



Zoning Ordinance Revision: Staff Draft of the General Zoning Code Provisions



Rose Krasnow, Acting Director, Rose.Krasnow@montgomeryplanning.org, 301-495-4591



Pamela Dunn, Planner Coordinator, Pamela.Dunn@montgomeryplanning.org, 301-650-5649



Joshua Sloan, Planning Supervisor, Joshua.Sloan@montgomeryplanning.org, 301-495-4597

Completed: 1-31-13

Description

Staff Report and Staff Draft for Worksession on February 7, 2013
Zoning Ordinance Revision
Fall 2012 Planning Board Review

Summary:

This report will provide information on changes to our current zoning ordinance that are proposed in the attached Staff Draft. The Staff Draft, itself, is a redline version of the Consolidated Draft published July 2012, incorporating comments and suggestions received since its release. A new Staff Draft will accompany each staff report and will cumulatively update sections of the Consolidated Draft corresponding to the review schedule. As the title suggests, this report will cover general zoning code provisions.

Discussion of the Staff Draft of Article 59-1 General Zoning Code Provisions

Introduction

This report will evaluate changes to our current zoning ordinance that are proposed in the attached Staff Draft. The Staff Draft, itself, is a redline version of the Consolidated Draft, incorporating comments and suggestions received since its release in July. A new Staff Draft will accompany each staff report and will update sections of the Consolidated Draft corresponding to the review schedule.

As the title suggests, this report will cover General Zoning Code Provisions. Article 59-1 was initially released in July 2012 as part of the Consolidated Draft. Since the release of the Consolidated Draft, Staff has continued to receive comments and feedback. In light of these comments and further review of this article, additional revisions have been made to the Consolidated Draft represented by the attached Staff Draft. Below is a summary, by section, of changes from the current code that are proposed in the Staff Draft. In addition, changes made to the Consolidated Draft are also highlighted.

Division 1.1. In General

Summary of Division 1.1.

This is a new Division that describes the terms used to refer to the Zoning Ordinance, notes the effective date of the Code, and includes a section about repeal of the Current Code, where the authority for the Code comes from, and severability.

Summary of Changes from Current Code

As stated above this is a new division added to provide clarifying information to the reader.

Summary of Changes from Consolidated Draft

One modification to this division is a clarification of the effective date of the code, and Article 59-8 in particular.

Division 1.2. Purpose

Summary of Division 1.2.

This division provides the purpose of the zoning code.

Summary of Changes from Current Code

Sec. 1.2.1.B is new, it states that the interpretation and application of this Code are the basic and minimum requirements for the public health, comfort, safety and welfare.

Summary of Changes from Consolidated Draft

There are no changes from the Consolidated Draft for this division.

Div. 1.3 Applicability

Summary of Division 1.3.

This division states where and to what the zoning code applies. It also states that it does not apply to certain municipalities. Zoning under annexation is also discussed.

Summary of Changes from Current Code

A paragraph summarizing the applicability of the Code has been added. Two paragraphs regarding the July 1, 1997 annexation of Takoma Park have been deleted.

Summary of Changes from Consolidated Draft

One of two paragraphs regarding the July 1, 1997 annexation of Takoma Park that had retained in the Consolidated Draft has been deleted.

Div. 1.4 Use of the Code

Summary of Division 1.4.

This division is new and describes how to use the Code. It includes sections on Code Approach; Coordination with Other Regulations; Code Organization; and a Step-by-Step explanation of how to use of the Code.

Summary of Changes from Current Code

This division is new to the zoning code.

Summary of Changes from Consolidated Draft

One section, Sec. 1.4.4 Tables, Illustrations, and Examples was moved from Division 1.4 to Division 1.5.

Div. 1.5 Defined Terms

Summary of Division 1.5.

This division contains the rules of interpretation for specific elements contained in the code and definitions of uses and terms referenced throughout the chapter. In the Consolidated Draft this division was contained in Article 59-9. Comments received from several sources requested that the definitions section be moved to the front of the code in accordance with other chapters of the county code.

Summary of Changes from Current Code

Several definitions are new to the zoning code due to the convention of providing a definition for each use under Sec. 3.1.7. In addition, several terms used throughout the code are defined in this division, some of which are defined in the current ordinance and some not. Terms no longer referenced in the code have been deleted.

The Staff Draft of Article 59-3 contains all use definitions. Several of these definitions have been edited for grammatical accuracy and sentence structure, however no substantive changes have been made to these definitions since the December 21st Preliminary Planning Board Draft.

The Staff Drafts of Article 59-4 and Article 59-7 contain definitions related to development standards and open space. Some of these definitions have been edited for grammatical accuracy and sentence structure. Only the definition of site, tract, lot and lot area have been revised since the December 21st Preliminary Planning Board Draft.

Below is a list of terms not defined in Articles 59-3, 59-4 or 59-7, nor defined in the current zoning code. Some of these terms were discussed during the worksessions, such as Long-Term and Short-Term Bicycle Parking, Binding Elements, and Usable Area. Other terms, while contained in the Staff Drafts, have not been specifically discussed during the worksessions.

Base Zone	Parking Benefit Districts, Primary
Belt Course	Parking Benefit Districts, Secondary
Berms	Permeable Area
Bicycle Parking, Long-Term	Plan, Comprehensive
Bicycle Parking, Short-Term	Plan, Functional Master
Binding Elements	Property
Encroachment	Rainwater Collection System
Environmental Site Design	Right-of-Way
Euclidean Zone	Road, Arterial
Floating Zone	Road, Business
Food Service Truck	Road, Residential
Impervious Surface	Setback, Front
Lighting Fixture (Luminaire)	Setback, Rear
Light Shelves	Setback, Side
Limits of Disturbance	Setback, Side Street
Lot, Flag	Sill
Lot Width	Site Design
Modal Split	Solar Collection System
Non-Auto Driver Mode Share (NADMS)	Stream Buffer Area
Parcel	Transportation Management Plan
Parking, Shared	Usable Area
Parking, Tandem	100-Year Flood Plain
Parking Benefit Districts	

Attached is an excerpt of these terms and their definitions.

Summary of Changes from Consolidated Draft

Some changes were made to this division following the Consolidated Draft for the same reasons changes were made from the current code – to include additional use definitions, to define

terms used within the code and to delete terms no longer referenced. Rather than list each change here, it may be best to think of this division as entirely new.

