

# ARTICLE 59-7. DEFINITIONS

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## Div. 7.1. In General

### Sec. 7.1.1. Rules of Interpretation

The following rules of interpretation apply to this Chapter.

#### A. How to Compute Periods Measured in Months

If a period of time is measured in months, the period begins and ends at 12:01 a.m. on the same number day of a month. However, if there are not enough days in the final month for this to be possible, the period ends on the final day of the final month.

#### B. How to Compute Deadlines

If this Chapter requires or allows a person to perform an act within a specific time period measured in days, the person must compute the deadline in the following manner:

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

#### C. Requirements to Act by a Specific Date

If the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday.

#### D. Shall

The word shall is mandatory and not optional.

#### E. Signatures

The signature of a person may be the actual signature of the person or a mark that the person has authorized.

#### F. Singular and Plural

The singular includes the plural and the plural includes the singular.

#### G. Tense

The present tense includes the future tense.

#### H. Title of Sections

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

### Sec. 7.1.2. Abbreviations

Abbreviation	Full Term
AM	<i>Ante Merideum</i> , the period between midnight and noon
dBA	A-weighted decibels measured as defined in Chapter 31B of the Montgomery County Code
FAR	Floor Area Ratio
GFA	Gross Floor Area
MPDU	Moderately Priced Dwelling Unit
PM	<i>Post Merideum</i> , the period between noon and midnight
SF	Square Feet

## Div. 7.2. Defined Terms

[Editor's Note: Additional terms will be added as other modules of the zoning code are prepared. The definitions here relate specifically to agricultural and residential districts and uses.]

### Sec. 7.2.1. Specific Terms and Phrases Defined

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

#### A.

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**Accessory use:** See Div. 3.7.

**Agricultural processing:** See Sec. 3.2.2.

**Amateur radio facility:** See Sec. 3.7.3.

**Animal care:** See Sec. 3.5.1.

**Animal services:** See Sec. 3.5.1.

**Assisted living:** See Sec. 3.3.2.B.

**Attached accessory dwelling:** See Sec. 3.7.4.

**Auction facility, agricultural:** See Sec. 3.2.1.

#### B.

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**Bed & breakfast:** See Sec. 3.5.6.B.

**Board:** The Montgomery County Board of Appeals.

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

**Building coverage:** See Sec. 4.1.3., Rules for All Building Types.

#### C.

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**Cable communications system:** See Sec. 3.5.3.A.

**Campground:** See Sec. 3.5.2.

**Carriage house dwelling:** See Sec. 3.7.5.

**Cemetery:** See Sec. 3.5.4.A.

**Charitable, philanthropic institution:** See Sec. 3.4.1.

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

**Community Garden:** See Sec. 3.2.3.

**Conditional Use:** The grant of a specific use that would not be appropriate generally or without restriction, which must be based on findings detailed in Article XX.

**Confined Animal Feeding Operation:** An operation where animals are kept and raised in confined situations. Such operations congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields or on rangeland. Confines animals for at least 45 days in a 12-month period, and is located where there is no grass or other vegetation in the confinement area during the normal growing season.

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

**Country inn:** See Sec. 3.5.7.A.

**County:** Montgomery County, Maryland.

#### D.

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**Day care facility:** See Sec. 3.4.2.A.

**Density:** See Sec. 4.1.3., Rules for All Building Types.

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

**Dormitory:** See Sec. 3.3.2.C.

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

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

**E.**

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**Educational institution (private):** See Sec. 3.4.3.

**Equestrian facility:** See Sec. 3.2.4.

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

**F.**

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**Family:** A person living alone, or any of the following groups living together as a single, non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
2. Up to five unrelated people;
3. Two unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, guardianship, or other duly-authorized custodial relationship; or
4. Not more than eight unrelated people who are "handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h). This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).
5. Exceptions. The definition of a family does not include any society, club, fraternity, sorority, association, lodge, federation or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

**Farmer's market:** See Sec. 3.8.3.

**Farm stand:** See Sec. 3.7.7.

**Farm tenant dwelling:** See Sec. 3.7.8.

**Farming, livestock:** See Sec. 3.2.6.A.

**Farming, produce:** See Sec. 3.2.6.C.

**Farming, small animal:** See Sec. 3.2.6.B.

**Farrier:** See Sec. 3.5.1.D.

**G.**

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

**Golf course, country club:** See Sec. 3.5.5.

**Gross land area:** See Sec. 4.1.3., Rules for All Building Types.

**Group home:** See Sec. 3.3.2.D.

**Group living:** See Sec. 3.3.2.A.

**H.**

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**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.

**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.

**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.

**Home health practitioner:** See Sec. 3.7.9.D.

**Home occupation:** See Sec. 3.7.9.A.

**Hospice:** See Sec. 3.3.2.E.

**Household living:** See Sec. 3.3.1.A.

## I.

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## J.

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## K.

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## L.

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**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.

**Lot:** See Sec. 4.1.3., Rules for All Building Types.

**Lot area:** See Sec. 4.1.3., Rules for All Building Types.

**Lot, depth:** See Sec. 4.1.3., Rules for All Building Types.

**Lot frontage:** See Sec. 4.1.3., Rules for All Building Types.

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

**Lot line, front:** See Sec. 4.1.3., Rules for All Building Types.

**Lot line, rear:** See Sec. 4.1.3., Rules for All Building Types.

**Lot line, side:** See Sec. 4.1.3., Rules for All Building Types.

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

## M.

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**Manufactured home:** A structure intended for residential use and transportable in one or more sections, which is eight 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 is not a manufactured home.

**Media broadcast tower:** See Sec. 3.5.3.B.

**Mining, excavation:** See Sec. 3.6.1.

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

**Multi-unit living:** See Sec. 3.3.1.D.

**Museum, cultural/art exhibit, library:** See Sec. 3.4.4.

## N.

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**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, Agricultural:** See Sec. 3.2.7.A.

**Nursery, Retail:** See Sec. 3.2.7.B.

**Nursing home:** See Sec. 3.3.2.F.

**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.

## O.

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**Park, playground (private):** See Sec. 3.4.5.

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

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

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

**Principal building:** 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 principal building on the lot where the lot is used primarily for residential purposes.

**Private club, service organization:** See Sec. 3.4.6.

**Public use:** See Sec. 3.4.7.

## P.

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## Q.

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**Religious assembly:** See Sec. 3.4.8.

## R.

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**Seasonal outdoor sales:** See Sec. 3.8.3.

**Shooting range (outdoor):** See Sec. 3.5.8.

**Single room occupancy:** See Sec. 3.3.2.G.

**Single-unit living:** See Sec. 3.3.1.B.

**Special Exception:** See Conditional Use.

**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.

**Sustainable energy generation:** See Sec. 3.7.10.

**Swimming pool (community):** See Sec. 3.4.9.

## S.

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**Temporary use:** See Div. 3.8.

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

**Transitory use:** See Sec. 3.8.5.

**Two-unit living:** See Sec. 3.3.1.C.

## T.

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**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 railing as required in the Building Code.

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

**Utility, major public:** See Sec. 3.6.2.B.

**Utility, minor public:** See Sec. 3.6.2.A.

## U.

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## V.

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**Winery:** See Sec. 3.2.8.

**Wireless freestanding tower:** See Sec. 3.5.3.C.

**Wireless on existing structure:** See Sec. 3.7.11.

## W.

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## X.

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## Y.

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**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 to the zoning map subsequently adopted.

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