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**INTEROFFICE MEMO**

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**DATE:** THURSDAY, SEPTEMBER 24, 2009  
**TO:** CITY COUNCIL  
**CC:** FILE  
**FROM:** PHILIP DROMEY, SCOTT HANSON

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**Summary of Changes to Zoning Ordinance during the Subcommittee review.**

The following list indicates the changes made to the proposed Zoning Ordinance from the November 2008 draft (as amended with changes submitted in memo format in May, June and July during the public hearing process). Note that earlier revisions, which were distributed to the Council back in June, may be further changed by later revisions. For example, in Section 1.7 sub section 1.70.10 was added in May, and sub section 1.7.20 was added during the subcommittee review period. These earlier revision memos have been attached as appendices for your reference.

**CITY COUNCIL SUB-COMMITTEE REVISIONS:**

1. Revised language to Section 1.3.13: Tier 1 and Tier 2 criteria
2. Added Sub- Section 1.7.20 to clarify the status of development projects undergoing a MEPA review process.
3. Deleted the definition "Disturbance Area" from Section 2.2
4. Section 2.2 Amended the Definition of Motor Vehicle Services; Gas Station to remove percentage for accessory uses.
5. Section 2.2 Added a definition of "Reuse."
6. Added to Section 4.1.20 "with guidance from this ordinance"
7. Added Sub-Section 4.2.24 "Expansion of Uses and Changes of Tenancy and Use" to clarify what happens when there is a change of use or tenant in a building.
8. Table 4-2:
  - a. Significantly lowered the thresholds for Tiered Review for the development of Dwelling Units, removed Planning Board special permit approve for new housing developments and the Reuse of Building for Dwelling Units.
  - b. Removed the category/row for Disturbance Area.

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9. Removed Section 6.3.60 in the Adult Entertainment section.
10. Sub-Section 7.1.52. Parking Lot Location
  - c. Added Business A and Business B as districts that may get relief from parking lot location standards;
11. Sub-Section 7.1.53 Interior Parking Lot Landscaping
  - d. increased the threshold to trigger parking lot landscaping requirements from forty (40) to sixty (60); and
  - e. decreased the number of trees required per parking space from one tree for every twenty (20) spaces linear feet of island to one (1) tree for every thirty (30) linear feet of island;
  - f. decreased the number of shade trees required from one (1) per eight (8) parking spaces to one (1) per every fifteen (15) parking spaces.
12. Add to Sub-Section 7.1.54(A)(4) "or approved equal".
13. Sub-Section 7.1.56. Increased the height of parking lot lighting poles from fifteen (15) feet to twenty (20) feet.
14. Deleted Sub-Section 7.1.61 Set-Aside for Future Parking.
15. Add to Sub-Section 7.3.11(E) "but not required" to clarify easements between adjacent owners.
16. Sub-Section 10.1.14 deleted a cross reference to a section that has been removed (Adult Entertainment).
17. Sub-Section 11.2.32 Replaced wording about notification with language submitted by Springfield Forward.
18. Sub-Section 12.2.12.G. Deleted requirement for historic survey in submittal requirements.
19. Sub-Section 12.2.37 changed timeframe a Building Permit remains in valid from six (6) months to two (2) years.
20. Sub-Section 12.2.40 Deleted "as it deems necessary".
21. Sub-Section 12.3.42 Added reference to Sub-Section 12.2.10 and added "reasonably".
22. Sub-Section 12.3.71(A) Deleted "controls on the location and type of" and;
  - g. Deleted 12.3.71(D)(2) Option of Covenant.
  - h. Deleted Sub-Section 12.3.71(F)
23. Sub-Section 12.3.83 Replaced "Planning Board" with "Building Commissioner"

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24. Sub-Section 12.3.85 Deleted "The applicant may be assessed a reasonable fee to cover the cost of such inspections".
25. Sub-Section 12.4.33 and 12.5.34 replaced wording about notification with language submitted by Springfield Forward.
26. Sub-Section 12.4.52 Added the word "reasonable"
27. Sub-Section 12.4.61 and 12.5.61 Deleted (A) and (K) from criteria for Tier 3 and Tier 4 Special Permit approvals.
28. Sub-Section 12.4.71 Deleted A from list of conditions from the Planning Board in Special Permit approvals.
29. Sub-Section 12.5.33 Deleted "If the City Council makes a decision that conflicts with the recommendations of the Office of Planning & Economic Development it shall make a written record of the reasons for its decision".
30. Sub-Section 12.5.53 Replaced "Planning Board" with "Building Commissioner".

