



1    **SECTION 4.2.20    DETERMINATION OF APPLICABLE Tiered Review**

2    **4.2.21    Tier Specified in Use Table**

3    If Table 4-4 specifies that a certain USE is subject to a specific tier of review (1, 2, 3 or 4), then  
4    that review level applies regardless of the size or impact of the USE.

5    **4.2.22    Tier Not Specified in Use Table**

6    In order to provide review procedures that match the scale of development, Table 4-4 designates  
7    many USE categories with a “T” designation. In that case, such USE is subject to SITE PLAN  
8    and/or Special Permit approval and the applicable TIERED REVIEW shall be based on the  
9    thresholds found in Table 4-2. These thresholds include common impact measurements such as  
10   number of DWELLINGS, FLOOR AREA, DISTURBANCE AREA, and BUILDING HEIGHT. It is the  
11   threshold that triggers the **highest** TIERED REVIEW that is the determining factor. In the case of a  
12   MIXED-USE BUILDING, or a USE where the threshold in Table 4-2 is not clear, then the TIERED  
13   REVIEW shall be determined by the BUILDING COMMISSIONER.

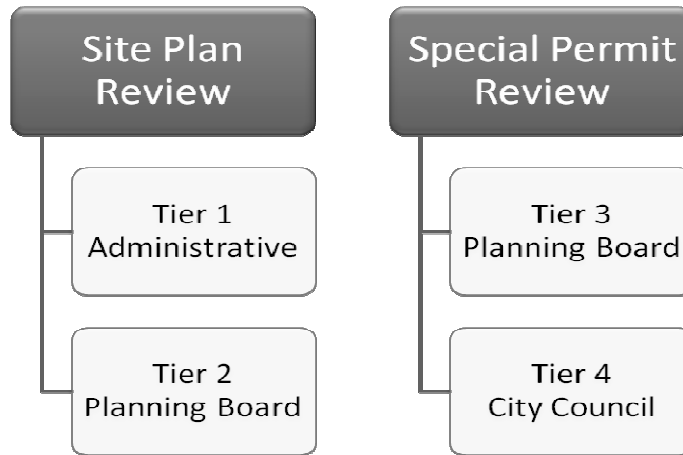
14   **4.2.23    Higher Thresholds for Reuse of Existing Structures**

15   Where an application for a proposed use designated as “T” in table 4-4 involves the REUSE or  
16   expansion of an existing STRUCTURE in which at least three existing exterior walls will remain in  
17   place, the applicable tier shall be based on the thresholds in Table 4-2, Thresholds for TIERED  
18   REVIEW under the section *Reuse of Existing Structures*. The applicable TIERED REVIEW shall be  
19   based on the parameter in Table 4-2 (number of DWELLING UNITS, FLOOR AREA, or HEIGHT) that  
20   triggers the highest level of TIERED REVIEW. The proposed size of the STRUCTURES as modified  
21   (not in their existing condition) shall be used in determining which thresholds apply. In the case  
22   of a MIXED-USE BUILDING, or a USE where the threshold in Table 4-2 is not clear, then the level  
23   of TIERED REVIEW shall be determined by the BUILDING COMMISSIONER.

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**Diagram 4-1 Types of Tiered Review**



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<b>Table 4-1 Description of Tiered Review</b>		
<b>Level of Tiered Review</b>	<b>Applicable to:</b>	<b>Process Description</b>
1. Administrative Site Plan Review coordinated by the Office of Planning & Economic Development	Designated "1" in Table 4-4 OR Designated "T" in Table 4-4 and based on thresholds in Table 4-2	Section 12.2
2. Planning Board Site Plan Review	Designated "2" in Table 4-4 OR Designated "T" in Table 4-4 and based on thresholds in Table 4-2	Section 12.3
3. Planning Board Special Permit Review	Designated "3" in Table 4-4 OR Designated "T" in Table 4-4 and based on thresholds in Table 4-2	Section 12.4
4. City Council High Impact Special Permit Review	Designated "4" in Table 4-4 OR Designated "T" in Table 4-4 and based on thresholds in Table 4-2	Section 12.5

<b>Table 4-2 Tiered Review Thresholds</b>				
	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>	<b>Tier 4</b>
	<b>Administrative Site Plan Review</b>	<b>Planning Board Site Plan Review</b>	<b>Planning Board Special Permit Review</b>	<b>City Council High Impact Special Permit Review</b>
<b>Thresholds for New Structures with Uses Designated "T" in Table 4-4</b>				
<b>Multi-Family Dwellings</b>	3 to 9 dwelling units	10 to 49 dwelling units	50 to 199 dwelling units	200+ dwelling units
<b>Non-residential use or mixed-use building Floor Area</b>	less than 20,000 square feet	20,000 to 49,999 square feet	50,000 to 149,999 square feet	150,000 or more square feet
<b>Building Height or height of any structure</b>	less than 50 feet	50 to 74 feet	75 to 149 feet	150 feet or more
<b>Thresholds for Reuse of Existing Structures with Uses designated "T" in Table 4-4</b>				
<b>Multi-Family Dwellings</b>	3 to 14 dwelling units	15 to 74 dwelling units	75 to 299 dwelling units	300 and more dwelling units
<b>Non-residential use or mixed-use building Floor Area</b>	less than 30,000 square feet	30,000 square feet to 74,999 square feet	75,000 square feet to 224,999 square feet	225,000 square feet or more
<b>Building Height or height of any structure</b>	less than 75 feet	75 to 111 feet	112 to 224 feet	225 feet or more
<b>Threshold for Disturbance Area for Development with no Structures but Use is designated "T" in Table 4-4</b>				
<b>Amount of Disturbance Area</b>	Less than 20,000 square feet	20,000 to 43, 523 square feet	43, 524 square feet to 2 acres	More than 2 acres

1 **SECTION 4.2.30 NON-APPLICABILITY TO DIMENSIONAL VARIATIONS AND NONCONFORMING**  
 2 **USES OR STRUCTURES**

3 The TIERED REVIEW process above does not apply to Special Permits for dimensional variations,  
 4 as provided in Section 12.6, or to findings allowing expansion of NONCONFORMING USES or  
 5 STRUCTURES, as provided in Section 10.1.

6 **SECTION 4.2.40 SITE PLAN REVIEW FOR EXEMPT USES**

7 Section 12.7 establishes Site Plan Review procedures for religious, educational and certain child  
 8 care uses that are exempt from use regulation and subject to a limited form of Site Plan Review  
 9 under state law. The procedures in Section 12.7 supersede any other review provisions in this  
 10 Ordinance.

11 **SECTION 4.3 USE REGULATIONS**

12 **SECTION 4.3.10 KEY**

13 In Table 4-4, the following key shall apply:

<b>Table 4-3 Key for Table 4-4</b>	
<b>Symbol</b>	<b>Meaning</b>
<b>Y</b>	USE allowed AS OF RIGHT.
<b>D</b>	USE allowed AS OF RIGHT subject to limited Site Plan Review as provided in Article 12, Section 12.7 pursuant to M.G.L. Chapter 40A, Section 3 (DOVER AMENDMENT )
<b>T</b>	USE permitted subject to Site Plan Review or Special Permit review under Sections 12.2 through 12.5 or Section 12.7, determined based on the review thresholds set forth in Table 4-2 and the subsections in 4.2.200
<b>1</b>	USE permitted subject to Administrative Site Plan Review (Section 12.2).
<b>2</b>	Use permitted subject to Planning Board Site Plan Review (Section 12.3).
<b>3</b>	Use allowed by Planning Board Special Permit Review (Section 12.4).
<b>4</b>	Use allowed by City Council High Impact Special Permit Review (Section 12.5).
<b>N</b>	Prohibited use.