Attachment

Terms not defined in Articles 59-3, 59-4 or 59-7, nor defined in the current zoning code:

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

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

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.

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

Binding Elements: Restrictions or requirements in an application that limit the use, building type, density, height restrictions or setback, general development, public benefit, or layout requirements.

Encroachment: Features located within the required setback lines or above height limits.

Environmental Site Design (ESD): Stormwater management practices, nonstructural 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.

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

Floating Zone: A flexible zone that is to be used for a designated purpose, but whose location is to be determined in the future.

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

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, including any road, road shoulder, driveway, or parking area.

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

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

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

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

Modal Split: The percent of persons arriving at a destination by one of the available methods of transportation.

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

Parcel: A contiguous area of land that is described by deed or plat recorded in the land records for which a building permit cannot be issued.

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

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

Parking Benefit District: A designated area in which a parking minimum and parking maximum apply and businesses have the option to pay a fee in lieu of providing off -street parking.

Parking Benefit Districts, Primary: See Chapter 60 [placeholder].

Parking Benefit Districts, Secondary: See Chapter 60 [placeholder].

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.

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 plans.

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.

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

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

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 adjoining lots or parcels and not included within their dimensions.

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/Residential and Employment zones.

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

Setback, Front: The setback measured from the front property line.

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

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

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

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

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.

Stream Buffer Area: The outermost limits of a wetland, wetland buffer, 100-year floodplain, and a perennial or intermittent stream and stream buffer. A stream buffer area includes hydraulically connected steep slopes and erodible soils.

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

Usable Area: The area upon which the density of development is calculated in MPDU and Cluster Development Optional Method projects. Usable area is calculated by deducting the following areas from the tract:

- a. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
- b. if more than 50% of the site is within environmental buffers, the incremental area of the environmental buffer that exceeds 50% of the site.

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.

ARTICLE 59-1. GENERAL ZONING CODE PROVISIONS

DIV. 1.1. IN GENERAL

SEC. 1.1.1. CITATION 1-2

SEC. 1.1.2. EFFECTIVE DATE 1-2

SEC. 1.1.3. REPEAL OF EXISTING ZONING REGULATIONS 1-2

SEC. 1.1.4. AUTHORITY 1-2

SEC. 1.1.5. SEVERABILITY 1-2

DIV. 1.2. PURPOSE

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

DIV. 1.3. APPLICABILITY

SEC. 1.3.1. APPLICABILITY 1-4

SEC. 1.3.2. NONAPPLICABILITY TO CERTAIN MUNICIPALITIES 1-4

SEC. 1.3.3. ANNEXATIONS 1-4

DIV. 1.4. USE OF THE CODE

SEC. 1.4.1. CODE APPROACH 1-5

SEC. 1.4.2. COORDINATION WITH OTHER REGULATIONS 1-5

SEC. 1.4.3. TABLES, ILLUSTRATIONS, AND EXAMPLES 1-5

SEC. 1.4.4. CODE ORGANIZATION 1-5

SEC. 1.4.5. STEP-BY-STEP USE OF THE CODE 1-6

DIV. 1.5. DEFINED TERMS

SEC. 1.5.1. RULES OF INTERPRETATION 1-8

SEC. 1.5.2. SPECIFIC TERMS AND PHRASES DEFINED 1-8

Div. 1.1. In General

Sec. 1.1.1. Citation

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

Sec. 1.1.2. Effective Date

- A. The [effective date] of this Chapter is the date of the District Council resolution adopting the District Map Amendment.
- B. The [effective date] of Article 59-8 is the date of the District Council resolution adopting the Chapter.

Sec. 1.1.3. Repeal of Existing Zoning Ordinance

The existing zoning ordinance entitled, “Montgomery County Code Zoning Ordinance: Chapter 59”, as adopted on January 18, 2005 and as subsequently amended, is repealed as of [the effective date] of this Chapter. The adoption of the revised Ordinance, however, does not affect or prevent any enforcement of the prior regulations.

Sec. 1.1.4. Authority

The provisions of this Chapter are adopted under zoning authority in the Land Use Article of the Annotated Code of Maryland, as amended.

Sec. 1.1.5. Severability

- A. All provisions of this Chapter are severable.
- B. All provisions of any ordinance enacted in the future that amend or add any provision to this Chapter are severable unless such ordinance specifically provides that its provisions are not severable.
- C. The finding by a court that some provision of this Chapter or any subsequent 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.

Div. 1.2. Purpose

Sec. 1.2.1. Purpose of Chapter 59

- A. The zoning provisions in this Chapter are adopted for the purpose of protecting and promoting the health, safety, comfort, and welfare of the present and future inhabitants of the District and constitute the zoning ordinance text.
- B. Interpretation and application of this Chapter are the basic and minimum requirements for the protection of public health, safety, comfort, and welfare.

Div. 1.3. Applicability

Sec. 1.3.1. Applicability

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

Sec. 1.3.2. Nonapplicability to Certain Municipalities

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

Sec. 1.3.3. Annexations

Any area annexed in to that portion of the Maryland-Washington Regional District in Montgomery County after the effective date of this Chapter 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.

Div. 1.4. Use of the Code

Sec. 1.4.1. Code Approach

- A. The Code is designed to implement and be consistent with the goals, objectives, policies, and strategies of the general plan, comprehensive plans, functional plans, master and sector plans, and supporting adopted or approved guidelines and regulations. This is achieved by providing complete, integrated, effective, and concise zoning regulations.
- B. The various zones allow different uses, development standards, methods of development, and regulations as a toolkit to implement diverse land use policies across the County.

Sec. 1.4.2. Coordination with Other Regulations

- A. The use of buildings and land within Montgomery County is subject to all other applicable regulations as well as this Chapter, whether or not such other provisions are specifically referenced in the Code. Reference to other regulations or provisions of the Montgomery County Code is for the convenience of the reader; the lack of a cross-reference does not exempt a property, building, structure, or use from other regulations.
- B. If a regulation adopted by this Chapter imposes a higher standard than those required under another statute or regulation, the regulation adopted under this Chapter controls. If the other statute or regulation imposes a higher standard, that statute or regulation controls.

