

Division 59-A-2. Definitions and Interpretation.

Sec. 59-A-2.1. Definitions.

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

Abattoir: Any building, place, or establishment where livestock grown off-site are slaughtered for commercial purposes.

Access: A means of approach or admission.

Accessibility Improvement: An unroofed and open structure, including a ramp and chairlift that: (1) allows a person with a physical disability access to a one-family dwelling; and (2) is exterior to the one-family dwelling.

Accessory apartment: A second dwelling unit that is part of an existing one-family detached dwelling, or is located in a separate existing accessory structure on the same lot as the main dwelling, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling unit is subordinate to the main dwelling.

Accessory building: See “building, accessory.”

Accessory dwelling: An additional dwelling unit that (1) is located on a tract or parcel that is primarily agricultural in use, and (2) was originally constructed or converted to use on the farm as a principal dwelling, farm tenant dwelling or guest house as defined in this section.

Accessory residential unit: A residential unit in a non-residential building. An accessory residential unit must be located above the first floor and all such units must comprise less than 40% of the total floor area of a non-residential building.

Accessory use: See “use, accessory.”

Adult entertainment business: An establishment that:

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

(2) Features nude persons or adult entertainment performances; or

(3) Otherwise requires a County license as an adult entertainment business.

Adult entertainment material or performance: Material that is a book, magazine, periodical, or other printed matter; photograph, film, motion picture, video cassette, slide, or other visual representation; sculpture or 3- dimensional representation; recording or other sound representation; or sexual paraphernalia that depicts or describes, or a live performance that

depicts, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in State law (Section 416A of Article 27 of the Annotated Code of Maryland).

Adult foster care home: A family residence in which the caregiver is both the primary occupant and owner or tenant and the home is certified by the Department of Health and Human Services to provide long-term residence and care for not more than 3 foster care adults, each of whom has been determined eligible for adult foster care by the Department of Health and Human Services.

Agricultural processing: Processing of an agricultural product that causes a change in the natural form or state of the product and that entails operations of a commercial or industrial character that must be regulated to mitigate potential adverse external impacts. Agricultural processing includes, but is not limited to, an abattoir, milk plant and similar non-farm operations.

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

Airport, including airpark and airfield: A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired, take on fuel or be stored.

Airport approach area: An area adjacent to an airport, airpark or airfield designed for fixed-wing aircraft which shall be defined as 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 facility used for personal, non-commercial radio communications licensed by the Federal Communications Commission.

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 thereof or addition thereto.

Amusement center: A commercially operated indoor facility providing a variety of coin-operated amusement devices suitable for participation by people of all ages, including, but not limited to, television games, electronic novelty games, electromechanical and electronic target games, driving games, pinball machines, small kiddie rides and other similar devices.

Animal boarding place: Any buildings or 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 cemetery: Land or buildings for the burying of dead animals not owned, at the time of death, by the owner of such land or buildings.

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 omnidirectional antennas, such as whips.

Apartment hotel: See “hotel, apartment.”

Apartment house: See “dwelling, multiple-family.”

Area of building: See “floor area of building.”

Arts or Entertainment Use. An activity that is dedicated to the visual or performing arts and is readily accessible to the public, including:

- (a) live performance of music, theater, or dance;
- (b) the production of art, fine crafts, digital imagery, or film;
- (c) radio production; or
- (d) a museum.

Auction facility: Sales establishment at which merchandise is sold to the highest bidder. This does not include a one-time sale such as a yard sale, estate sale or sale required by legal action.

Automobile filling station: Any area of land, including buildings and other structures thereon, that is used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental and no storage or parking space is offered for rent. A car wash with up to 2 bays may be allowed as an accessory use to an automobile filling station.

Automobile fluid maintenance station: Any area of land, including buildings and other structures thereon, that is used to service the routine fluid maintenance of a motor vehicle, including engine, transmission, differential, power steering, battery, brakes, cooling, and windshield washer systems; and where no general motor vehicle repair, junk, and auto wrecking business is conducted.

Automobile garage, group: An accessory building or portion of a main building designed, arranged or used for housing motor vehicles in connection with one or more multiple dwellings erected under one ownership. Such garage shall be for passenger vehicles only, including noncommercial buses used by occupants of such dwellings.

Automobile garage, private: An accessory building or portion of a main building designed, arranged or used for the housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises; except, that all of the space in a garage of one- or two-car capacity may be so rented. A private automobile garage having any part of a wall or roof in common with a dwelling shall be considered a part of the main building and not an accessory building.

Automobile garage, public: Any building or portion thereof, other than an automobile sales room, held out or used for the housing of 6 or more vehicles, where service or repair facilities, if any, are incidental to the principal use for storage. Such garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof or junk.

Automobile parking facility: Any lot or structure used for off-street parking of 6 or more motor vehicles, where service or repair facilities are not permitted. A parking facility must not be used for storage of dismantled or wrecked motor vehicles, parts thereof or junk. An automobile sales lot is not a parking facility for the purposes of this chapter. This definition includes 6 or more parking spaces serving a special exception use. (See section 59-E-2.92 for special requirements applying to a smaller parking area serving a special exception use in a one-family residential zone.)

Automobile recycling facility: Any land or building used for the abandonment, demolition, dismantling, storage and salvaging of machinery and parts, of automobiles or other vehicles. The recycling of automobile tires is regulated by State law and is not an automobile recycling facility.

Automobile repair and service station: A building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, excluding junk and auto wrecking business. A car wash is not permitted under the definition of an automobile repair and service station.

Automobile sales lot: A lot arranged, designed or used for the storage and display for sale of any motor vehicle or any type of trailer; provided, that the trailer is unoccupied; and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

Automobile sales, retail showroom: Automobile sales within an indoor showroom designed to display automobiles for retail sale, but not including automobile storage, service, or parts sales. Vehicles offered for sale are limited to passenger cars, multi-purpose vehicles, and light trucks. Vehicles offered for sale must be less than 10,000 pounds gross vehicle weight (as stated in the manufacturer's specifications).

Automobile sales and service mall: At least 2 or more automobile sales showrooms, service facilities, and also including general office uses, situated on one or more lots or parcels designated for such use on the applicable master or sector plan.

Automobile wrecking: See “junk yard.”

Base density: The maximum number of dwelling units permitted by the zoning classification of a property in a receiving area computed over the gross area of the property without the use of TDR or the MPDU density increase.

Basement: That 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 lodging: A one-family detached dwelling unit, as defined in this section, that is owner-occupied and in which (1) a guest room or guest rooms are provided, for compensation, as overnight accommodations for transient visitors who remain no longer than 2 weeks in any one visit, and (2) breakfast is customarily included in the charge for the room. A bed-and-breakfast lodging is not a hotel, motel, inn, country inn, home occupation or other use defined or regulated elsewhere in this ordinance.

Blacksmith: A commercial operation producing forged iron products, including horseshoes, except that a farrier whose operation is limited to shoeing horses or other equines is not a blacksmith.

Block: That property abutting one side of a street and lying between the 2 nearest intersecting or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

Board: The county board of appeals.

Boardinghouse: A dwelling in which, for compensation, lodging or meals, or both, are furnished on a weekly or monthly basis to not more than 5 transient visitors. A boardinghouse is not a “home occupation” nor a “group home.” Any boardinghouse lawfully existing prior to August 27, 1974, may continue to exist and may be renewed by the board in accordance with the requirements in effect prior to August 27, 1974.

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

Building coverage: The area of a lot that is occupied by the main and accessory buildings, including covered decks, porches, and steps.

Building, height of: See “height of building.”

Building line: A line, parallel to a lot line, creating an area into which a structure must not project, except as provided in article 59-B of this chapter.

Building line, established: A front yard building line which is greater than the minimum setback required for structures in a designated zone. See section [59-A-5.33](#).

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

- (a) consists of at least 25 acres;
- (b) is capable of being served by an individual sewage treatment unit which meets the requirements of Chapter 27A and applicable regulations issued under that Chapter;
- (c) is located in the Rural Density Transfer (RDT) zone; and
- (d) could be transferred by a BLT Easement under this Chapter.

