

**ARTICLE 3  
DEFINITIONS**

**A. Rules of Construction.** Unless a contrary intention clearly appears, the following words and phrases shall have, for the purposes of this ordinance, the meanings in the following clauses:

1. Words used in the present tense include the future.
2. The singular includes the plural, the masculine includes the feminine or neuter gender.
3. The word "person" includes a corporation, firm, institution, partnership, association or any legal entity.
4. The word "shall" is mandatory and not directory.
5. The word "Commission" and the words "Planning Commission" shall always mean the City of Hagerstown Planning Commission.
6. The word "Department" and the words "Department of Planning" shall always mean the Department of Planning for the City of Hagerstown, Maryland.
7. The words "Mayor and Council" and the words "Mayor and City Council" or "Council" shall always mean the legislative body of Hagerstown, Maryland.
8. The word "county" shall always mean Washington County, Maryland.
9. The word "city" shall always mean the City of Hagerstown, Maryland.
10. Following each definition is a reference in parentheses to an article or section of an article of this Chapter. This reference is provided as a convenient reference to the place in this Chapter in which it is most frequently found and used. Regardless of the reference provided, however, all definitions as found herein apply to the entire Chapter unless specifically otherwise indicated or limited by reference to a particular article.

**B. When Terms Are Not Defined.** Any word or term not defined herein shall be used with a meaning of standard usage. When multiple definitions of a single term exist, the term shall be given the meaning for each Article hereof as indicated.

**C. Definitions.**- As used in this Chapter, the following terms shall have the meanings indicated:

*ACCESSORY USE OR STRUCTURE*

1. As pertains to Article 4, a use or structure on the same lot or adjacent lot under the same ownership with and of a nature customarily incidental and subordinate to the principle use or structure. (*Zoning*)

2. As pertains to Article 6, an accessory structure is a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, e.g., a shed or detached garage. (*Floodplain*)

*ADULT BOOK STORE* -An establishment having a substantial or significant portion of its stock in trade devoted to the sale or rental of (1) books, magazines, periodicals, motion pictures, films, videos, DVDs or other similar images by any medium which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or (2) products, devices or novelties designed or sold primarily for the purpose of stimulation of human genitalia or sexual gratification. (*Zoning*)

*ADULT MOTION PICTURE THEATER* - An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein. (*Zoning*)

*ADULT MINI MOTION PICTURE THEATER* - An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein. (*Zoning*)

*AFFORESTATION* - (*Forest Conservation*)

1. Establishment of a forest on an area from which forest cover has been absent for a long period of time;
2. Planting of open areas which are not presently in forest cover; or
3. Establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual.

*AGRICULTURAL ACTIVITY* - Farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise. (*Forest Conservation*)

*AGRICULTURAL AND RESOURCE AREAS* - Undeveloped areas zoned for densities of less than or equal to one (1) dwelling unit per acre. (*Forest Conservation*)

*ALLEY* - A public way which is used primarily for vehicular service access to the rear or the side of properties otherwise abutting a street. (*Subdivision & Land Development*)

*ALTERATION* - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, relocation, or demolition of any structure. (*Zoning - Historic*)

*ANIMATION OR ANIMATED* - The movement or the optical illusion of movement of any part of the street graphic structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street graphic. (*Zoning*)

*APPLICANT* - The party applying for permits or other approvals required by this Code. (*Subdivision and Land Development*)

*APPROVED FOREST MANAGEMENT PLAN* - A document: (*Forest Conservation*)

1. Approved by the Department of Natural Resources forester assigned to the city in which the property is located; and
2. Which operates as a protective agreement for forest conservation as described in the Natural Resources Article, §5-1607(e) and (f), Annotated Code of Maryland.

*APPURTENANCES AND ENVIRONMENTAL SETTINGS* - All that space of grounds and structures thereon which surrounds a site, structure, or district and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways. This includes historical open spaces, i.e., setbacks, parks and public squares. (*Zoning - Historic*)

*ARTICULATION* - Giving of emphasis to architectural elements (such as roof lines, windows, balconies, entries, etc.) that create a complementary pattern of rhythm, dividing large buildings into smaller, identifiable spaces. (*Zoning*)

*ASSISTED-LIVING FACILITY* - A combination of housing, personalized support services and health care designed to respond to the individual needs of those who need help with activities of daily living but do not need the higher level of care provided in a nursing home. (*Zoning*)

*ASSISTED LIVING FACILITY FOR THE ELDERLY* - A residential care alternative to a nursing home for the elderly that provides for independent living in an apartment-style accommodation with around-the-clock supervision, communal dining and social activity facilities for the residents, and offering choices in personal care and health-related services that are customized to meet the personal needs of each resident. (*Zoning*)

*ATTACHED WIRELESS COMMUNICATION FACILITY (ATTACHED WCF)* - An antenna array that is attached to an existing building or structure, with any accompanying device which attaches the antenna array to the existing building or structure, transmission cables, and an equipment facility which may be located either inside or outside the attachment structure. (*Zoning-Wireless*).

*BASEMENT* - An enclosed area which is below grade on all four sides. (*Floodplain*)

*BED AND BREAKFAST* - A facility that serves the traveling public with sleeping rooms and at least one (1) meal per day for overnight guests only in a setting reflecting a residential rather than a commercial character. (*Zoning*)

*BENCHMARK* - A monument for which an accurate elevation has been established and shown on the plat or as defined by the United States Geological Survey, NAVD 88 or NGVD 29. (*Subdivision and Land Development*)

*BLOCK* - Grouping of lots unseparated by streets, parks, main waterways or other natural barriers, or subdivision boundary lines. (*Subdivision and Land Development*)

*BOARDING- OR ROOMING HOUSE* - A dwelling or part thereof where meals and/or lodging are provided, for compensation, for persons not transients. (*Zoning*)

*BOARD OF ZONING APPEALS* - The duly appointed Board of Zoning Appeals for the City of Hagerstown, Maryland. (*Zoning*)

*BUFFER YARD* - A strip of land which is established to separate adjacent properties or zoning districts and which contains natural or planted vegetation, berms, walks, or fences. (*Subdivision and Land Development - Landscaping*)

*BUILDING* -

1. As pertains to Article 4, any structure which is permanently affixed to the land, has one (1) or more floors and a roof and is bounded by either open area or the lot lines of a zoning lot. For regulatory purposes, the term "building" shall not include mobile homes, tents or other portable housing which may be attached to a foundation, but this exception shall not exclude factory-constructed buildings which are transported to a site and erected on a permanent foundation. (*Zoning*)
2. As pertains to Article 5, a permanent structure having a roof which is used or intended to be used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof. (*Subdivision and Land Development*)

*BUILDING, HEIGHT OF* - The vertical distance from the grade to the top of the highest roof beams surface of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front. NOTE: Refer to Article 4, Section K.2. (*Zoning*)

*BUILDING LINE* - The line established beyond which a building shall not extend as determined by front, side, and rear yard requirements. (*Subdivision and Land Development*)

*CALIPER* - The diameter measured at two (2) inches above the root collar. (*Forest Conservation*)

*CALIPER INCHES* - Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four inches or less in trunk diameter and twelve inches above the ground for trees over four (4) inches in trunk diameter. (*Subdivision and Land Development - Landscaping*)

*CANOPY (SHADE) TREE* - A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum of mature crown width of thirty (30) feet. Such trees shall be at least 1.75 inches to 2.5 inches in diameter, measured at five (5) feet, when planted. (*Subdivision and Land*)

*Development - Landscaping)*

*CENTRAL AREA* - The central area of the City of Hagerstown as delineated in the City's adopted Comprehensive Development Plan. (*Zoning*)

*CERTIFICATE OF APPROPRIATENESS* - A certificate issued by the Historic District Commission indicating its approval of plans for alteration, construction, reconstruction, relocation, or demolition of a landmark or of a site or structure within a preservation design district. (*Zoning - Historic*)

