



# Being Good Neighbors:



Maintaining the  
Residential Character of  
County Neighborhoods

## Frequently Asked Questions

### **What problems are these changes to County code enforcement intended to address?**

*Protecting the residential character of Montgomery County's neighborhoods is important. A number of housing and zoning code issues have caused adverse impacts and public safety issues in residential neighborhoods, and particularly in the small-lot zones.*

### **Why is the government telling me what to do on my private property?**

*The role of a local government is to protect its residents and create and enforce laws that are in the best interest of all residents, balancing property interests and the common good.*

### **Do these new laws apply to municipalities?**

*The following municipalities are exempt from laws in the County's Zoning Ordinance: Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg and Washington Grove.*

### **When do the changes in the area of home occupations and parking take effect?**

*These changes go into effect on April 24, 2011.*

### **When do the changes in how much of your yard you can pave take effect?**

*The zoning text amendment does not apply to or include surfaced area existing before October 26, 2010, so long as the surfaced area is not increased. However, parking on non-surfaced area - or surfaced area of less than 160 sq. ft. per vehicle - must cease after October 24, 2011.*

### **Where do I call or what do I do if I need to make a complaint?**

*Call 311 or go to [www.montgomerycountymd.gov/311](http://www.montgomerycountymd.gov/311).*

### **Are there people who can speak to me in a language other than English in the departments of Permitting Services and Housing and Community Affairs?**

*Yes. Some of the inspectors are bilingual, speaking both English and Spanish.*

### **Is there a standard number for how home many people can live in a home. How do I know how many people can live in one property?**

*You can have any number of related persons living in a home (as long as the square footage permits) or up to five unrelated persons who live together as a single housekeeping unit. If you feel there are too many people in a house, you can call 311.*

### **What kind of outreach are you doing to inform people of the changes in the County Code?**

*As part of a comprehensive public education campaign, County officials held a series of community meetings around the County to present the changes in the law and answer questions from County residents. A new website has been developed with information about the code enforcement changes - [www.montgomerycountymd.gov/goodneighbors](http://www.montgomerycountymd.gov/goodneighbors). Brochures and posters - in English and Spanish - are being distributed. Other advertising will include posters in Ride On buses and in print and electronic media.*



## Home-Based Businesses

### **I want to have a business operating out of my home. What do I need to do?**

*There are four types of home occupations – major, no impact, registered, and home health practitioner. Contact 311 to determine which type of home occupation applies to your situation.*

### **I have a home-based business. Can my customers park on my street or in my driveway?**

*In R-60 and R-90 zones you are required to have two parking spaces for customers on your property. Customers may also park on the street in these zones. In all other zones, there are no parking requirements for customers of home occupations. Parking must satisfy the required parking in that zone. If you are a health practitioner, you must provide off-street parking that satisfies the requirement for a medical practitioner's office as stated in Section 59-E-3.7 of the Zoning Ordinance.*

### **Are home day care facilities considered a home-based business? If not, what are the laws regulating these businesses?**

*Home day care facilities are not considered a home-based business. The County's zoning ordinance permits family day care in a home with eight or fewer children; nine or more children may require a special exception depending on the zone. All day care businesses require a license from the State of Maryland. Contact the Maryland State Department of Education, Early Childhood Development Division/Licensing, 51 Monroe Street, Suite 200, Rockville, MD 20850, or call (240) 314-1400.*

### **How can I find out what the zone designation is for my home?**

*You can call 311 or go to [www.montgomerycountymd.gov/eproperty](http://www.montgomerycountymd.gov/eproperty).*

### **How do home occupation limits apply to people who run businesses out of their apartments?**

*Occupants of multi-family dwellings, such as apartments or townhouses, are subject to the same laws for home-based businesses as single family dwellings. If there is a common parking area serving more than one dwelling unit, parking in connection with the registered home occupation must not encroach on parking serving neighboring dwelling units.*