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

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

Building, main: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Bus Transit Center: An off-street bus only station with facilities for bus drivers constructed or funded for construction under the county or state capital improvement program that: 1) accommodates for a minimum of 3 public bus routes, and 2) is used by or is forecast in the Capital Improvements Program by the Department of Transportation to be used by more than 150 boardings per day.

Cable communications system: All of the component physical, operational and programming elements of a system of antennas, coaxial cable, amplifiers, towers, microwave links, lines, wires, fibre optic cables, waveguides, laser beams, satellites, or any other conductors, converters, equipment or facilities 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, including the structures, buildings and facilities in which or on which said component elements are located or which otherwise support the system. The term “cable communications system” shall include studios and the administrative offices for the entity operating the cable communications system. Such definition shall not include any similar facility, the cables of which do not touch public rights-of-way and that serves only the occupants of a single parcel of land under common ownership or management.

Camp retreat, non-profit: Land used by a non-profit institution to provide social, recreational and cultural activities for children, youth, or adults. A camp retreat may contain permanent structures for lodging, meeting, and recreational purposes.

Camper: A person who registers his party for the occupancy of a campsite or who otherwise assumes charge of or is placed in charge of a campsite.

Camper unit: A tent or camping vehicle temporarily located on a campsite.

Campground: A lot, tract or parcel of land upon which 2 or more campsites are located, established or maintained and occupied by camping units for children or adults, or both.

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 wash: An area of land and/or a structure with mechanical or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

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

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

Cemetery: A place used for the permanent interment of dead humans or animals or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination of one or more thereof, provided, however, that a memorial garden located on the premises of a church, where the ashes of deceased persons may be scattered or placed, shall not be deemed a cemetery.

Central business district: Any one of the principal business districts of the county which has been designated as a central business district in this chapter as described in section 59-C-6.12.

Central mixing or batching plants for asphalt, concrete or other paving materials: Facilities used or which may be used for assembling, measuring, combining and dispensing aggregate materials for the purpose of making concrete, asphalt or other paving or construction products

having stone, sand, gravel or a similar material as a principal component. A central mixing or batching plant, as defined herein, may not be used solely for the sale of building materials and supply, retail or wholesale.

Chancery: The principal offices of a foreign mission used for diplomatic and related purposes and any annex to the principal offices (including ancillary offices and support facilities), including the site and any building used for diplomatic and related purposes. A chancery is not a publicly owned or publicly operated use for purposes of this chapter.

Charitable or philanthropic institution: (Formerly “eleemosynary or philanthropic institutions.”) A private, tax-exempt organization whose primary function is to provide either health, social, recreational, religious, or benevolent services, or research or educational activities in areas of benefit to the public such as health, medicine or conservation of natural resources. An organization for the purpose of operating a trade or business or whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union, is not a charitable or philanthropic institution for zoning purposes. This definition also does not include other uses specifically defined or regulated in this ordinance such as a: place of worship, public or private educational institution, library, museum, community building, private club or service organization, hospice care facility, hospital, nursing home, domiciliary care home, group home, or housing and related facilities for senior adults or persons with disabilities.

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

Child day care facility: A dwelling or building in which child day care services are provided in accordance with all applicable state and county laws and regulations. For the purpose of this definition, a child is defined as a person whose age is 17 or under. A child day care facility is classified as follows:

Family day care home: A dwelling in which child day care services are provided:

- a. in the home where the registrant is the provider and a resident, or when the registrant is not a resident but where more than half of the children cared for are residents;
- b. for not more than 8 children including the children of the provider who are less than 6 years of age, and;
- c. where staffing complies with state and local regulations, but no more than 2 non-resident staff members are on site at any time.

Group day care home: A dwelling in which child day care services are provided:

- a. in the home where the licensee is the provider and is a resident;
- b. for 9 but not more than 12 children including the children of the provider, and;

c. where staffing complies with state and local regulations, but no more than 3 non-resident staff members are on site at any time.

Child day care center:

a. a dwelling in which child day care services are provided and the provider is not a resident and does not meet the requirements for a non-resident provider of a family day care home or a group day care home, or;

b. a building in which child day care services are provided:

1) for 13 or more children, or;

2) which exceed the staffing limits of a family day care home, or a group day care home, or;

3) for 24 hours a day provided that they are in conformance with state and local regulations.

Preschool and kindergarten educational programs, subject to accreditation by the State, are permitted as an accessory use in all child care facilities.

Clinic: See “medical or dental clinic.”

Combination retail store: A department or retail store that exceeds 120,000 square feet and that includes a pharmacy and a full line grocery store. A club or membership store that charges a membership or access fee and sells primarily bulk merchandise is not a combination retail store.

Commercial vehicle: A duly licensed and registered vehicle used to transport passengers or property to further a commercial enterprise. A commercial vehicle must not be used as an office nor have customer entry for a retail transaction. For the purposes of this Chapter the following are also commercial vehicles:

(a) vehicles of more than 10,000 pounds gross vehicle weight;

(b) vehicles with a manufacturers rated load capacity of more than 3/4 ton;

(c) vehicles registered as commercial vehicles by the Motor Vehicle Administration of the state of Maryland or other jurisdiction;

(d) “for hire” vehicles as classified by the Maryland Motor Vehicle Administration;

(e) a funeral motor vehicle or ambulance as classified by the Maryland Motor Vehicle Administration;

(f) a freight trailer or semitrailer as defined by the Maryland Motor Vehicle Administration;

A recreational vehicle, or a farm machine or a farm vehicle for agricultural use is not a commercial vehicle.

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

Common open space: In any residential development, all that area not included in individual record lots nor dedicated to public use.

Community sewerage system: Any system, whether publicly or privately owned, serving 2 or more individual lots, for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes.

Community water supply system: A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, serving 2 or more individual lots.

Conference center: Facilities for conducting meetings, discussions, conferences. Facilities include meeting rooms, auditoriums, cafeterias, dining rooms, dormitories, guest rooms or other similar lodging accommodations, recreational uses, and supporting services designed mainly to accommodate planned meetings and discussions for the interchange of ideas and opinions of individuals or groups. A conference center is not a hotel, motel or inn, which are separately defined in this section and which may have meeting rooms as a secondary use.

Construction Debris Reclamation Facility. Any land or building used for the collection, sorting and recovery of construction or demolition debris where the debris:

- (a) is separated, collected, processed or marketed in the form of raw materials or products;
- (b) has a marketable value; and
- (c) is sorted at the reclamation facility site, with the inventory, by volume, being turned over at least once every 3 months.

Convenience food and beverage store: An establishment which sells packaged and/or prepared foods and beverages and other convenience items for consumption off the premises by travelers and highway users. Sales of items are dependent upon convenience of location, speed of service and highway accessibility and are not dependent upon comparison shopping or pedestrian traffic within the site or on adjoining sites.

Corporate training center. A corporate headquarters support facility, including lodging and conference facilities and related dining, recreational and support amenities, that only serves the workforce training and education needs of employees, customers and visitors to the corporate headquarters of a corporation employing at least 500 employees in the County.

Corridor city: A corridor city as designated in the General Plan for the Physical Development of the Maryland-Washington Regional District. Corridor cities are planned for location in the

radial corridors which extend outward from the central core of the Washington Metropolitan Area and which are planned to contain the greatest concentrations of transportation facilities and public utilities.

Council or district council: The county council, sitting as the district council for the county portion of the Maryland-Washington Regional District.

Country inn: An establishment primarily for dining in a rural area of the county, removed from planned or existing commercial areas and generally accessible for patronage only by automobile transportation. A country inn may contain in the same building a maximum of 12 guest rooms where, for compensation, food and lodging are provided for guests, and may also contain specific commercial uses. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this ordinance.

Country market: The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or the establishment of an eating and drinking establishment, including a drive-in restaurant. A country market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland.

County: Montgomery County, Maryland.

County medical center: See life sciences center.

Court: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on 2 or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Court height: The vertical distance measured from the lowest elevation in the court to the highest point of any adjacent building.