*CERTIFICATE OF HARDSHIP* - A certificate issued by the Historic District Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied. (*Zoning - Historic*)

*CERTIFICATE OF OCCUPANCY AND USE* - Authorization to legally occupy or use a building for the intended purpose. (*Floodplain*)

*CHAMPION TREE* - The largest tree of its species within the United States, the State, county, or municipality. (*Forest Conservation*)

*CHAMPION TREE OF THE STATE* - A tree designated by the Department of Natural Resources to be a State champion tree. (*Forest Conservation*)

*CHANGEABLE COPY* - Copy that changes at intervals. (*Zoning*)

*CITY ENGINEER* - The duly designated City Engineer of the City of Hagerstown, Maryland. (*Subdivision and Land Development*)

*CITY FINANCE DIRECTOR* - The duly designated Finance Director of the City of Hagerstown, Maryland. (*Subdivision and Land Development*)

*CITY OF HAGERSTOWN FOREST CONSERVATION TECHNICAL MANUAL* - The State Forest Conservation Technical Manual, Third Edition. (*Forest Conservation*)

*CITY STANDARDS* - Those improvements as defined herein which are necessary for development and which are approved and accepted by the City Engineer. See Public Ways Construction Standards and Engineering Guidelines. (*Subdivision and Land Development*)

*CLUSTER DEVELOPMENT* - A method of developing land where the housing is built in groups. Cluster development allows a reduction in the size of the lots. The remaining, undeveloped land is required to remain as common open space. (*Subdivision and Land Development*)

*CO-LOCATION* - Use of a common *WCF* or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a *WCF* on a structure owned or operated by a utility or other public entity. (*Zoning*)

*COMMERCIAL AND INDUSTRIAL USES* - Manufacturing operations, office complexes, shopping centers, retail and wholesale sales facilities, and other similar uses and their associated storage areas,

yarding, and parking areas for either a profit or on a non-profit basis. (*Forest Conservation*)

**COMMERCIAL LOGGING OR TIMBER HARVESTING OPERATIONS** - The cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact. (*Forest Conservation*)

**COMPREHENSIVE PLAN** - The policies, statements, goals and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps which constitute the guide for the City's future development, including, all amendments thereto and all related general plans, master plans, and community plans adopted by the Mayor and City Council in accordance with Sections 3.01 to 3.09 of Article 66B of the Annotated Code of Maryland. (*Subdivision and Land Development*)

**CONDOMINIUM** - A system of separate ownership of individual units in multi-unit projects on land in common ownership as defined in the Annotated Code of Maryland. (*Zoning*)

**CRITICAL HABITAT AREA** - A critical habitat for an endangered species and its surrounding protection area. A critical habitat area shall: (*Forest Conservation*)

1. Be likely to contribute to the long-term survival of the species;
2. Be likely to be occupied by the species for the foreseeable future; and
3. Constitute habitat of the species which is considered critical under Natural Resources Article, §4-2A-04 and 10-2A-04, Annotated Code of Maryland.

**CRITICAL HABITAT FOR ENDANGERED SPECIES** - A habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§4-2A-04 and 10-2A-04, Annotated Code of Maryland. (*Forest Conservation*)

**CUL-DE-SAC** - A street with a single common ingress and egress and with a turnaround at the end. (*Subdivision and Land Development*)

**DECLARATION OF INTENT** - A signed and notarized statement by a landowner or the landowner's agent certifying that the activity on the landowner's property is exempted and complies with Article 7, Section A.3.c of this Chapter (*Forest Conservation*).

**DEDICATION** - The dedication of land by the developer for any general and public uses, in accordance with the provisions herein. (*Subdivision and Land Development*)

**DEMOLITION BY NEGLIGENCE** - The failure to provide ordinary and necessary maintenance and repair to a landmark or site or structure within a preservation design district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such a site, which results in any of the following conditions:

1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or

2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows. (*Zoning - Historic*)

*DESTINATION RETAIL USE* - Any development containing one (1) or more retail unit occupying more than seventy-thousand (75,000) square feet of gross floor area, including outdoor seasonal display areas. (*Zoning*)

*DEVELOPER* - Any person commencing proceedings under these Regulations to effect a subdivision of land as defined herein. (*Subdivision and Land Development*)

*DEVELOPER AGREEMENT* - A written document between the Developer and the City which may limit, condition, or further define the process for a particular development. (*Subdivision and Land Development*)

*DEVELOPMENT* - Any man-made change to improved or unimproved real estate, including but not limited to buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction or storage of equipment or materials. "Development" includes subdivision of land. (*Floodplain*)

*DEVELOPMENT PLAN* - A set of plans indicating the proposed layout of the subdivision or site showing lots, roads, water, sewer, engineering data, utilities, and other requirements prepared in accordance with these Regulations, which is presented for construction approval, prior to preparation of the Final Plat. (*Subdivision and Land Development*)

*DEVELOPMENT PROJECT* - The grading or construction activities occurring on a specific tract that is forty-thousand (40,000) square feet or greater. "Development project" includes redevelopment. (*Forest Conservation*)

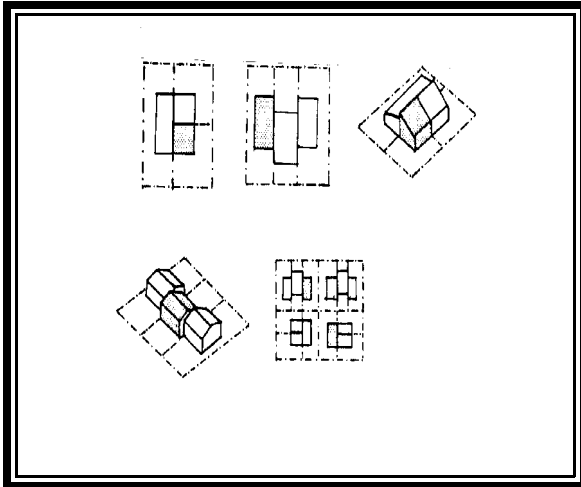
*DEVELOPMENT PROJECT COMPLETION* - For the purposes of afforestation, reforestation, or payment into a fund: (*Forest Conservation*)

1. The release of the performance bond, or surety, if required by Article 7 of this Chapter; or
2. Designation by the Department that a:
  - a. development project has been completed, or
  - b. particular stage of a staged development project, including a planned unit development, has been completed.
3. The release of any bond or surety not required under Article 7 of this Chapter shall not be construed to mean the completion of afforestation, reforestation, or payment into a fund, as required by this Chapter.

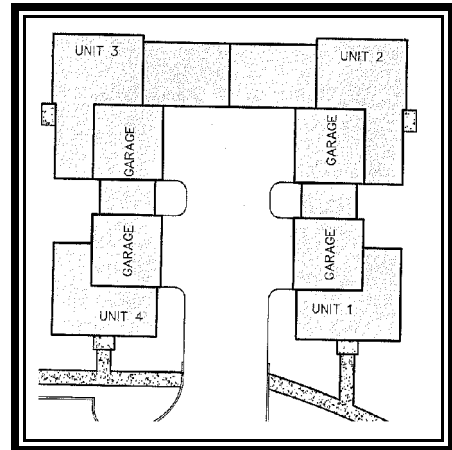
*DISTRICT, HISTORIC* - A district designated by the Mayor and City Council for its historical, archaeological, or architectural significance to Hagerstown, the preservation of which is deemed to be for the educational, cultural, economic and general welfare of the citizens of Hagerstown. An historic

district includes all property within its boundaries, whether publicly or privately owned. (*Zoning - Hist*)

*DISTRICT, ZONING* - A portion of territory designated on the Official Zoning Map within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this ordinance. (*Zoning*)



