

Article 59-9. Definitions

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 3.3.2A

Accessory apartment, detached: See Sec 3.3.2.B

Accessory use: See 3.1.4

Adult entertainment: See Sec 3.5.10.A

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: See Sec. 3.2.2.

Agricultural vending: See Sec 3.2.11.A

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

AM: Ante Merideum, the period between midnight and noon

Amateur radio facility: See Sec. 3.5.14

Animal care/ services : See Sec. 3.5.1.

Animal husbandry: See 3.2.10.A

Antique shop (rural): See Sec 3.5.10.B

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

Assisted living: See Sec . 3.3.5.D., Residential Care Facility

Auction facility, agricultural: See Sec. 3.2.1.

B.

Bed & breakfast: See Sec. 3.5.6.A

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.

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-1 Measurement and Exceptions.

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

- (a) consists of at least 25 acres;
- (b) 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;
- (c) is located in the Rural Density Transfer (RDT) zone; and
- (d) could be transferred 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 RDT 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 Rural Density Transfer.

Building Type: See Sec. 4.1.2.

Bus/ Rail Terminal: See Sec 3.6.5.A

C.

Cable communications system: See Sec. 3.5.2.A.

Campground: See Sec. 3.5.10.B

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 3.5.13.A

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. 3.5.4.A.

Chancery: The principal offices of a foreign mission used for diplomatic and related purposes and any annex to the principal offices (including ancillary offices and support facilities), including the site and any building used for diplomatic and related purposes.

Charitable, philanthropic institution: See Sec. 3.4.1.

Clinic, Medical & Dental: See Sec 3.5.7

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.

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

Common Open Space or Open Space, Common: TBD (Module 4)

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

Community Garden: See Sec. 3.2.3.

Conditional Use: See Sec 3.1.1.C

Conference Center: See Sec 3.5.10.C

Construction Administration or Sales Office: See Sec 3.5.15.A

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

Contractor Storage Yard: See Sec 3.6.1

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. 3.5.3.A

Country market (rural): See Sec 3.5.11.B

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 3.5.4.B

Cultural Institution: See Sec 3.4.6

D.

Day care facility: See Sec. 3.4.2

dB(A): A-weighted decibels measured as defined in Chapter 31B of the Montgomery County Code

Density: See Sec. 4.1.4.A.2, Measurement and Exceptions

Detached House: See Sec 4.1.2, Building Type Descriptions

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

Drive-Thru Facility: See Sec 3.5.14.C

Dry Cleaning Facility: See Sec 3.6.2

Duplex: See Sec. 4.1.2., Building Type Descriptions

Dwelling: A building or portion of a building arranged or designed to contain one or more dwelling units.

Dwellings for Caretakers/ Watchkeepers: See Sec 3.3.3.B

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. 3.4.3.

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

Equestrian facility: See Sec. 3.2.4.

Examiner: The Hearing Examiner appointed by the County Council to conduct certain zoning hearings and make recommendations to the Council.

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 3.2.10.B

Family Day Care: See Sec. 3.4.2.A

FAR: see **Floor area ratio**

Farm market, On-site: See Sec. 3.2.10.C

Farm Supply, Machinery Sales, Storage, Service See Sec 3.2.5

Farm tenant dwelling: See Sec. 3.3.2.C

Farming, crop: See Sec. 3.2.6.A.

Farming, livestock: See Sec. 3.2.7.B.

Fire/ EMS (Private): See Sec 3.4.5

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.

Freight Movement: See Sec 3.6.7.A

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

Fuel Sales: See Sec 3.5.13.B

Funeral Home, Undertaker: See Sec 3.5.4.C

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 shall be considered a part of the principal building and not an accessory structure.

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

GFA: see **Gross floor area**

Golf course, country club: See Sec. 3.5.10.D

Green area: TBD Module 4

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 land area: See Sec. 4.1.4., Measurement and Exceptions

Group day care: See Sec. 3.4.2.B

Group home: See Sec. 3.3.2.D., Residential Care Facility

Group living: See Sec. 3.3.5

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 3.6.8.A

Health Clubs and Facilities: See Sec 3.5.10.E

Helipad/ Heliport: See Sec 3.6.5.B

Helistop: See Sec 3.5.14.D

Home health practitioner: See Sec. 3.3.4

Home occupation: See Sec. 3.3.3

Hospice: See Sec. 3.3.2.D., Residential Care Facility

Hospital: See Sec. 3.4.4

Hotel, Motel: See Sec. 3.5.6.B

Household: A person living alone, or any 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, 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. Exceptions. 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. 3.3.1.

