

## **SECTION 10** **DEFINITIONS**

### **10.1 INTERPRETATION**

For the purpose of this Code certain words and terms used herein shall be interpreted or defined as follows:

- A. Unless otherwise defined herein, words and terms used in this Code shall be interpreted to have their normal and customary meanings.
- B. Upon application, the precise meaning and application of any word or term used in this Code shall be as determined by the Board of Appeals as provided for under its powers of interpretation.

### **10.2 DEFINITIONS**

**ACCESSORY DWELLING OR ACCESSORY DWELLING UNIT:** A dwelling unit which is within or on the same premises as a principal dwelling unit, is not for transient rental, has sufficient wastewater capacity, does not exceed 50% of the total habitable floor area of the principal dwelling unit, is not located in the front yard of the lot and meets all applicable setback, permeability and parking requirements of the Code (except in the case of accessory dwelling conversions which do not meet setback requirements, which are a Conditional Use).

**ACCESSORY DWELLING CONVERSION:** The conversion of an existing accessory structure to an accessory dwelling as defined herein.

**ACCESSORY STRUCTURE AND/OR BUILDING:** A building or structure, the use of which is customarily incidental and subordinate to that of a principal building and which is attached thereto, or is located on the same lot or premises as the principal building. Accessory structures may include such buildings as private boathouses, pools, docks, private garages, guest cottages, garden/tool sheds, playhouses, or workshops for private use.

**ACCESSORY USE:** A use which is customarily incidental, subordinate to, and in character with, a principal use, and is located on the same lot or parcel.

**AGRICULTURAL PRACTICES:** The management and use of land for the raising of agricultural products, including, but not limited to, orchards, field crops, produce, horticulture, livestock, maple sugaring, and dairy products. The term includes the sale of products grown or raised directly on such land and the necessary construction, alteration and maintenance of buildings and appurtenant construction such as barns, silos, sheds, stables, garages, fruit and vegetable stands, fences, agricultural roads, agricultural drainage systems and farm ponds which are a normal part of such operation.

**ANTENNA/COMMUNICATIONS FACILITY:** Equipment and support structures designed to transmit or receive electronic signals, which may include antennae attached to buildings, mounted on the roof or outside wall, or free- standing antennae or satellite dishes, excluding commercial radio, television and other utility transmission towers, excluding normal residential antennae and satellite dishes (which are accessory uses).

**BED/BREAKFAST:** A residential building in which the owner or operator resides and in which rooms are offered for rent on a transient basis, with breakfast typically provided to guests.

**BOATHOUSE:** A structure, which has direct access to a body of navigable water and is used for the storage of vessels and associated equipment (living quarters in boathouses are not allowed by the Adirondack Park Agency but may continue under this Code as a pre-existing non-conforming use).

\* \*\* **BUILDING HEIGHT:** The average vertical distance of the highest and lowest natural or finished grades measured from the elevation of the natural or finished grades along the sides of the building to the highest point on the coping of a flat roof, to the deck line of mansard roofs and the average height between the highest ridge of a gable, hip and gambrel roof and the eave related to said ridge, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections, if occupying less than 10% of the roof area of the building, provided that, an owner of property which is below the grade level of the street upon which the property fronts may raise the level of said property to street level and have said raised level be considered "natural" grade. Building height measured from a finished grade cannot exceed the height which would have been allowed for from the original natural grade. Building height for boathouses and other shoreline structures shall be measured from water level and not from any point of the building's construction. Building height for buildings in the Village Center district on the east side of Main Street north of Adirondack Church shall be measured from the sidewalk level.

**CEMETERY:** An area set apart for or containing graves, tombs, or funeral urns.

**COMMERCIAL/COMMERCIAL USE:** Any use involving the sale, rental, distribution or manufacturing of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee, other than any use which is separately defined in this section.

**COMMERCIAL EXCAVATION:** A parcel or part thereof used for the use of extracting stone, sand, gravel or topsoil as a commercial product, not including however, the process of site improvements or alteration preparatory to the location of a building or use for which is lawful under this Code.