# Appendix

## Memorandum

**To:** Springfield Planning Board  
**From:** Chris Kluchman, AICP, Joel Russell, Esq.; Phil Dromey, AICP, Scott Hanson, Office of Planning and Economic Development  
**Date:** June 3, 2009  
**cc:** Springfield Zoning Modernization Citizens Advisory Committee (CAC)  
**Re:** Suggested revisions to draft Zoning Ordinance

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### **Suggested revisions to the Zoning Ordinance Public Review Draft, November 2008 (including the May 2009 Revision Packet)**

We recommend, after consultation with the Citizens Advisory Committee, that the Planning Board consider making the following revisions to the November 2008 draft Zoning Ordinance (hereinafter “the November 2008 draft”), as revised by the May 2009 Revision Packet (hereinafter the “Revision Packet”). The November 2008 draft, together with the Revision Packet, is the subject of a public hearing before the Planning Board advertised for June 3, 2009. Suggested revisions to the November 2008 draft, as modified by the May Revision Packet, are shown below with additional text in underline format or highlighted in color, and deleted text in ~~strikethrough~~.

The purpose of these revisions is to reinstate the existing C-1 zoning district, which was deleted in the draft proposed for public hearing. Upon further deliberation by the CAC, it became apparent that, for technical reasons, it would be important to carry forward into the new zoning the C-1 zoning category and associated provisions related to apartment buildings in the C-1 district. Certain other technical changes, relating to numbering of sections, are also suggested below.

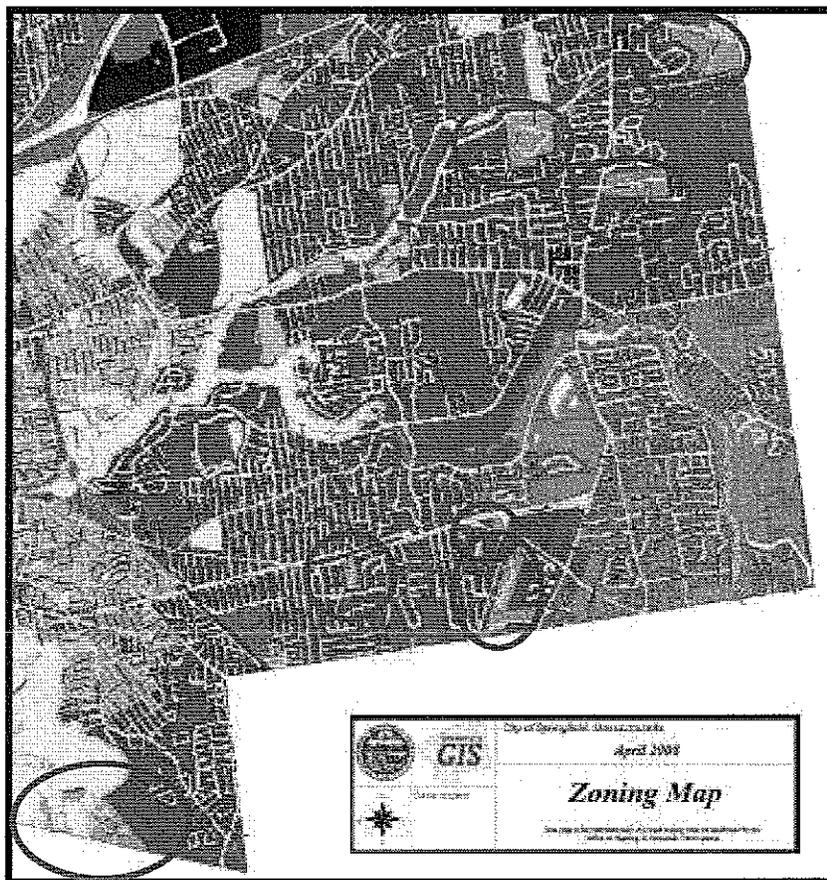
The suggested revisions below are not part of the document under consideration for the public hearing, but are intended to clarify and correct errors in the document advertised for the public hearing. We request that the Planning Board consider recommending these suggested revisions to the City Council in the Report it will submit following the June 3 Public Hearing.

