

SECTION 2: DEFINITIONS

For the purposes of the TOWN OF LENOX ZONING BYLAW, the following words and terms as used herein shall have the meanings or limitations of meaning hereunder defined, explained or assigned:

ACCESSORY BUILDINGS

Accessory buildings, not including a private garage, - a building or structure subordinate and incidental to the principal use of the primary building on a property lot or on an adjoining lot under the same ownership. Accessory buildings in a residential zone shall not exceed twenty (20) feet to the ridge (height) above mean grade at the foundation and shall not be located nearer than twenty (20) feet to the principal building or occupy more than ten (10) percent of the lot area and shall not be located any nearer to any street than the required minimum street line set back of the zoning district. Allowed by right.

ACCESSORY DWELLING UNIT

An accessory dwelling unit (ADU) is a self-contained dwelling unit in an owner occupied single-family home that is either enclosed within the principal dwelling unit or made part of an accessory structure on the same property.

APARTMENT UNIT

Any number of rooms comprising one complete housekeeping unit of not less than 700 square feet with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such suite of rooms. Apartment shall include condominium or cooperative ownership. (A.T.M. 5/7/82)

APARTMENT BUILDING

A free-standing building used exclusively for residential use in three (3) or more apartment units.

ASSISTED LIVING/CONGREGATE CARE

A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance. (S.T.M. 12/16/96)

BED AND BREAKFAST IN-HOME STAY/ROOM RENTAL

Seasonal rental of rooms to not more than three (3) persons in a dwelling whose principal use is a private home for its owner with lodging as an accessory use . The home shall be the legal residence of the owner. Only continental breakfast from the common family kitchen is

permitted. (A.T.M. 5/5/95)

BED AND BREAKFAST INN OR LODGING

Rental to four (4) or more people and/or furnishing of room and breakfast to not more than twenty (20) people in a dwelling that shall be the legal residence of the owner. Only breakfast from the family kitchen is permitted. A food establishment permit is required for continental or full breakfast. (A.T.M. 5/5/95)

BUFFER AREA - See Section 9.15

BUILDING

A combination of materials to form a construction that is safe and stable, built according to any applicable building codes, and adapted to permanent or continuous occupancy for assembly, business, education, industrial, institutional, residential or storage purposes; and the term "building" shall be construed as if followed by the words "or portion thereof".

BUILDING HEIGHT

The vertical distance as measured from the mean grade at the foundation to the building's ridge line. Thirty-five (35) feet is the maximum height.

BUILDING SETBACK - See SETBACK, BUILDING.

BUS STORAGE – Any area used or intended for use for the parking of busses (not to exceed 19 Ton GVW per bus) related to educational and religious purposes (A.T.M. 5/6/02).

CLUB, PRIVATE - See PRIVATE CLUB.

CONSTRUCTED

The word "constructed" shall include the words "built", "erected", "reconstructed", "altered", "enlarged", "moved", and any others of like significance.

CUSTOMARY HOME OCCUPATION

Self-employed resident occupants in their private homes working at an occupation which is limited to the home, carried forth at the home, employing no persons outside of the household, utilizing no outside structure or equipment, and requiring no more off-street parking facilities than would ordinarily be used by the household, such as dressmaking, preserving or home cooking, real estate agent, photographer, the giving of private music and dance lessons, or a one-chair beauty parlor. Customary home occupation does not include gift shop, antique shop, or art similar retail establishment.

DOMESTIC PETS - See PETS, DOMESTIC.

DWELLING

A building occupied or suitable for occupancy as a residence but not including trailers or mobile homes however mounted or commercial accommodations offered for periodic occupancy, e.g. motel, hotel.

DWELLING, ONE FAMILY

A free-standing building used exclusively for residential use by not more than by one family.

DWELLING, TWO FAMILY

A free-standing building exclusively for residential use by two families but not more than two families. This definition shall also include the term "duplex".