Triplex Dwelling

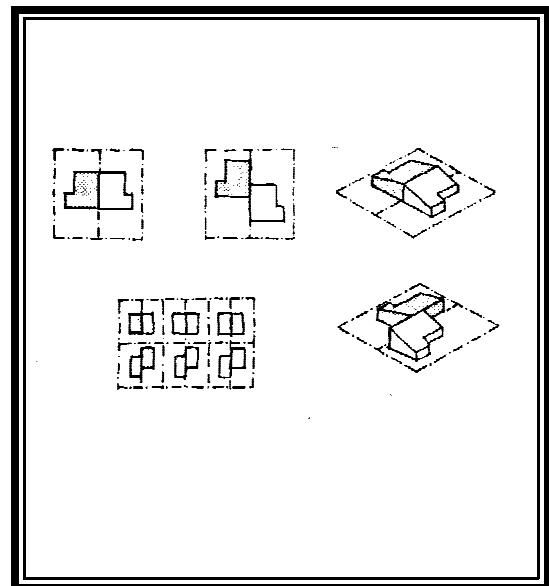


Courtyard Dwelling

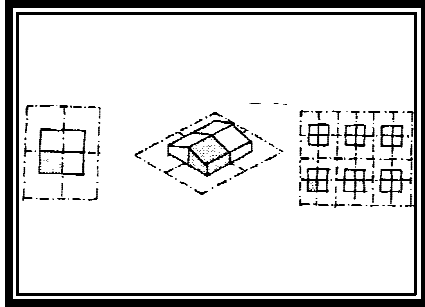
*DORMITORY* - A structure specifically designed and used for a long-term stay by students of a college, university or other academic or trade school for the purpose of providing rooms for sleeping purposes. Eating facilities may be permitted either in-unit, or in a common kitchen/dining room. A dormitory shall include common gathering rooms for social purposes, and shall not be used for year round uninterrupted use. (*Zoning*)

*DWELLING* - A building containing one (1) or more dwelling units. The term, "dwelling," or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy. (*Zoning*)

*DWELLING, COURTYARD APARTMENTS* - A multi-family building containing three or more dwelling units arranged around an internal parking court, or an open space designed as an aesthetic benefit, each with its own outside entrance, each separated by a party wall or walls extending vertically from the ground to the roof, on land in common ownership without subdivided lot lines, with at least one side of the structure fronting on a public street. (*Zoning*)



Semi-Detached Dwelling



Quadraplex Dwelling

*DWELLING, MANSION APARTMENT HOUSE* - Three or more dwelling units arranged in a flat over flat configuration in a single building with an exterior design of a large single family house fronting a public street. (Zoning)

*DWELLING, MULTIPLE-FAMILY* - A building containing three (3) or more dwelling units (an apartment house), including triplex and quadraplex. (Zoning)

*DWELLING, ONE/SINGLE-FAMILY* - A detached building containing not more than one (1) dwelling unit and not occupied by more than one (1) family. (Zoning)

*DWELLING, QUADRAPLEX* - A building containing four (4) dwelling units, each with its own outside entrance and each separated by a party wall or walls extending vertically from the ground to the roof. (Zoning)

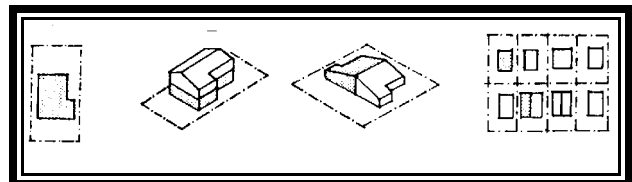
*DWELLING, SEMI-DETACHED* - One (1) of two (2) buildings arranged or designed as single-family dwellings located on abutting lots and attached by a wall, without openings, extending from the cellar floor to the highest point of the roof along the common lot line and separated from any other building or structures by space on all sides. (Zoning)

*DWELLING, STACKED APARTMENT UNITS* - Three or more dwelling units arranged along a corridor, in a single building with multiple stories and fronting a public street (Zoning)

*DWELLING, TOWNHOUSE* - One (1) of a series of three (3) or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof. (Zoning)

*DWELLING, TRIPLEX* - A building containing three (3) dwelling units arranged or designed each with its own outside entrance and each separated by a party wall or walls extending vertically from the ground to the roof. (Zoning)

*DWELLING, TWO-FAMILY* - A building located on one (1) zoning lot containing not more than two (2) dwelling units, arranged one (1) above the other or side by side, sharing a common wall or floor and not occupied by more than two (2) families. (Zoning)



Two-Family Dwelling

*DWELLING UNIT* - One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) or more persons living together and maintaining a common household and which include lawful cooking space and lawful sanitary facilities reserved for the occupants therefor. (Zoning)

*EASEMENT* - An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. (*Subdivision and Land Development*)

*ELEVATION CERTIFICATE* - The form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures above mean sea level (NGVD).(*Floodplain*)

*ENVIRONMENTALLY SENSITIVE FEATURES* - Those features contained in areas defined in the Comprehensive Plan, including such features as excessive slopes, flooding, high water tables, shallow depth to bedrock, unique natural features, desirable natural growths, watercourses and other water areas, and scenic points. (*Subdivision and Land Development*)

*EQUIPMENT FACILITY* - Any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals and other similar structures. (*Zoning-Wireless*)

*ESSENTIAL UTILITY EQUIPMENT* - Underground or overhead electrical, gas, communications, water or sewerage systems, including poles, towers or pole structures, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone stations, police call boxes, traffic signals, hydrants, regulating and measuring devices, water pumping stations, elevated storage tanks, ground storage tanks and the structures in which they are housed, substations and associated equipment and other similar equipment and accessories in connection therewith. It does not include buildings, yards or stations used for storage, repair or processing of equipment or material and does not include buildings, yards, stations or substations for transforming, boosting, switching or pumping purposes where such facilities are constructed on the ground or wireless telecommunications facilities, as regulated in Article 4, Section Q of this Code. (*Floodplain and Zoning*)

*EXTERIOR FEATURES* - The architectural style, design and general arrangement of the exterior of a site or structure, including the nature and texture of building materials, and the type and style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of a site or structure. (*Zoning - Historic*)

*FACADE* - The side of a building below the eaves. (*Zoning*)

*FAMILY* - One (1) or more persons occupying a single housekeeping unit. (*Zoning*)

*FENCE* - A barrier constructed of any allowable material including concrete, stone, brick, tile, wood, or similar type of material for the purpose of providing a boundary, separating lots or enclosing space (*Zoning*)

*FLOOD* - General and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or the rapid unusual accumulation of runoff from any source. (*Floodplain*)

*FLOOD, BASE* - The 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this chapter. (*Floodplain*)

*FLOOD INSURANCE RATE MAP (FIRM)* - A map which depicts the minimum special flood hazard area to be regulated by this chapter (unless a Floodway Map is available). (*Floodplain*)

*FLOOD, ONE HUNDRED (100) - YEAR* - A flood which has a one (1%) percent chance of being equaled or exceeded in any given year. Except for Class III waters (natural trout streams), a body of water with a watershed less than four hundred (400) acres is excluded. (*Forest Conservation*)

*FLOOD, ONE HUNDRED (100)-YEAR FREQUENCY* - The base flood, having one chance in a hundred (one-percent chance) of being equaled or exceeded in any year. (*Floodplain*)

*FLOODPLAIN* - Areas subject to periodic flooding, including the one hundred-year floodplain depicted on the Federal Insurance Rate Maps, for Washington County and the City of Hagerstown, as amended, prepared by the Federal Emergency Management Agency, which are incorporated herein by reference. (*Subdivision and Land Development*)

*FLOODPLAIN, ONE HUNDRED (100)- YEAR* - An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-year flood as shown on FEMA 100-year floodplain maps and regulated by Article 6 of this Chapter. (*Forest Conservation*)

*FLOODPROOFING* - Any combination of structural or nonstructural changes which reduce or eliminate flood damage to improved property. (*Floodplain*)

*FLOODPROOFING CERTIFICATE* - The form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation. (*Floodplain*)

*FLOOD PROTECTION ELEVATION (FPE)* - The elevation of the base flood plus one foot freeboard. (*Floodplain*)

*FLOODWAY* - The channel and adjacent land area required to discharge the waters of the 100-year flood of a watercourse without increasing the water surface elevations more than a specified height. (*Floodplain*)

*FLOODWAY FRINGE* - That portion of the floodplain outside the floodway. (*Floodplain*)

*FLOODWAY MAP* - A FEMA map which depicts floodways and special flood hazard areas to be regulated by this chapter. (*Floodplain*)

*FOREST* - (*Forest Conservation*)

1. "Forest" means a biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square feet or greater.
2. "Forest" includes:
  - a. Areas that have at least one hundred (100) live trees per acre with at least fifty (50%) percent of those trees having a 2-inch or greater diameter at 4.5 feet above the ground

- and larger; and
  - b. Areas that have been cut but not cleared.
3. "Forest" does not include orchards.