**DAY CARE FACILITY:** A use involving care for more than three children on a regular basis provided away from the children's residences for less than 24 hours per day, in compliance with the applicable standards of Section 390 of the New York State Social Services Law. Such a use involving three or less children shall be an accessory use.

**DEVELOPMENT / LAND DEVELOPMENT ACTIVITY:** Any activity which results in a material change in the use or appearance of land or buildings, including but not limited to any activity which disturbs or alters more than 1,000 square feet of land or creates more than 500 square feet of new impervious area.

**DOCK:** Any structure, other than a boathouse, whether affixed or floating, placed in or upon a lake, pond, river, stream or brook and which provides a berth for watercraft and/or a means of pedestrian access to and from the shoreline. This shall include boathouses, piers, and wharves, crib docks, stake docks, berths, moorings, slips, floating docks and all such similar structures.

**DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family, including living, sleeping, cooking and sanitary facilities.

**EATING AND DRINKING ESTABLISHMENT:** A business or commercial activity designed primarily for the preparation and distribution or consumption of food and/or beverages, whether or not consumption is on the premises. This term also includes the terms "restaurant", "bar" and "tavern". The term does not include catering carried out as a home occupation. An eating and drinking establishment is also a "commercial" use as defined herein.

\* Town of North Elba Local Law 1 of the year 2011

\*\* Village of Lake Placid Local Law 1 of the year 2011

**FAMILY:** A group of people, related or not related, living together as a common household, with numbers of persons and impacts typical of those of a single family

**FOREST PRACTICES:** The production, management and harvest of forest and woodland products including related research and educational activities. This term shall include the construction and maintenance of directly-related structures for the storage of materials and equipment and access trails, landings and roadways.

**FRONT SETBACK:** The distance between the front lot line and the closest part of the building on the lot, extended to the side lot lines of the lot. Front lot line shall be deemed to commence from the property side of an adjacent sidewalk, road or right-of way, whichever is closest to the buildable area regardless of actual legal lot boundary.

**FUEL SALES, STORAGE:** A use involving the sale and on-site storage of fuels used for business and residential heating and other purposes. This term shall not include a "vehicle fuel sales" use as defined herein.

**GROUPED RETAIL BUSINESS USE:** A grouping of more than one retail business use, whether physically attached or not, which are in close enough proximity to function as or appear as a group, in a visually or economically related or interdependent way, even though not under common control or control by related enterprises or entities. A grouped retail business use is also a "commercial use" as defined herein.

**GUEST COTTAGE:** A residential structure which is accessory to a single family residence, is not for rent or hire, and is used for occasional occupancy only, and is no greater in interior floor space than 2,000 square feet or one-half of the size of the principal residence, whichever is less.

**HOME OCCUPATION:** An occupation, home craft or profession which is carried on primarily in a dwelling unit or in a building or other structure accessory to a dwelling unit, is carried on by a member or members of the family residing in the dwelling unit and is clearly incidental and secondary to the dwelling unit for residential purposes and does not change the residential character thereof. No such home occupation shall employ or engage more than one person other than a resident member of the family and such home occupation shall not involve the sale of merchandise or the keeping of stock-in-trade other than as is manufactured on the premises as the end product of a home craft or is incidental to the home occupation. Further, no such home occupation shall include the parking or storage of vehicles, equipment or materials other than in the principal or accessory building in which the home occupation is conducted.

**HOTEL/MOTEL:** A building or group of buildings where overnight transient guests are lodged for remuneration, and designed primarily to accommodate the motoring public. A hotel/motel may offer additional ancillary services such as restaurants, meeting rooms, recreational facilities and laundry services.

**IMPERVIOUS AREA:** Any area covered by pavement, rooftops and/or other surfaces or materials which are either impervious to water or which substantially prevent the infiltration of water into the soil at that location.

**LAND DEVELOPMENT ACTIVITY:** See "Development".

**LOT/PARCEL:** A single and contiguous parcel of land considered as a unit, occupied or capable of being occupied by one or more buildings or uses, except a parcel occupied or proposed to be occupied by a unit in a townhouse project. \* \*\*

**LOT LINE:** Any line dividing one lot from another or from a road or right-of-way or the shoreline.

\* Town of North Elba Local Law 1 of the year 2013

\*\*Village of Lake Placid Local Law 1 of the year 2013

**LOT LINE, FRONT:** The lot line adjoining and separating a lot from any road or highway right-of-way line or the shoreline, or where there is not direct frontage on either for any lot established after the effective date of this Code, as shall be designated and approved by the Review Board.