Sec. 1.4.3. Code Organization

- A. Article 59-1., General Zoning Code Provisions establishes the legal framework and purpose of this Chapter; describes what properties and land use elements are controlled by this Chapter; addresses how annexed properties are treated; how coordination with other regulations is governed; how tables, illustrations, and examples are to be interpreted; and establishes the definitions of words, phrases, and terms used for specific meanings in this Code.
- B. Article 59-2., Zones establishes the various zones used by the County to implement land use policy; the intent of each zone; and how zoning maps are completed and interpreted.

- C. Article 59-3., Uses and Use Standards, provides a Use Table for all zones; defines each use; and provides any use-specific standards that must be complied with in addition to the zone standards and requirements, and general regulations.
- D. Article 59-4., Euclidean Zone Regulations, establishes the allowed development methods; defines how standards are measured and what exceptions are allowed; and establishes the development standards and requirements for all buildings, structures, and lands for each allowed building type in each Euclidean zone.
- E. Article 59-5., Floating Zone Regulations, establishes the development standards and requirements for all buildings, structures, and lands for each allowed building type in each Floating zone.
- F. Article 59-6., Optional Method Regulations, establishes the development regulations and standards for all optional method development, including development with Moderately Priced Dwelling Units, Cluster Development, TDRs, and development requiring public benefits in the Commercial/Residential and Employment zones.
- G. Article 59-7., General Development Regulations, establishes the applicability, standards, and regulations for site access; parking, queuing, and loading; open space; recreation facilities; landscaping and outdoor lighting; outdoor storage and display; and signs.
- H. Article 59-8., Administration and Procedures, establishes the application requirements necessary to comply with this Chapter and the related submittal regulations; review and approval authorities for such applications; decision-making requirements; how approvals received before this Chapter became effective are treated; how nonconforming sites, designs, uses, and structures are treated; and how enforcement is provided.

Sec. 1.4.4. Step-By-Step Use of the Code

The following guide is provided as an aid to effective use of this Code. This Section is provided for the ease of use by the reader and should not be considered to contain

all the steps, information, or references necessary to make or assess an application or interpret or implement this Chapter.

A. To Determine the Zone

1. Obtain a copy of a property's zoning map from the Montgomery County Planning Department. A scaled, certified zoning map obtained from the Planning Department will ensure that the information is accurate and reliable. Take note of any Overlay zones that apply.
2. Take note of the zoning for adjacent and confronting properties because this may affect land use classifications, development standards, and other regulations. In particular, if a property is in a Commercial/Residential, Employment, Industrial, or Floating zone and is adjacent to property in an Agricultural, Rural Residential, or Residential Detached zone, limits on use, increases in setbacks, height restrictions, and other limits may be imposed.
3. Refer to Article 59-2 to find the intent of the zone because some approvals require an applicant to show that an application meets the intent of the zone.

B. To Identify the Allowable Uses and Applicable Use Standards

1. Refer to the Use Table in Article 59-3 to determine which uses are allowed in the zone and ensure that the proposed use meets the definition in that Article.
2. If the desired use is not allowed in the zone, an applicant may wish to pursue a Floating zone that allows the use. In this case, the regulations for a Floating zone under Article 59-5 and the procedures for a Local Map Amendment under Section 8.2.1 will apply.
3. Where a use is identified as limited ("L") or conditional ("C") for the particular zone, use standards will be imposed and the application process will be indicated. All conditional uses must be approved by the Hearing Examiner or Board of Appeals, as indicated. Some limited uses will require a site plan under Sec. 8.3.4.

C. To Review the Building Types Allowed by the Zone

1. There are several building types enumerated in the Code: Detached House, Duplex, Townhouse, Apartment/Condo, Multi Use, and General Building.

Refer to Section 4.1.3 to determine which building types are allowed in the zone.

2. Only uses allowed in the zone may be approved for any given building type: the building type name does not imply any particular use as defined by this Chapter.
3. If the desired building type is not allowed in the zone, the applicant may wish to pursue a Floating zone that allows the building type. In this case, the regulations for a Floating zone under Article 59-5 and the procedures for a Local Map Amendment under Section 8.2.1 will apply.

D. To Determine the Development Method

1. There are 2 types of development allowed in this Chapter: standard method and optional method. In most cases, standard method development allows a base density and has very prescriptive standards and regulations. Optional method typically allows more flexibility in building types, density, height, and standards and regulations, and may require the provision of public amenities and benefits and entails additional public review.
2. Refer to the applicable Division in Article 59-4 or Article 59-6 to determine what thresholds exist for standard and optional method development.

E. To Determine the Applicable Zone Regulations

1. Under standard method development, the zone regulations, including lot size, lot width, setbacks, coverage, height, etc., are enumerated in Article 59-4 for Euclidean zones.
2. Under optional method development, the zone regulations and additional requirements, including public amenity and benefit requirements, are enumerated in Article 59-6.
3. If a Floating zone is pursued, the zone regulations are enumerated in Article 59-5.

F. To Identify the General Development Regulations

1. Development must comply with the general development regulations established in Article 59-7, as specified in that Article.
2. General development regulations include standards for site access; parking,

queuing, and loading; open space; landscaping and lighting; outdoor storage and display; and signage. Each Division of Article 59-7 includes the intent and applicability of the provisions and should be reviewed to ensure compliance.

3. If any applicant cannot comply with a particular provision in Article 59-7, or wishes to pursue an alternative, the mechanism for pursuing alternative compliance is indicated.

G. To Review the Procedures for Approval

1. Article 59-8 establishes when certain applications are required and who the reviewing and deciding bodies are.
2. First, check the overview tables that are provided for reference in Div. 8.1; then review each approval section, which has a dedicated “Applicability and Description” section that enumerates under what circumstances the approval is required.
3. When the applicable approval is found, the application requirements, submittal requirements, necessary findings, and other pertinent information are provided. Most importantly, the intake and review bodies are enumerated—these agencies should be your first point of contact to ensure you have correctly interpreted the steps required and can comply with the regulations for development of any building, structure, or land in the County.

H. Ensure Proper Interpretation

1. Refer to Div. 1.5 for the rules of interpretation and to find defined terms.
2. If a meaning, calculation, or measurement is unclear, a written interpretation may be obtained from DPS.

Div. 1.5. Defined Terms

Sec. 1.5.1. 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 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 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.

