

## ***Extract from Division 59-A-2. Definitions and Interpretation.***

**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, 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.

**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.

**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.

**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.

**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.

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

**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.

**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.

**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.

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

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

**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.

**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.

**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.

**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.

## **Division 59-B-3. Exemptions For Projections.**

### **Sec. 59-B-3.1. Steps, terraces, and porches.**

(a) Open steps and stoops, exterior stairways, terraces, and porches may extend into any minimum front or rear yard not more than 9 feet.

(b) For side yards; (i) except in the case of a corner lot, open steps, stoops, exterior stairways, terraces, and porches may extend into any minimum side yard not more than 3 feet; (ii) on a corner lot having a minimum side yard 25 feet or more in width, open steps, stoops, exterior stairways, terraces, and porches may extend into such minimum side yard not more than 9 feet; (iii) on a corner lot having a minimum side yard of less than 25 feet in width, there must be no encroachment on the minimum side yard.

(c) Steps, stoops, exterior stairways and terraces that extend into the minimum required yards may be roofed but must not be enclosed. Any roof covering steps, stoops, exterior stairways, and terraces may extend not more than 3 feet into the minimum required yard.

(d) Roofed, but not enclosed, porches may extend into the minimum required front or rear yard not more than 9 feet, including the roof. If any portion of a roofed but not enclosed, porch extends into the required minimum front yard, the porch and its roof may extend not more than 9 feet from the face of the building parallel to the front lot line.

(Legislative History: Ord. No. 14-57, § 1.)

### **Sec. 59-B-3.2. Bay windows.**

In any residential zone, any bay window, oriel, entrance, vestibule or balcony, 10 feet or less in width, may project not more than 3 feet into any minimum front or rear yard.

### **Sec. 59-B-3.3. Cornices, eaves, outside stairways, chimneys, air conditioners and heat pumps.**

(a) Cornices and eaves may project 2 ½ feet or less over any court or yard, but such projection shall be not less than 2 feet from the vertical plane of any lot line. Where a wall is located on a lot line, such projections may extend across the lot line in accordance with provisions contained in section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.

(b) Sills, leaders, belt courses, and similar ornamental features may project not more than 6 inches over any court or yard. Where a wall is located on a lot line, such projections may extend across the lot line in accordance with provisions contained in section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.

- (c) Fire escapes may project not more than 5 feet over any minimum yard.
- (d) Outside stairways may project not more than 5 feet over a minimum rear yard only.
- (e) Chimneys in any one-family residential zone may project not more than 24 inches into any minimum front, rear, or side yard.
- (f) Chimneys in any R-30, R-20 or R-10 zone may project not more than 4 feet into any minimum front, rear or side yard.
- (g) Chimneys used as walls shall not be allowed to project into any minimum yard.
- (h) Air conditioners and heat pumps may project not more than 5 feet into any minimum front or rear yard. Additional projection shall be permitted for the purpose of adding noise abatement devices. Any air conditioners or heat pumps existing within any minimum side yard prior to July 27, 1982, shall not be considered a nonconforming use, and may be continued and replaced.

(Legislative History: Ord. No. 9-77, § 1; Ord. No. 10-72, § 1.)

**Sec. 59-B-3.4. Shelter entrance.**

An air intake or entrance way to a fallout or emergency shelter may extend not more than 3 feet into a required minimum side or front yard and anywhere within a required minimum rear yard but not closer than 2 feet to the property line; provided, that it shall not be more than 30 inches in height.