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*First Draft for Public Review*

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*Springfield Zoning Ordinance*

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*April 2008*

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*Office of Planning and Economic Development*

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Sponsored in part by a grant from the Office of Commonwealth Development

1 **DISCLAIMER**

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3 The text and graphics contained in this April 2008 Draft Zoning Ordinance document do not  
4 represent the official policy, position, or law of the City, of any City officials, boards,  
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7 Planning and Economic Development and a Citizen Advisory Committee. It is being distributed  
8 for the sole purpose of obtaining public comment. Figures, diagrams and other graphics are  
9 included for illustrative purposes only and shall not be construed as altering any written text.  
10 Where a conflict exists, the text in the Draft Zoning Ordinance shall control.

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# *Article 1 Introduction*

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*Section 1.0 Title*

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*Section 1.1 Purpose*

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*Section 1.2 Authority*

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*Section 1.3 Introduction and User Guide*

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*Section 1.4 Organization*

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*Section 1.5 Periodic Review*

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*Section 1.6 Land Use Regulations in Other Ordinances*

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1 **ARTICLE 1 INTRODUCTION**

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3 **SECTION 1.0 TITLE**

4 This Ordinance shall be known and may be cited as the “Springfield Zoning Ordinance.”

5 **SECTION 1.1 PURPOSE**

6 The purposes of this Ordinance are to promote the general welfare of the City of Springfield, to  
7 protect the health and safety of its inhabitants, to promote economic development, to encourage  
8 the most appropriate use of land throughout the City, to preserve the cultural, historical,  
9 architectural, and OPEN SPACE heritage of the community, to increase the amenities of the City,  
10 and to reduce the hazard from fire by regulating the location, use, and arrangement of BUILDINGS  
11 and the urban and OPEN SPACES around them.

12 **SECTION 1.2 AUTHORITY**

13 This Zoning Ordinance is enacted in accordance with the provisions of the Massachusetts  
14 General Laws (M.G.L.) Chapter 40A, and any and all amendments thereto, and is authorized by  
15 Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts (the  
16 “Home Rule Amendment”). By the authority of the Home Rule Amendment, the City of  
17 Springfield has all legislative powers which the Massachusetts Legislature is empowered to grant  
18 to the City, regardless of whether or not such powers have been explicitly granted, except to the  
19 extent such powers are explicitly limited by any general or special law of the Commonwealth or  
20 by any federal law.

21 **SECTION 1.3 INTRODUCTION AND USER GUIDE**

22 This Zoning Ordinance enables Springfield to enhance economic development opportunities,  
23 protect neighborhood character, and preserve and enhance the urban fabric of the City. It is  
24 designed to strike a balance between achieving the community’s goals and protecting the  
25 property interests of landowners and providing a development approval process that is  
26 predictable, efficient and fair.

27 **SECTION 1.3.10 OVERVIEW**

28 This section provides a brief overview of the content of the Zoning Ordinance.

29 **1.3.11 Definitions**

30 **Article 2** contains definitions of key terms, which are identified throughout the text using SMALL  
31 CAPS. Whenever there is a word in SMALL CAPS, it is a “defined term” that can be found in

1 **Article 2.** For specialized definitions, such as those related to Signs, **Article 2** references  
2 another location which contains those particular definitions.

### 3 **1.3.12 Land Use Districts**

4 This Ordinance divides the City into land use districts and overlay districts and establishes rules  
5 for the use of land in each district. The text is accompanied by a ZONING MAP which shows  
6 where the various districts are located. **Article 3** establishes the districts and identifies their  
7 purposes.

### 8 **1.3.13 Allowed Uses, Procedures, and Special Situations**

9 **Article 4** contains a comprehensive Use Table (Table 4-4) which lists the “uses” or activities that  
10 are allowed in each district. For example, certain districts are primarily for residential use, but  
11 allow some other activities, such as HOME BASED BUSINESSES, but only if they meet certain  
12 standards. These special situations are described in the second half of **Article 4**. The Definitions  
13 in **Article 2** explain what the different use categories in the Use Table mean. Article 4 also  
14 includes Supplemental Regulations which address a variety of Use rules such as MOBILE HOME  
15 PARKS. The TIERED REVIEW process that is applied to certain uses in the Use Table is  
16 summarized below.