H. Tables, Illustrations, and Examples

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

Sec. 1.5.2. Specific Terms and Phrases Defined

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

A.

Abandonment: The cessation of activity necessary to the operation of a conditional use for at least 6 months.

Accessory Apartment, Attached: A second dwelling unit in a detached house building type. An Attached Accessory Apartment has a separate entrance and is subordinate to the principal dwelling.

Accessory Apartment, Detached: A second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type. A Detached Accessory Apartment is subordinate to the principal dwelling.

Accessory Buildings, Structures, and Uses: A land use category that permits subordinate buildings, structures, or uses to a principal building or use on the land unless otherwise expressly listed in the Use Table (see Sec. 3.1.7, Use Table). An accessory building is not attached by any part of a common wall or common roof to the main building.

Adult Entertainment: An establishment that:

- a. sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10% of the total floor area for selling, renting, exhibiting, or displaying all materials;

- b. features nude persons in adult entertainment performances; or
- c. otherwise requires a County license as an adult entertainment business.

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.

Agricultural Auction Facility: Any structure and land where farm-related merchandise is sold to the highest bidder.

Agricultural Processing: Operations that transform, package, sort, or grade farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural Processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include Slaughterhouse (see Sec. 3.2.8, Slaughterhouse).

Agricultural Vending: The sale of produce by a vendor who is a certified agricultural producer as defined in Chapter 47.

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

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

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

Amateur Radio Facility: Any structure used for personal, noncommercial radio communications licensed by the Federal Communications Commission.

Ambulance, Rescue Squad (Private): Volunteer, privately supported, or non-profit facility providing emergency fire protection, rescue, and ambulance services. Ambulance, Rescue Squad (Private) does not include non-emergency ambulance transportation services.

Amend or Amendments: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map, part of any map, or addition of any map.

Amenity Open Space: Amenity open space is an area associated with a building or group of buildings that provides access to recreation areas and natural amenities for the use and enjoyment of employees and visitors.

Animal Boarding and Care: Any structure and land other than a veterinary hospital, used, designated, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals for profit, not including those animals raised for agricultural purposes.

Animal Husbandry: The practice of raising hens, ducks, miniature goats, rabbits, and bees.

Animal Research Facility: Any structure and land for the use of non-human animals in scientific experimentation.

Animal Services: Any structure and land for providing care for animals. Animal Services does not include any use considered accessory to farming.

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

Antenna on Existing Structure: One or more antennas, attached to an existing support structure, such as a building, a transmission tower, a monopole, a light pole, a water tank, a silo, a barn or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.

Apartment/Condo: A building containing 3 or more dwelling units vertically and horizontally integrated.

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

Automobile Storage Lot: The storage of automobiles in connection with a towing operation. Automobile Storage Lot does not include the storage of junked cars.

Awning: A wall-mounted, cantilevered structure that is a minimum height of 10 feet above the sidewalk or stoop and 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 permitted by the zoning classification of a property without the use of optional method Cluster, MPDU, 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 grades along the perimeter of the building.

Bed and Breakfast: A detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serving breakfasts to guests.

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

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.

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

Binding Elements: Restrictions or requirements in an application that limit the use, building type, density, height restrictions or setback, general development, public benefit, or layout requirements.

Blank Wall: A portion of the exterior façade of the building that does not include windows or doors, or columns, pilasters, or other articulation greater than 8 inches in depth.

Build-to-Area (BTA): The area on the lot where a certain percentage of the front building façade must be located, measured as a range from the edge of the property line.

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

Building Height: In Agricultural, Rural Residential, and Residential zones, the distance measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line. In Commercial/Residential, Employment and Industrial zones, the distance is measured from grade to the highest point of the roof, excluding structures allowed under Sec. 4.1.4.D.3. Grade is measured as the average elevation of the top of the curb adjacent to the front of the building. In a lot with more than one frontage, grade is measured as the average elevation of the curb along each frontage. In the case of a building set back from the street line 35 feet or more, the building height is measured

from the average elevation of finished ground surface along the front of the building.

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

- consists of at least 25 acres;
- 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;
- is located in the AR zone; and
- 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 AR zone; this attribute distinguishes a BLT from other TDRs.

Bus, Rail Terminal: Any structure and land for boarding buses or trains. Bus, Rail Terminal does not include bus or train maintenance (see Sec. 3.5.13.D, Repair (Commercial Vehicle)).

C.

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

Campground: Any structure and land used for 2 or more tent or recreational vehicle campsites. Campground does not include sites for manufactured homes.

Campsite: A plot of ground within a campground intended for the exclusive occupation by a camping unit or units under the control of a camper.

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

Car Wash: A principal use of land or a structure with mechanical or hand-operated facilities used for cleaning, washing, polishing, or waxing of motor vehicles.

Catering Facility, Outdoor: Any structure and land where food and drink is provided at outdoor social events in a professional capacity. 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: Any structure and land used for the permanent interment of humans or animals or their cremated remains. A Cemetery does not include a memorial garden on the premises of a religious institution (see Sec. 3.4.10, Religious Assembly).

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

Charitable, Philanthropic Institution: A private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, recreation, or environmental conservation. Charitable, Philanthropic Institution does not include a trade or business whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. A Charitable, Philanthropic Institution also does not include other uses specifically defined or regulated in this Code such as a: Religious Assembly (See Sec. 3.4.10, Religious Assembly), public or private educational institution (See Sec. 3.4.5, Educational Institution (Private) and Sec. 3.4.9, Public Use (Except Utilities)), library or museum (See Sec. 3.4.3, Cultural Institution), Private Club, Service Organization (See Sec. 3.4.8, Private Club, Service Organization), Hospital (See Sec. 3.4.6, Hospital), Residential Care Facility (See Sec. 3.3.2.E, Residential Care Facility), or Independent Living Facility for Seniors

or Persons with Disabilities (See Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

Child: A legitimate child, an adopted child, and an illegitimate child. A child does not include a stepchild, foster child, or a grandchild, or a more remote descendant.

Clinic: A building occupied by medical practitioners and related services to provide health services on an outpatient basis.

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

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:

- greater than 10,000 pounds gross vehicle weight;
- rated by the manufacturer with a load capacity of more than one ton;
- 21 feet long or longer, measured from the extremes of the vehicle, including any object on the vehicle; or
- more than 8 feet high, with properly inflated tires, measured from the ground to the highest part of the vehicle, including any racks but excluding any antennas.