### **Do deliveries to a home occupation count as visits for the purpose of limiting traffic to home businesses?**

*Under the provisions of the new law, truck deliveries are not permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries. For "no impact" businesses, these deliveries are included in the five visits per week. For all other home-based businesses, these deliveries are included in the five visits per day provision.*

### **What are the limitations on temporary or limited duration signage in residential neighborhoods?**

*Temporary signs and limited duration signs in a Residential Zone are permitted. The number of signs is not limited; however the total sign area must not exceed 10 square feet. (Example: 3' x 3' sign = 9 square feet). A temporary sign must not exceed five feet in height (measured from ground to top edge of the sign) and it must be set back at least five feet from the property line with no illumination. The date of installation must be written on the sign.*

### **What are the requirements for and limitations on permanent signage for home occupations?**

*Residential properties are permitted to have one sign with an area not larger than two square feet and a height not higher than five feet. The sign must be set back at least five feet from the property line.*



## Parking and Paving Restrictions

### **What are the limits on paving my yard? Do I have to rip up pavement that's already down?**

The new law only applies to paving your front yard. No, you do not have to rip up existing paving in your front yard if it was in place on or before October 26, 2010 so long as you do not increase the paved area. The maximum percentage of the area of the front yard that can be covered by surfaced area is 30 or 35% depending on the zone. Surfaced area may be a maximum of 50% of the front yard of a tract that has its primary access from a primary residential street, minor arterial road, major highway or arterial, or any State road. You are allowed to have 320 sq. ft. of surfaced area for parking in your front yard even if it exceeds those percentages.

### **Is there any limit on how many cars I can park in my driveway?**

The following applies to the portion of the driveway in your front yard. No more than one vehicle may be parked for every 160 sq. ft. of surfaced area in the front yard.

### **Is it permissible to have cars blocking a public sidewalk when parked in my driveway?**

No. Current law prohibits any car from obstructing a public sidewalk.

### **Who enforces people parking or otherwise infringing on County-owned right-of-ways next to streets?**

The Police Department enforces this law.

### **When parking on a residential street is there a regulation that states how far from a neighbor's driveway a vehicle must be?**

#### **Who should I call to report a violation?**

Vehicles cannot be parked within five feet of a driveway.

Call the Police non-emergency number and officers can write a ticket and/or locate the owner and have the car moved.

### **How are right-of-way restrictions enforced for properties with no curbs?**

The Police Department will determine if there is infringement on County right-of-ways and take enforcement action.

### **Does the existing driveway in my front yard count towards the permitted surface area?**

Yes. In most cases 30% or 320 sq. ft., whichever is greater, will be allowed. If you currently have more area that that paved, you do not need to rip up the excess paving, however, beginning October 24, 2011, you must comply with the new law by not parking on non-surfaced area or surfaced area of less than 160 square feet per vehicle.

### **How does the new law affect properties with circular driveways?**

Circular driveways constructed prior to October 26, 2010 can remain. Circular driveways constructed after October 26, 2010 must reduce the paved area to 320 square feet or seek a waiver from the Department of Permitting Services to maintain the original size of the driveway.

### **Does a carport or a garage count as paved area in determining what percentage of a lot can be paved?**

No. Paved area on the side of the house does not count when determining what percentage can be paved. The new law only applies to the front yard – not the side or back yard.

### **Can I park a vehicle in my yard, even if it's not on the paved area?**

Under the provisions of the new law, vehicles in a front yard must be parked on a surfaced area only (land where the natural surface has been altered by gravel, stone, brick, concrete, asphalt, or any other material that facilitates the parking of a motor vehicle). Temporary, short-term parking is permitted on unpaved areas in the side and rear yard. If a vehicle is parked on the grass and causes damage to the grassy area, then it becomes a violation regardless of where it is parked, side or back.

### **Can residents who have corner lots, park vehicles on the side of their house (on grassy area—not paved)?**

Yes, but the cars must be behind the front plane of the house. However, if a vehicle is parked on the grass and causes damage to the grassy area, then it becomes a violation regardless of where it is parked, side or back. Temporary, short-term parking only is permitted on unpaved areas in the side and rear yard.