**June 3 2009 Suggested Revision 1—pertaining to the Zoning Map and the Residential C-1 district**

Replace Table 4-4 Use Table, Tables 5-1, dimensional and Intensity Regulations—Residential Districts, and Table 5-2 Maximum Building Coverage—Residential Districts.

**Revision 1A.** Change the proposed Zoning Map to include areas mapped as existing Residential C-1 districts, as shown below.

**Figure 1. C-1 District Locations to remain on Zoning Map**



**Revision 1B.** Replace Table 4-4, with the following that adds the C-1 District and makes certain changes to the “Additional Regulations” column as shown below.

**Table 4-4 Use Table**

Springfield Zoning Modernization Project

USE	Residential Districts						Commercial & Business Districts										Industrial Districts			Additional Regulations
	O/S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP			
<b>1 Agricultural Uses</b>																				
1.1	Agriculture																			
1	Parcel five (5) acres or more	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Exempt under M.G.L. 40A		
2	Parcel less than five (5) acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4.4.11.A		
3	Horse Stable	4	4	N	N	N	N	4	N	N	N	N	N	N	N	4	N	4.4.11.C		
1.2	Community Garden	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
1.3	Farmer's Market	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
<b>2 Residential Uses</b>																				
<b>2.1 Single-Family Dwelling</b>																				
1	One Dwelling Unit per Lot	N	Y	Y	Y	Y	Y	1	1	N	N	N	N	N	N	N	N	4.4.120		
2	More than one dwelling per lot	N	N	N	T	4	N	4	4	4	N	N	N	N	N	N	N	4.4.120		
2.2	Two-family Dwelling	N	N	1	T	1	N	1	N	N	N	N	N	N	N	N	N	4.4.80		

Use Table Legend  
 OS = Open Space    Res A/A1 = Residential A, A-1    Res B/B1 = Residential B, B-1    Res C = Residential C    Res C-2 = Residential C-2  
 OA = Office A    Com P = Commercial Parking    Com A = Commercial A    Bus A = Business A    Bus B = Business B  
 Bus C = Central Business District    Bus D = Regional Shopping MUI = Mixed Use Industrial    IA = Industrial A    IP = Industrial Park

Springfield Zoning Modernization Project

USE	Residential Districts					Commercial & Business Districts										Industrial Districts			Additional Regulations
	O S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP		
2.3 Multi-family Dwelling																			
1 Townhouse Dwelling	N	N	N/2	T	T	N	N	2	2	2	N	N	4	T	N	N	N	4.4.120	
2 Apartment Building	N	N	N	T	T	N	N	T	T	N	T	T	4	4	N	N	N	4.4.80, 4.4.85	
																		4.4.120	
2.4 Mixed-use Building	N	N	N	T	T	T	N	T	T	T	T	T	T	T	T	N	N	4.4.13, 4.4.120 Tables 5-5 and 5-6	
2.5 Mobile Home	N	4	4	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4.7-80	
																		4.4.130	
2.6 Mobile Home Park	N	N	N	N	N	N	N	N	4	4	4	4	N	N	N	N	N	4.7-80	
																		4.4.130	
2.7 Temporary Dwelling	N	Y	Y	Y	Y	Y	N	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	N	Y	Y	Y	Y	Y	Y	N	Y	N	N	4.5	
2 Home based business 2	N	1	1	1	1	Y	N	1	1	1	1	1	1	N	Y	N	N	4.5	

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Springfield Zoning Modernization Project