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

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

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

Common Open Space: An outdoor area not delineated as public open space that is intended for recreational use by residents and visitors. Common open space does not include private individual lots in a townhouse development.

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

Conditional Use: A use that must meet the conditional use standards in Div 3.2 through Div. 3.7 and requires approval by the Board of Appeals or Hearing Examiner, subject to the findings in Sec. 8.3.1.

Conference Center: Any structure and land for conducting meetings, discussions, and conferences. Conference Center includes meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and supporting services designed to accommodate planned meetings. Conference Center does not include a Hotel, Motel (see Sec. 3.5.6.C, Hotel, Motel).

Construction Administration or Sales Office: A temporary office for construction administration or real estate sales.

Contractor Storage Yard: An outdoor storage yard for construction equipment or building materials and supplies.

Country Inn: An establishment for dining in a rural area that includes a maximum of 12 overnight guest rooms and the following incidental uses: rural antique shop; handicrafts or art sales; equestrian-related retail sales and service; and recreational facilities primarily for the use of guest.

Country Market (Rural): The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. Country Market (Rural) includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland. Country Market (Rural) does not include the sale or storage of bread, cheese, or other foodstuffs produced in a

commercial kitchen, or an eating and drinking establishment (see [Sec. 3.5.3, Eating and Drinking](#)).

County: Montgomery County, Maryland.

Coverage: The area of a lot or site occupied by buildings, including accessory buildings, structured parking, or other roofed structures such as porches, patios, decks, and steps. Coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.

Crematory Services: A structure in which cremation occurs.

Cultural Institution: Any private structure and land where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study, or reference, but not typically offered for sale. Cultural Institution includes a museum, cultural or art exhibit, and library.

D.

Day Care Center: A Day Care Facility for 13 or more persons where staffing, operations, and structures comply with State and local regulations. A Day Care Center includes a Family Day Care where the provider is not a resident and cannot meet the non-resident provider requirement.

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

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

DBH: Diameter at breast height.

Detached House: A building containing one dwelling unit located on a single lot.

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.

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

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

Dormitory: A building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

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

Drive-Thru Facility: Any structure and land where the customer is served while sitting in a vehicle. Drive-Thru Facility includes drive-thru restaurants, banks, and pharmacies, but does not include Fuel Sales (see [Sec. 3.5.13.C, Fuel Sales](#)).

Dry Cleaning Facility: An establishment for the mechanical cleaning of garments, articles, or goods of fabric for retail customers. Dry Cleaning Facility does not include laundromat or dry cleaning and laundry pick-up station (see [Sec. 3.5.11.A, Retail/Service Establishment](#)).

Duplex: A building containing 2 dwelling units.

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.

Dwellings for Caretakers/Watchkeepers: Dwelling units for caretakers or watchkeepers and their families.

E.

Educational Institution (Private): A private school or educational or training academy, providing instruction or programs of learning. Educational Institution (Private) includes tutoring and college entrance exam preparatory

courses, art education programs, artistic performances, indoor and outdoor recreation programs, and summer day camps, any of which may serve individuals who are not enrolled as students in the institution's academic program. Educational Institution (Private) does not include schools operated by the County Board of Education or education conducted in the provider's home as a Home Occupation (See Sec. 3.3.3.G, Home Occupation).

Encroachment: Features that are located within the required setback lines or above height limits.

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

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

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

Equestrian Facility: Any structure or land area that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. Equestrian Facility includes events such as competitions, exhibitions, or other displays of equestrian skills.

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: Any structure and land used for the permanent interment of dead human bodies and ashes related to the property owner by blood, marriage, or adoption.

Family Day Care: A Day Care Facility for a maximum of 8 persons in the dwelling where the registrant is the provider and a resident, or when the registrant is not a resident but more than half the children cared for are residents. The

provider's own children under the age of 6 are counted within the group of 8. Family day care does not include more than 2 non-resident staff members on-site at any time or a provider that is not a resident and does not meet the requirement for a non-resident provider (see Sec. 3.4.4.E, Day Care Center (13-30 Persons)).

Farm Airstrip, Helistop: An accessory take-off and landing facility for an aircraft associated with farming operations.

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

Farm Supply or Machinery Sales, Storage, and Service: The use of any structure and land for the sales, storage, or service of machinery used in farming for agricultural purposes. Farm Supply or Machinery Sales, Storage, and Service does not include sales, storage, or service of vehicles and other machinery not associated with farming.

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

Farming: An operation on a tract of land, with or without associated buildings, that is being used for agriculture. Agriculture is the business, science, and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for

market and may or may not cause a change in the natural form or state of the product. Farming includes the following accessory uses:

- a. Accessory agricultural processing and storage of products grown on-site or on property owned, rented, or controlled within the County by the farmer .
- b. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled within the County by the farmer.
- c. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
- d. The delivery and installation of horticultural products grown on the farm.

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 must not exceed 3; the rails must leave at least 75% of the space created between the posts open.

Floating Zone: A flexible zone that is to be used for a designated purpose, but whose location is to be determined in the future.

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

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

Footprint: The gross floor area of the first floor of a building.

Freight Movement: Any structure and land involved in the movement of goods or equipment, including temporary storage, for delivery to other facilities or the final consumer. Freight Movement does not include on-site sales activity.

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: Any structure and land used to primarily dispense motor vehicle fuels to the consumer. Fuel Sales includes minor repair services as an accessory use and accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles, are limited to 2 bays. Fuel Sales does not include storage or parking offered for rent.

Funeral Home, Undertaker: A facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.

G.

Gallery: A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side. A gallery is a minimum height of 10 feet above the sidewalk. A gallery is contiguous and extends over a minimum of 50% of the width of the building façade from which it projects.

General Building: A building typically containing nonresidential uses including office, employment, industrial, civic, institutional, or public uses.

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

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.

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, including basements; elevator shafts and stairwells at each floor; floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more (except in the LSC zone and on rooftops); floor space in an attic with structural headroom of 6 feet, 6 inches or more (regardless of whether a floor has been installed); and interior balconies and mezzanines (except for common, non-leasable area in retail malls).