### **Can residents who have corner lots, park on a paved driveway on the side of their house?**

Corner lots technically have two "front yards" – the front and side yards. A paved driveway is allowed on either the front or side yard and cannot exceed the allowable amount – 30 or 35%, depending on the zone. You are allowed 320 sq. ft. of surfaced area for parking in your front (or side) yard even if it exceeds those percentages.

## **Parking and Paving Restrictions** *continued*

### **Can people who have paved their yards in excess of current County limits replace broken pavement with new pavement?**

*If the paving was done prior to October 26, 2010, broken pavement can be replaced with new pavement. However, no increase of pavement is permitted.*

### **Is there any limit on how many cars I can park on my street?**

*The street belongs to all the families on the street. There is not a limit on how many cars you can park on the street.*

### **I know that large commercial and recreational vehicles can't park in residential neighborhoods anymore. Can I park them in my driveway?**

*In residential zones you are allowed to park one light commercial vehicle and one recreational vehicle on private property.*

### **Are there any limits on how large a recreational vehicle can be parked on someone's driveway?**

*No. One recreational vehicle may be parked on a lot or parcel; however, it must not be used for dwelling purposes for more than three days in any month. Additionally, it cannot interfere with utility lines and may not be parked so as to obstruct the public sidewalk.*

### **Is it okay to have inoperable or unregistered vehicles in your side yard or back yard?**

*No. Any vehicle on your property must be registered and operational. If you are issued a notice of violation, you will have 30 days to get the vehicle registered, repaired or removed from your property.*

### **Who should I call to report an abandoned or unregistered vehicle parked on the street in my neighborhood?**

*The Abandoned Vehicle Section (AVS) of the Police Department is responsible for removing abandoned, unregistered and junk vehicles from County roads and community neighborhoods. Problem vehicles on private community roads and parking lots must first be reported to the applicable homeowners association (HOA), who will contact the AVS office. Commercial properties and private land owners may contact the AVS office for removal of vehicles. The towing service must be paid by the property owner/commercial management company. AVS hosts a monthly auction selling seized and abandoned vehicles. The section also manages the Police Towing Regulations and resolves complaints related to police-ordered tows. For more information, contact AVS at 240-773-6411 or send an email to [abandoned.vehicle@montgomerycountymd.gov](mailto:abandoned.vehicle@montgomerycountymd.gov). Recorded information and answers to frequently-asked-questions about AVS services are available 24 hours a day.*

### **Can inspectors lift up the cover placed on a car on someone's property to determine whether a vehicle is registered or not?**

*No, it is your private property.*

### **I'm working on restoring an old car. Can I have it on the street or in my driveway even if it isn't registered?**

*A person must not store any unregistered or inoperable vehicle on residential property for more than 30 days nor can a person park an unregistered vehicle on the street. As long as the vehicle has a current registration and is operational, there is no problem with fixing a car on the street in front of your home or in your driveway.*

### **Can I park my landscaping truck on the street in front of a customer's house while I'm doing a job?**

*Yes.*

### **Can I park my tow truck on my private property?**

*In most residential zones you can park a tow truck on your private property as long as it meets the definition of light commercial vehicle and does not have a vehicle in tow.*

### **Why doesn't the new law prohibit all commercial vehicles from being parked in residential neighborhoods instead of just prohibiting large ones?**

*Some commercial vehicles are no larger than some personal vehicles, which is why the law was written to allow one small commercial vehicle on your property. The parking of large commercial vehicles has been a growing problem in Montgomery County for the past decade. These large vehicles limit the line of sight on neighborhood roads, making it difficult to make turns on narrow streets. Additionally, large vehicles endanger pedestrians because oncoming traffic cannot see them. No vehicle, regardless of size, will be permitted to block the public sidewalk.*

### **Are there any limits on parking for farm vehicles?**

*Vehicles and machinery for agricultural use may be parked on properties consisting of two or more acres on which crops are being grown or harvested.*