EATING ESTABLISHMENT

An establishment with kitchen facilities where food is prepared for consumption, including the serving of alcoholic beverages. (A.T.M. 5/5/95)

EXTENDED-CARE NURSING FACILITY

Extended care nursing facility, rehabilitation facility, convalescent facility, or any such institution, however named, whether conducted for charity or for profit, which is maintained for the purpose of caring for up to one-hundred forty (140) persons, requiring medium to intensive medical, rehabilitative, or convalescent therapy and who need assistance or monitoring on a regular basis. (S.T.M. 12/16/96)

FAMILY

An individual residing in one dwelling unit, or any number of related individuals or up to four unrelated individuals living as one housekeeping unit and using in common among them one set of cooking and food storage equipment and facilities.

FENCING

Any opaque or semi-opaque fence, wall, sign, or any other fabricated visual barrier or enclosure. Fences in side and rear yards are not to exceed six (6) feet in height. Fences in the street line setback are not to exceed four (4) feet in height and be not more than fifty (50) percent solid, and be finished on the good side which is to face the abutting property. Fences require a building permit.

FLOOR AREA, GROSS

Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of

walls, columns, or other features.(S.T.M. 12/16/96)

FRONTAGE, LOT

The straight line distance between the side lot lines at the street line.

HOME OCCUPATION, CUSTOMARY - See CUSTOMARY HOME OCCUPATION.

LOADING SPACE, OFF-STREET - See OFF-STREET LOADING SPACE.

LOT

An area of land in one ownership or one leasehold with ascertainable boundaries established by deed or deeds of record, or a segment of land ownership defined by lot boundary lines on a land division plan duly recorded, said plan having been either approved by the Planning Board under the Subdivision Control Law, or endorsed by the Planning Board "approval under the Subdivision Control Law not required".

LOT LINE

The boundary between lots.

LOT LINE SETBACK - See SETBACK, LOT LINE

LOT WIDTH

The width of a lot, measured at the street building setback line, measured parallel to or concentric with the street line.

MIXED USE DEVELOPMENT

The development of a tract of land, building, or structure with multiple uses such as, but not limited to, residential, office, retail, institutional, entertainment, or light industrial, in a compact village form, with vehicular access to an accepted public way (ATM 5/5/05).

MOTEL

The word "motel" shall include "hotel", "inn", "tourist home", "guest house", and any others of like significance.

MOTEL UNIT

Any room or suite of rooms with its own bathing facilities and toilet facilities wholly within such room or suite of rooms but without its own cooking and food storage equipment and facilities.

MUNICIPAL USE

Any TOWN OF LENOX use of land in accordance with statutory laws governing municipal powers and functions including participation in regional uses.

NON-CONFORMING USE

A non-conforming use of land or buildings is an existing use of land or buildings which does not conform to the regulations for the district in which such use of land or building exists but which legally existed at the time of publication of notice of the hearing before the Planning Board respecting the regulation to which it does not conform.

ONE FAMILY DWELLING - See DWELLING, ONE FAMILY

OFF-STREET LOADING SPACE

For the purposes of this Bylaw an off-street loading space is defined as accommodations off the street for loading and unloading of trucks, in the form of one or more truck berths located either within a building or in open space on the same lot. The area of each berth shall not be less than 350 square feet and it shall have a minimum clear height, including access to it from the street of fourteen (14) feet.

PARKING AREA

Any area used or intended for use for vehicular parking including loading and unloading areas but not including driveways except for one and two family dwellings.

PARKING AREA SETBACK - See SETBACK, PARKING AREA.

PETS, DOMESTIC

Those animals which may be and commonly are kept in the home, e.g., dogs, cats, fish, birds.

PRIVATE CLUB

Land and/or buildings used exclusively by members of an organized group, whose members are either elected by a committee of the group or by the membership, and not open to public use.

PUBLIC UTILITY

Any private corporation generally granted monopolistic powers to meet such needs as water, power, gas, communication, and transportation. Such functions may also be undertaken by local, state or federal government or governmentally created authorities.

RESEARCH CENTER See Section 9.14.

RESIDENT

A person living in the particular building in question.