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**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations	
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P		
<b>1 Agricultural Uses</b>																	
1.1	Agriculture																
1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Exempt under M.G.L. 40A
2	Y	3	3	3	3	N	N	N	N	N	N	N	N	3	3		
3	4	4	N	N	N	N	4	N	N	N	N	N	N	4	N		4.4.11.B.
<b>2 Residential Uses</b>																	
2.1	Single-Family Dwelling																
1	N	Y	Y	Y	N	1	3	N	N	N	N	N	N	N	N	N	
2	N	3	1	1	3	1	3	N	N	N	N	N	N	N	N	N	4.4.14
3	N	N	N	3	N	3	3	3	N	N	N	N	N	N	N	N	
2.2	Two-family Dwelling																
	N	N	1	1	N	1	N	N	N	N	N	N	N	N	N	N	4.4.80
2.3	Multi-family Dwelling																

**Table 4-4 Use Table**

USE	OS	Residential Districts				Commercial & Business Districts							Industrial Districts			Supplemental Regulations
		Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
1 Townhouse Dwelling	N	N	N/2	2	3	2	3	3	N	N	3	T	N	N	N	
2 Apartment Building	N	N	N	T	T	T	T	T	N	T	T	T	N	N	N	4.4.80
2.4 Mixed-use Building	N	N	N	3	T	3	3	3	N	2	3	T	2	N	N	4.4.13
2.5 MOBILE HOME	N	4	4	4	N	N	N	N	N	N	N	N	N	N	N	4.7.80
2.6 MOBILE HOME PARK	N	N	N	4	N	N	N	N	N	N	N	N	N	N	N	4.7.80
2.7 TEMPORARY DWELLING	N	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	N	N	4.4.90
2.8 HOME BASED BUSINESS																
1 HOME BASED BUSINESS 1	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	4.5
2 HOME BASED BUSINESS 2	N	1	1	1	1	1	1	1	1	1	1	N	Y	N	N	4.5
<b>3. Educational, Religious, and Charitable Uses</b>																
3.1 Educational Use																
1 Educational Use Exempt under M.G.L c.40A sec.3	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4.6, 12.7
2 Non-exempt Educational Use	N	N	N	N	N	T	T	T	T	T	T	3	3	N	N	
3.2 Religious Use	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4.6, 6.2, 12.7

**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
3.3 Charitable Use (other than exempt educational use or religious use)	N	N	N	N	N	T	T	T	T	T	T	3	T	N	N	
<b>4. Day Care Services</b>																
4.1 Child Care																
1 Family Day Care Home	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	4.4.70
2 Large Family Day Care Home	N	3	3	3	N	3	Y	Y	N	N	N	N	N	N	N	4.4.70
3 Day Care Center	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4.4.70, 4.6, 12.7
4 School Aged Child Care Program	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4.4.70, 4.6, 12.7
4.2 Adult Day Care – Home Based	N	Y	Y	Y	Y	Y	Y	1	1	1	N	N	N	N	N	4.4.73
4.3 Adult Day Care Center	N	N	N	Y	Y	T	T	Y	T	Y	T	T	T	N	N	
<b>5. Public and Quasi-Public Uses</b>																
5.1 Municipal Uses	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
5.2 Parks	Y	1	1	1	1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
5.3 Cemetery	Y	2	2	2	2	1	1	1	1	N	N	N	N	N	N	4.7.20

**Table 4-4 Use Table**

USE	OS	Residential Districts				Commercial & Business Districts								Industrial Districts			Supplemental Regulations
		Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P		
<b>6. Lodging</b>																	
6.1 Hotel	N	N	N	N	N	N	3	T	T	T	T	3	T	N	3		
6.2 Motel	N	N	N	N	N	N	3	3	N	T	T	N	N	N	N		
<b>6.3 Rooms for rent</b>																	
1 Bed and Breakfast	N	3	3	3	N	1	1	1	N	N	N	N	N	N	N	4.4.50	
2 Lodging House	N	N	N	3	N	N	3	3	N	3	N	N	N	N	N		
<b>7. Sales and Rental of Goods and Merchandise</b>																	
7.1 Retail Sales and Service	N	N	N	N	N	T	T	T	T	T	Y	T	2	N	N		
7.2 Wholesale Sales	N	N	N	N	N	N	N	T	N	T	T	N	T	T	T		
<b>8. Personal Services</b>																	
8.1 Personal Services	N	N	N	N	N	2	2	2	2	1	Y	N	T	N	N		
<b>8.2 Laundry or Dry Cleaning Service</b>																	
1 Self Service Laundry	N	N	N	N	N	T	T	T	T	T	N	N	T	N	N		
2 Dry Cleaning, Drop-off	N	N	N	N	N	T	T	T	T	T	T	N	T	N	N		
3 Dry Cleaning, Processing	N	N	N	N	N	N	N	3	N	N	N	N	T	T	N		

**Table 4-4 Use Table**

USE	OS	Residential Districts				Commercial & Business Districts							Industrial Districts			Supplemental Regulations
		Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
8.3 General Service and Contractor's Shop	N	N	N	N	N	N	T	T	T	T	T	N	T	T	T	
8.4 Undertaking Establishment	N	N	N	N	N	T	T	T	N	N	N	N	N	N	N	
8.5 Crematorium	1	N	N	N	N	N	1	1	N	N	N	N	N	1	N	
8.6 Animal Services																
1 Veterinary Clinic	N	N	N	N	N	T	T	T	N	N	T	N	N	N	N	
2 Kennel	N	N	N	N	N	N	3	3	N	N	N	N	N	Y	N	
9. Institutional Residence or Care Facilities																
9.1 Residence with special services, treatment, or supervision																
1 Nursing Home	N	N	N	3	3	N	3	3	N	3	N	N	N	N	N	
2 Assisted Living Center	N	N	N	3	3	N	3	3	N	3	N	N	N	N	N	
9.2 Hospital, clinic, or other medical treatment facility with overnight stay	N	4	4	4	4	4	4	4	4	4	4	4	4	N	4	4.4.60

**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations	
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P		
<b>10. Office, Clerical, Research and Services Not Primarily Related to Goods and Merchandise</b>																	
10.1	Mixed-use Building, Non Residential	Non Residential uses are limited to those otherwise permitted in the zoning district. See Table 4-4 2.4 for Mixed-use Buildings with Residential.														4.4.13	
10.2	Office building, non-medical	N	N	N	N	N	T	T	T	2	2	T	3	2	N	N	
10.3	Medical office, clinic or treatment facility, no overnight	N	N	N	N	N	T	T	T	T	T	T	T	T	N	N	
10.4	Bank or financial institution	N	N	N	N	N	1	1	1	1	1	Y	3	2	N	N	See §19 below in Table 4-4 for Accessory Uses
<b>11. Eating and Drinking Places</b>																	
11.1	Restaurant	2	N	N	N	N	1	1	1	2	1	1	2	2	N	N	See §19 below in Table 4-4 for Accessory Uses
11.2	Club or Lodge	N	N	N	N	N	N	T	T	T	T	T	T	T	N	N	
11.3	Tavern	N	N	N	N	N	N	T	T	T	T	T	T	T	N	N	

