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ARTICLE 1 INTRODUCTION

SECTION 1.0 PURPOSE

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

SECTION 1.1 TITLE

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

SECTION 1.2 AUTHORITY

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

SECTION 1.3 INTRODUCTION AND USER GUIDE

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

Section 1.3.10 Overview

This section provides a brief overview of the content of the zoning.

1.3.11 Definitions

Article 2 contains definitions of key terms, which are identified throughout the text using SMALL CAPS. Whenever there is a word in SMALL CAPS, it is a “defined term” that can be found in Article 2. For specialized definitions, such as those related to Signs, Article 2 references another location which contains those particular definitions.

1.3.12 Land Use Districts

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

1.3.13 Allowed Uses, Procedures, and Special Situations

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

- A. Tier 1: Administrative Site Plan Review.
 - 1. Administrative Site Plan Review is a process where the USE is allowed by right and is reviewed using the criteria found in Section 12.2.20.
 - 2. Administrative Site Plan Review is conducted by the Office of Planning and Economic Development, without a public meeting.
- B. Tier 2: Planning Board Site Plan Review.
 - 1. Planning Board Site Plan Review is similar to Administrative Site Plan Review, where the Use is allowed by right, but where conditions may be placed on the approval to better meet the intent or purpose of the district and using the criteria found in Section 12.3.50.
 - 2. Planning Board Site Plan Review involves a public hearing. The PLANNING BOARD RULES AND REGULATIONS shall specify the process for conducting this hearing.
- C. Tier 3 City Council Special Permit Review
 - 1. The City Council Special Permit Review applies to projects that are likely to have a substantial impact and that therefore require review of the city’s legislative body. The City Council must hold a

public hearing and may consider the reasonableness of the USE for the site, as well as the design and impacts associated with the proposed USE under the criteria in Section 12.4.60.

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

1.3.14 Dimensional Standards

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

1.3.15 Special Situations

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

1.3.16 Site Standards: Parking, Landscaping, etc.

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

1.3.17 Overlays and Special Districts

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

1.3.18 Sign Regulations

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

1.3.19 Nonconforming Uses, Structures, and Lots

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

1.3.100 Permit Procedures and Administration

Article 11 and Article 12 explain the procedures for obtaining various types of permits from the City including BUILDING PERMITS from the BUILDING COMMISSIONER, Special Permits and Site Plan approval from the Planning Board, and variances from the Board of Appeals. Article 12

tells applicants what materials they need to submit, what the approval criteria are, and who will approve the permit (staff, Planning Board or City Council). Article 13 contains the procedures for amending this zoning ordinance to change the map or the text.

Section 1.3.20 How to Use the Zoning Ordinance

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

1.3.21 Single-family and Two-family Homeowners

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

1.3.22 Multi-Family or Business Uses

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

1.3.23 The Steps to follow in the Zoning Ordinance

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

- A. Check the ZONING MAP to determine what ZONING DISTRICT (and overlay districts, if any) the subject property is in.
- B. If the property is located in an Overlay District, review the provisions of applicable Overlay District(s) in Article 8.
- C. Consult the Article 4 Use Table (Table 4-4), along with any relevant definitions in Article 2 (defined terms are shown in Small Caps), to determine whether the proposed USE is allowed in that district and what permits and approvals may be required. Table 4-4 may also reference other applicable regulations that may apply to the proposed use. Also check the Index of this Ordinance for specific sections that deal with related Defined Terms.
- D. Consult the dimensional tables in Article 5 to see what YARD, BUILDING HEIGHT and other dimensional standards apply. Consult Article 7, Site Regulations, which specify what and if landscaping or parking spaces are required.

- E. Consult Article 10, Nonconforming uses, if the existing legal USE of a property is no longer permitted in the ZONING DISTRICT, or if the existing BUILDING or LOT does not comply with dimensional standards for the ZONING DISTRICT.
- F. If the Use Table indicates that the proposed USE or STRUCTURE is permitted, refer to Article 11 regarding BUILDING PERMITS. If the USE requires a Site Plan Review or a Special Permit, refer to Article 12.