Court, inner: Any court other than an outer court. The width of an inner court is its least horizontal dimension between opposite sides, measured at right angles to its longest side. The length of an inner court is its greatest horizontal dimension, measured parallel to its longest side.

Court, outer: A court open on at least one side for not less than 75 percent of its width and extending to any yard on a lot or to a street, alley or public way. The depth of an outer court shall be the greatest horizontal dimension measured at right angles from the yard, street, alley or public way upon which such court opens, to the face of the building or wall opposite thereto. The width of an outer court is its least horizontal dimension measured at right angles to the depth of such court.

Dairy farm: A tract of land equipped with buildings, machinery, dairy cattle and other necessary resources for the purpose of producing, cooling and storing fluid milk.

Dairy products or milk plant: Any place or establishment where milk or milk products are collected, skimmed, condensed, evaporated, powdered or processed into butter, cheese, cultured dairy products, frozen dairy products or otherwise prepared for distribution or sale.

Day care facility for senior adults and persons with disabilities: A day care center, certified by the State of Maryland, as a residence or other place used for the reception and care, as a cooperative or for compensation, of one or more persons over the age of 62 or a person with disabilities, for part of a 24-hour period that is in conformance with state licensure regulations for day care facilities for elderly and medically handicapped adults.

Deer Fence: See “fence, deer.”

Dental clinic: See “medical or dental clinic.”

Department: The Department of Permitting Services.

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

Director: The Director of the Department of Permitting Services or the Director's designee.

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

District council: See “council.”

Domiciliary care home: A facility licensed, funded, certified, or registered by the State of Maryland or the County which provides a protective institutional or home-type environment, and maintains the necessary services for persons who, because of advanced age or disability require a supportive environment. A domiciliary care home for not more than 8 residents is a small group home and a domiciliary care home for 9 but not more than 16 residents is a large group home for zoning purposes. The number of residents include members of the staff who reside at the group home.

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

Drive-in restaurant: Any place or establishment merchandising or dispensing food or drink at which the customer is served:

(a) While sitting in an automobile or other motor vehicle, or

(b) Through an interior or exterior sales window, counter or serving area, and in which a substantial part of the food or drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure in which the food or drink is dispensed.

Dry cleaning and laundry establishment: An establishment for the mechanical cleaning of garments, articles or goods of fabric for retail customers. A dry cleaning and laundry establishment does not include a laundry or laundromat which provides self-service type washing and drying for use of retail customers.

Dry cleaning and laundry pick-up station: An establishment where customers drop-off and pick up garments or articles that are sent to another location for cleaning or laundering. A dry cleaning and laundry pick-up station does not include on-site dry cleaning or laundry facilities.

Dry cleaning and laundry plant: An establishment for the mechanical cleaning of garments, articles or goods of fabric, including a linen, diaper, or uniform laundering service, containing more than 3,000 square feet of gross floor area. A dry cleaning and laundering plant may perform work on the premises for other dry cleaning and laundry services and serve retail customers.

Duplicating service: A business operation providing quick copy duplicating and limited reproduction of reports, resumes, correspondence, office forms and other similar services for small businesses and individuals. A duplicating service is considered to include photocopy, mimeographing and other similar small-scale reproduction processes. A duplicating service is not considered to include printing and/or publishing services.

Dwelling and dwelling units:

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

Dwelling, detached: See “dwelling, one-family,” and “dwelling unit, one-family detached.”

Dwelling, moderately priced unit: See “dwelling unit, moderately priced.”

Dwelling, one-family: A dwelling containing not more than one dwelling unit. An accessory apartment, if approved by special exception, or a registered living unit may also be part of a one-family dwelling. A one-family dwelling with either of these subordinate uses is not a two-family dwelling, as defined in this section.

Dwelling, two-family: A dwelling containing not more than 2 dwelling units arranged one above the other or side by side.

Dwelling, multiple-family: A dwelling containing 3 or more multiple-family dwelling units, which may or may not share a common entrance. For the purposes of section [59-G-4.3](#), title “Noncomplying multi-family dwellings,” multiple-family dwelling means a dwelling containing 2 or more dwelling units.

Dwelling, multiple-group: A group of 2 or more multiple-family dwellings, occupying a parcel of land in one ownership and having any yard, compound or service area in common.

Dwelling, one-family attached: See “dwelling unit, one-family attached.”

Dwelling, semidetached: See “dwelling unit, semidetached.”

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

Dwelling unit, one-family detached: A dwelling unit that is separated and detached from any other dwelling unit on all sides, except where the dwelling is modified to include an accessory apartment, approved by special exception, or a registered living unit.

Dwelling unit, one-family attached: A dwelling unit that is in a structure consisting entirely of dwelling units, each of which (1) is attached to one or more other dwelling units, (2) has at least one direct entrance from the outside, and (3) has an abutting ground level outdoor area for the exclusive use of its occupants. This definition does not include a “dwelling unit, townhouse,” as defined in this section.

Dwelling unit, one-family semidetached (duplex): One of 2 attached dwelling units located on abutting lots, separated from each other by a party wall along the common lot line, and separated and detached from any other dwelling unit on all other sides.

Dwelling unit, townhouse: One of a group of 3 or more one-family dwelling units attached to and divided from each other by a vertical party wall. Each townhouse must have a minimum of 2 direct entrances from the outside, either on the front and rear or front and side. This definition does not include a “dwelling unit, one-family attached,” as defined in this section.

Dwelling unit, multiple-family: A dwelling unit that is in a multiple-family dwelling and may share a common entrance to the outside with other dwelling units in the building.

Dwelling unit, moderately priced: Any dwelling unit that meets the requirements for a moderately priced dwelling unit as set forth in chapter 25A of this Code, title “Housing, Moderately Priced,” and the relevant sections of this chapter 59.

Dwelling, carriage house: A second dwelling unit with separate entrance attached to a one-family detached dwelling, or part of a detached building accessory to that dwelling. The unit may be a maximum floor area of 800 square feet or one-third the floor area of the main dwelling whichever is less.

Educational institution, private: Every private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten, or nursery school instruction, or any combination thereof, or any program of trade, technical or artistic instruction. An educational institution operated by the County Board of Education is not a private educational institution. A private educational institution may include: (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, which may serve individuals who are not enrolled as

students in the institution's academic program. A private educational institution is not a home occupation. Private educational or artistic instruction conducted in a home by a resident of that home is not a private educational institution and is regulated as a home occupation. Any private educational institution granted a special exception before February 10, 1992 is a conforming use and may continue under the terms of the special exception as originally granted.

Eleemosynary or philanthropic institutions: See "charitable or philanthropic institutions."

Embassy: The site and any building containing the official residence of an ambassador or other chief of a diplomatic mission. An embassy is not a publicly owned or publicly operated use for purposes of this chapter.

Emergency health care facility: A facility which provides care and treatment to patients with medical emergencies including patients transported by emergency rescue vehicles. Patients are typically treated on an outpatient basis, but a limited number of beds may be available for short-term inpatient care.

Enclosed porch: 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.

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 event, informal: A competitive or non-competitive event that involves between 26 and 50 participants and spectators, per day.

Equestrian event, major: A competitive or non-competitive event that involves between 151 and 300 participants and spectators, per day.

Equestrian event, minor: A competitive or non-competitive event that involves between 51 and 150 participants or spectators, per day.

Equestrian facility: Any building, structure, or land area that is used primarily for an equestrian activity or event.

Examiner: The hearing examiner or examiners appointed by the county council to conduct certain zoning hearings and make recommendations to the council.

Family: An individual or 2 or more persons related by blood or marriage, or a group of not more than 5 persons, excluding servants, not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

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

FAR: See “floor area ratio.”

Farm: A tract of land, with or without associated buildings, that is devoted to agriculture, as defined in this section.