**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
12. Motor Vehicle-Related Sales and Service Operations																
12.1	Motor Vehicle Sales/Leasing of new or used vehicles	N	N	N	N	N	N	3	N	N	3	N	3	3	N	4.7.30
12.2	Motor Vehicle Sales / Leasing of new or used vehicles, as an accessory use	N	N	N	N	N	3	3	3	N	3	N	3	3	N	
12.3	Motor Vehicle Rentals	N	N	N	N	N	3	3	N	3	3	N	N	3	3	4.7.30
12.4	Motor Vehicle Service															
1	Gas Station with no Repair Service	N	N	N	N	N	3	3	3	N	2	N	N	3	3	4.7.30
2	Car Wash	N	N	N	N	N	3	3	N	N	2	N	N	2	N	4.7.30
3	Installation of Motor Vehicle Electronic Accessories (alarms, radios, mobile phones)	N	N	N	N	N	3	3	N	N	2	N	N	2	N	4.7.30

**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
4 Installation of Motor Vehicle Parts or Accessories (tires, mufflers)	N	N	N	N	N	N	N	3	N	N	3	N	N	2	N	4.7.30
5 Motor Vehicle Repair and Maintenance not including painting or substantial body work	N	N	N	N	N	N	N	3	N	N	3	N	N	2	N	4.7.30
6 Motor Vehicle Painting or Body Work	N	N	N	N	N	N	N	3	N	N	3	N	N	3	N	4.7.30
12.5 Truck Stop	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N	
12.6 Temporary Vehicle storage																
1 Temporary car storage lot	N	N	N	N	N	N	N	3	N	N	N	N	N	Y	N	
2 Temporary truck or truck body storage lot	N	N	N	N	N	N	N	N	N	N	N	N	N	3	N	
12.7 Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N	4.7.40

**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
<b>13. Industrial Uses</b>																
13.1	Light Industrial	N	N	N	N	N	N	2	N	N	N	N	2	T	T	
13.2	Industrial Use															
1	High Hazard Use A	N	N	N	N	N	N	N	N	N	N	N	N	3	4	
2	High Hazard Use B	N	N	N	N	N	N	N	N	N	N	N	4	4	4	
3	Other Industrial Use	N	N	N	N	N	N	N	N	N	N	N	2	2	2	
13.3	Research and Development Laboratory															
1	Biotechnology Research and Development	N	N	N	N	N	N	N	N	N	N	N	4	4	4	
2	Other Research and Development	N	N	N	N	N	N	N	3	N	3	N	2	2	2	
13.4	Packing, Warehousing and Distribution of goods, merchandise, and equipment	N	N	N	N	N	N	N	N	N	N	N	2	2	2	

**Table 4-4 Use Table**

USE	OS	Residential Districts				Commercial & Business Districts							Industrial Districts			Supplemental Regulations
		Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
<b>14. Transportation</b>																
14.1																
1	N	3	3	3	3	T	T	T	T	T	T	T	T	1	1	
2	N	N	N	N	N	N	3	2	2	2	2	3	2	2	2	
14.2	T	N	N	N	N	N	N	N	N	N	N	T	N	Y	N	
14.3	T	N	N	T	3	3	3	3	3	2	2	2	2	2	2	
14.3	N	4	4	4	N	N	N	N	4	4	4	N	4	4	4	4.7.100 [Reserved]
<b>15. Utilities</b>																
15.1	N	2	2	2	2	2	2	2	2	2	2	3	2	1	1	
15.2		SEE ARTICLE 6, SECTION 6.2 for these Regulations.														
15.3	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N	
15.4	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N	

**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
<b>16. Storage</b>																
16.1 Indoor Storage	N	N	N	N	N	N	N	T	T	T	T	N	2	2	2	
16.2 Outdoor Storage																
1 Outdoor Sales and Storage (such as flowers)	N	N	N	N	N	N	2	2	N	N	2	N	2	N	N	
2 Outdoor Sales and Storage, including Recreational Vehicles, boats and trailers	N	N	N	N	N	N	N	T	T	N	3	3	T	T	T	
3 Outdoor Sales and Storage of building materials	N	N	N	N	N	N	N	3	N	N	3	N	N	3	N	
<b>17. Recreation and Entertainment</b>																
17.1 Health Club	N	N	N	N	T	T	T	T	T	T	T	T	T	T	T	
17.2 Place of Amusement																
1 Indoor (movie theater, etc.)	N	N	N	N	N	3	T	T	T	3	T	T	T	N	N	
2 Outdoor	3	N	N	N	N	N	N	3	3	3	3	3	N	T	N	
3 Outdoor, Temporary	3	Y	Y	Y	N	N	N	3	3	3	2	3	N	N	N	

**Table 4-4 Use Table**

USE	Residential Districts					Commercial & Business Districts							Industrial Districts			Supplemental Regulations
	OS	Res A/A1	Res B/B1	Res C	Res C2	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	Ind MU	Ind A	Ind P	
17.3 Adult Entertainment	SEE ARTICLE 6, SECTION 6.3 for these regulations														6.3	
<b>18. Accessory Uses – Residential</b>																
18.1 Private Parking or Residential Garage	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
<b>19. Accessory Uses - Nonresidential</b>																
19.1 Drive-up Window for business with interior services																
1 Bank, Pharmacy or other Retail Service Use	N	N	N	N	N	N	2	2	N	N	2	N	2	2	2	7.3.20
2 Restaurant	N	N	N	N	N	N	2	2	N	N	2	N	N	N	N	7.3.20
19.2 Outdoor Display of Goods for Retail Sales and Services	N	N	N	N	N	2	2	2	N	2	Y	3	2	N	N	

1 **SECTION 4.4 SUPPLEMENTAL REGULATIONS**

2 **SECTION 4.4.10 ACCESSORY RESIDENTIAL USES**

3 **4.4.11 Animals**

4 A. Domestic Animals. The keeping of domestic animals as household pets is  
5 permitted in accordance with Chapter 6.04 of the Ordinances of the CITY,  
6 1986, as amended.

7 B. Horses. The keeping or raising of horses for personal use is permitted  
8 provided that the tract of land on which this occurs is three (3) acres or  
9 larger in size and that any BUILDING used for the keeping or raising of  
10 horses is located not less than fifty (50) feet from any street or property  
11 line. The raising of horses on parcels of five (5) acres or more is deemed  
12 to be an AGRICULTURAL USE.

13 **4.4.12 Lodging and Boarding**

14 Up to three (3) lodgers or boarders including the furnishing of board for such lodgers or  
15 boarders, is permitted in residential districts provided that (a) the use is accessory to a SINGLE-  
16 FAMILY DWELLING in which the owner of the DWELLING is the primary occupant; and (b) the use  
17 is located in the DWELLING and not in an ACCESSORY BUILDING.

18 **4.4.13 Mixed-use Buildings Containing Dwelling Units in Business A, Business**  
19 **B, Business C District**

20 In order to maintain an active pedestrian STREET environment, enhance the character of  
21 commercial districts, and maintain continuity of commercial activity without interruption by  
22 residential façades, the portion of all MIXED-USE BUILDINGS along STREET FRONTAGES shall be  
23 used only for non-residential purposes. The following additional requirements shall apply.

24 A. All DWELLING UNITS in MIXED-USE BUILDINGS shall be located as  
25 follows:

26 1. DWELLING UNITS located above the STREET level may be placed  
27 anywhere within a MIXED-USE BUILDING.

28 2. DWELLING UNITS that are located at STREET level must be located  
29 within the interior of the BUILDING at least thirty (30) feet behind  
30 the front BUILDING wall.

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- B. OFF-STREET PARKING for such DWELLING UNITS, if required, shall be located behind, within, or beneath the BUILDING. If such locations are impractical, such parking may be located on adjoining property, subject to shared parking agreements, or to the side of the BUILDING at least eighteen (18) feet behind the front BUILDING LINE.
  