*FOREST CONSERVANCY DISTRICT BOARD* - The forestry board created for each state forestry conservancy district under Natural Resources Article, §§5-601 through 5-610, Annotated Code of Maryland. (*Forest Conservation*)

*FOREST CONSERVATION* - The retention of existing forest or the creation of new forest at the levels set by this Article 7 of this Chapter. (*Forest Conservation*)

*FOREST CONSERVATION AND MANAGEMENT AGREEMENT* - An agreement as applicable and described in COMAR 08.19.05.01. (*Forest Conservation*)

*FOREST CONSERVATION PLAN* - A plan prepared pursuant to Article 7 of this Chapter. (*Forest Conservation*)

*FOREST CONSERVATION TECHNICAL MANUAL* - The technical manual incorporated by reference, used to establish standards of performance required in preparing forest stand delineations and forest conservation plans. (*Forest Conservation*)

*FOREST COVER* - The area of a site meeting the definition of forest. (*Forest Conservation*)

*FOREST MANAGEMENT PLAN* - A plan establishing best conservation and management practices for a landowner in assessment of the resource values of forested property. (*Forest Conservation*)

*FOREST STAND DELINEATION* - The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the City of Hagerstown Forest Conservation Technical Manual. (*Forest Conservation*)

*FREEBOARD* - An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence or other unpredictable effects. (*Floodplain*)

*GRADING* - Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof. (*Forest Conservation*)

*GRAPHIC, GROUND* - A street graphic supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole graphic and a monument graphic. (*Zoning*)

*GRAPHIC, MONUMENT* - A ground graphic permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. (*Zoning*)

*GRAPHIC, PORTABLE* - A street graphic not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building. (*Zoning*)

*GRAPHIC, PROJECTING* - A street graphic attached to and projecting from the wall of a building and not in the same plane as the wall. *(Zoning)*

*GRAPHIC, ROOF* - A street graphic painted, erected, constructed, or maintained on the roof of a building. *(Zoning)*

*GRAPHIC, STREET* - A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way. *(Zoning)*

*GRAPHIC, WALL* - A graphic attached directly to an exterior wall of a building or dependent upon a building for support, with the exposed face of the graphic located in a place substantially parallel to the exterior building wall to which the graphic is attached or which supports the graphic. *(Zoning)*

*GROSS LEASABLE AREA (GLA)* - The total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, and exterior spaces designated for the display and sale of outdoor oriented merchandise, expressed in square feet as measured from the center line of joint partitions and from outside wall faces. For purposes of calculating parking requirements, parking and loading areas as well as the floor area occupied by HVAC, mechanical, electrical, communications, and security equipment are all deducted from gross leasable area.

*GROWING SEASON* - The period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. §590 (a) through (f). *(Forest Conservation)*

*HEALTH DEPARTMENT* - The Washington County Health Department, Environmental Services Division. *(Subdivision and Land Development)*

*HIGH DENSITY RESIDENTIAL AREAS* - Areas zoned for densities greater than one (1) dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service. In the City of Hagerstown, residential development in the R1, R2, R3, R4, AT (Agricultural Transition), and the Planned Unit Development (PUD) Overlay, qualifies as high density residential areas. *(Forest Conservation)*

*HOME OCCUPATION* - Full or part-time occupational or business use by a resident within their dwelling unit when authorized by the Board of Zoning Appeals as a Special Exception. *(Zoning)*

*HOME WORKSTATION* - A customary and incidental accessory use of a dwelling consisting of an office or workstation used for business or employment purposes within a dwelling or accessory structure where that dwelling is permitted by right, special exception or bona-fide nonconforming use, used by a resident living in the dwelling unit, subject to the provisions of Article 4, Subsection K.7. *(Zoning)*

*HOMEOWNERS ASSOCIATION* - A community association organized within a development in which individual owners share common interests, expenses, and responsibilities for the organization's activities, such as maintenance, open space, landscaping, or facilities. *(Subdivision and Land Development)*

*ILLUMINATION OR ILLUMINATED* - A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the street graphic. *(Zoning)*

*ILLUMINATION, EXTERNAL* - Illumination of a sign that is affected by an artificial source of sight not contained within the sign itself. *(Zoning)*

*ILLUMINATION, FLASHING* - Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a street graphic is illuminated, including illuminated lighting. *(Zoning)*

*ILLUMINATION, INTERNAL* - A light source that is concealed or contained within the street graphic and becomes visible in darkness through a translucent surface. *(Zoning)*

*ILLUMINATION, INDIRECT* - A source of external illumination, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property. *(Zoning)*

*ILLUMINATION, NEON TUBE* - A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes. *(Zoning)*

*IMMEDIATE FAMILY MEMBER* - For the purposes of Article 7, father, mother, stepfather, stepmother, son, daughter, brother, sister, stepson, stepdaughter, or grandchild of applicant. *(Forest Conservation)*

*INSTITUTIONAL DEVELOPMENT AREA* - Schools, colleges and universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, golf courses, recreation areas, parks, and cemeteries. *(Forest Conservation)*

*JURISDICTION* - The geographical area within which the powers of the City of Hagerstown may be exercised. *(Subdivision and Land Development)*

*KENNEL* - Any building or structure and/or land used, designed, or arranged for housing, boarding, breeding or care of more than five (5) adult dogs, over the age of four (4) months, kept or bred for any purpose, including household pets. *(Zoning)*

*LANDMARK* - Any site or structure on publicly or privately owned land outside of the historic districts designated by the Mayor and City Council for its exceptional individual historical, archaeological or architectural significance, that is worthy of rehabilitation, restoration and preservation, and any alteration shall be reviewed in the same manner by the Historic District Commission as a site or structure within the preservation design district. *(Zoning - Historic)*

*LANDSCAPING* - The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. *(Subdivision and Land Development - Landscaping)*

*LANDSCAPING PLAN FOR FOREST CONSERVATION* - A plan: *(Forest Conservation)*

1. Drawn to scale, showing dimensions and details for reforesting an area at least thirty-five (35) feet wide and covering twenty-five hundred (2,500) square feet or greater in size;
2. Using native or indigenous plants when appropriate; and
3. Which is made part of an approved forest conservation plan.

*LINEAR PROJECT* - A project which: *(Forest Conservation)*

1. Is elongated with nearly parallel sides;
2. Is used to transport a utility product or public service not otherwise contained in an application for subdivision, such as electricity, gas, water, sewer, communications, trains, and vehicles; and
3. May traverse fee simple properties through defined boundaries, or established easement rights.