Farm market: The display and retail sale from a farm of: (1) agricultural products produced on the farm where the farm market is located, or (2) agricultural products produced on another farm under the control of the owner or operator of that farm market. A farm market includes the display and sale of farm food products certified as non-potentially hazardous by the Department of Health and Human Services. Up to 25 percent of the farm market display and sales area may be used for display and sale of agricultural products not produced on a farm under the control of the owner or operator of the farm market. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the farm market, the Department of Permitting Services upon the recommendation of the Department of Economic Development and the Montgomery County Agricultural Advisory Committee may allow for a limited period of time more than 25 percent of the farm market display and sales area to be used for agricultural products from off the farm where the farm market is located.

Farm tenant dwelling: A dwelling unit occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis on a farm under the control of the owner or operator of the farm on which the farm tenant dwelling is located.

Farm tenant mobile home: A mobile home occupied by agricultural worker(s) actively engaged in farming on a full-time or part-time basis on a farm under the control of the owner or operator of the farm on which the farm tenant mobile home is located.

Farrier: An individual who shoes horses or other equines. A farrier whose operation is limited to horseshoeing is not a commercial blacksmith.

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

Fence, deer: A fence that is up to 8 feet high and constructed of an open mesh, heavy weight, plastic or similar material that allows a clear view through the fence. Mesh size ranges from 1.5 x 1.5 inches to 2 x 2.75 inches. A deer fence 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. The number of posts must not exceed 1 post for every 6 feet of fence plus 1. The number of rails between any 2 posts must not exceed 3. The rails must leave at least 75 percent of the space created between the posts open.

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

Fertilizer mixing plant: A dry mixing plant using ammonium nitrate or ammonium sulfate to provide the nitrogen content, not including any process using liquid nitrate or ground tobacco stems or other process producing fumes and odors difficult to control.

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

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

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

Foreign Mission: Any official mission to or agency in the United States involving diplomatic, consular, or other governmental activities of (1) a foreign government or (2) an organization (other than an international organization) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States or which engages in some aspect of the conduct of the international affairs of the territory or political entity, including any real property of such a mission and the personnel of such a mission. A foreign mission is not a publicly owned or publicly operated use for purposes of this chapter.

Foster home: A dwelling that was originally acquired and maintained as the principal domicile of the adult head of household and later was approved or licensed to shelter children by any licensed child placement agency such as the Department of Health and Human Services, the Juvenile Services Administration. A foster home is not a “group home.”

Frontage: The length of the front property line of the lot, lots or tract of land abutting a public street, road or highway, or rural right-of-way.

Funeral parlor or undertaking establishment: A service providing for, but not limited to, the temporary holding and transportation of human remains to and from the premises; embalming, cosmetizing and casketing of remains; visiting of the premises by decedents families and the general public for the purpose of viewing the remains and conducting business with the establishment; conducting of funeral and memorial services, including the organization of funeral processions; and delivery and storage of caskets, including a room or area devoted to the display of remains.

Garage: See “automobile garage.”

Gasoline station: See “automobile filling station.”

Grade, finished: The grade following completion of the building or renovation, as established at spot elevations taken at intervals along the front of the building.

Grain elevator: A facility for elevating, drying, storing, and discharging grain. A grain elevating, drying, or storage facility that functions as part of a farm operation, is an accessory use to a farm.

Green area: An area of land associated with and located on the same tract of land as a major building or group of buildings, or a prescribed portion of the land area encompassed by a development plan, diagrammatic plan or site plan, to which it provides light and air, or scenic, recreational or similar amenities. This space must generally be available for entry and use by the occupants of the building or area involved, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features or screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Green area may include but is not limited to lawns, decorative plantings, sidewalks and walkways, active and passive recreational areas including children's playgrounds, public plazas, fountains, swimming pools, wooded areas, and watercourses. Green area does not include parking lots or vehicular surfaces, accessory buildings other than swimming pools, or areas of open space so located, small, or circumscribed by buildings, parking or drainage areas as to have no substantial value for the purposes stated in this paragraph.

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

Gross tract area: The total area of a lot or parcel of land including any existing or proposed streets, highways, or other land required for public use that is attributable to the lot or parcel dedicated by the owner or a predecessor in title.

Ground area of a building: The number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundations, piers or other means of support.

Group home: A facility licensed, funded, certified, or registered by the State of Maryland or the County as required for a group home or domiciliary care home offering residential accommodations, supervision, or assisted community living for the residents. The number of residents includes members of the staff who resides at the group home but does not include infants less than two months old. A group home may be classified as follows:

Group home, small: A group home for 3 but not more than 8 residents.

Group home, large: A group home for 9 but not more than 16 residents or the limit set by state law.

Group picnic, catering and recreation facility: A facility for company and group picnics, casual banquets, meetings and parties, on-site and off-site food preparation for buffet service, sale and consumption of alcohol for events on-site and off-site. Facilities include enclosed structures for administrative offices, dining, food preparation, beverage service, commissaries for food and dry goods storage and equipment storage for on-site and off-site catering. Facilities also include open pavilion structures for picnic dining, serving, beverage service and barbecuing, paved roadways and paved and unpaved parking areas. Recreation facilities include softball fields, horseshoe areas, basketball and volleyball courts, miniature golf, a team building/challenge course and nature trails for hiking and mountain biking. Recreation activities include all of the above and may also include, but are not limited to hayrides, pony rides, petting zoos, inflatable amusements, a D.J. or live band for background music (does not include live concerts), field games for adults and children, clowns, magicians and arts and crafts.

Guest house: See “house, guest.”

Guest room: A room, rooms, or suite of rooms in which, for compensation, living and sleeping accommodations are provided and for which all furnishings, housekeeping service and, if available, central telephone switchboard service are customarily provided, operated and maintained by the management. In a hotel, motel, inn, country inn or bed-and-breakfast lodging, guest rooms provide accommodations for transient visitors, as defined in this section. Alternatively, in a private home that is not a bed-and-breakfast lodging, guest rooms may provide accommodations for roomers over a longer term, in accordance with the regulations of the relevant zone. A room in a dormitory or fraternity or sorority house is not a guest room as defined in this section. Any room, rooms, or suite of rooms in an apartment hotel rented, designated for or being converted on March 30, 1982, or thereafter, to rental for less than thirty-day periods, is a guest room. A guest room, including one in a private dwelling unit, has no provision for cooking; except that a guest room in an apartment hotel, hotel or motel may have kitchenette facilities.

Health club: A facility designed to enhance physical conditioning and general health.

Height of building: The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof. However, if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. 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. On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade.

Height of residential building in the R-60 and R-90 zones: For any one-family detached residential building in the R-60 or R-90 zone, building height is the vertical distance measured

from the average elevation of the finished grades along the front of the building to either: (1) the highest point of roof surface regardless of roof type, or (2) the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof. However, for the purposes of determining building height and story, at no point must the finished grade be higher than the pre-development grade. In all cases where this Chapter provides for height limitations by reference to a specified height and a specified number of stories, building height is limited to the specified maximum footage and the number of stories within the specified maximum footage.

Helicopter: See “rotorcraft.”

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. A heliport may include major rotorcraft support facilities such as refueling services, maintenance and cargo loading areas, rotorcraft tie-downs and hangars, administration offices, and other appropriate terminal facilities. Heliports shall be designated as either public or private use facilities regardless of ownership:

(a) **Public use facility:**

— Open for use to any rotorcraft capable of using the facility regardless of ownership or control of the facility; provided, however, that publicly owned or publicly operated facilities shall demonstrate upon mandatory referral that the standards applicable to privately owned facilities have been met.

(b) **Private use facility:**

— Owned or controlled by the owner or occupant of the property for the exclusive use of the owner/occupant, his guests or patrons. Commuter and/or commercial operations are specifically excluded from a private use facility.

Helistop: A designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters or other rotorcraft. No major rotorcraft support facilities are allowed such as those permitted in a heliport. Minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space are allowed. A small fuel tank for a ground level facility is allowed, if necessary. Helistops may be public or private use facilities in accordance with paragraphs (a) and (b) of the heliport definition.