**LOT LINE, REAR:** The lot line most opposite from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, the rear lot line is a line 10 feet in length entirely within the lot, located at a maximum distance from the front lot line and parallel to the front lot line.

**LOT LINE, SIDE:** Any lot line which is not a front lot line or rear lot line.

**LOT AREA:** The total area included within front, side and rear lot lines. No land under water, and no part of the area within an adjacent public right-of-way may be included in the computation of lot size.

**LOT WIDTH:** The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the minimum front yard setback specified for the district.

**LOT OF RECORD:** A legally-existing lot at the time of adoption of this Local Law duly filed and recorded in the Essex County Clerk's Office as either an individual parcel of land or as a lot in an approved and/or filed subdivision, or shown as a distinct lot on the Village of Lake Placid or Town of North Elba Tax Maps.

**MARINA:** Any waterfront facility which provides accommodation services for vessels by engaging in any of the following: (1) the sale of marine products or services, or (2) the sale, lease, rental, or any other provision of storage, wharf space, or mooring for vessels not registered to the owner of said facility or a member of the owner's immediate family.

**MEMBERSHIP CLUB/FRATERNAL ORGANIZATION:** A use catering to members of a fraternal organization or other club and their guests, for recreational, educational, fraternal or athletic purposes which is not operated primarily for gain, with no vending, merchandising, or commercial activities conducted, except such activities as are required generally for the members and purposes of the club.

**MOBILE HOME:** A vehicle or similar portable structure or any part thereof or addition thereof with or without a foundation or wheels, jacks, skirting, wood or masonry block supports, designed constructed to be towed on its own chassis (comprised of frame and wheels), driven or otherwise transported to its resting site and which is designed to permit occupancy for residential, business commercial or office purposes. This term includes units that may contain parts that may be folded, collapsed or telescoped when being towed and expanded later, as well as two or more separate components designed to be joined into one integral unit but excluding modular buildings.

**MOBILE HOME COURT:** A parcel of land which is designed and improved for the placement of two or more mobile homes for dwelling purposes and which mobile homes are located on sites rented or leased to the occupants of the mobile homes. The term shall include "mobile home park" or any other area designed and improved for the location and rent of two or more mobile home sites.

**MULTI-FAMILY RESIDENTIAL:** A building including attached dwelling units designed for year-round or seasonal occupancy by three or more families living independently of each other, with the minimum square footage of each unit to be not less than 400 square feet and which units shall be located on a permanent foundation. The term does not include hotels/motels, bed and breakfasts, or rooming/boarding houses.

**OFF-PREMISES SIGN:** A sign which is not located on the same contiguous tract of land on which the business which it advertises is situated.

**OPEN SPACE:** Land not covered by buildings, pavement, open storage, mining operations, or any objects, structures or uses that visually obscures the natural or improved landscape.

**OPEN SPACE RECREATION USE:** A recreation activity particularly oriented to and utilizing landscape and outdoor character of an area, including hiking, equestrian, and recreational vehicle trails, park, picnic or beach area, and similar outdoor, non-intrusive structures and uses. The definition includes the term "nordic ski center" and "golf course".

**OUTDOOR WOOD BOILER:** A freestanding store (enclosed or not) outside of a residence or other building that heats water for purposes of heating said residence or building or providing hot water thereto.

**PLACE OF WORSHIP:** A building for public worship including a church, synagogue or mosque.

**REAR YARD SETBACK:** The distance between the rear lot line and the closest point of a building on the lot, extended to the side lot lines of the lot.

**REPRESENTATIONAL SIGN:** A sign which relies substantially or principally on non-verbal depictions or elements.

**RESIDENTIAL DENSITY:** The total number of dwelling units on a given lot or tract of land, expressed in terms of units per acre (excluding land under water and land in public rights-of-way), with each single-family residence to count as one unit and each unit in a two-family residence or multi-family residence to count as one unit.