*LOCAL AGENCY* - Each unit in the executive, legislative or judicial branch of a county or municipal government, including an office or department of public works. *(Forest Conservation)*

*LOCAL PERMITTING OFFICIAL* - The City of Hagerstown Development/Zoning Coordinator. *(Floodplain)*

*LOOP LANE* - A cul-de-sac design in which a broad median planted with shade trees runs the entire length of the street, bounded by travel lanes on both sides (typically one way). *(Subdivision and Land Development)*

*LOT* -

1. A parcel of land either vacant or occupied by one (1) principal building structure, or use and its accessory buildings, uses or structures, or a group of principal buildings as allowed by the Zoning Ordinance and including open spaces and landscaped areas as required. *(Subdivision and Land Development)*
2. For the purposes of Article 7, a unit of land, the boundaries of which have been established as a result of a deed or previous subdivision of a larger parcel, and which will not be the subject of further subdivision without an approved forest stand delineation and forest conservation plan. *(Forest Conservation)*

*LOT AREA* - The total area in square feet circumscribed by the lot lines of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line. *(Subdivision and Land Development.)*

*LOT, CORNER* - A lot abutting on two (2) or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five (135°) degrees. (*Zoning*)

*LOT FRONTAGE* - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as required herein, except that not more than one (1) rear yard shall be required. (*Subdivision and Land Development*)

*LOT, INTERIOR* - An interior lot is a lot other than a corner lot. (*Subdivision and Land Development*)

*LOT LINE, REAR* - A lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line. (*Subdivision and Land Development*)

*LOT LINE, SIDE* - Any lot line that is not a front or rear lot line. (*Subdivision and Land Development*)

*LOT LINE, ZERO* - The location of a building on a lot such that one of the building's sides rests directly on a lot line, but not attached to another building along that lot line. (*Zoning*)

*LOT LINES* - The lines bounding a lot. (*Subdivision and Land Development*)

*LOT MEASUREMENTS* - (*Subdivision and Land Development and Zoning*)

1. Depth is the average horizontal distance between the front lot line and the rear lot line.
2. Width shall mean the horizontal distance between side lot lines measured at the midpoint of the side lot lines.

*LOT, NONCONFORMING* - See nonconforming lot. (*Subdivision and Land Development*)

*LOT OF RECORD* - A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Land Records of Washington County, or a lot described by metes and bounds, the description of which has been so recorded. (*Subdivision and Land Development*)

*LOT, REVERSE FRONTAGE* - A lot where the rear yard fronts on a City street and where there is typically no access. (*Subdivision and Land Development - Landscaping*)

*LOT, THROUGH* - A lot having its front and rear lot lines abutting street right of way. (*Subdivision and Land Development*)

*LOWEST FLOOR* - The lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood-resistant materials used solely for parking of vehicles, storage or building access in an area other than a basement is not the "lowest floor," as long as it is supplied with water-equalizing vents. (*Floodplain*)

*MAIN STREET DESIGN SHOPPING CENTER* - A shopping center designed so that stores are arranged facing a center drive aisle which may be lined with parking and streetscape features, with the

majority of parking found behind the buildings. Destination retail use stores may be found at the end of the driveway or located as part of the street scape. *(Zoning)*

*MAINTENANCE AGREEMENT* - The short-term management agreement associated with afforestation or reforestation plans required under Article 7, Sections D and E of this Chapter. *(Forest Conservation)*

*MANUFACTURED HOME* - A transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. *(Floodplain)*

*MASTER PLANNED PROJECT* - In the Neighborhood Mixed Use Districts, a master planned project shall include multiple buildings and/or properties. A concept plan must be submitted which is filed jointly by all owners of the property or properties included in the master planned project. *(Zoning)*

*MICRO WIRELESS COMMUNICATION ANTENNA ARRAY* - An antenna array for the reception of wireless communications services, less than two meters in height and diameter, which is either ground-mounted or attached to an existing building or structure. *(Zoning - Wireless)*

*MINI WAREHOUSES* - A structure containing separate cubicles which are rented to the public for storage purposes. *(Zoning)*

*MINOR DEVELOPMENT PROJECT* - A project on less than five (5) acres of land containing not more than four (4) lots per acre. *(Forest Conservation)*

*MIXED USE BUILDING* - A building that contains at least one floor devoted to allowed non-residential uses and at least one developed to allowed residential uses. *(Zoning)*

*MIXED USE DEVELOPMENT* - A single, relatively high density development project, usually commercial in nature which includes two or more types of uses. *(Forest Conservation)*

*MULTI-USE BUILDING* - A building consisting of two or more separate commercial uses. *(Zoning)*

*MULTI-BUILDING COMPLEX* - A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached. *(POM Amendments)*

*NATURAL REGENERATION* - The natural establishment of trees and other vegetation with at least four hundred (400) woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least twenty (20) feet at maturity. *(Forest Conservation)*

*NET FLOOR AREA* - That portion of any building, improvements, or use of land which is included in rental areas or normally used as a part of the quarters of any owner or tenant of such premises. Areas commonly excluded in the calculation of Net Floor Area may include entry halls or foyers; elevator shafts; stairways; janitor, electrical, or maintenance rooms; public restrooms, etc. Common areas open to the public shall be included in the calculation of parking space requirements. *(Zoning)*

*NET TRACT AREA - (Forest Conservation)*

1. Except in agriculture and resource areas or as modified by the Express Procedures in Article 7, Section E, the total area of a site, including both forested and nonforested areas, to the nearest 1/10 acre;
2. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities; and
3. For a linear project, the area of a right-of-way width, new access roads and storage; or the limits of disturbance as shown on an application for sediment and erosion control approval or in a capital improvements program project description.

*NEW CONSTRUCTION -*

1. As pertains to Article 4, the erection, alteration, repair or renovation of any building or structure requiring a footing and/or foundation or change to the exterior dimensions and the excavation, filling and grading of lots in connection therewith. *(Zoning)*
2. As pertains to Article 6, a structure for which the start of construction commenced on or after the effective date of the adoption of a Floodplain Management Ordinance, and includes any subsequent improvements. *(Floodplain)*

*NGVD - National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level. (Floodplain)*

*NONCONFORMING STRUCTURE, LOT, PARCEL OR TRACT OF LAND - A structure or lot that does not conform to a dimensional regulation prescribed by this ordinance for the district in which it is located or off-street parking, off-street loading or accessory buildings, but which structure or lot was in existence at the effective date of this ordinance. (Zoning)*

*NONCONFORMING USE - A use of a building or lot that does not conform to use regulations prescribed by this ordinance for the district in which it is located but which was lawfully in existence at the effective date of this ordinance. (Zoning)*

*OFFSITE - Outside of the limits of the area encompassed by the tract. (Forest Conservation)*

*ONSITE - Within the limits of the area encompassed by the tract, including an area classified as a 100-year floodplain. (Forest Conservation)*

*OPEN SPACE - That portion of a tract that is set aside during development for the protection of sensitive natural areas, farmland, scenic views, unique features; or the creation of active, improved recreational areas; or passive, unimproved natural areas. The land is not individually owned. It is understood that this term is broad and can include land that is accessible to the residents of the development and/or the community, or it may contain areas of conservancy lots that are not accessible to the public. Paved areas other than recreational courts and paths, and stormwater management facilities shall not constitute open space. (Subdivision and Land Development)*

*ORDINARY MAINTENANCE* - Work that does not alter the exterior features of a site or structure and has no material effect on the historical, archaeological, or architectural significance of the site or structure. This includes repair or replacement in-kind of roofs, gutters, siding, trim, external doors and windows, awnings, porch floors and ceilings, lights, fences, and other appurtenance fixtures with like materials of like design; landscaping; paving repair using like materials of like design; and repainting of surfaces. (*Zoning - Historic*)

*PAD SITE* - An out-parcel in a subdivision of land in a commercial district, intended for use of a freestanding building on a fee simple lot, however, developed as part of a larger, multi-structure commercial development. (*Zoning*)

*PANHANDLE LOT* - An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot, designed to be utilized as a means of ingress and egress, that does not meet the minimum lot width and street frontage standards specified for the zoning district in which the lot is located. This portion of the lot designed as an area of access shall not be calculated into the lot area requirements. Also referred to as a Flag Lot or a Pipestem Lot. (*Subdivision and Land Development*)

*PARCEL* - For the purposes of Article 7, a parcel is an area of land that legally existed as a distinct entity in a deed or on an approved subdivision plat on or before the date of adoption of Article 7 and will not be the subject of further subdivision without an approved forest stand delineation and forest conservation plan. The term, parcel, may be used interchangeably with lot or tract. (*Forest Con.*)