Helistop, temporary: An area, either at ground level or elevated on a structure, whether public or private, that may be used for the landing and taking off of rotorcraft on an occasional or temporary basis, but without rotorcraft support facilities. A temporary helistop is intended to be used only in visual flight rules (VFR) weather conditions for a period of less than 30 consecutive days within a one-year period and not to exceed 10 operations per week during the period.

Highway fuel and food service: The retail sale of automobile fuels, oils and accessories dispensed on-site and the auxiliary retail sale of food (including drive-in) prepared for the general public, both located within the same building.

Home health practitioner's office: The office of a health practitioner who resides in the dwelling unit in which the office is located. For this purpose, a health practitioner is defined as a person 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, except that this definition excludes an electrologist, mortician, nursing home administrator, pharmacist or veterinarian. This definition includes a registered nurse or physician's assistant only if that person has an advanced degree in the field and practices independently. A home health practitioner's office that does not qualify for registration in accordance with Sections [59-A-3.4](#) and [59-A-6.1](#)(a) and (d) may obtain a special exception as a major home occupation, in accordance with Section 59-G-2.29.

Home occupation: Any occupation, other than a registered home health practitioner's office, that provides a service or product and is conducted within a dwelling unit by a resident or residents of the dwelling unit without diminishing its residential character. A home occupation has the following characteristics:

(a) It is clearly subordinate to the use of the dwelling unit for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit.

(b) It is conducted entirely within the dwelling unit or any existing accessory building, as defined in this section, and does not use any open yard area of the lot or parcel on which the dwelling unit is located or any building constructed on the lot or parcel specifically for the purpose of operating the home occupation, except for loading and unloading tools and equipment associated with a lawn maintenance service (all storage and maintenance of these tools and equipment, however, must be within the dwelling unit or any existing accessory structure). It may, however, involve off-site activities such as sales, client contact and other matters related to the home occupation.

(c) It uses no equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable at or beyond the lot line. It does not involve use, storage or disposal of:

(1) A quantity of a petroleum product sufficient to require a special license or permit from the fire marshal; or

(2) Any material defined as hazardous or required to have a special handling license by the Montgomery County Code, as amended, or the Annotated Code of Maryland, as amended, except that disposal of medical waste must be regulated as provided in Maryland State Laws and Regulations.

A home occupation includes, but is not limited to, the office of a member of a recognized profession, such as a lawyer, accountant, architect, engineer, or veterinarian who resides in the dwelling unit in which the office is located. A home occupation does not include the following: bed-and-breakfast establishment, boardinghouse, day care facility, display of furniture not made

in the home for sale in the home or at an offsite location, landscape contractor, private educational institution, tourist home, or the repair and maintenance of motor vehicles.

Home occupation, major: A home occupation, as defined above, that is regulated in accordance with the special exception provisions of Section 59-G-2.29; it may include a home health practitioner's office whenever that office does not qualify for registration in accordance with Sections [59-A-3.4](#) and [59-A-6.1](#).

Home occupation, no impact: A home occupation, as defined above, that is regulated in accordance with the applicable requirements and standards of [59-A-6.1](#)(a) and (b) and is not required to register.

Home occupation, registered: A home occupation, as defined above, that is accessory to the residential use of the dwelling unit in which it occurs and is registered in accordance with Sections [59-A-3.4](#) and [59-A-6.1](#)(a) and (c).

Home occupation residential parking area: Any portion of a lot or parcel in an R-60 or R-90 zone on which is conducted a registered home occupation:

- (1) where the natural surface has been altered by gravel, stone, brick, concrete, asphalt, mulch, or any other material that facilitates the parking of a motor vehicle; and
- (2) which is readily accessible for the parking of a motor vehicle.

A fully enclosed garage, or a carport is not a home occupation residential parking area.

Homes association: An incorporated, nonprofit organization operating under recorded land agreements through which:

- (a) Each lot owner in a planned unit or other described land area is automatically a member, and
- (b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Hospice care facility: A facility certified by the State of Maryland as a hospice, housing nonrelated persons which provides an organized, medically directed, interdisciplinary program designed to provide palliative care to terminally ill patients. The purpose of such facilities is to provide palliative and supportive care to patients and their families to meet the special needs arising out of physical, emotional, spiritual, social and economic stresses which are experienced during the final stages of illness, death and bereavement.

Hospital: An institution receiving inpatients and rendering care and treatment for medical, surgical, obstetrical, psychological, or chemical dependency disorders including general hospitals and institutions in which service is limited to special fields. A hospice care facility is not a hospital.

Hospital, veterinary: A building or establishment in which is provided medical, surgical and other veterinary care to domestic animals but not to include an animal boarding place.

Hotel, apartment: Any building or portion thereof originally designed for or containing both individual guest rooms or suites of rooms and dwelling units and lawfully existing prior to April 26, 1966.

Hotel, motel or inn: A building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel, motel or inn may contain one or more restaurants. A hotel, motel or inn is not a bed-and-breakfast lodging, country inn, fraternity or sorority house, or school or college dormitory, as defined and regulated elsewhere in this ordinance.

House, guest: A detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Household employee: A person who performs duties, for rent-free room, board or other compensation, in the home of a personal employer, including, but not limited to: cook, chauffeur, gardener, housekeeper, maid, or nurse.

Housing and related facilities for senior adults or persons with disabilities: A building or buildings containing dwelling units and related service facilities for senior adults or persons with disabilities. Occupancy is restricted as provided in Section 59-G-2.35. The use may also include facilities for such services to residents as 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 (ILU): A private living accommodation located in a personal living quarters building.

Integrated shopping center: One or more stores under single ownership, located on one parcel of ground and containing at least 75,000 square feet of floor space, including storage.

International Organization: (1) Offices of a public international organization designated as such pursuant to the International Organization Immunities Act or a public international organization created pursuant to treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs; or (2) an official mission (other than a United States mission) to such a public international organization, including any real property of such an organization or mission and the personnel of such an organization or mission. An international organization is not a publicly owned or publicly operated use for purposes of this chapter.

Kennel, commercial: See “animal boarding place.”

Kennel, noncommercial: Any building or buildings and land used, designed or arranged for the boarding, breeding or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting or as pets. An equestrian facility is not a kennel.

Land use plan: The land use element of an approved and adopted general, master, sector or functional plan as distinguished from the zoning plan.

Landscape contractor: The business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and snow removal services, including tree installation, maintenance or removal, at off-site locations with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. The delivery and installation of horticultural products originating on the farm is an accessory use to the farm.

Lawn maintenance service: The business of cutting grass, raking leaves, snow removal and other activities associated with maintaining a yard. The use is regulated by the provisions of a registered home occupation.

Life care (continuing care) facility: A building or group of buildings providing a continuity of residential occupancy and health care for senior adults. Occupancy is restricted as provided in Section 59-G-2.35.1. A life care facility must include dwelling units for either independent or assisted living, or both, plus a nursing home of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further enjoyment, service or care of the residents.

Life sciences center: An area designated as such on an approved and adopted master plan or amendment thereto and intended to serve as a unique reinforcing focus of life sciences research, including but not limited to biological, biophysical and bioelectronic research, development and manufacturing activity. It may include directly related educational, housing and support services including convenience services that are primarily for employees of the center. Multiuse medical or health related facilities, including patient care services, may also be located within the center. Development will be in conformity with a special development plan approved by the county executive and the county council after referral to the Montgomery County Planning Board.

Lot: A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this chapter, having at least the minimum area required by this chapter for a lot in the zone in which such lot is situated and having its principal frontage on a public street or public way.

Lot area, net: The total horizontal area included within the rear, side and front lot or proposed street lines of the lot excluding any street or highways, whether dedicated or not dedicated to public use, including off-street automobile parking areas and other accessory uses.

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

Lot, depth of: The average horizontal distance between the front lot line and the rear lot line.

Lot, front of: The sides of an interior or through lot which abut a street; in a corner lot, either side that abuts a street, if in conformity with frontage and setback requirements. A corner lot may front on either street if large enough to provide all minimum setbacks and yard area requirements.

Lot frontage, minimum at building line: The least permissible width of a lot, measured horizontally along the front building line.