- C. Non-residential USES shall be limited to those otherwise permitted in the ZONING DISTRICT and may be located anywhere in the BUILDING.

**4.4.14 Accessory Apartments**

One (1) ACCESSORY APARTMENT per SINGLE-FAMILY DWELLING may be located within the SINGLE-FAMILY DWELLING as provided in the Use Table, subject to the following requirements:

- A. The SINGLE-FAMILY DWELLING must contain at least twelve hundred (1,200) square feet of habitable FLOOR AREA prior to the installation of the ACCESSORY APARTMENT.
  
- B. The ACCESSORY APARTMENT must be no larger than eight hundred (800) square feet or thirty (30) percent of the habitable FLOOR AREA of the SINGLE-FAMILY DWELLING, whichever is less. In computing the thirty (30) percent maximum area for an ACCESSORY APARTMENT, only the habitable FLOOR AREA of the DWELLING, excluding the area of garages, attics, or basements, may be counted.
  
- C. The LOT containing the ACCESSORY APARTMENT must contain the minimum required LOT area for a SINGLE-FAMILY DWELLING as specified in Table 5-1. An ACCESSORY APARTMENT may be allowed on a LOT that does not contain the minimum required LOT area by a special permit granted by the PLANNING BOARD (Tier 3).
  
- D. The ACCESSORY APARTMENT shall not be counted as a residential unit for purposes of determining residential density.
  
- E. An ACCESSORY APARTMENT shall have a maximum of two (2) bedrooms and a minimum of one (1) OFF-STREET PARKING space in addition to the spaces required for the PRINCIPAL BUILDING.
  
- F. The ACCESSORY APARTMENT shall be installed in a manner that does not alter the single-family appearance of a DWELLING when viewed from a STREET.

1 G. Either the PRINCIPAL SINGLE-FAMILY DWELLING or the ACCESSORY  
2 APARTMENT must be occupied by an owner of the property. The owner  
3 must also own the entire LOT, any STRUCTURES thereon, and both  
4 DWELLING UNITS. In order to receive approval for an ACCESSORY  
5 APARTMENT, the owner(s) must submit a notarized letter to the Building  
6 Commissioner stating that they will occupy one of the DWELLING UNITS as  
7 their permanent or primary residence, except for bona fide temporary  
8 absences. Upon sale or transfer of the property to a new owner, the new  
9 owner must submit a substantially identical notarized letter to the Building  
10 Commissioner. If such a letter is not submitted within thirty (30) days of  
11 the recording of the deed, approval of the ACCESSORY APARTMENT shall  
12 lapse.

#### 13 **4.4.15 Residential Parking Areas and Structures**

14 The following parking uses are allowed as ACCESSORY USES in a residential districts subject to  
15 the provisions herein:

- 16 A. Parking in a RESIDENTIAL GARAGE- of not more than two (2) MOTOR  
17 VEHICLES owned by non-residents if stored in the same BUILDING as  
18 vehicles owned by residents.
- 19 B. The ground FLOOR AREA of a RESIDENTIAL GARAGE shall not exceed 10%  
20 of the size of the LOT on which the garage is situated or 1,000 square feet,  
21 whichever is less.
- 22 C. Said detached garage shall have a maximum height of twenty (20) feet but  
23 in no case shall said garage exceed the height of the PRINCIPAL BUILDING.
- 24 D. Said garage shall in no case be used for the repair or service of vehicles  
25 for profit nor for the repair or service of vehicles other than those owned  
26 by or registered to the owner or tenant of the premises on which said  
27 garage is erected.
- 28 E. No private parking area or RESIDENTIAL GARAGE shall be used to store or  
29 park more than one (1) commercial vehicle.
- 30 F. No commercial vehicle exceeding a gross vehicle weight of 10,000 lbs.  
31 shall be parked or stored in a Residential DISTRICT.

1 **SECTION 4.4.20 SWIMMING POOLS**

2 A SWIMMING POOL shall not be nearer than eight (8) feet to any LOT LINE or eight (8) feet to any  
3 DWELLING or located between the front of the BUILDING and the STREET LINE.

4 **SECTION 4.4.30 MEMBRANE STRUCTURES**

5 **4.4.31 Membrane Structures Generally**

6 MEMBRANE-COVERED FRAME STRUCTURES are not permitted in any ZONING DISTRICT when the  
7 PRIMARY USE of the STRUCTURE is for residence, storage, workshop, or garage.

8 **4.4.32 Temporary Use Permit for Special Events**

9 A TEMPORARY USE PERMIT for up to sixty (60) days may be issued by the BUILDING  
10 COMMISSIONER for special events including, fairs, bazaars, weddings, promotions, and/or  
11 emergencies in any zone in the City.

12 **SECTION 4.4.40 STORAGE OF TRAVEL TRAILERS, RECREATIONAL VEHICLES, BOATS AND MOBILE  
13 HOMES**

14 The storage of a MOBILE HOME, TRAVEL TRAILER, RECREATIONAL VEHICLE or BOAT exceeding  
15 twenty (20) feet in length shall not be permitted in any residential ZONING DISTRICT. No MOBILE  
16 HOME, TRAVEL TRAILER, RECREATIONAL VEHICLE or BOAT of any size shall be stored within the  
17 FRONT YARD as defined in Article 2, unless an existing SIDE YARD is of insufficient width to  
18 store the vehicle or allow passage to the REAR YARD.

19 **SECTION 4.4.50 BED AND BREAKFAST**

20 **4.4.51 Intent**

21 The intent of this section is to regulate the siting of BED AND BREAKFASTS, to provide for the  
22 proper design and operation of such facilities, and to protect the neighborhood from any adverse  
23 impacts from such facilities.

24 **4.4.52 Health Standards**

25 All facilities subject to this section are subject to applicable local and state health regulations.

26 **4.4.53 Length of Stay**

27 Guest rooms are offered for rent on a daily basis for a period not to exceed fourteen (14) days in  
28 duration. In no case shall a guest or patron use this location as a mailing address or other  
29 identifier.

1 **4.4.54 Interior Area Requirements**

2 A. A BED AND BREAKFAST must have a minimum interior area based on the  
3 number of guest rooms, as follows:

Number of Guest Rooms	Required Minimum Interior Area
1	1,500 square feet
2	2,000 square feet
3	2,500 square feet.
4	3,000 square feet

4 B. No basement or unfinished attic space shall be included in the  
5 computation of minimum interior area.

6 C. In no case shall any room but a bedroom be rented as a guest room.

7 **4.4.55 Bed and Breakfast Signs**

8 One (1) unlighted, one (1) square foot, double faced SIGN is permitted. If said SIGN is a GROUND  
9 SIGN, it shall not exceed a height of five (5) feet. There shall be no temporary banners, streamers  
10 or other SIGNS.

11 **4.4.56 Special Permit Limitations for Bed and Breakfast facilities**

12 Where a Special Permit is required, the Special Permit may be granted so that it applies only to  
13 the permittee and may not be assumed by any other owner-operator.

14 **SECTION 4.4.60 HOSPITAL**

15 **4.4.61 Accessory Uses and Buildings**

16 The terms ACCESSORY USE and ACCESSORY BUILDING as applied to HOSPITALS shall include but  
17 not be limited to attached MEDICAL OFFICE BUILDINGS, laboratories, biotechnology research  
18 facilities, and all BUILDINGS, STRUCTURES, facilities and USES associated with, related to or  
19 supportive of the services provided by such HOSPITALS, whether or not such ACCESSORY USES or  
20 BUILDINGS are themselves required to be licensed as HOSPITALS by the Commonwealth.