I.

Incinerator: See Sec 3.6.8.B

Independent Living Facility for Seniors or Persons with Disabilities: See Sec. 3.3.5.A

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.

K.

L.

Landfill: See Sec 3.6.8.C

Landscape Contractor: See Sec 3.5.5

Lawn maintenance service: The business of cutting grass, raking leaves, snow removal and other activities associated with maintaining a yard run as a Home Occupation (See Sec 3.3.3).

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

Live/Work Unit: See Sec 3.3.6.A

Local Area Transportation Review Guidelines: Guiding limits established by the Adequate Public Facilities (APF) 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. 3.5.6

Lot: See Sec. 4.1.4., Measurement and Exceptions

Lot area: See Sec. 4.1.4., 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 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., Measurement and Exceptions

M.

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.

Manufacturing and Production: See Sec. 3.6.3

Media broadcast tower: See Sec. 3.5.2.C.

Medical, Dental Laboratory: See Sec 3.5.7.C

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

Mining, excavation: See Sec. 3.6.4.

Mixed Use Building: See Sec. 4.1.2., Building Type Descriptions

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**

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. 3.3.1.C.

N.

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.

Nursery, Retail: See Sec. 3.2.7.A.

Nursery, Wholesale: See Sec. 3.2.7.B.

Nursing home: See Sec. 3.3.2.D., Residential Care Facility

O.

Office: See Sec 3.5.8

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

Overnight Shelter: See Sec. 3.3.5.B

P.

Parking, Structured: see Sec 3.5.9.A

Parking, Surface: see Sec. 3.5.9.B & C

Park, playground (private): See Sec. 3.4.7.

Person: Any individual, corporation, association, firm, partnership or the like, singular or plural.

Personal Living Quarters: See Sec. 3.3.5

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

Planning Director: The staff member in the Department of Park and Planning 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.

PM: Post Merideum, the period between noon and midnight

Private club, service organization: See Sec. 3.4.8.

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. 3.4.9.

Q.

R.

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 3.5.10.E & F & G

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 3.6.8.D

Recycling Collection and Processing: See Sec 3.6.8.E

Religious assembly: See Sec. 3.4.10.

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

Research and Development: See Sec 3.5.8.C

Residential Care Facility: See Sec 3.3.5.D

Restaurant: See Sec 3.5.3.B

Retail Sales and Service: See Sec 3.5.11

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.

S.

Seasonal outdoor sales: See Sec. 3.2.12.B

Self-Storage: See Sec. 3.6.7.B

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

SF: Square Feet

Shooting range, indoor: See Sec. 3.5.10.I

Shooting range, outdoor: See Sec. 3.5.10.J

Single room occupancy: See Sec. 3.3.2.G.

Site: See Sec. 4.1.4.A, Measurement and Exceptions

Slaughterhouse: See Sec 3.2.8

Small animal:

Special Event Parking: See Sec 3.5.15.B

Special Exception: See Conditional Use.

Storage Facility: See Sec 3.6.7.C

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.

Sustainable energy generation: See Sec. 3.6.6.D & 3.6.9.A

Swimming pool (community): See Sec. 3.4.11.

T.

Taxi/ Limo Facility: See Sec 3.6.5.C

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 3.1.5

Tenant Footprint: The horizontal area measured within the exterior walls for the ground floor of the main structure allocated to each non-residential tenant or owner-occupant.

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 Sec. 4.1.2., Building Type Descriptions

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

Transportation Demand Management: Sec 42A-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 3.6.8.F

Transitory use: See Sec. 3.5.15.C

Two-unit living: See Sec. 3.3.1.B.

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 3.2.6.C

Usable Area: 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.

Utility, public: See Sec. 3.6.6

V.

Vehicle/ Equipment Sales & Rentals: See Sec 3.5.12

Vehicle Service: See Sec 3.5.13

Vehicle, light commercial: Any motor vehicle or trailer used for carrying freight or merchandise, or used in furtherance of any commercial enterprise that is less than ___ tons.

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.

W.

Winery: See Sec. 3.2.9.

Wireless Communications Tower, Freestanding: See Sec 3.5.2.B

Wireless Antennae on Existing Structure: See Sec. 3.5.14.F.

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

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limits and other requirements are established, and all of the foregoing are identical for the zone in which they apply.

Zoning map: The zoning map of the Maryland-Washington Regional District in the county, dated May 31, 1958, together with all amendments to the zoning map subsequently adopted.