USE	Residential Districts										Commercial & Business Districts										Industrial Districts			Additional Regulations
	O	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP							
3. Educational, Religious, and Charitable Uses																								
3.1	Educational Use																							
1	Educational Use, Group Home Exempt under M.G.L. c.40A sec.3	D	D	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	N	T	T	T	T	T	T	T	T	T	T	N						
3.2	Religious Use	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4.6, 6.2, 12.7					
3.3	Charitable Use (other than exempt educational use or religious use)	N	N	N	N	N	N	T	T	T	T	T	T	T	T	T	T	N						
4. Day Care Services																								
4.1	Child Care																							
1	Family Day Care Home	N	Y	Y	Y	Y	4	N	Y	Y	Y	N	N	N	N	N	N	N	4.4.70					
2	Large Family Day Care Home	N	4	4	4	4	4	N	4	Y	Y	N	N	N	N	N	N	N	4.4.70					

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Springfield Zoning Modernization Project

USE	Residential Districts						Commercial & Business Districts										Industrial Districts			Additional Regulations
	O/S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP			
3 Day Care Center	D	D	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	D	D	4.4.70, 4.6, 12.7		
4.2 Adult Day Care – Home Based	N	Y	Y	Y	Y	Y	N	Y	Y	1	1	1	N	N	N	N	N	4.4.73		
4.3 Adult Day Care Center	N	N	N	N	Y	N	N	T	T	Y	T	Y	T	T	T	T	N			
5. Public and Quasi-Public Uses																				
5.1 Municipal Uses	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2			
5.2 Parks	Y	1	1	1	1	1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
5.3 Cemetery	Y	2	2	2	2	2	2	1	1	1	1	N	N	N	N	N	N	4.7.20		
6. Lodging																				
6.1 Hotel	N	N	N	N	N	N	N	N	T	T	T	T	T	T	T	T	T			
6.2 Motel	N	N	N	N	N	N	N	N	T	T	N	T	T	N	N	N	N			
6.3 Rooms for rent																				
1 Bed and Breakfast	N	4	4	4	4	4	N	4	4	4	N	N	N	N	N	N	N	4.4.50		
2 Lodging House	N	N	N	N	4	N	N	N	4	4	N	4	N	N	N	N	N			

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USE	Residential Districts						Commercial & Business Districts										Industrial Districts			Additional Regulations
	OS	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MU	IA	IP			
3	Group Home Facility	N	N	N	N	4	N	N	N	N	4	4	4	N	4	N	N	N	N	
7. Sales and Rental of Goods and Merchandise																				
7.1	Retail Sales and Service	N	N	N	N	N	N	T	T	T	T	T	Y	4	2	N	N			
7.2	Wholesale Sales	N	N	N	N	N	N	N	T	T	N	T	T	N	T	T	T			
8. Personal Services																				
8.1	Personal Services	N	N	N	N	N	N	2	2	2	2	1	Y	N	T	N	N			
8.2	Laundry or Dry Cleaning Service																			
1	Self Service Laundry	N	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	N	T	T	T	T	T	T	N	T	N	N			
3	Dry Cleaning Processing	N	N	N	N	N	N	N	4	N	N	N	N	N	T	T	N			
8.3	General Service and Contractor's Shop	N	N	N	N	N	N	N	T	T	Y	T	T	N	T	T	T			

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4-4-120  
4.7.80

USE	Residential Districts					Commercial & Business Districts										Industrial Districts			Additional Regulations
	O/S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP		
8.4 Undertaking Establishment	N	N	N	N	N	N	N	4	4	4	N	N	N	N	N	N	N		
8.5 Crematorium	1	N	N	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	N	N	T	T	T	N	N	T	N	N	N	N		
2 Kennel	N	N	N	N	N	N	N	N	4	4	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	4	4	N	N	N	4	4	N	4	N	N	N	N	N		
2 Assisted Living Center	N	N	N	4	4	N	N	N	4	4	N	4	N	N	N	N	N		
9.2 Hospital, clinic, or other medical treatment facility with overnight stay	N	4	4	N	4	4	N	4	4	4	4	4	4	4	4	4	4.4.60		