21 **4.4.62 Hospitals in Residential Districts**

22 The following provisions apply to HOSPITALS and their ACCESSORY USES and ACCESSORY  
23 BUILDINGS in Residential districts:

- 1           A.     RESTAURANTS, cafeterias and other accessory retail uses shall not be  
2                   located in a free-standing BUILDING.
- 3           B.     HELIPORTS are allowed with a Special Permit Review by the Planning  
4                   Board through a Tier 3 Review.

5     **SECTION 4.4.70 DAY CARE**

6     The following uses are subject to certain protections under State law. They are also regulated  
7     under Section 4.6.

8     **4.4.71 Day Care Centers and School Age Child Care Programs**

9     DAY CARE CENTERS and SCHOOL AGE CHILD CARE PROGRAMS shall be allowed in all ZONING  
10    DISTRICTS provided that:

- 11           A.     The use shall be conducted in accordance with M.G.L. c. 28A and licensed  
12                   by the Massachusetts Office for Children or successor agency.
- 13           B.     In addition to the applicable standards in Section 4.6, the following  
14                   regulations shall apply for DAY CARE CENTERS and SCHOOL AGE CHILD  
15                   PROGRAMS:
  - 16                   1.     Minimum Lot Area: 20,000 square feet, plus 1,000 square feet per  
17                           child of licensed capacity in excess of 20 children
  - 18                   2.     If an outdoor play area is provided on site, the REAR YARD shall be  
19                           completely enclosed with a six foot (6') high solid FENCE,  
20                           notwithstanding the provisions of Article 5 (Sight Triangle).

21    **4.4.72 Family Day Care Homes**

22    FAMILY DAY CARE HOMES --up to six (6) children --and LARGE FAMILY DAY CARE HOMES – up  
23    to ten (10) children --shall be allowed as shown in Table 4-4 provided that:

- 24           A.     The use shall be an ACCESSORY USE to an existing private residence.
- 25           B.     One (1) parking space shall be provided for every staff person who does  
26                   not reside at the residence.
- 27           C.     The USE shall be conducted in accordance with M.G.L. Chapter .28A and  
28                   licensed by the Massachusetts Office for Children or successor agency.

1 D. A LARGE FAMILY DAY CARE HOME shall have at least one approved  
2 assistant when the total number of children participating in such day care  
3 exceeds six.

4 **4.4.73 Adult Day Care**

5 ADULT DAY CARE shall be allowed as shown in Table 4-4 provided that:

- 6 A. The USE shall be an ACCESSORY USE to an existing residential use.
- 7 B. The principal care giver shall be a resident of the property.
- 8 C. There shall be no more than one (1) non-resident employee.
- 9 D. There shall be no more than two (2) adults provided day care at any one  
10 time, including those who permanently reside on the property.

11 **SECTION 4.4.80 CONVERSION OF DWELLING UNIT TO DUPLEX/MULTIFAMILY**

12 Where not otherwise permitted by this Ordinance, the Planning Board may authorize by Special  
13 Permit (Tier 3) the conversion of a SINGLE-FAMILY DWELLING to a TWO-FAMILY DWELLING or  
14 MULTI-FAMILY DWELLING, subject to the following conditions:

15 **4.4.81** Each DWELLING UNIT shall be provided with a separate access not passing  
16 through the living area of any other DWELLING UNIT.

17 **4.4.82** No structural alteration or extension of the BUILDING exterior shall be made  
18 except as may be necessary for reasons of safety.

19 **4.4.83** The Planning Board may prescribe such further conditions with respect to the  
20 conversion and use of BUILDINGS or property as it seems appropriate.

21 **SECTION 4.4.90 TEMPORARY DWELLING**

22 A replacement DWELLING that may be occupied on the LOT of a pre-existing DWELLING that has  
23 been destroyed. A one (1) year time extension past the original timeframe may be given in cases  
24 of hardship through a Tier 1 process.

25 **SECTION 4.4.100 DRIVES CROSSING A RESIDENTIAL DISTRICT TO A NON-RESIDENTIAL DISTRICT**

26 A DRIVEWAY cannot be utilized to reach a permitted USE in one ZONING DISTRICT if to reach this  
27 USE the DRIVEWAY must cross a residential DISTRICT in which the USE is not permitted.

1 **SECTION 4.4.110 CONDOMINIUMS**

2 A CONDOMINIUM created in accordance with and subject to the provisions of General Laws,  
3 Chapter 183A, as the same may be amended from time to time, is permitted under this  
4 Ordinance, and shall comply with USE, AREA, HEIGHT, OFF-STREET PARKING and other  
5 regulations of this Ordinance for the District in which said CONDOMINIUM is located unless  
6 exempted therefrom in accordance with the nonconformity provisions of Article 10. Where a  
7 condominium DEVELOPMENT creates separate BUILDING sites for SINGLE-FAMILY DWELLINGS or  
8 TWO-FAMILY DWELLINGS, such BUILDING sites shall comply with the City’s Subdivision  
9 Regulations in the same manner as if the land were being subdivided.

10 **SECTION 4.5 HOME BASED BUSINESS**

11 **SECTION 4.5.10 PURPOSE**

12 The purpose of this Section is to encourage those who are engaged in small businesses that could  
13 not be sustained if they had to lease commercial quarters, or which by the nature of the venture,  
14 are appropriate in scale and impact to be operated within a residence. HOME BASED BUSINESSES  
15 that do not change the nature of a residential area are encouraged because they typically generate  
16 fewer vehicle trips than conventional businesses and help make neighborhoods safer by  
17 activating STREETS on weekdays. HOME BASED BUSINESSES are allowed to be undertaken by  
18 both owners and renters and can occur in any type of residential STRUCTURE, although the  
19 review process differs by DWELLING type.

20  
21 Subsections 4.4.50 and 4.4.70 above describe the standards for the specific HOME BASED  
22 BUSINESSES BED AND BREAKFAST lodging, FAMILY DAY CARE and ADULT DAY CARE. Those  
23 Sections supersede the provisions in this Section 4.5.

24 Two (2) levels of HOME BASED BUSINESSES are allowed:

- 25 • **Type I Home Based Businesses** are those that meet the standards in Section 4.5.20  
26 below, and are allowed by right.
  
- 27 • **Type 2 Home Based Businesses** are those that exceed one (1) or more of the thresholds  
28 in Section 4.5.31 and are operated in compliance with Sections 4.5.20 and 4.5.30. Type 2  
29 HOME BASED BUSINESSES are allowed through a Tier 1 Administrative Site Plan Review  
30 for SINGLE-FAMILY DWELLINGS and Tier 2 Planning Board Site Plan Review for all other  
31 DWELLING types. The submission requirements are given in Section 4.5.30 and Section  
32 12.2.

1 **SECTION 4.5.20 STANDARDS FOR ALL HOME BASED BUSINESSES**

2 **4.5.21 Appearance of residence**

- 3 A. The HOME BASED BUSINESS shall be restricted to lawfully-built enclosed  
4 STRUCTURES and be conducted in such a manner as not to give an outward  
5 appearance of a business.
- 6 B. The HOME BASED BUSINESS shall not result in any structural alterations or  
7 additions to a STRUCTURE that will change its primary use or BUILDING  
8 CODE occupancy classification.
- 9 C. The HOME BASED BUSINESS shall not violate any conditions of  
10 development approval (i.e., prior development permit approval).
- 11 D. No products and or equipment produced or used by the HOME BASED  
12 BUSINESS may be displayed to be visible from any public way or adjacent  
13 property.