### **How long can PODs remain in people's driveways? Can they be in yards? On the street? Who enforces this?**

*The Department of Permitting Services enforces the placement of metal storage containers commonly known as Conex boxes, sea containers or pods. Pods can be placed on private property (in driveways or in yard) for up to seven (7) days without a permit. For pods on residentially zoned property for eight (8) days or more, a building permit is required, the pod must be located in the rear of the property, and the pod must meet setback requirements for accessory structures.*

### **Are their limitations on parking of vehicles or equipment on construction sites?**

*No. Construction sites have permits for parking vehicles and equipment on the job site.*



## **Enforcement**

### **How are County Codes enforced? Do inspectors drive around the County just looking for violations?**

*Code violations are mainly complaint-driven. Inspectors will respond to complaints filed with their department.*

### **Do inspectors just fine people right away if they find a violation – or do people get a warning first?**

*Upon receiving a complaint, either the department of Permitting Services or Housing & Community Affairs, will dispatch an inspector to investigate the complaint. A Notice of Violation will be issued if just cause is found. If the violation is not corrected and/or dismissed within 30 days, a citation may be issued accompanied by a \$500 fine. On-street parking violators can be ticketed by the Police.*

### **Can people make complaints about possible code violations without giving their name?**

*Yes, complaints can be filed anonymously or, if they want to hear back on a complaint, confidentially.*

### **If I complain anonymously or confidentially, is it really anonymous or confidential? Can someone file a Maryland Public Information Act request with County government and then the government would have to turn over my name or number?**

*The law states that the County does not have to release complainant information if someone requests it.*

### **How soon can I expect to see a code violation in my neighborhood cleared up?**

*Generally, the homeowner is given 30 days to correct the violation. If he fails to do so, a civil citation (ticket) is issued. Generally, it takes about three months to have a court hearing on the issue. The County will request an Order of Abatement be issued by the Judge. This order generally provides that the correction must be done within 30 days.*

### **How do I know if someone who identifies himself/herself as a code enforcement inspector is really a County employee?**

*Any County inspector who comes to your home will have photo identification.*

### **Can people make complaints about possible Code violations without giving their name?**

*Yes, complaints can be filed anonymously.*

### **What happens if the property is in foreclosure proceedings?**

*If a property is in foreclosure proceedings, the inspector will contact the legal owner of the property.*

### **What happens if the owner does not respond to the warning or fix the violation, and ends up in Court?**

*At the court hearing, the inspector will advise the Judge of the attempts to have the violation corrected and the County Attorney will request a court order mandating that the owner correct the violation. If the owner does not fulfill the court order he could face jail time.*

### **What happens if the property owner is on vacation or away, or the property is tenant occupied and the warning is not received timely by the owner?**

*Notices of violation will be mailed to the person whose name is on the recorded deed.*

### **Is it a violation of the Code for persons to use their carport or their front porch for the storage of household or other items?**

*Yes, however, it depends on the items. Outdoor storage or abandonment of appliances [for more than two (2) days], or equipment that poses a threat of injury or danger to life, is a violation of the housing code.*

### **How much are the fines for violations of the County Code?**

*If a citation is issued accompanied by a fine, the charge is \$500 for the first offense.*

## **Enforcement** *continued*

### **If I get a warning of a violation and I don't agree with it, who do I contact?**

*If you receive a violation notice, and you feel it was incorrectly issued, call 311 to get in touch with the supervisor of the inspector.*

### **What are my rights to appeal a fine?**

*If you are convicted in District Court and given a fine, you can appeal to the Circuit Court in Rockville, MD.*

### **What will happen with existing basements if an inspector finds more than one violation?**

*If an inspector is called to investigate a property that is reported to be in violation of the law, he/she will issue a notice of violation for all violations found.*

### **Is there a limit to how much trash an individual can place on their curb for pickup? And, if not, is there a requirement that all trash must be in covered containers?**

*There is no limit, but all trash must be in an approved container with tight fitting cover.*



**Prepared by the Montgomery County Office of Public Information • 240-777-6507**