Lot frontage, minimum at front line: The least permissible width of a lot measured horizontally along the front lot line.

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

Lot line, front: The street line running along the front of the lot separating it from the street. In a through lot, both lines abutting the street are deemed to be “front lot lines.” For an interior lot, the length of a front lot line is measured from one side lot line to the opposite side lot line. For a corner lot, to satisfy zoning requirements, the length of a front lot line is measured from one side lot line to the theoretical point where the side street line would intersect with the front lot line, if extended without the truncation at the intersection that is required by chapter 50, “Subdivision of Land.” No portion of the side street line may be included in the measurement of the front lot line.

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

Lot line, side: Any lot line other than a front lot line or a rear lot line. A side lot separating the lot from a street is a “side street line.”

Lot lines: The lines bounding a lot, as heretofore described.

Lot, outlot: A parcel of land which is shown on a record plat but which is not to be occupied by a building or otherwise considered as a buildable lot within the meaning of this chapter. A building permit must not be issued on any land so designated. An outlot may be converted to a lot in accordance with the procedures contained in Chapter 50 of the Montgomery County Code.

Lot, record: The land designated as a separate and distinct parcel of land on a legally recorded subdivision plat filed among the land records of the county, but not including land identified on any such plat as an outlot.

Lot, through: An interior lot, fronting on 2 parallel or approximately parallel streets.

Mansard roof: A roof with 2 positive slopes on all sides of a building with the lower slope steeper than the upper.

Marker: An individual plaque or engraving used to identify the location where a deceased person or the ashes of a deceased person are interred.

Marquee: A canopy or covering structure projecting from and attached to a building.

Median income, area-wide: The income level determined to represent the median income adjusted for household size, for the Washington Metropolitan area by the U.S. Department of Housing and Urban Development.

Medical or dental clinic: Any building or group of buildings occupied by 3 or more medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

Medical office building: See “Medical or dental clinic.”

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

Meeting center: A facility for conducting meetings and receptions. A meeting center is not a hotel, motel or inn which are separately defined in this section and which may have meeting rooms as a secondary use.

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

Metrostation policy area: An area around a Metro station designated in the Growth Policy as appropriate for concentrating new job and housing growth.

Milk plant: A plant for the processing or packaging, or both, of milk or milk products from milk animals maintained on or off site for distribution to wholesale or retail outlets. A milking parlor is an accessory use to a farm.

Mobile (manufactured) home: A structure intended for residential use and transportable in one or more sections, which 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 with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, manufactured in accord with standards that are (1) promulgated by the U.S. Department of Housing and Urban Development (HUD), and (2) stated in the Code of Maryland Regulations 05.01.01, revised January 1, 1984, as

they may be amended from time to time. Such a structure must carry the HUD label. A recreational vehicle, as defined in section 59-A-2.1 of this chapter, is not a mobile home.

Mobile home, double-wide: A mobile home built and transported on 2 or more separate chassis, designed to be joined together at the point of use to form a single dwelling.

Mobile home, single-wide: A mobile home built and transported on a single chassis.

Mobile home stand: An area within a mobile home development which is improved to provide adequate support for the placement of one mobile home, including its enclosed extensions or structural additions.

Moderately priced dwelling unit (MPDU): See “dwelling unit, moderately priced.”

Modular home: A structure intended for residential use and manufactured off-site in accord with the BOCA Basic Building Code as defined in chapter 8 of this Code.

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

Mulch manufacturing and composting: The manufacture of horticultural mulch from wood, wood products, compost, or similar materials. The production of mulch and compost as part of a farm operation is an accessory use to the farm.

Newspaper, village: A newspaper of limited circulation within the county that provides news, announcements, advertising and other information of relevance to a particular community or subarea of the county.

Noncomplying use: Any building or structure located in a single-family residential zone which was erected as or has been converted to a multi-family dwelling and used continuously as such from before January 1, 1954, to the effective date of Ordinance No. 8-66, March 23, 1979, even though such building or structure does not comply with the provisions of the zoning district in which it is located. The term “noncomplying use” does not refer to and is not applicable to lawful nonconforming uses.

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

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

Nursery, horticultural - wholesale or retail: The wholesale or retail business of selling plants and plant materials grown on- or off-site as well as garden supplies and equipment and related items. A horticultural nursery may be a wholesale or retail operation or a combination of both and may or may not be combined with landscape contracting. The sale, from a farm, of horticultural products that are grown on-site or, if grown off-site, are planted in the ground or in pots or beds for a period of time, and that do not occupy more than 2 acres or 20% of the site, whichever is less, is an accessory use to the farm.

Nursing home: A facility licensed, funded, certified, or registered by the State of Maryland or the County devoted primarily to the maintenance and operation of resources for the treatment and care of persons suffering from illness, disease, aging, or injury, not requiring extensive or intensive care that is normally provided in a hospital, but who require care in excess of room and board and who need the on-site availability of medical, nursing, convalescent or chronic care. A nursing home is not a “group home.”

Office, general: An office for the use of (a) professional persons such as doctors, lawyers, accountants, etc., or (b) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

Office, professional, nonresidential: An existing single-family structure used for professional office purposes by any member or members of a recognized profession, such as, but not limited to, doctors, lawyers, architects, accountants, engineers and veterinarians, but not including medical, dental or veterinarian clinics or inpatient treatment facilities. Professional offices do not include general business offices, such as the offices of insurance companies, trade associations, manufacturing companies, investment concerns, banks or real estate companies.

Office, professional, residential: See “home occupation” and “home health practitioner's office.”

Opportunity housing project: A housing project developed pursuant to chapter 2, article IX, public facility area development, Montgomery County Code, as amended, and reviewed and approved by the district council in accordance with the procedure set forth in section [59-A-6.8](#).

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

Paddock: A fenced area, internal to an equestrian facility, where horses are exercised or pastured. Paddock fencing is not perimeter fencing of an equestrian facility.

Parent: A parent includes a father or mother related to a child by blood or by adoption, including a father or mother of a legitimate or illegitimate child. A parent does not include a stepparent, a foster parent or grandparent.

Parking facility: See “automobile parking facility.”

Parking lot: See “automobile parking lot, commercial.”

Pawnshop: An establishment engaged in the business of lending money on the deposit or pledge of tangible personal property or in the business of purchasing tangible personal property on the condition of reselling the property to the seller at a stipulated price, where any of the income received by the establishment is generated through these activities.

Percentage of lot coverage: The percentage of “net lot area” which may be covered by buildings, including covered porches and accessory buildings. See “ground area of a building.”

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

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

- (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 (PLQ): Any building or portion of a building containing at least 6 individual living units which must have cooking facilities that the residents may share, and which may also have shared sanitation facilities in accordance with Section [59-A-6.15](#).

Plan, combined urban renewal project: A plan of development in a designated urban renewal area that combines the elements of a preliminary subdivision plan, a project plan, and a site plan, and which must conform to an urban renewal plan approved in accordance with Chapter 56.

Plan, development: A plan required to be submitted as a part of an application for the reclassification of land into certain zones.

Plan, diagrammatic: A plan required to be submitted as part of an application for the reclassification of land into the Mixed Use Neighborhood Zone.

Plan, general: A plan for the physical development of the Maryland-Washington Regional District in Montgomery County.

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

Plan, project: A plan submitted as a part of an application for the use of the optional method of development in any of the central business district zones.

Plan, sector: A comprehensive plan for a portion of a master plan area, showing in detail such planning features as type, density and intensity of land uses, pedestrian traffic features, public facilities (parking structures, public open space, rapid transit station, community service provisions and the like), and relationship of the various uses planned to transportation, services and amenities within the area of the sector plan and, where appropriate, to other areas. The sector plan may include maps, graphics and text and is designated as the sector plan for the area which it encompasses. It may be adopted either as a part of a new area master plan or as an amendment to an existing master plan.

Plan, site: A detailed plan required in certain zones as the basis for the issuance of building permits.

Plan, certified site: A final document that incorporates all elements of the site plan approved by the Planning Board, including: (1) a project data table; (2) all necessary engineered drawings; (3) specific references to all agency approvals required by the Planning Board approval resolution; and (4) a complete copy of the approval resolution.