14 **4.5.22 Storage**

- 15 A. Outside storage, visible from any public way or adjacent properties which  
16 exceeds what is customary for a SINGLE-FAMILY DWELLING in the vicinity,  
17 is prohibited.
- 18 B. On-site storage of HAZARDOUS MATERIALS (including toxic, explosive,  
19 noxious, combustible or flammable) in a quantity beyond those normally  
20 incidental to residential use is prohibited.
- 21 C. STORAGE of inventory or products and all other equipment, fixtures, and  
22 activities associated with the HOME BASED BUSINESS shall be allowed in  
23 any STRUCTURE.

24 **4.5.23 Compliance with other legal requirements**

- 25 A. The operation of the HOME BASED BUSINESS shall be restricted to enclosed  
26 STRUCTURES that are in compliance with applicable BUILDING CODES and  
27 that are not in violation of this Ordinance. This shall not prevent HOME  
28 BASED BUSINESSES from operating in NONCONFORMING STRUCTURES or  
29 on NONCONFORMING LOTS as defined in this Ordinance.







1 **SECTION 4.5.40 PROHIBITED HOME BASED BUSINESS USES**

2 **4.5.41** Any activity that produces radio, TV, or other electronic interference; noise, glare,  
3 vibration, smoke, or odor beyond allowable levels as determined by local, state or  
4 federal standards, or that can be detected beyond the LOT LINE; is prohibited.

5 **4.5.42** The following uses and uses with similar objectionable impacts because of  
6 MOTOR VEHICLE traffic, noise, glare, odor, dust, smoke or vibration, are  
7 prohibited:

- 8 A. Ambulance service;
- 9 B. Animal hospital, VETERINARY CLINIC, KENNELS or animal boarding;
- 10 C. MOTOR VEHICLE REPAIR, including auto painting; and
- 11 D. Repair, installation of auto stereos, reconditioning or storage of motorized  
12 vehicles, boats, recreational vehicles, airplanes, lawnmowers or other gas  
13 powered engine repair, or large equipment on-site.

14 **SECTION 4.5.50 HOME BASE BUSINESS ENFORCEMENT**

15 The BUILDING COMMISSIONER or designee may visit periodically and inspect the HOME BASED  
16 BUSINESS SITE in accordance with this Section to ensure compliance with all applicable  
17 regulations, during normal business hours, and with reasonable notice.

18 **SECTION 4.6 SPECIAL STANDARDS FOR RELIGIOUS, EDUCATIONAL, AND CHILD**  
19 **CARE USES**

20 **SECTION 4.6.10 USES EXEMPTED BY STATE LAW**

21 RELIGIOUS USES, EXEMPT EDUCATIONAL USES, DAY CARE CENTERS, and SCHOOL AGE CHILD  
22 CARE PROGRAMS, as those USES are defined in this Ordinance, are partially protected from local  
23 zoning regulation by M.G.L. Ch. 40A, Section 3, and shall be allowed in all districts.

1 **SECTION 4.6.20 SITE PLAN REVIEW**

2 USES regulated under this section shall be subject to either Tier 1 Administrative Site Plan  
3 Review or Tier 2 Site Plan Review by the Planning Board with modified review standards in  
4 accordance with Section 12.7. Table 4-2 gives the size thresholds for Tier 1 or Tier 2 reviews.

5 **SECTION 4.6.30 DIMENSIONAL REQUIREMENTS**

6 The uses protected by Section 4.6 shall comply with the dimensional regulations of Articles 4  
7 and 5 unless the Site Plan Review approval authority determines that a particular dimensional  
8 regulation is unreasonable as applied to the use or a Campus Master Plan has been approved  
9 under Section 6.1 of this Ordinance. If the Site Plan Review approval authority determines that a  
10 dimensional regulation is unreasonable, it shall modify such dimensional regulation in  
11 accordance with M.G.L Chapter 40A, Section 3.

12 **SECTION 4.6.40 QUALIFICATION OF USES THAT ARE EXEMPT**

13 To qualify for the protections of this Section 4.6, applicants shall submit proof that they comply  
14 with the definitional requirements for the use. In the case of exempt educational uses only,  
15 applicants must provide sufficient proof, in the form of catalogs, program descriptions, annual  
16 reports, articles of incorporation, bylaws, annual reports, tax exempt status, state license or other  
17 means that the organization provides educational services to students, residents, customers, or  
18 clients, and that the land on which the use occurs is owned or leased by a religious sect or  
19 denomination, or a nonprofit educational corporation, or the Commonwealth of Massachusetts or  
20 any of its agencies, subdivisions or bodies politic, including the City or any agency of the City.

21 **SECTION 4.7 SPECIAL REGULATIONS FOR CERTAIN USES**

22 **SECTION 4.7.10 UNSAFE BUILDINGS**

23 Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part  
24 of any BUILDING or STRUCTURE declared unsafe by the BUILDING COMMISSIONER

25 **SECTION 4.7.20 CEMETERIES**

26 **4.7.21** The expansion of existing CEMETERIES shall be allowed.

27 **4.7.22** New CEMETERIES shall be allowed as shown in the use table, provided that a new  
28 cemetery shall be no less than three (3) acres in size and shall require the prior  
29 written approval of the Springfield Public Health Department.

1    **SECTION 4.7.30    LOCATION OF AUTOMOBILE SERVICES**

2    **4.7.31    Proximity of Automobile Services to Residential Districts.**

3    No public garage, MOTOR VEHICLE REPAIR SHOP, greasing station, storage battery service  
4    station, nor gasoline filling station, or any of their appurtenances or ACCESSORY USES shall  
5    hereafter be erected or placed within twenty-five (25) feet of any residential DISTRICT, **unless** the  
6    space so used is entirely enclosed, on the sides facing the STREET and residence zone, within  
7    masonry or concrete walls and a roof without openings of any kind, **except** windows or sky-  
8    lights having metal frames and fixed metal sash glazed with wire glass. No DRIVEWAY or door to  
9    such premises shall be in any part within twenty-five (25) feet of any residential DISTRICT.

10   **4.7.32    Proximity of Automobile Services to Educational, Religious or**  
11    **Institutional Uses.**

12    No such public GARAGE, automobile MOTOR VEHICLE REPAIR SHOP, greasing station, storage  
13    battery service station, nor gasoline filling station, nor any of their appurtenances or ACCESSORY  
14    USES, shall have at the STREET LINE any entrance or exit for MOTOR VEHICLES within a radius of  
15    one hundred (100) feet of any entrance or exit at the FRONT LOT LINE of any public or private  
16    school, public library, church, PLAYGROUND or for children under sixteen years of age, if such  
17    entrances or exits are on the same STREET or on an intersecting STREET.

18   **SECTION 4.7.40    JUNKYARDS**

19   **4.7.41    Enclosure**

20    All JUNKYARD materials and activities not within fully enclosed BUILDINGS shall be completely  
21    surrounded with a six (6) foot opaque FENCE with a suitable gate which shall be closed and  
22    locked **except** during the working hours of such JUNKYARDS. Any loading, unloading,  
23    dismantling, cutting or other processing of junk materials must be carried on within this  
24    enclosure.

25   **4.7.42    Storage of Junk Material**

26    All junk material shall be stored in such manner as to prevent it from being transported out of the  
27    JUNKYARD by wind, water or other natural forces, and all junk material shall be stored so as to  
28    prevent the breeding or harboring of rats, insects, or other vermin.