SECTION 1.4 ORGANIZATION

Section 1.4.10 Organization of Articles

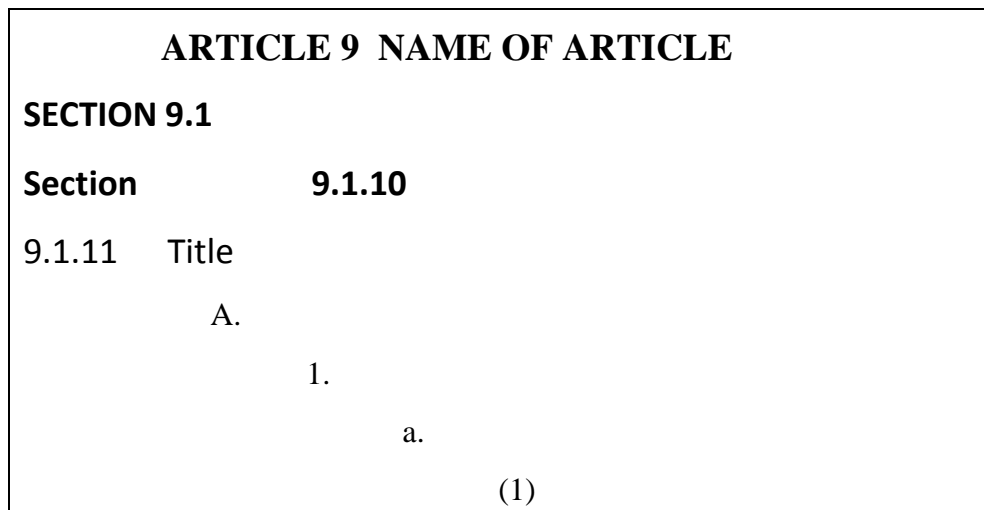
1.4.11 General Layout

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

Section 1.4.20 Ordinance Format

1.4.21 Outline

Major divisions within this Ordinance are called Articles. Divisions within articles are called sections. The format of the hierarchy within each Article is shown below.



SECTION 1.5 LAND USE REGULATIONS IN OTHER ORDINANCES

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

- A. Historic District Standards and Procedures, Preservation Restrictions (Chapter 49 of the City Ordinance)
- B. Springfield Subdivision Regulations
- C. Nuisance laws (Chapter 259, City Ordinance)
- D. Building Code (Chapter 140, City Ordinance)
- E. Streets and Sidewalks (Chapter 338, City Ordinance)
- F. Liquor License or other business related Licenses (Chapter 229, City Ordinance)
- G. Urban Renewal Plans
- H. Conservation Commission Regulations (Chapter 417, City Ordinance)
- I. Americans with Disabilities Act (ADA) standards, both federal and state rules for handicapped parking and other accessibility elements

SECTION 1.6 APPLICABILITY AND IMPLEMENTATION OF THIS ORDINANCE

1.6.10 Transition Provision

In order to enable City departments to be better prepared to implement this Zoning Ordinance and to afford greater certainty to applicants for building permits and special permits as to the law governing their applications, the zoning ordinance in existence prior to the adoption of this Ordinance shall continue to govern, and is hereby incorporated by reference, for a period of ninety (90) days after the final City Council vote adopting this Ordinance. The provisions of this zoning Ordinance shall repeal the prior zoning ordinance and shall govern beginning ninety one (91) days after the final City Council vote adopting this Ordinance.

1.6.20 Approved MEPA Projects

Any development proposal which has received MEPA approval from the Commonwealth of Massachusetts prior to the adoption of this Ordinance but which has not commenced construction, shall be reviewed under the provisions of Tier 1, Administrative Site Plan Review,

described in Section 12.2 of this Ordinance. Individual uses within such a development which are listed on Table 4-4 as requiring a Tier 3 special permit shall be treated as a new USE within an existing building, subject to special permit review at the time they seek to occupy such development pursuant to Section 4.2.24(B).

SECTION 1.7 USE OF GRAPHICS AND ILLUSTRATIONS

Figures, diagrams and other graphics are included for illustrative purposes only and shall not be construed as altering any written text. Where a conflict exists, the text in the zoning ordinance shall control.

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