17 A. Tier 1: Administrative Site Plan Review.

18 1. Administrative Site Plan Review is a process where the Use is  
19 allowed by right, but certain design features may, upon review, be  
20 adjusted to better meet the intent or purpose of the district.

21 2. Administrative Site Plan Review is a coordinated process  
22 conducted by the Office of Planning and Economic Development  
23 without a public meeting.

24 B. Tier 2: Planning Board Site Plan Review.

25 1. The Planning Board Site Plan Review is similar to the  
26 Administrative Site Plan Review, where the Use is allowed by  
27 right, but conditions may be put on the approval to better meet the  
28 intent or purpose of the district.

29 2. The Planning Board Site Plan Review involves a public meeting,  
30 but not necessarily a public hearing. The PLANNING BOARD RULES  
31 AND REGULATIONS shall specify the process for conducting this  
32 review.

1 C. Tier 3: Planning Board Special Permit Review

- 2 1. The Planning Board Special Permit Review allows for wider  
3 discretion by the Planning Board to consider factors not only in the  
4 proposed design submitted by the applicant (as with the Tier 1 and  
5 Tier 2 Site Plan Reviews) but also the impact of the Use itself and  
6 the appropriateness of that use for the subject site.
- 7 2. If a Tier 2 Site Plan Review is also required, it shall run  
8 concurrently with the Special Permit process.
- 9 3. The Planning Board Special Permit Review requires a Public  
10 Hearing by the Planning Board.

11 D. Tier 4 City Council High Impact Special Permit Review

- 12 1. The City Council Special Permit Review applies to projects that  
13 are likely to have a substantial impact and that therefore require  
14 review of the city’s legislative body. As in the Tier 3 Review  
15 process, the City Council can consider the appropriateness of the  
16 USE for the site, as well as the design and impacts associated with  
17 the proposed USE.

- 18 E. Table 4-4, the Use Table includes a cross reference to “Supplementary  
19 Regulations” so that the reader sees whether a particular use category has  
20 additional rules, such as a BED AND BREAKFAST.

21 **1.3.14 Dimensional Standards**

22 **Article 5** contains dimensional tables for Residential, Commercial and Industrial Districts that  
23 describe the requirements for LOT size, required YARDS (also known as setbacks), and other  
24 requirements about the permissible amount, size, type, and location of DEVELOPMENT on a LOT.

25 **1.3.15 Special Situations**

26 **Article 6** contains options for flexibility in DEVELOPMENT patterns, such as Campus Master  
27 Plans, which is an optional process for large institutions such as HOSPITALS and COLLEGES.  
28 ADULT ENTERTAINMENT and WIRELESS COMMUNICATIONS are covered in this article as well.

1 **1.3.16 Site Standards: Parking, Landscaping, etc.**

2 **Article 7** provides site design standards covering LANDSCAPING, PARKING and LOADING, lighting,  
3 vehicle access, and related matters. These apply to USES in all districts, with the exception of  
4 SINGLE-FAMILY residences.

5 **1.3.17 Overlays and Special Districts**

6 **Article 8** covers “overlay” districts, which are designed to deal with unique characteristics of  
7 particular parts of the City, including floodplains, or mixed-use neighborhood shopping areas  
8 and or Urban Renewal Districts that have special zoning requirements. The provisions of the  
9 overlay districts apply in addition to those of the “underlying” land use district.

10 **1.3.18 Sign Regulations**

11 **Article 9** contains SIGN regulations and the related special defined terms.

