#)

**T.**

**Taxi/Limo Facility:** 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:** 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:** See [Section 4.1.3.C](#) and [Section 4.1.5.C](#)

**Townhouse Living:** See [Section 3.3.1.D.1](#)

**Tract:** 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 an existing or master planned MARC station; 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:** 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:** See [Section 3.3.1.C.1](#)

## U.

**Urban Farming:** See [Section 3.2.9.A](#)

**Usable Area:** The area upon which the density of development is calculated in optional method MPDU and Cluster Development 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:** See [Section 3.5.1.C.1](#)

## W.

**Water Quality Plan:** A plan, including supporting documents, required as part of a water quality review under [Chapter 19](#) for significant projects 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:** See [Section 3.7.3](#)

**Winery:** 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 storm event or a flood expected once every 100 years.

PAGE INTENTIONALLY BLANK