Gross floor area does not include floor space used for mechanical equipment in the LSC zone and on rooftops; interior balconies and mezzanines for common, non-leasable area in retail malls; cellars; unenclosed steps, balconies, and porches; structured parking; floor area for all Moderately Priced Dwelling Units (MPDUs) that exceed the minimum 12.5% of required MPDUs; floor area for publicly owned or operated uses or arts and entertainment uses provided as a public benefit under the optional method of development; and 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.

Group Day Care: A Day Care Facility for 9 to 12 persons where staffing, operations, and structures comply with state and local regulations and the provider's own children under the age of 6 are counted towards the maximum allowed persons.

Group Living: The residential occupancy of a structure by a group of people that does not meet the definition of a Household Living use under Sec. 3.3.1, where tenancy is arranged on a monthly or longer basis.

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 buffet service.

Guest House: A detached dwelling that is intended, arranged, or designed for occupancy by transient, nonpaying visitors of the resident owner of the principal dwelling.

H.

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

Health Clubs and Facilities: Any structure and land designed to enhance physical conditioning and general health. Health Clubs and Facilities includes dance, martial arts, and yoga studios.

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

Heavy Manufacturing and Production: The processing, manufacturing, or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosive, and may involve outdoor operations as part of their manufacturing process. Heavy manufacturing processes have greater than average impacts on the environment and/ or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards. Heavy Manufacturing and Production does not include arsenals; blast furnaces; boiler works; distillation of bones; dumps; fat rendering; forge plants; incinerators, except when operated or licensed by a duly authorized public agency; ore reduction; packing houses, including meat canning or curing houses; petroleum refining, or storage in more than tank car lots; rolling mills; smelting; tanning, curing or dyeing of leather, rawhides or skins, or storage of skins; and wool pulling or scouring. Heavy Manufacturing and Production also does not include acetylene; ammonia, bleaching powder, chlorine; asphalt; celluloid or pyroxylin (or treatment of celluloid or pyroxylin); disinfectants; emery cloth or sandpaper; explosives, fireworks or gunpowder; fertilizers; gas for illumination or heating; glue, size, or gelatin; insecticides; lampblack; leather goods; linoleum; matches; mortar, lime, plaster, cement,

gypsum; oil cloth or oiled products; paint, oil, shellac, turpentine or varnish employing a boiling or rendering process; potash; rubber or products made therefrom; soap; shoeblacking or polish; soda or soda compound; acids or other corrosive or offensive substances; tar or tar roofing or water proofing or other tar products or distillation thereof; and yeast, except as part of medical and biotechnical research and development.

Heavy Vehicle/Equipment Sales and Rental: The sales, rental, or leasing of heavy equipment, manufactured homes, and commercial vehicles, including 18-wheelers, commercial box trucks, high-lifts, construction, and heavy earth-moving equipment.

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

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

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

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

Home Health Practitioner: The office of a health practitioner who is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and has an advanced degree in the field from an accredited educational institution and who resides in the dwelling unit in which the office is located. Home Health Practitioner includes a registered nurse or physician's assistant if that person has an advanced degree in the field and practices independently.

Home Health Practitioner does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.

Home Health Practitioner (Low Impact): A Home Health Practitioner that is limited to 2 resident health practitioners and one nonresident support person in a 24-hour period.

Home Health Practitioner (Major Impact): A Home Health Practitioner that is limited to 2 resident health practitioners and 2 or more non-resident support persons in a 24-hour period.

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

Home Occupation (Low Impact): A Home Occupation that is required to register with DPS.

Home Occupation (Major Impact): A Home Occupation that is regulated under Sec. 8.3.1, Conditional Use.

Home Occupation (No Impact): A Home Occupation that is not required to register with DPS and is not regulated under Sec. 8.3.1, Conditional Use. Home Occupation (No Impact) does not include the repair and maintenance of motor vehicles for compensation.

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 and any accessory building that was constructed within 18 months after DPS approved a Home Occupation on the lot.

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

Hotel, Motel: A building containing guest rooms arranged for short-term stays of less than 30 days for compensation and may contain one or more restaurants, meetings rooms, or banquet facilities. Hotel, Motel includes a hostel.

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:

- a. any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
- b. up to 5 unrelated people;
- c. 2 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
- d. not more than 8 unrelated people who are "handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h). This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).
- e. Household 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: The residential occupancy of a dwelling unit by a household on a monthly or longer basis.

Immediate Family Member: A person's parents, spouse, children, and siblings.

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, including any road, road shoulder, driveway, or parking area.

Independent Living Facility for Seniors or Persons with Disabilities: A building containing dwelling units and related services for senior adults or persons with disabilities. Independent Living Facility for Seniors or Persons with Disabilities includes meal preparation and service, day care, personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of the above operations.

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

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

- a. the lot was created by a plat recorded before January 1, 1978; or by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
- b. the lot is less than 25,000 square feet in area; and
- c. the construction proposed is:
 - i. a new detached house;
 - ii. the demolition and reconstruction of more than 50% of the floor area of the dwelling; or
 - iii. the addition of more than 50% of the floor area of the dwelling

Inherent Adverse Effects: Physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations.

I.

J.

K.

L.

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

Landscape Contractor: The business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal.

Lawn Maintenance Service: The business, run as a Home Occupation (see Sec. 3.3.3.G), 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. For a business, institution, or government agency

conducting such activities in a Life Sciences Center, Life Sciences also includes related activities and supporting services, such as administrative offices, educational facilities, libraries, data services, nanotechnology, informational technology, and robotics.

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

Light Manufacturing and Production: The manufacturing of finished products or parts from materials including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing processes and any noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing processes are contained entirely within a building.

Light Vehicle Sales and Rental (Indoor): The indoor sales, rental, or leasing of light equipment and vehicles. Light Vehicle Sales and Rental (Indoor) includes the minor repair of vehicles and equipment for sale, rent, or lease as an incidental use.

Light Vehicle Sales and Rental (Outdoor): The outdoor sales, rental, or leasing of light equipment and vehicles. Light Vehicle Sales and Rental (Outdoor) includes the minor repair of vehicles and equipment for sale, rent, or lease as an incidental use.

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

Live/Work Units: Buildings, or spaces within buildings, that combine a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.

Lodging: Any structure and land for short-term overnight accommodation of guests for compensation.

Lot: A contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.