12 **1.3.19 Nonconforming USES, STRUCTURES, and LOTS**

13 **Article 10** contains rules for allowing the continuation of certain features that were legal under  
14 previous regulations but do not conform to this Zoning Ordinance. This is sometimes referred to  
15 as “grandfathering” and in this Ordinance is called “Nonconforming.”

16 **1.3.100 Permit Procedures and Administration**

17 **Article 11** and **Article 12** explain the procedures for obtaining various types of permits from the  
18 City including BUILDING PERMITS from the BUILDING COMMISSIONER, Special Permits and Site  
19 Plan approval from the Planning Board, and variances from the Board of Appeals. **Article 12**  
20 tells applicants what materials they need to submit, what the approval criteria are, and who will  
21 approve the permit (staff, Planning Board or City Council). **Article 13** contains the procedures  
22 for amending this Zoning Ordinance to change the map or the text.

23 **SECTION 1.3.20 HOW TO USE THE ZONING ORDINANCE**

24 Landowners and others who use this Ordinance are encouraged to meet with the BUILDING  
25 DEPARTMENT to discuss how this Zoning Ordinance applies to their property.

26 **1.3.21 Single-family and Two-family Homeowners**

27 Homeowner concerned with a SINGLE-FAMILY or TWO-FAMILY DWELLING, should speak with the  
28 Building Department. Most of the concerns regarding these developments are addressed in  
29 **Article 4** and **Article 5**. If a DWELLING does not meet current standards for YARDS, LOT  
30 COVERAGE, or LOT size, the grandfathering (also known as “nonconforming”) provisions in  
31 **Article 10** may apply.

1 **1.3.22 Multi-Family or Business Uses**

2 For matters regarding MULTI-FAMILY housing or businesses, the BUILDING COMMISSIONER and  
3 the Office of Planning and Economic Development should be consulted to determine which  
4 sections of this Ordinance will apply.

5 **1.3.23 The Steps to follow in the Zoning Ordinance**

6 A typical sequence of steps in using this Ordinance is as follows:

- 7 A. Check the ZONING MAP to determine what ZONING DISTRICT(s) (and  
8 overlay districts, if any) the subject property is in.
- 9 B. If the property is located in an Overlay District, review the provisions of  
10 applicable Overlay District(s) in Article 8.
- 11 C. Consult the Article 4 Use Table (Table 4-4), along with any relevant  
12 definitions in Article 2 (defined terms are shown in Small Caps), to  
13 determine whether the proposed use is allowed in that district and what  
14 permits and approvals may be required. Table 4-4 may also reference  
15 other applicable regulations that may apply to the proposed use. Also  
16 check the Index of this Ordinance for specific sections that deal with  
17 related Defined Terms.
- 18 D. Consult the dimensional tables in Article 5 to see what YARD, BUILDING  
19 HEIGHT and other dimensional standards apply. Consult Article 7, Site  
20 Regulations, which specify what and if landscaping or parking spaces are  
21 required.
- 22 E. Consult Article 10, Nonconforming uses, if the existing legal use of a  
23 property is no longer permitted in the ZONING DISTRICT, or if the existing  
24 BUILDING or LOT does not comply with dimensional standards for the  
25 ZONING DISTRICT.
- 26 F. If the Use Table indicates that the proposed use or STRUCTURE is  
27 permitted, refer to Article 11 regarding Building Permits or Use Permits.  
28 If the use will require a Site Plan Review, Special Permit, or Variance,  
29 refer to Article 12.