*PARKING LOT* - An area, not within a building, outside any street right of way, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off street parking. (*Subdivision and Land Development - Landscaping*)

*PARKING LOT AISLES* - That portion of the parking lot consisting of lanes providing access from a street to or through off-street spaces and/or loading areas. (*Subdivision and Land Development - Landscaping*)

*PARKING, PRIVATE* - A designated off-street parking area for the exclusive use of the owners or their customers, tenants, lessees, employees, or occupants of the lot on which the parking area is located. (*Zoning*)

*PARKING, PUBLIC* - A designated off-street parking area which is available to the general public, whether for free or payment of a fee. Ownership may be a public or private entity. (*Zoning*)

*PARKING ROW* - One (1) line of vehicle spaces, or two (2) parallel lines of adjoining vehicle spaces, adjacent to and served by at least one (1) parking lot aisle. (*Subdivision and Land Development - Landscaping*)

*PARKING VEHICLE SPACE* - That portion of the parking lot designated for the parking of one (1) vehicle. (*Subdivision and Land Development - Landscaping*)

*PERFORMANCE SECURITY* - Any security which may be accepted by the City of Hagerstown in lieu of a requirement that improvements be made before the Planning Commission approves a plat, including, but not limited to performance bonds, surety agreement, escrow agreements, irrevocable letter of credit, or any other similar collateral or surety agreements, with surety to be approved by the City Engineer and/or the Utilities Director. (*Subdivision and Land Development*)

*PERMANENT CONSTRUCTION* - Any structure occupying a site for more than 180 days per year. (*Floodplain*)

*PLANNED UNIT DEVELOPMENT* - A development comprised of a combination of land uses or varying intensities of the same land use in accordance with an integrated plan that provides flexibility in land use design approved by the City of Hagerstown with at least twenty (20%) percent of the land permanently dedicated to open space. (*Forest Conservation*)

*PLAT, FINAL* - The final map or plan which legally describes the subdivision of land (including the creation of a condominium regime in accordance with the requirements of the Annotated Code of Maryland), containing a detailed plan of the property, giving all dimensions, angles and bearings, together with such information, statements and certificates as required by these Regulations, and presented to the Commission for approval, and which if approved will be submitted to the Clerk of Circuit Court for recording among the Land Records of Washington County. (*Subdivision and Land Development*)

*PLAT, SIMPLIFIED* - The creation of a subdivision as defined herein not for development purposes. (*Subdivision and Land Development*)

*PRELIMINARY CONSULTATION* - A procedure for the presentation of a proposed subdivision to the Commission for informal review prior to formal application and preparation of a Development Plan. (*Subdivision and Land Development*)

*PRESERVATION* - The maintenance of a site or structure in its present condition or as originally constructed. Preservation aims at halting further deterioration and providing structural safety, but does not contemplate significant rebuilding. Preservation includes techniques of arresting or slowing deterioration; improvement of structural conditions to make a structure safe, habitable, or otherwise useful; normal maintenance and minor repairs that do not change or adversely affect the fabric or appearance of a structure. (*Zoning - Historic*)

*PRESERVATION RESERVE* - A site or structure that is retained or set aside until a future time when proper research or financial feasibility allows for its rehabilitation, restoration and preservation. This mothballing or protective storage condition shall include: a plan; the stabilization of the structure; adequate protection from poachers and vandals; and all consideration to the health, safety and welfare of the neighboring community. The time limit for this Preservation Reserve status shall be ninety (90) days, unless a mutually agreed upon time limit is set between the owner and the Historic District Commission. (*Zoning - Historic*)

*PRIVATE CLUB OR LODGE* - Any building which serves as a meeting place for a selected membership, together with recreation and dining facilities which are not open to the public. (*Zoning*)

*PRIVATE STREET* - A street not accepted or maintained by the City of Hagerstown. (*Subdivision and Land Development*)

*PROJECT PLAN* - A construction, grading, or sediment control activity on an area of 40,000 square feet or greater. (*Forest Conservation*)

*PROJECTING SIGN* - Any sign attached to a building or structure that is not oriented parallel to the building frontage or structure. Marquees, awnings, canopies, banners, and freestanding signs are not considered projecting signs. (*Zoning*)

*PUBLIC UTILITY* - For the purposes of Article 7, any: (*Forest Conservation*)

1. transmission line or electric generating station; or
2. Water, sewer, electric, gas, telephone, and television cable service line.

*PUBLIC WAYS CONSTRUCTION STANDARDS & ENGINEERING GUIDELINES* - The formally adopted document of construction standard details, templates, and guidelines that governs development of public rights-of-way and construction within the City of Hagerstown. (*Subdivision and Land Development*)

*RECONSTRUCTION* - The process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time. 'Reconstruction' should be undertaken only when the structure to be reconstructed is essential for understanding and interpreting the value of an entire site or district and sufficient documentation exists to ensure an exact reproduction of the original. (*Zoning - Historic*)

*RECREATION AREA* - An area requiring some constructed facilities and/or organized activities. Active recreational areas may include facilities such as swimming pools, play equipment, ball fields, court games, and picnic tables. (*Subdivision and Land Development*)

*RECREATIONAL VEHICLE* - A vehicle built on a single chassis which is 400 square feet or less at the longest horizontal projection, is self-propelled or towable and designed primarily for temporary living while traveling or camping. (*Floodplain*)

*REDEVELOPMENT* - Any construction, alteration, or improvement exceeding two thousand five hundred (2,500) square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional or multifamily residential, including the demolition and reconstruction of a building or a portion of a building. (*Subdivision and Land Development - Landscaping*)

*REFORESTATION* - (*Forest Conservation*)

1. "Reforestation" or "reforested" means the:
  - a. creation of a forest within seven (7) years; or
  - b. establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual.

2. "Reforestation" or "reforested" includes landscaping of areas under an approved landscaping plan establishing a forest at least thirty-five (35) feet wide and covering twenty-five hundred (2,500) square feet or more of area.
3. "Reforestation" or "reforested" for a linear project which involves overhead transmission lines may consist of a biological community dominated by trees and woody shrubs with no minimum height or diameter criteria.

*REGULATED ACTIVITY* - Any of the following activities, when that activity occurs on a unit of land which is forty thousand (40,000) square feet or greater: (*Forest Conservation*)

1. Subdivision;
2. Grading;
3. An activity that requires a sediment control permit;
4. An activity that requires a site plan;
5. Project plan of a local agency; or
6. Development project.

*REQUIRED IMPROVEMENTS* - Improvements shall mean storm drainage facilities, sanitary sewerage facilities, water supply facilities, streets, curbs, street lights, street signs, gutters, gas lines, electricity lines, walks and/or other accessory works and appurtenances. (*Subdivision/Land Dev.*)

*RESIDENTIAL FACILITIES WITH IN-HOUSE PROFESSIONAL CARE FOR UP TO THREE RESIDENTS WITH MENTAL AND/OR PHYSICAL DISABILITIES* - A dwelling unit occupied as a single-housekeeping unit in a family-like environment by up to three persons with mental and/or physical disabilities, plus support staff. (*Zoning*)

*RESTORATION* - The process of accurately recovering the form and details of a site or structure as it appeared at a particular period of time by means of removal of later work and the replacement of missing original work. (*Zoning - Historic*)

*RETENTION* - The deliberate holding and protecting of existing trees, shrubs or plants on the site according to established standards as provided in the City of Hagerstown Forest Conservation Technical Manual. (*Forest Conservation*)

*RIGHT-OF-WAY* - An area of land dedicated for use as a public way, typically for pedestrian and vehicular movement. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage features. It may include special features required by topography or treatment such as grade separation, landscaped areas, viaducts, and bridges. (*Subdivision and Land Development*)

*SAFETY SERVICES* - Safety services shall include such services as police, fire, and rescue operations, however, this section does not intend to allow for such uses as health department services or any other health-related facilities. (*Zoning*)