**RETAIL BUSINESS or RETAIL TRADE:** A business or commercial activity involving primarily the sale of merchandise or stock-in-trade to the public, which business or commercial activity shall be conducted from within a permanently situated building. A "retail business" or "retail trade" use shall be considered to include all contiguous, adjacent or nearby floor space area, and sales or storage area, under common control or under control by related enterprises or entities, and all such areas shall be together considered a single "retail business" or "retail trade" use. This term does not include gasoline or fuel sales. A retail business or retail trade is also a "commercial use" as defined herein

**ROOMING/BOARDING HOUSE:** A building in which rooms are offered for rent on a transient basis, and which may or may not involve the offering of meals.

**SEMI-PUBLIC FACILITY:** A private school, hospital, animal hospital, convalescent home, nursing home, library, museum, research center, rehabilitation center or similar facility.

**SHORELINE:** The point at which land and the waters of a navigable body of water meet, at the mean high water mark.

**SHORELINE LOT WIDTH:** The linear distance of that straight line connecting the side lot lines at their first point of intersection with the shoreline. Minimum lot width as set forth in the dimensional schedules apply to the shoreline of all shoreline lots.

**SIDE YARD SETBACK:** The distance between a side lot line and any part of a building, extending from the front yard setback to the rear yard setback.

**SIGN:** Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, either free-standing or on the exterior of any building, including illuminated window signs over two square feet in area located within three feet of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement, notice or name. Includes sign frame, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall also include any declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person or business or cause when same is placed in view of the general public. However, a "sign" shall not include any display of official court or public office notices nor any official traffic-control device, nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group.

**SIGN AREA:** The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced sign shall be included as the surface area of such sign.

**SINGLE-FAMILY RESIDENTIAL:** A detached dwelling unit designed for year-round or seasonal occupancy by one family only, the minimum square footage dimension of which shall be not less than 600 square feet, the minimum horizontal dimension of which shall be not less than 20 feet, and which dwelling shall be located on a permanent foundation.

**SUBDIVISION:** The division of any parcel of land into two or more lots, parcels or other division of land for the purpose of or resulting in the transfer of ownership or rights in, or for development of, one or more of the lots or parcels. This shall include and be applicable to the re-division, in whole or part, of any plat, filed or unfiled, which involves two parcels after the effective date of this Code. "Subdivision" shall not include minor divisions of land which merely correct prior conveyances of land, correct encroachments or which effect boundary adjustments between adjoining parcels of land and do not result in any new parcels upon which a principal building or use may be constructed or undertaken.

**SUBDIVISION, MAJOR:** Any subdivision not classified as a minor subdivision, including but not limited to subdivision of five or more lots, or any subdivision involving a new road or significant extension of municipal facilities.

**SUBDIVISION, MINOR:** Any subdivision containing not more than four lots, each of which is in compliance with all applicable dimensional regulations, each fronting on an existing road, and not involving any new road or significant extension of municipal facilities.

**THREE-DIMENSIONAL SIGN:** A sign which has an intentional and clearly noticeable element of depth, in addition to height and width, other than normal raised lettering or raised borders on a sign.

**TOWNHOUSE PROJECT:** a group of two or more individually-owned one-family residential units attached by party walls, each of which units is situated on its own fee-simple parcel of land. \* \*\*

**TRANSIENT:** Any pattern of rental or leasing under which a dwelling unit is rented or leased for a period of less than 30 days on more than two occasions in a single calendar year

\* Town of North Elba Local Law 1 of the year 2013

\*\*Village of Lake Placid Local Law 1 of the year 2013

**TWO-FAMILY RESIDENTIAL:** A building including two attached dwelling units designed for year-round or seasonal occupancy by two separate families living independently of each other, in which the minimum square footage of each unit is not less than 600 square feet, and the minimum horizontal dimension of which is not less than 24 feet where the units are joined one above the other (upstairs and down) and 30 feet where the units are located beside the other (side by side), and which dwelling units shall be located on a permanent foundation.

**VEHICLE FUEL SALES:** A use involving the on-site sale of gasoline and/or other fuels to customers for their business or personal motor vehicles.