1 **SECTION 1.4 ORGANIZATION**

2 **SECTION 1.4.10 ORGANIZATION OF ARTICLES**

3 **1.4.11 General Layout**

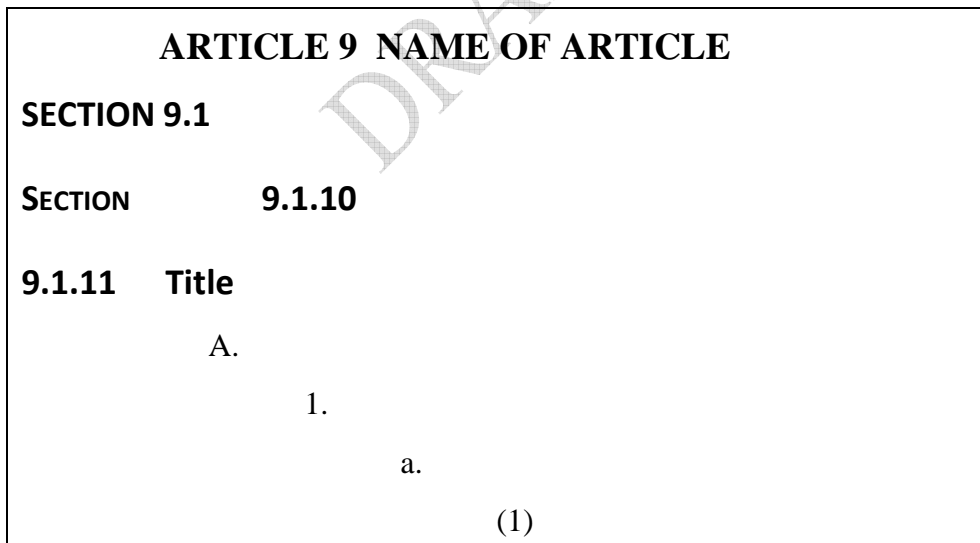
4 The Articles (or chapters) are organized as a reference document. It is not intended to be read  
5 from cover to cover. Instead, it is organized so you may look up only the parts you need. The list  
6 of Articles in the table of contents is, therefore, very important, as are the section listings at the  
7 beginning of each Article. Be aware of references to other parts of the City Ordinance, such as  
8 Title 10, Streets and Roads, and to State Building and Electric Codes that may also apply to  
9 certain DEVELOPMENT.

10 **SECTION 1.4.20 ORDINANCE FORMAT**

11 **1.4.21 Outline**

12 Major divisions within this Ordinance (which is Title 10 of the Springfield City Ordinance) are  
13 called Articles. Divisions within articles are called sections. The format of the hierarchy within  
14 each Article is shown below.

15



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17 **SECTION 1.5 PERIODIC REVIEW**

18 This Ordinance is intended to be a living document, subject to periodic review and revision.  
19 While ad hoc zoning amendments are sometimes necessary to fine tune the Ordinance and adapt  
20 it to changing circumstances, such amendments should be made with a view toward the general  
21 welfare of the City as a whole and not strictly for the private benefit of an applicant. To ensure

1 that this Ordinance is kept up to date, the Office of Planning and Economic Development shall  
2 periodically review the document and recommend such changes and/or revisions as it deems  
3 necessary.

4 **SECTION 1.6 LAND USE REGULATIONS IN OTHER ORDINANCES**

5 There are other regulations that affect the activities, appearance and conduct of activities on land  
6 in the City. The Office of Planning and Development and the Building Department can help  
7 interested parties identify the other regulations that also apply. These other regulations include,  
8 but are not limited to the following list of documents or laws:

- 9 A. Historic District Standards and Procedures, Preservation Restrictions  
10 (Title 2.26 of the City Ordinance)
- 11 B. Springfield Subdivision Regulations
- 12 C. Nuisance laws (Title 7, City Ordinance)
- 13 D. Building Code (Title 12, City Ordinance)
- 14 E. Streets and Sidewalks (Title 10 City Ordinance)
- 15 F. Liquor License or other business related Licenses (Title 5, City  
16 Ordinance)
- 17 G. Urban Renewal Plans
- 18 H. Conservation Commission Regulations
- 19 I. Americans with Disabilities Act (ADA) standards, both federal and state  
20 rules for handicapped parking and other accessibility elements

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## *Article 2 Definitions*

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*Section 2.0 Purpose*

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*Section 2.1 General*

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*Section 2.2 General Terms Defined*

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