RESORT

Building or group of buildings, a portion thereof designed for serving food in a public dining room and containing 15 or more sleeping rooms for transient guests together with both indoor and outdoor recreational facilities with a variety of activities provided which could be judged self-sufficient for the entertainment of the guests therein.

RETIREMENT COMMUNITY

A building or group of buildings containing dwellings where occupancy is restricted to persons 55 years of age or older. In the case of double occupancy of the unit, only one of the residents is required to be at least 55 years of age. This does not include a development that contains convalescent or nursing facilities. (S.T.M. 12/16/96)

SCREENING

A screen shall consist of one of the following:

- (a) Plant materials, at least three feet in height at the time of planting, which are of a type that may be expected to form a year-round dense screen and will reach a height in maturity of at least five feet.
- (b) A masonry wall or a wooden or fabricated fence from five to six feet in height at least 50% solid designed in an attractive manner to obscure any view.
- (c) Any existing growth of trees and shrubs if in the judgment of the Zoning Board of Appeals, or if the use is by right, the Building Inspector, such growth provides equivalent screening. (A.T.M. 5/7/76)

SETBACK

The required minimum horizontal distance between the front, side, or rear property line and the related line(s) beyond which building or other improvements are permitted. (See definitions of Building Setback, Parking Area Setback, Street Setback and Lot Line Setback in this section.) (S.T.M. 12/16/96)

SETBACK, BUILDING

A setback in which there shall be no building or high fences.

SETBACK, PARKING AREA

A setback in which there shall be no parking area or intermediate height fencing.

SETBACK, STREET

A setback along a street line.

SETBACK, LOT LINE

A setback along a lot line other than a street line.

SIGN

Any letter, word, symbol, drawing, picture, design, device, article or object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction.

STATUTE

Statute shall mean, unless otherwise defined, MASSACHUSETTS GENERAL LAWS, as most recently amended.

STORY

That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half of such portion vertically is below the average mean finished grade of the ground adjoining such building.

STREET

A public way, or a private way open to travel by the general public, or a way shown on a plan of a subdivision duly approved by the Planning Board.

STREET SETBACK - See SETBACK, STREET

STREET LINE

The boundary between a street and a lot.

STRUCTURE

Any construction or any production or piece of work artificially built up or composed of parts joined together in some definite manner including but not limited to tents, reviewing stands, platforms, stagings, towers, display signs, fences, and swimming pools, but not including those fences which delineate property lines. (added S.T.M. 9/28/73)

TEMPORARY STRUCTURES

Trailers (such as construction), and tents that are for commercial use and are at least one-hundred twenty (120) square feet in size and will be occupied by more than ten (10) people may be issued a temporary permit by the building inspector if the building inspector determines that such uses shall be reasonably required or customary. Such permit shall be for a period of not more than a year with renewal for successive period of not more than one additional year with permission of the building inspector.

TIME-SHARING OR TIME INTERVAL OWNERSHIP

An ownership in which the exclusive right of use, possession or occupancy circulates among various owners or lessees thereof in accordance with a fixed or floating time schedule on a periodically recurring basis, whether such use, possession or occupancy is subject to either:

- (a) Time-Share Estate, in which the ownership or leasehold estate in property is devoted to time-share fee (tenants in common, time span ownership, interval ownership) and a time-share lease; or
- (b) Time-Share Use, including any contractual right of exclusive occupancy which does not fall within the definition of Time-Share Estate, including, but not limited to a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond. (A.T.M. 5/7/82)

TOWNHOUSE

A group of attached dwelling units occupied by not more than one family in each unit between side walls, each unit having a separate entrance from the street and sharing a common open space. Townhouse shall include condominiums or cooperative ownership. (A.T.M. 5/7/82)

TWO FAMILY DWELLING - See DWELLING, TWO FAMILY.

USE, MUNICIPAL - See MUNICIPAL USE.

USE, ACCESSORY - See ACCESSORY USE.

USE, NON-CONFORMING - See NON-CONFORMING USE.

UTILITY, PUBLIC - See PUBLIC UTILITY.