Lot Area: The geographic extent defined by lot boundaries.

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 and with the bulk of the property containing no frontage.

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

Lot Line: The line bounding a lot.

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

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

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

M.

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

Manufactured Home: A structure intended for residential use and transportable in one or more sections, which is 8 feet or more in width and 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 a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, manufactured under the standards that are (1) promulgated by the U.S. Department of Housing and Urban Development (HUD), and (2) stated in the Code of Maryland Regulations 05.01.01, re-

vised January 1, 1984, as they may be amended from time to time and carries the HUD label. A manufactured home does not include a recreational vehicle.

Media Broadcast Tower: Any structure used to transmit radio or television communications that are intended to be received by the general public. Media Broadcast Tower does not include amateur radio antenna (see Sec. 3.5.14, Amateur Radio Facility) or Telecommunications Tower (see Sec. 3.5.2.C, Telecommunications Tower).

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

Medical Practitioner: A licensed physician, surgeon, dentist, osteopath, chiropractor, optometrist, physician's assistant, or nurse practitioner.

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

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: A site for the off-loading, transfer, or storage of sand, gravel, or rocks.

Mining, Excavation: Uses that extract minerals and other natural resources from land. Mining, Excavation includes borrow pit and gravel mining.

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

Modal Split: The percent of persons arriving at a destination by one of the available methods of transportation.

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

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

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

Multi-Unit Living: Dwelling units in an apartment/condo or multi use building type. Multi-Unit Living includes ancillary offices to manage, service, and maintain the development.

Multi Use Building: A building containing ground floor commercial uses with upper-story residential or office uses.

N.

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

Noncommercial Kennel: Any County-licensed structure and land used for the boarding, breeding, or care of dogs, cats, or other domestic animals belonging to the site's owner and kept for purposes of show, hunting, or as pets.

Noncommercial Kennel does not include an Equestrian Facility (see Equestrian Facility, Sec. 3.2.4).

Noncomplying Use: 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, even though it no longer conforms to the requirements of its zoning.

Nonconforming Use: A use that was lawful when established, even though it no longer conforms to the requirements of its zoning.

Non-Inherent Adverse Effect: Physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site.

Nursery (Retail): Any structure and land used for selling plants and plant materials to the public, as well as garden supplies, equipment, and related items. Nursery (Retail) does not include Landscape Contractor (see Sec. 3.5.5, Landscape Contractor).

Nursery (Wholesale): Any structure and land used for selling plants and plant materials to other businesses, as well as garden supplies, equipment, and related items. Nursery (Wholesale) includes the stocking and sale of fertilizers, plant food, and pesticides that are produced off-site. Nursery (Wholesale) does not include Landscape Contractor (see Sec. 3.5.5, Landscape Contractor).

O.

Office: Activities conducted in a room or building generally focusing on business, professional, or financial services. Office includes a chancery, but does not include medical or dental services (see Sec. 3.5.7, Medical and Dental) or Veterinary Office/Hospital (see Sec. 3.5.1.C, Veterinary Office/Hospital).

Outlot: Land shown on a record plat that is not a buildable lot within the meaning of this Chapter and for which a building permit cannot be issued.

Overlay Zone: A mapped zone over the underlying base zone that either adds to or 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 for which a building permit cannot be issued.

Parking: Parking is a facility that provides parking for motor vehicles where the facility is not accessory to a principal use and a fee may be charged.

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

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

Parking Benefit District: A designated area in which a parking minimum and parking maximum apply and businesses have the option to pay a fee in lieu of providing off-street parking.

Parking Benefit Districts, Primary: See Chapter 60 [placeholder].

Parking Benefit Districts, Secondary: See Chapter 60 [placeholder].

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 (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:

- a. are expected to be of long continued and indefinite duration;
- b. substantially impede the ability to live independently; or

- c. are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

Personal Living Quarters: Any building or portion of a building containing more than 5 individual living units, which must have shared cooking facilities and may have shared sanitation facilities.

Pipeline: A conduit for the distribution of liquids or gas.

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 plans.

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, as a guide for the physical development of the district or any portion of the district, including any amendments, extensions, or additions adopted by the Commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zones, or other similar information. Master plan includes sector plan. See Land Use Article of the Annotated Code of Maryland.

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

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, or the grade necessary to implement an approved subdivision plan.

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

Private Club, Service Organization: An association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the public.

Property: One or more tracts that are under common control, operation, or ownership or are subject to 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:

- a. green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation;

- b. streetscaping that includes elements such as plantings, special pavers, bus shelters, benches, and decorative lighting;
- c. public space designed for performances, events, vending, or recreation;
- d. new or improved pedestrian walkways, tunnels, or bridges;
- e. features that improve pedestrian access to transit stations;
- f. dedicated spaces open to the public, such as museums, art galleries, cultural arts centers, community rooms, recreation areas;
- g. day care for children or senior adults and persons with disabilities;
- h. public art; and
- i. a publicly owned or operated government facility.

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

Public Open Space: Space devoted to public use or enjoyment and that also enhances the public realm.

Public Use (Except Utilities): A publicly-owned or publicly operated use. Public Use (Except Utilities) includes County office buildings, maintenance facilities, public schools and parks, post offices, and State and Federal buildings. Public Use (Except Utilities) does not include public utility structures (see Sec. 3.6.7.C, Public Utility Structure).

Public Utility Structure: A utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service.

Q.

R.

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

Railroad Tracks: Tracks and lines for the movement of trains.

Receiving Area: Land designated on a master or functional master plan for development beyond its base density through the transfer of development rights.

Recreation and Entertainment Facility, Indoor: A building with a capacity up to 1,000 persons that provides recreation or entertainment activities in an indoor setting, such as sport facilities, theaters, and dance clubs. Recreation and Entertainment Facility, Indoor does not include Shooting Range (Indoor) (see Sec. 3.5.10.I, Shooting Range (Indoor)) or Health Clubs and Facilities (see Sec. 3.5.10.E, Health Clubs and Facilities).

Recreation and Entertainment Facility, Major: A structure or land for performances, cultural or sporting events, or general public interest events that is a place of assembly for over 1,000 participants or attendees.