1 **SECTION 4.7.50 DUMPING AND INOPERATIVE MOTOR VEHICLES**

2 **4.7.51. Dumping of Garbage, Rubbish or Other Refuse**

3 No person shall dump garbage, rubbish, or other REFUSE in any place, or maintain as a dumping  
4 ground for garbage, rubbish, or other REFUSE any place, unless such place has been approved by  
5 the City Council and unless such place has been approved by the Commissioner of Public Health  
6 in accordance with the provisions of M.G.L. Section 150A of Chapter 111. This shall not apply  
7 to those persons who wish to scientifically maintain compost for their own use in a manner that  
8 does not attract vermin or otherwise pose a threat to public health.

9 **4.7.52 Inoperative Motor Vehicles in Residential Areas**

10 In any residential district, the deposit or storage on any LOT of wrecked or inoperable vehicles or  
11 parts thereof for one (1) month or more shall be prohibited. Garaged vehicles shall be exempt  
12 from this provision.

13 **SECTION 4.7.60 REMOVAL OF CERTAIN MATERIALS RESTRICTED**

14 **4.7.61 Removal Restricted**

15 Unless otherwise provided in this section, there shall be no EXCAVATION or removal from any  
16 premises in any district of earth, sand, gravel, clay, quarry stone, peat or mineral ore, except as  
17 surplus material resulting from a bona fide construction, landscape, or agricultural operation  
18 being executed on the premises.

19 **4.7.62 Removal of Top Soil or Loam**

20 No excavation or removal of top soil or loam shall be made in any district until a permit has been  
21 obtained from the BUILDING COMMISSIONER. There shall be not less than four (4) inches of top  
22 soil or loam left which shall be seeded with a suitable cover crop or put to cultivation, **except**  
23 that this provision shall not apply to any area covered by a BUILDING or construction operation.  
24 At the completion of a construction operation, the area covered shall be topped as required by  
25 this section.

26 **4.7.63 Excavation Permit Process**

27 The BUILDING COMMISSIONER may approve the excavation or removal of earth, sand, gravel,  
28 clay, quarry stone, peat or mineral ore as provided below:

29 **4.7.64 Submission Requirements**

30 A. The applicant shall submit, as deemed necessary by the BUILDING  
31 COMMISSIONER, a plan prepared by a registered professional engineer or

1 land surveyor showing the total area proposed for excavation or removal  
2 of the above material, the existing grade at two (2) foot contour intervals,  
3 and the proposed grade at two (2) foot intervals. The plan shall be  
4 approved by the BUILDING COMMISSIONER before a permit for excavation  
5 or removal is issued.

6 B. The plan shall provide for proper drainage of the area covered by the  
7 permit both during and after completion of the excavation or removal. No  
8 removal shall take place below the established level of the nearest existing  
9 approved right-of-way, within twenty (20) feet of a property line, or fifty  
10 (50) feet from a residence district, or thirty (30) feet from a STREET line. If  
11 the grade of the land where removal is to take place is higher than the  
12 abutting property, the material lying above the grade of the abutting  
13 property may be removed up to the property lines.

14 C. Before the issuance of any permit under this section, the applicant shall  
15 file with the City Treasurer a Performance Guarantee, such as a Letter of  
16 Credit, cashier's check or equivalent form of security, running to the City  
17 with sureties satisfactory to the BUILDING COMMISSIONER in such sum as  
18 the BUILDING COMMISSIONER shall determine, and be twice the estimated  
19 cost of conforming with the provisions of this Ordinance.

#### 20 **4.7.65 Requirements for Excavation and Material Removal**

21 A. The method of EXCAVATION or removal shall not affect existing  
22 STRUCTURES, existing or proposed STREETS, existing sewer and drainage  
23 facilities, and existing water courses.

24 B. The emission of process dust, either from the area of operation or from the  
25 excavated materials themselves, shall be minimized by frequent watering  
26 or by such other means as the BUILDING COMMISSIONER shall direct.

27 C. All work done in accordance with this section shall be carried out with full  
28 regard to promoting the health, safety, convenience and welfare of all  
29 persons and property.

30 D. The applicant shall comply with all applicable provisions of Federal, State,  
31 and Municipal safety laws, health regulations and BUILDING CODES to  
32 prevent accidents or injury to persons on, about, or adjacent to the area  
33 where the excavation or removal is being performed. The applicant shall  
34 erect and properly maintain at all times, as required by the condition of the  
35 premises, or at the direction of the BUILDING COMMISSIONER, all necessary

1 safeguards for the protection of the public and shall post danger SIGNS  
2 warning against the hazards created in the carrying out of the activity.

3 E. At the conclusion of the operation, or any substantial portion thereof, the  
4 whole area where removal takes place shall be covered with not less than  
5 four (4) inches of top soil and seeded with a suitable cover crop, except  
6 where ledge is exposed. The final grade shall not exceed the angle of  
7 repose of the material – or a slope designated by the BUILDING  
8 COMMISSIONER.

9 F. No material may be removed in such a way as to leave a permanent hold  
10 or depressions within the areas of EXCAVATION or removal below the  
11 average grade of adjoining land, STREET line, or approved right-of-way  
12 unless there is adequate fencing approved by the BUILDING  
13 COMMISSIONER.

14 G. Inspection of the site shall be made every sixty (60) days or as determined  
15 to be necessary by the BUILDING COMMISSIONER. The Department of  
16 Public Works shall, at the request of the BUILDING COMMISSIONER, make  
17 any surveys necessary to assure compliance with this section.

18 H. Each application for a permit by the BUILDING COMMISSIONER, shall be  
19 accompanied by the required fee.

20 I. A permit shall bear the date of the day on which it is issued, and unless  
21 sooner revoked by the BUILDING COMMISSIONER, shall continue in force  
22 for two (2) years from such date.

23 J. No EXCAVATION or removal of earth, sand, gravel, clay, quarry stone, peat,  
24 or mineral ore for which a permit has been granted under this section shall  
25 be stopped for a period of more than one (1) year, unless the area  
26 excavated has been topped as required by paragraph E of this section, or  
27 the applicant shall forfeit his bond and the permit revoked. The BUILDING  
28 COMMISSIONER shall then proceed to top the area as required by paragraph  
29 E.

#### 30 **SECTION 4.7.70 PROHIBITED USES AND PERFORMANCE STANDARDS**

31 No USE which is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination  
32 or noise, or which constitutes a public hazard whether by fire, explosion, or otherwise, shall be  
33 permitted in any district. In determining whether a use is noxious, hazardous, or offensive, the  
34 following standard shall apply:

1 **4.7.71 Air Pollution**

2 Air pollutants shall not exceed the limits prescribed by the regulations of the Massachusetts  
3 Department of Environmental Protection or any other applicable regulations.

4 **4.7.72 Water Pollution**

5 The use of and discharge of substances into lakes, streams or similar water bodies shall not  
6 violate the rules, regulations, or water quality standards adopted by the Massachusetts  
7 Department of Environmental Protection or any other applicable regulations.

8 **4.7.73 Noise**

9 All noise shall comply with the Noise Control City Ordinance, Chapter 7.2.

10 **4.7.74 Vibration**

11 No vibration, other than that caused by MOTOR VEHICLES, trains or aircraft being operated in a  
12 manner normally incidental to the PRINCIPAL USE on any LOT, shall be permitted which is  
13 discernible without instruments at any property line of the LOT of the use concerned.