Plan, public hearing site: A site plan to be considered by the Planning Board that contains: (1) the applicant's proposed plan of development, including all final submittal requirements; (2) the applicant's proposed project data table; (3) specific references to all necessary agency approvals; (4) the Planning staff's recommendation, including draft findings of fact and conclusions of law; and (5) if the public hearing has already been held, all evidence presented at the hearing.

Plan, supplementary: A plan that is required to supplement the land use plan portion of the development plan required as part of an application for reclassification of land into the Town Sector Zone.

Plan, urban renewal: A plan, approved under Chapter 56 for an urban renewal area, and intended to facilitate an urban renewal project, and which may be included by reference in the relevant master or sector plan. The parcel-specific recommendations in an Urban Renewal Plan supersede the parcel-specific guidelines (such as the Land Use Plans, the Concept Plans, Existing and Proposed Public Space Plans, and the Illustrative Plans) in the relevant master or section plan.

Planning board: The county planning board of the Maryland-National Capital Park and Planning Commission.

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

Pre-development grade: The grade that existed at the time of application for a building or demolition permit, or the grade necessary to implement an approved subdivision plan.

Determination of grade is by examination of the contour lines on the property as they extend to the adjoining properties and to the street.

Private club: An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public. A private club is not a commercial recreational establishment.

Public facilities and amenities: Those facilities and amenities of a type and scale necessary to provide an appropriate environment or to satisfy public needs resulting from the development of a particular project. Facilities and amenities may include, but are not limited to:

- (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; and
- (h) public art.

Public facilities and amenities may be recommended or identified in an approved and adopted master or sector plan. Public amenities do not include road improvements or other capital projects that are required to provide adequate facilities to serve the property.

Public use space: Space devoted to public enjoyment, such as, but not limited to, green areas, gardens, plazas, walks, pathways, promenades, arcades, urban parks, town squares, public plazas with elements such as water features, and passive and active recreational areas including outdoor recreation areas for a child day care facility. Public use space may also consist of space and/or amenities recommended by an approved urban renewal plan. Public use space must not include parking or maneuvering areas for vehicles. Except for an outdoor recreation area for a child day care facility, public use space must be easily and readily accessible to the public and be identified by a sign placed in public view. If public pedestrian walkways are recommended in an approved and adopted master plan or sector plan, it may be counted as public use space.

Radio and television broadcasting stations and towers. Any facility used to transmit radio or television communications that are intended to be received by the general public. A television

antenna or aerial is not a television station or tower and is exempt from height controls under Division 59-B-1.

Radio and television broadcasting studio: A facility used to create or produce radio, television, or other electronic media programming. A broadcasting studio may include studios, stages, editing facilities, post-production facilities, and equipment for program distribution and receipt via satellite, wire, or fiber optic cable. A radio and television broadcasting studio does not include a tower at the same location as the studio.

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

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

- (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.

Recycling facility: Any land or building used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials:

- (a) are separated, collected, processed, or marketed in the form of raw materials or products;
- (b) have monetary value;
- (c) when separated, collected, processed, or marketed, result in less than 10% non-marketable waste by volume; and
- (d) are stored on-site with the inventory, by volume, being turned over at least once every 3 months.

The sorting of demolition or construction materials must be done before reaching the recycling facility. A solid waste transfer station is not a recycling facility.

Regional shopping center: A shopping center comprised of a minimum of 600,000 gross leasable square feet and a minimum of 50 separate stores.

Registered living unit: A second dwelling unit, that is part of an owner-occupied one-family detached dwelling and is:

(a) Suitable for use as a complete living facility with provision within the facility for cooking, eating, sanitation and sleeping;

(b) Occupied by:

(1) No more than 2 persons related to each other by blood, marriage or adoption, at least one of whom must be a household employee of the owner-occupant of the main dwelling; or

(2) No more than 3 persons related by blood, marriage or adopted to the owner-occupant of the main dwelling; except that one may instead be an unrelated care-giver needed to assist a senior adult, ill or disabled relative of the owner- occupant; and

(c) Subordinate to the main dwelling.

Research, development and related activities: Study, research and experimentation in one or more scientific fields such as 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. Related activities include the manufacturing, mixing, fermentation, treatment, assembly, packaging and servicing of products. Supporting services such as administrative offices, educational facilities, libraries, and data services are other examples of related activities.

Residential mobile home option area: An area of land having an average residential density not in excess of 2 dwelling units or mobile homes per acre which is principally single-family residential in character and is located in one of the 20 rural communities identified in the resolution to grant sectional map amendments F-925 and F-926 or is recommended as suitable for mobile home use on an approved and adopted master plan or sector plan.

Respite care home: The home of a caregiver who is both the primary occupant and owner or tenant and is certified by the Department of Health and Human Services to provide temporary care for a predetermined period of time for not more than 3 clients:

(a) who are eligible for respite care, as determined by the Department of Health and Human Services; and

(b) for whom family members retain responsibility and will resume regular care.

Riding stable: See “Equestrian Facility.”

Rifle, pistol, skeet or trap shooting range, private: A rifle, pistol, skeet or trap shooting range operated by an individual and used exclusively by such individual and his guests.

Rifle, pistol, skeet or trap shooting range, public: A rifle, pistol, skeet or trap shooting range open to the general public either on a commercial or noncommercial basis, or such range operated and used by a private club.

Road: Includes street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct or any segment thereof.

Roof line: That part of the roof or parapet which covers the major area of the building.

Roomer: A person who pays rent or other compensation to the owner of a dwelling unit for living and sleeping accommodations, but not cooking facilities, in a room or suite of rooms (see “guest room”) in the dwelling unit.

Rotorcraft: A steep-gradient aircraft whose aerodynamic capability is obtained by means of rotating blades or wings. Helicopters are one form of rotorcraft, which includes all steep-gradient aircraft capable of reduced airspeed down to a hover. This definition does not include ultra-light aircraft.

Sanitarium or sanatorium: See “hospital.”

Sanitary fill: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means, and for whatever purpose, of garbage, trash, refuse, dead animals, waste material of any kind, junk, discarded machinery, vehicles or parts thereof, but not sewage or animal waste.

Sawmill: A plant for sawing logs into lumber or other primary wood products.

Seasonal site: A lot or parcel where a use or product is offered annually for a limited period of time during the same calendar period each year. The availability or demand for the use or product is related to the calendar period, such as an outdoor swimming pool.

Security pavilion: A single-room building designed and arranged for housing security personnel and surveillance equipment that complies with Section [59-A-6.17](#). A security pavilion may not be designed or used as a dwelling unit and may not be used for the storage of goods, materials or automobiles.

Sending area: An area designated on an approved and adopted general, master, sector or functional plan as a sending area appropriate for the conveyance of transferable development rights from the area.

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

Service organization: Any nonprofit organization the services of which are devoted entirely to the betterment or improvement of the community in which it is located, including Lions, Kiwanis, Rotary, Optimists, Civitans and like organizations.

Setback: The minimum distance that a building or parking area must be set back from a lot line, according to the requirements at the relevant provisions of this chapter.

Sewage treatment plant: A structure for the processing of sewage to render it fit for discharge into a stream.

Shelter, fallout or emergency: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall out, enemy action, storms or like emergencies.

Side street line: See “lot line, side.”

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

Solid waste: Garbage, refuse, sludge, rubble, debris and other discarded materials resulting from residential, industrial and commercial operations and from construction and community activities. It does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flow, or other common water pollutants. It also does not include controlled hazardous substances regulated under title 7, subtitle 2, “Controlled Hazardous Substances,” Environmental Article, Maryland Annotated Code.

Solid waste transfer station: A place or facility where solid waste is taken from collection vehicles or containers and placed in the same or other vehicles or containers for transportation to other intermediate or final disposal facilities; or a place or facility which handles marketable scrap with 10% or more non-marketable waste by volume or which turns over its inventory, by volume, less frequently than once every 3 months. A recycling facility is not a solid waste transfer station.