*SECURITY* - Valuable consideration pledged or deposited for the purpose of assuring performance of the obligations imposed under this and other City policies in a form acceptable to the City Attorney, including an irrevocable letter of credit, performance bond, or certified check. Sureties must be of AM Best Rating, listed as US Treasury approved, licensed and certified to conduct business in the State of Maryland. The City may also require the surety to produce A Summary Balance Sheet prior to acceptance of a bond. Letters of Credit shall be drawn on a Maryland bank branch and subject to automatic renewal. Performance bonds shall also be subject to automatic renewal. (*Subdivision and Land Development*)

*SEDIMENT CONTROL* - The activity regulated under an approved sediment control plan pursuant to Chapter 209 (Sediment Control) of the City Code. (*Forest Conservation*)

*SEEDLINGS* - An unbranched woody plant, less than twenty-four (24) inches in height and having a diameter of less than ½ inch measured at two (2) inches above the root collar. (*Forest Conservation*)

*SELECTIVE CLEARING* - The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan. (*Forest Conservation*)

*SERVICE STATION* - A retail establishment primarily for the serving of passenger automobiles with fuel, oil, water, air or similar operating necessities, and including customary incidental sales and services. (*Zoning*)

*SETBACK* - The required minimum horizontal distance between the building line, as defined herein, and the related front, side or rear property line. (*Zoning*)

*SEWER CAPACITY ALLOCATION PROGRAM* - A Capacity Allocation Plan to provide for the management of existing and future sewer commitments of the Hagerstown Wastewater Treatment Plant, as adopted by the City, and as may be amended from time to time. (*Subdivision and Land Development*)

*SHRUB* - A woody, branching plant of relatively low height, which are of a species which can be expected to reach a maximum height of thirty-six (36) inches and a minimum spread of thirty (30) inches within three (3) years of planting. (*Subdivision and Land Development - Landscaping*)

*SIGN* - Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or billboard or other surface that shall display or include any letter, word, insignia, flag or representation used as, or which is the nature of, an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public. Flags of any governmental unit or branch, interior signs not visible from a public right of way or adjoining property and cornerstones not of an advertising nature built into or attached to a wall of a building are excluded. (*Zoning*)

*SITE* - The location of an event of historical significance or a structure, whether standing or ruined, which possesses historical, archaeological, or cultural significance. (*Zoning - Historic*)

*SITE PLAN* - A plan of development required pursuant to Article 4, Section S, Subsection 2 of this Chapter. (*Forest Conservation*)

*SITE(S), HISTORIC* - One or more parcels, structures, or buildings that are either: designated as an Historic Landmark, included within a Preservation Design District, included on the County Register of Historic Properties, or designated on the National Register of Historic Places. (*Subdivision and Land Development*)

*SKETCH PLAN* - A preliminary sketch plan of the proposed subdivision showing the developer's desires in regard to the future development of land for informal consideration by the Commission at the Preliminary Consultation. (*Subdivision and Land Development*)

*SOLAR COLLECTION SYSTEM* - A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating. (*Zoning*)

*SPECIAL EXCEPTION* - A grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in the Zoning Ordinance exist, that the use conforms to the plan and is compatible with the existing neighborhood. (*Zoning*)

*SPECIFIED ANATOMICAL AREAS* - (*Zoning*)

1. Less than completely and opaquely covered:
  - a. Human genitals, pubic region,
  - b. Buttock, and
  - c. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*SPECIFIED SEXUAL ACTIVITIES* - (*Zoning*)

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

*SPECIMEN TREE* - A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species (*Subdivision and Land Development - Landscaping*)

*START OF CONSTRUCTION* - The date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within 180 days of permit issuance. The actual start of construction is the placement of slab or footings, piles, columns or actual placement of a manufactured home. For substantial improvement, the "start of construction" is the first alteration of any structural part of the building. (*Floodplain*)

*STORMWATER DETENTION STRUCTURE* - A permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water. (*Zoning*)

*STORMWATER RETENTION STRUCTURE* - A permanent structure that provides for the storage of runoff by means of a permanent pool of water. (*Zoning*)

*STREAM BUFFER* - All lands lying within fifty (50) feet, measured from the top of each normal bank of a perennial or intermittent stream. (*Forest Conservation*)

*STREAM, INTERMITTENT* - A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification. (*Forest Conservation*)

*STREAM, PERENNIAL* - A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification. (*Forest Conservation*)

*STREET AND/OR ROAD* - A public right-of-way or thoroughfare, intended for vehicular traffic, accepted and approved by official action of the appropriate authority. (*Subdivision and Land Development*)

*STREET CLASSIFICATIONS* - Functional classifications are defined in Public Ways Construction Standards and Engineering Guidelines, published by the City of Hagerstown Engineering Department. This document is to be utilized for the purpose of providing for the development of the streets, highways, roads and rights of way in the City, and for the future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. (*Subdivision and Land Development*)

*STREET TREE* - A tree located between the curb and sidewalk in the public right-of-way or a tree located in a tree well within the sidewalk in the public right-of-way or a tree located within the street yard. (*Subdivision and Land Development - Landscaping*)

*STREET YARD* - The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also referred to as a tree planting easement. (*Subdivision and Land Development - Landscaping*)

*STRUCTURE* - A combination of material to form a construction that is stable, including among other things, buildings, tanks and towers, trestles, piers, bridges, paving, bulkheads, loading docks, smokestacks, cranes, booms, sheds, coal bins, shelters, fences, walls and display signs visible or intended to be visible from a public way; the term "structure" shall be construed as if followed by the

words, "or part thereof". (*Zoning - Historic*)

*STRUCTURE, HISTORIC* - A structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior or preliminarily determined as meeting the requirements for such listing by the Maryland Historic Trust or the Secretary of the Interior or determined as contributing to the historic significance of an historic district registered with Secretary of the Interior. (*Floodplain*)

*STRUCTURE, TEMPORARY* - Any structure completely removed within 180 days from issuance of the permit. (*Floodplain*)

*SUBDIVISION* -

1. The division of a lot, tract, or parcel of land into lots, plats, sites, condominium units or spaces, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of re-subdividing or to the land or territory subdivided. (*Subdivision and Land Development*)
2. For the purposes of Article 7, any division of a unit of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development pursuant to the City of Hagerstown Subdivision Regulations. (*Forest Conservation*)

*SUBDIVISION, MINOR* - The division of a residential parcel that has not been part of a previously recorded subdivision, into five (5) or fewer residential lots, fronting on an existing, approved public road and not requiring any new public or private access, nor the extension of a public sewer or water line, nor requiring a waiver or variance from any requirement of this Ordinance. (*Subdivision and Land Development*)

*SUBDIVISION PROCESS* - The process whereby a proposed subdivision is officially approved and thereby recorded. (*Subdivision and Land Development*)

*SUBSTANTIAL DAMAGE* - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (*Floodplain*)

*SUBSTANTIAL IMPROVEMENT* - For the purposes of Article 6, any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (less land value) either before the improvement or repair is started or, if the structure has incurred substantial damage and been restored, before the damage occurred. "Substantial improvement" occurs when the first alteration of any wall, ceiling, floor or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety or sanitary codes and alterations to historic structures which do not preclude their continued designation as historic structures are not considered "substantial improvements." (*Floodplain*)

*SUBSTANTIALLY REHABILITATED* - For the purposes of Article 4, the alteration or repair of an existing structure, the cost of which exceeds two (2) times the full cash value of the structure as determined by the County Tax Assessor. The entire structure so rehabilitated must satisfy the requirements of all applicable local codes, including but not limited to the Plumbing, Electrical, Housing, Fire and Property Maintenance Codes. (*Zoning*)

*TEMPORARY WIRELESS COMMUNICATION FACILITY (WCF)* - A WCF which is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation. (*Zoning-Wireless*)

*TERMINAL VISTA* - The building or landscape element that is visible at the end of a street, or along the outside edge of a curve. (*Subdivision and Land Development*)

*TIMBER HARVESTING* - (*Forest Conservation*)

1. "Timber harvesting" means a tree cutting operation affecting one (1) or more acres of forest or developed woodland within a one-year interval that disturbs five thousand (5,000) square feet or more of forest floor.
2. "Timber harvesting" does not include grubbing and clearing of root mass.