14 **4.7.75 Nuisance Odors and Air Emissions**

15 There shall be no emission of toxic or noxious matter or objectionable odors of any kind in such  
16 quantity as to be readily detectable at any property line of the LOT on which the use emitting the  
17 toxic or noxious material or odor is located. For the purpose of this section, toxic or noxious  
18 matter is any solid, liquid, or gaseous matter including, but not limited to gases, vapors, dusts,  
19 fumes, and mists, containing properties which by chemical or other means are:

- 20 A. Inherently harmful and likely to destroy life or impair health, or  
21 B. Capable of causing injury to the well-being of persons or damage to  
22 property.

23 **4.7.76 Heat and Glare**

- 24 A. Except for approved exterior lighting, operations producing heat or glare  
25 shall be conducted entirely within an enclosed BUILDING. Glare shall be  
26 shielded in such a way that it will not be visible from other LOTS or public  
27 ways.  
28 B. Exterior lighting, including but not necessarily limited to lighting of  
29 exterior walls of BUILDINGS from an external light source, lighting of

1 parking areas, and lighting of walks and drives shall be done in such a  
2 manner as to direct light away from adjacent LOTS and public ways.

### 3 **4.7.77 Insects and Rodents**

4 All materials, including wastes, and all grounds and BUILDINGS shall be kept in a manner which  
5 will not attract or aid the propagation of insects or rodents creating a health hazard.

### 6 **4.7.78 Wastes and Refuse**

7 No waste material or REFUSE shall be dumped upon, or permitted to remain upon, any part of the  
8 LOT outside of BUILDINGS constructed thereon. Waste material or REFUSE stored outside  
9 BUILDINGS shall be placed in completely enclosed and fenced containers. JUNKYARDS meeting  
10 the definition in Article 2 are exempt from this provision.

## 11 **SECTION 4.7.80 MOBILE HOMES AND MOBILE HOME PARKS**

### 12 **4.7.81 Purpose**

13 The purpose of this Article is to establish the City's land use policy in regard to individual  
14 MOBILE HOMES, MOBILE HOME PARKS, and travel trailers. This includes the setting of design  
15 standards to accommodate the unique characteristics of MOBILE HOMES and MOBILE HOME  
16 PARKS.

### 17 **4.7.82 Travel Trailers**

18 No TRAVEL TRAILER (as defined in Article 2) shall be used or occupied for DWELLING or sleeping  
19 purposes in the City.

### 20 **4.7.83 Mobile Homes**

21 No MOBILE HOME (as defined in Article 2) shall be used or occupied for DWELLING or sleeping  
22 purposes, except in accordance with the following provision:

- 23 A. Individual MOBILE HOME. A MOBILE HOME shall be permitted outside of  
24 a MOBILE HOME PARK **only** if it is a single MOBILE HOME DWELLING UNIT  
25 on a LOT in SINGLE AND SEPARATE OWNERSHIP, and when authorized by a  
26 Special Permit but only in cases where personal hardship can be  
27 demonstrated, and subject also to the Special Permit criteria in Article 12.

### 28 **4.7.84 Special Regulations for Mobile Home Parks**

29 All MOBILE HOME parks shall conform to the following regulations:

1 A. MOBILE HOME PARKS – shall conform to all state regulations, and all other  
2 applicable rules and regulations pertaining to MOBILE HOME parks.

3 B. Subdivision Regulations – All MOBILE HOME parks shall be developed in  
4 conformance with the applicable rules and regulations of the Springfield  
5 Subdivision Regulations. This shall include the construction of all internal  
6 STREETS in accordance with City standards, even though the individual  
7 MOBILE HOME lots are to remain under single ownership.

8 C. Area and YARD Regulations.

9 1. LOT AREA – a minimum of five thousand (5,000) square feet of  
10 LOT AREA shall be provided for each MOBILE HOME space. Each  
11 lot shall have a width of at least forty-five (45) feet.

12 2. YARDS – a FRONT YARD of not less than ten (10) feet shall be  
13 provided. One (1) REAR YARD and two (2) SIDE YARDS shall be  
14 provided, each of which shall be not less than five (5) feet, but in  
15 no case shall there be less than twenty (20) feet between any two  
16 MOBILE HOMES. This subsection shall apply to both PRINCIPAL and  
17 ACCESSORY STRUCTURES.

18 **SECTION 4.7.90 CHANGE OF USE OR DIVISION OF SHOPPING CENTERS IN THE BUSINESS D**  
19 **DISTRICT**

20 **4.7.91 Purpose**

21 The stability and vitality of Springfield’s large SHOPPING CENTERS is vitally important to the  
22 economic welfare of Springfield and the neighborhoods in which these SHOPPING CENTERS are  
23 located. Since large anchor stores are a critical element in the success of a SHOPPING CENTER, it  
24 is necessary and appropriate to protect other users of the SHOPPING CENTER from potential harm  
25 that may be caused by changes to or the loss of an anchor store. Changes in use or division of  
26 anchor stores in these locations into smaller shops can have a negative or positive impact on the  
27 viability of these commercial areas if the result is a significant change in customer traffic to the  
28 area. If the impact is a reduction in customer traffic, the result can be ABANDONED storefronts  
29 and blighted BUILDINGS. In order to protect the stability and viability of these areas and to  
30 prevent urban blight, Special Permit review is required to ensure that any change of use or  
31 division of space in these locations does not adversely affect neighboring uses, BUILDINGS or the  
32 public welfare.

33 A. Special Permit Requirement for Change of Use or Division of Space.  
34 Within the Business D district only, the following provisions shall apply to

1 certain changes of USE and any division of retail space occurring within a  
2 SHOPPING CENTER, where the change of use or division of space occurs in  
3 a BUILDING with a BUILDING FOOTPRINT of 50,000 square feet or more:

4 1. Any change of USE involving the conversion of RETAIL SALES AND  
5 SERVICES or personal services businesses to a use in any other  
6 category (unless such category is exempted from Special Permit  
7 review by state law), and any division of interior space into two or  
8 more smaller spaces, whether by subdivision of land, creation of  
9 separate leaseholds or licenses, division by CONDOMINIUM, or any  
10 other kind of spatial division that grants the right of different  
11 operators to use one existing interior space, shall require a Special  
12 Permit Review by the Planning Board.

13 2. No BUILDING PERMIT shall be granted for the erection or  
14 demolition of interior walls of a STRUCTURE regulated by  
15 subsection (1) until such Special Permit approval is granted.

16 3. In issuing its determination as to whether or not to grant Special  
17 Permit approval, the Planning Board shall consider the impact of  
18 such change of use or division of space on the character, built  
19 environment, vehicular and pedestrian access, traffic patterns,  
20 physical appearance, and structural integrity of the SHOPPING  
21 CENTER as a whole. The Planning Board shall grant approval only  
22 if it finds that such division will not have a negative impact on the  
23 SHOPPING CENTER as a whole. The Planning Board shall take into  
24 consideration the mix of uses and the sizes of different uses.

25 B. The Planning Board's approval of a Special Permit under this section may  
26 include a requirement that existing pedestrian and vehicular access and  
27 connections between uses be maintained, or that comparable substitute  
28 access is provided. Such pedestrian access may include the existing  
29 interior pedestrian connections between retail spaces within or between  
30 BUILDINGS.

31 C. A Shopping Center which is held in single ownership shall be exempt  
32 from the provisions of this Section 4.7.90.

33 **4.7.100 HELIPORT [RESERVED]**

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# *Article 5 Dimensional and Intensity Regulations*

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*Section 5.0 Purpose*

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*Section 5.1 General Provisions*

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*Section 5.2 Residential Districts*

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*Section 5.3 Business Districts*

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*Section 5.4 Industrial Districts*

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*Section 5.5 Usable Open Space for Apartment Buildings*

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*Section 5.6 Exceptions to Maximum Building Height*

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