Sound level, day-night average (DNL or Ldn): The 24-hour equivalent continuous sound level, i.e., the time-averaged A-weighted sound level in decibels, from midnight to midnight obtained after the addition of 10dB to nighttime sound levels between 10:00 p.m. and 7:00 a.m.

Special Exception: The grant of a specific use that would not be appropriate generally or without restriction, which must be based on a finding that certain conditions governing special exceptions as detailed in Article 59-G exist, and that the use is consistent with the applicable master plan and is compatible with the existing neighborhood.

Special Protection Area: A geographic area where:

(1) existing water resources or other environmental features are of high quality or unusually sensitive; and

(2) 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.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement is counted as a story. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is 20 feet or more.

Story, half: A story under a gable, hip or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.

Street: A public or dedicated way 30 feet or more in width or a public proposed right-of-way, widening or extension of an existing street or public way shown on any plan approved by the commission.

Street, centerline of: A line established as a centerline of a street by any state, county or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or if there is no official centerline of a street the centerline shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the centerline shall be established by the commission, or in the absence of a determination by the commission shall be assumed to be a line midway between the edges of such pavement or traveled way.

Street facade: A building wall or a portion of the facade of a building facing a street, or other publicly accessible sidewalk, way, or space.

Street frontage: Any part of a lot which abuts a public street, road, highway, rural right-of-way or other public way for vehicles, including widening or extension, whether existing or proposed.

Street line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If on a master plan of streets and highways duly adopted by the commission, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.

Street width: The distance between street lines, measured at right angles to the centerline of the street.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio and television broadcasting towers, telecommunications facilities,

water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences, walls, signs, power line towers, pipelines, railroad tracks and poles.

Swimming pool, commercial: A swimming pool or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.

Swimming pool, community: A swimming pool or wading pool, including buildings necessary or incidental thereto, operated by members of more than 10 families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association; provided, that it is not organized for profit and that the right to use such pool is restricted to such families and their guests.

Swimming pool, private: A swimming pool owned by members of not more than 10 families and used by no one other than members of such families and their guests.

Technical manual: a detailed guidance document used for administration of Chapter 22A.

Telecommunications facility: Any facility established for the purpose of providing wireless voice, data or image transmission within a designated service area. A telecommunication facility must not be staffed. A telecommunications facility consists of one or more antennas attached to a support structure and related equipment. Antennas are limited to the following types and dimensions: omni-directional (whip) antennas not exceeding 15 feet in height and 3 inches in diameter; directional or panel antennas not exceeding 6 feet in height and 2 feet in width; and satellite or microwave dish antennas not exceeding 6 feet in diameter. An antenna may be mounted to a structure, a building rooftop or a freestanding monopole in accordance with Sections [59-A-6.12](#), [59-A-6.14](#), and [59-G-2.43](#). Equipment may be located within a building, an equipment cabinet, or an equipment room within an existing building. No lights or signs are permitted on an antenna or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

Telephone office or communications center: A building owned and wholly occupied by a telephone or communications company regulated by the public services commission containing primarily electromechanical or electronic switching equipment, including such accessory uses as testing, assignment and repair service, operator facilities and supervisors' offices; provided, that all electromechanical or electronic switching equipment is completely enclosed within the building.

Theater, indoor: A building designed or used primarily for the commercial exhibition of motion pictures to the general public.

Theater, legitimate: A legitimate theater, including a dinner theater, shall include only those areas, buildings or structures designed and used for plays, acts, dramas or histrionics by actors and actresses performing upon a stage, and shall not include the showing or exhibition of motion pictures; provided, that any such legitimate theater may exhibit motion pictures if such exhibition is incidental to a live performance, or is held without charge or if a charge is made, the proceeds

shall be donated to charity. A dinner theater may include banquet or similar facilities for the sale to and consumption of food by patrons of the dinner theater.

Theater, outdoor: An outdoor theater shall include only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

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

Townhouse: See “dwelling unit, townhouse.”

Tourist home: A dwelling in which, for compensation, lodging or lodging and meals are provided or offered to not more than 12 transient guests. A tourist home shall not be deemed a home occupation.

Trailer (including automobile trailer): Any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn on its own or other motor power; and designed and constructed to provide living or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation or for use as selling or advertising device. A trailer is not an accessory building except when used for construction offices or real estate sales in accordance with the definition of accessory uses. A recreational vehicle as defined in this chapter is not a trailer.

Transfer of development rights: The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land and the recordation of that conveyance among the land records of Montgomery County, Maryland.

Transient lodging facility: A building or group of buildings containing 3 or more guest rooms, including but not limited to such establishments as hotels, apartment hotels, motels, inns, courts and lodges where lodging is provided for compensation but excluding a fraternity or sorority house, schools or college dormitory as defined herein.

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 lodging, a transient visitor is a person who resides in the lodging for no longer than 2 weeks in any one visit.

Transitory use: See “use, transitory.”

Transit station development area: An area near a metro transit station, or along an existing or proposed transit right-of-way, which is not located within a central business district, which has been designated as a Transit Station Development Area by an approved and adopted master plan or sector plan.

Transmission line: An overhead electric power transmission and distribution line carrying more than 69,000 volts.

Trucking terminal: A tract of land used for the loading or unloading of trucks and the temporary storage of goods and commodities being transported in interstate and/or intrastate shipment. A trucking terminal may include loading and unloading platforms, warehouse facilities for temporary storage of goods in transit reservoir parking for trucks and truck trailers waiting to be loaded or unloaded and related business offices.

Other uses such as eating facilities for employees, truck fueling and repair facilities and sleeping quarters for truck drivers may be permitted as accessory uses only.

Eating and drinking establishments, automobile filling stations, automobile repair and service facilities, and hotels/motels open to serve the general public may not be interpreted or construed as being accessory uses to a trucking terminal as herein defined.

A trucking terminal is not a solid waste transfer station.

Truncation: For a corner lot, a straight line joining points on the front lot line and side street line, each of which is at least 25 feet back from the theoretical point where those 2 lot lines would intersect if there were no truncation.

Unenclosed porch: 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.

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

Use, accessory: A use which is (1) customarily incidental and subordinate to the principal use of a lot or the main building, and (2) located on the same lot as the principal use or building. A temporary structure or trailer used for construction administration or real estate sales in conjunction with and during the period of development, construction or sales within the same site or subdivision in which it is located is an accessory use.

Use, transitory: A use on private property or the public right-of-way conducted from a vehicle or from a movable structure that:

- (a) remains in the same location for less than 24 hours; and
- (b) is in accordance with Section [59-A-6.13](#) and Chapter 47.

A transitory use is not an accessory use.

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.

Winery: A facility for processing grapes or other fruit into wine for sale on site or through wholesale or retail outlets.

Workforce housing unit: A dwelling unit that is subject to rent limits or sales controls under Chapter 25B. A workforce housing unit is not a Moderately Priced Dwelling Unit or a Productivity Housing Unit.

Yard: Open space on the same lot with a building or group of buildings, lying between the building or out building of a group and the nearest lot or street line and unoccupied and unobstructed from the ground upward, except as provided in this chapter.

Yard, front: Open space extending across the full width of lot between the front lot line or the proposed front street line and nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any enclosed portion thereof. For a corner lot in a residential zone defined by 2 street lines connected by a third line having a length of less than 50 feet (commonly known as a “truncation”), the front yard must be measured from the front lot line, not from the truncation line.

Yard, rear: Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than 10 feet long or if the lot comes to a point at the rear, the depth of rear yard is measured to an assumed rear lot line, as defined under “lot line, rear.”

Yard, side: Open space between the side lot line, and the side street line or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch or projection thereof, extending from the front yard to the rear yard, or in the absence of either such yards to the front lot line or rear lot line. The width of a side yard is the shortest distance between the side lot line and the nearest point of the building, porch, or projection. For a corner lot in a residential zone defined by 2 street lines connected by a third line having a length of less than 50 feet (commonly known as a “truncation”), the side yard must be measured from the side street line, not from the truncation line.

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