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

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:

- a. motor homes;
 - b. travel trailers;
 - c. campers or camping trailers including truck inserts and collapsible units;
- or

- d. non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

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

Recycling Collection and Processing: Any structure or land used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or products and result in less than 10% non-marketable waste by volume and inventory stored on-site must be turned over at least once every 3 months. Recycling Collection and Processing includes an automobile recycling facility, but does not include a transfer station (See Sec. 3.6.9.B, Landfill, Incinerator, or Transfer Station).

Religious Assembly: A meeting area for religious practices, including a church, synagogue, mosque, convent, or monastery. Religious Assembly includes a memorial garden on the premises.

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

Repair (Commercial Vehicle): Repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Repair (Commercial Vehicle) includes the sale of fuel for aircraft.

Repair (Major): Any structure and land where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment (see Sec. 3.5.13.D, Repair (Commercial Vehicle)).

Repair (Minor): Any structure and land where minor vehicle repair and service is conducted, including audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires,

brakes, mufflers, and glass repair or replacement. Repair (Minor) does not include repair or services for commercial vehicles or heavy equipment (see Sec. 3.5.13.D, Repair (Commercial Vehicle)).

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

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

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

Restaurant: Any structure and land for the preparation and sale of food or drink for consumption. Restaurant includes catering, take-out services, and banquet facilities, but does not include a Drive-Thru Facility (see Sec. 3.5.14.E, Drive-Thru Facility).

Retail/Service Establishment: A business providing personal services or sale of goods to the public. Retail/Service Establishment does not include Animal Services (see Sec. 3.5.1, Animal Services) or Drive-Thru Facility (see Sec. 3.5.14.E, Drive-Thru Facility).

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 adjoining lots or parcels and not included within their dimensions.

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/Residential and Employment zones.

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

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

Rural Antique Shop: The sale of items belonging to, made in, or typical of an earlier period.

Rural Open Space: Land that is managed as farmland or is returning to its natural state without human intervention.

S.

Seasonal Outdoor Sales: The temporary sales of seasonal farm products offered annually for a limited period of time, such as the sale of pumpkins and evergreen trees.

Security Pavilion: A single-room building designed and arranged for housing security personnel and surveillance equipment.

Self-Storage: A structure providing separate storage areas for personal or business use designed to allow private access by the tenant.

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

Setback: The minimum distance that a structure or parking area must be set back from a specified lot line or right-of-way.

Setback, Front: The setback measured from the front lot line.

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

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

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

SF: Square feet.

Shooting Range, Indoor: An area in a building with targets for rifle or handgun practice.

Shooting Range, Outdoor: Any structure, not including a building, or land with targets for rifle, pistol, skeet, or trap shooting practice.

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

Sign Area: The surface measurement of a sign under Sec. 7.7.5.

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

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

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

1. **Sign, Ground:** A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part

of the sign, and where the dimension closest to the ground is greater than the height.

2. **Sign, Supported:** A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign.

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

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

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

- a. displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period; or
- b. 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.

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

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

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

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

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

Single-Unit Living: One dwelling unit contained in a detached house building type.

Site: An area of land including all existing and proposed lots and parcels in one application, except proposed and existing dedications and rights-of-way.

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.

Slaughterhouse: Any structure and land where livestock raised off-site are slaughtered for commercial purposes.

Solar Collection System: Panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices.

Special Event Parking: Off-street parking of automobiles in connection with a sporting or cultural event.

Special Protection Area: A geographic area 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.

Storage Facility: Any structure and land for the short- or long-term storage of goods or equipment, not including Self-Storage (See Sec. 3.6.8.C, Self Storage).

Stream Buffer Area: The outermost limits of a wetland, wetland buffer, 100-year floodplain, and a perennial or intermittent stream and stream buffer. A stream buffer area includes hydraulically connected steep slopes and erodible soils.

Structure: Any assemblage of materials for occupancy, use, or public assembly, including buildings.

Structured Parking: A one or more level structure for parking or storing motor vehicles that may be totally below grade as in an underground parking garage, or either partially or totally above grade with those levels being either open or enclosed and may include commercial uses along the ground floor.

Surface Parking for Commercial Uses in an Historic District: The parking of motor vehicles on land zoned Agricultural, Rural Residential, or Residential in a master plan-designated historic district, where the parking must adjoin land zoned Commercial/Residential or Employment in the same master plan-designated historic district.

Surface Parking for Use Allowed in the Zone: Surface parking as a principal use in connection with any permitted or limited use allowed in the zone.

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

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

T.

Taxi/Limo Facility: Any land or structure for the dispatch or storage of taxis, limousines, or other vehicles for hire.

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

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

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

Townhouse: A building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. Townhouse includes units on individual lots or where the entire building (or project) is on a single lot.

Townhouse Living: 3 or more dwelling units in a townhouse building type.

Tract: An area of land, including all proposed and existing rights-of-way, dedications, lots, and parcels, in one application. A tract does not include land conveyed for consideration.

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

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

Transit Proximity: Transit proximity is categorized in 3 levels: 1. Proximity to an existing or master planned Metrorail Station; 2. Proximity to an existing or

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

Transitory Use: A use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours. Transitory Use includes a food service truck.

Transmission Line: An above ground or below ground electric distribution line, cable line, or telephone line.

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

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

Two-Unit Living: 2 dwelling units contained in a duplex building type.

U.

Urban Farming: The cultivation of fruits, vegetables, flowers, and ornamental plants, as well as the limited keeping and raising of fowl or bees and the practice of aquaculture.

Usable Area: The area upon which the density of development is calculated in MPDU and Cluster Development Optional Method projects. Usable area is calculated by deducting the following areas from the tract:

- a. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
- b. if more than 50% of the site is within environmental buffers, the incremental area of the environmental buffer that exceeds 50% of the site.

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.

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

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

W.

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

Wildlife, Game Preserve, and Other Conservation Areas: A public or private area used for raising, protecting, breeding or hunting wildlife within a natural environment. Wildlife, game preserve, and other conservation areas includes a regulated shooting ground licensed by the Maryland Wildlife Administration.

Winery: Any structure and land for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets where a minimum of 5 acres of grapes or other fruit must be grown on the same parcel as the processing facility.

Workforce Housing: A dwelling unit that is subject to 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 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: Chapter 59 of the Montgomery County Code, also referred to as the Code, this Chapter, and Zoning Ordinance.

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.

#.

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.