*TRACT* - Property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to a regulated activity. (*Forest Conservation*)

*TRACT FOR A PLANNED UNIT DEVELOPMENT* - The entire property subject to a planned unit development. (*Forest Conservation*)

*TRANSITIONAL RESIDENTIAL FACILITIES WITH IN-HOUSE PROFESSIONAL CARE FOR UP TO THREE TRANSITIONAL RESIDENTS BEING TREATED FOR SUBSTANCE ABUSE ISSUES* - A transitional living arrangement which performs more like multi-family housing than a single-family housekeeping unit for up to three persons being treated for substance abuse, plus support staff, in transition between institutional detoxification and independent living. (*Zoning*)

*TRANSPORTATION PLAN* - The plan for streets and highways included in the transportation plan element of the City's officially adopted Comprehensive Plan. (*Subdivision and Land Development*)

*TREE* - A large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least twenty (20) feet at maturity. (*Forest Conservation*)

*UNDERSTORY TREE* - A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height. Understory trees shall be a minimum of four (4) feet high and one (1) inch in caliper (measured six [6] inches above grade) when planted. (*Zoning-Landscaping*)

*USE* - Any activity, occupation, business or operation conducted or intended to be conducted in a building or other structure or on a tract of land. (*Zoning*)

*UTILITIES* - For the purposes of Articles 4 and 5, Municipal utilities of the City of Hagerstown and other private utilities. (*Subdivision and Land Development*)

*VARIANCE, FLOODPLAIN* - The grant of relief from a term or terms of Article 6. (*Floodplain*)

*VARIANCE, FOREST CONSERVATION* - Relief from Article 7 of this Chapter and does not mean a zoning variance. (*Forest Conservation*)

*VARIANCE, ZONING* - A modification only of density, bulk or area requirements in the Zoning Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of any action taken by the applicant, a literal enforcement of the ordinance would result in unnecessary hardship or practical difficulties. (*Zoning*)

*WALL* - A constructed solid barrier of concrete, stone, brick tile, wood, or similar type of material that restricts the flow of air and light for the purposes of providing a boundary, separating lots or enclosing space. (*Zoning*)

*WATERSHED* - All land lying within an area described as a sub-basin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08. (*Forest Conservation*)

*WETLANDS* -

1. As pertains to Article 6 of this Chapter; Any land which is:
  - a. Considered private wetlands or state wetlands pursuant to Title 9, Wetlands and Riparian Rights, Natural Resources Article, Annotated Code of Maryland, or
  - b. Defined as wetlands under the procedures described in the Federal Manual for Identifying and Delineating Wetlands by the Federal Interagency Committee for Wetlands Delineation, 1989, as amended. (*Floodplain*)
2. As pertains to Article 5 of this Chapter, those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (*Subdivision and Land Development*)

*WETLANDS, NONTIDAL* - As pertains to Article 7 of this Chapter,

1. An area that is:
  - a. inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; and
  - b. considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the U.S. Environmental Protection Agency.

2. "Nontidal wetlands" does not include tidal wetlands regulated under Natural Resources Article, Title 9, Annotated Code of Maryland. (*Forest Conservation*)

*WHIP* - An unbranched woody plant greater than twenty-four (24) inches in height and having a diameter of less than one (1) inch measured at two (2) inches above the root collar. (*Forest Conservation*)

*WIND ENERGY SYSTEM, BUILDING-MOUNTED* - An exterior, building-mounted, accessory device or devices and essential supporting structure to a permitted principal use specifically designed to convert kinetic wind energy to electric power and having a rated maximum output of no more than fifteen (15) kilowatts of electricity for direct consumption on the subject property or for connection to the electric power grid to offset the cost of electric service consumed on the subject property. (*Zoning*)

*WIND ENERGY SYSTEM, LARGE* - An exterior accessory device and essential supporting structure specifically designed to convert kinetic wind energy to electric power and having a rated maximum output of more than fifteen (15) kilowatts of electricity for direct consumption on the subject property or for connection to the electric power grid to offset the cost of electric service consumed on the subject property. (*Zoning*)

*WIND ENERGY SYSTEM, SMALL* - An exterior, ground-mounted, accessory device or devices and essential supporting structure to a permitted principal use specifically designed to convert kinetic wind energy to electric power and having a rated maximum output of not more than fifteen (15) kilowatts of electricity for direct consumption on the subject property or for connection to the electric power grid to offset the cost of electric service consumed on the subject property. Any wind energy system that exceeds these parameters shall be classified as a Large Wind Energy System. (*Zoning*)

*WIRELESS COMMUNICATIONS* - Any personal wireless services as defined by the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. This does not include (1) radio antennas operated by federally licensed amateur radio operators which are exempt from local zoning restrictions; (2) antennas and towers operated by safety services, such as police, fire, and rescue operations; or (3) essential utility equipment. (*Zoning - Wireless*)

*WIRELESS COMMUNICATION ANTENNA ARRAY (ANTENNA ARRAY)* - One or more whips, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (disc or dish). (*Zoning - Wireless*)

*WIRELESS COMMUNICATION FACILITY (WCF)* - Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an *antenna array*, transmission cables, and *equipment facility*, and a *support structure* used to achieve the necessary elevation. (*Zoning - Wireless*)

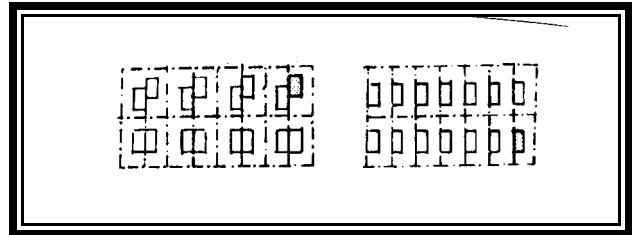
*WIRELESS COMMUNICATION SUPPORT STRUCTURE (SUPPORT STRUCTURE)* - A structure designed and constructed specifically to support an *antenna array*, and may include a monopole, self-

supporting (lattice) tower, guy-wire support tower and other similar structures. Any device which is used to attach an *attached WCF* to an existing building or structure shall be excluded from the definition of and regulations applicable to support structures. (*Zoning - Wireless*)

*YARD TYPES:* (Note: For methods of calculation, please refer to Article 4, Section K.6 of this Chapter). (*Zoning*)

1. FRONT YARD - A yard extending between side lot lines across the front of a lot.
2. REAR YARD - A yard extending across the rear of the lot between inner side yard lines. In the case of through lot and reversed frontage corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.
3. SIDE YARD - A yard extending from the rear line of the required front yard to the rear lot line.

*ZERO LOT LINE DEVELOPMENT* - A method of developing land where single-family detached dwellings are built on a side lot line. This form of development is not currently permitted by this Chapter, however any such existing development in existence as of September 26, 2008, is a legal non-conforming use. (*Zoning*)



Semi-detached Development (left)  
compared with and differentiated from  
Zero Lot Line Development (right)

*ZONING ADMINISTRATOR* - The administrative officer or his authorized representative appointed by the proper authority of the City Council of Hagerstown to administer and enforce the provisions of this ordinance. (*Zoning*)

*ZONING MAP* - The Zoning District Map of the City of Hagerstown, Maryland, and adjacent areas, adopted as part of this ordinance, together with all amendments and revisions thereto subsequently adopted. (*Zoning*)

*ZONING ORDINANCE* - The officially adopted Zoning Ordinance and Zoning Map for the City of Hagerstown, Maryland, and all amendments thereto. (*Subdivision and Land Development*)

*ZONING PERMIT* - A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this ordinance and for the purpose of carrying out and enforcing its provisions. (*Zoning*)