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USE	Residential Districts							Commercial & Business Districts							Industrial Districts			Additional Regulations
	O S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP	
10.1 Mixed-use Building, Non Residential Uses	Non Residential uses are allowed if 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/Y	Y	N	T	T	1	2	T	T	T	2	2	2	
10.3 Medical office, clinic or treatment facility, no overnight	N	N	N	N	N/Y	Y	N	T	T	T	T	T	T	T	T	2	2	
10.4 Bank or financial institution	N	N	N	N	N	N	N	1	1	1	1	Y	4	2	N	N	See §19 below in Table 4-4 for Accessory Uses	
11. Eating and Drinking Places																		
11.1 Restaurant	2	N	N	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	N	N	T	T	T	T	T	T	T	N	N	
11.3 Tavern	N	N	N	N	N	N	N	N	T	T	T	T	T	T	T	N	N	

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 Bus C = Central Business District    Bus D = Regional Shopping MUI = Mixed Use Industrial    IA = Industrial/A    IP = Industrial Park

USE	Residential Districts							Commercial & Business Districts							Industrial Districts			Additional Regulations
	O/S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP	
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	N	N	4	4	N	4	4	N	4	4	4.7.30
12.2	Motor Vehicle Rentals	N	N	N	N	N	N	N	4	4	N	4	4	4	N	4	4	4.7.30
12.3	Motor Vehicle Service																	
1	Gas Station with no Repair Service	N	N	N	N	N	N	N	4	4	4	N	2	N	4	4	4	4.7.30
2	Car Wash	N	N	N	N	N	N	N	4	4	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	N	N	4	4	N	N	2	N	2	N		4.7.30

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 Bus C = Central Business District    Bus D = Regional Shopping MU = Mixed Use Industrial    IA = Industrial A    IP = Industrial Park

USE	Residential Districts										Commercial & Business Districts										Industrial Districts			Additional Regulations
	O S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP							
4	Installation of Motor Vehicle Parts or Accessories (tires, mufflers)	N	N	N	N	N	N	N	N	N	4	4	N	N	N	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	N	4	4	N	N	N	N	N	N	2	N	4.7.30				
6	Motor Vehicle Painting or Body Work	N	N	N	N	N	N	N	N	4	4	N	N	N	N	N	N	4	N	4.7.30				
12.4	Truck Stop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N					
12.5	Temporary Vehicle storage																							
1	Temporary car storage lot	N	N	N	N	N	N	N	N	4	N	N	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	N	N	N	4	N					

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USE	Residential Districts					Commercial & Business Districts										Industrial Districts			Additional Regulations
	OS	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP		
12.6 Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4.7,40	
13 Industrial Uses																			
13.1 Light Industrial	N	N	N	N	N	N	N	N	N	2	N	4	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	N	N	N	4	4		
2 High Hazard Use B	N	N	N	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	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	T	N	N	4	4	4		
2 Other Research and Development	N	N	N	N	N	N	N	N	N	T	T	T	N	2	2	2			

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Springfield Zoning Modernization Project

USE	Residential Districts										Commercial & Business Districts										Industrial Districts			Additional Regulations
	O/S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP							
15.1	N	2	2	2	2	2	2	2	2	2	2	2	2	4	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	N	N	4	N							
15.4	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N							
16.1	N	N	N	N	N	N	N	N	N	T	T	T	T	N	2	2	2							
16.2																								
1	N	N	N	N	N	N	2	2	2	2	N	2	2	2	Y	2	N							
2	N	N	N	N	N	N	N	N	N	4	4	N	4	4	T	T	T							

Use Table Legend

OS = Open Space    Res A/A1 = Residential A, A-1    Res B/B1 = Residential B, B-1    Res C = Residential C    Res C-2 = Residential C-2  
 OA = Office A    Com P = Commercial Parking    Com A = Commercial A    Bus A = Business A    Bus B = Business B  
 Bus C = Central Business District    Bus D = Regional Shopping MUI = Mixed Use Industrial    IA = Industrial A    IP = Industrial Park

USE	Residential Districts						Commercial & Business Districts								Industrial Districts			Additional Regulations
	OS	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP	
3 Outdoor Sales and Storage of building materials	N	N	N	N	N	N	N	N	N	4	N	N	4	N	N	2	N	
<b>17 Recreation and Entertainment</b>																		
17.1 Health Club	N	N	N	T	N	N	N	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	N	N	T	T	T	T	T	T	T	T	N	N	
2 Outdoor	2	N	N	N	N	N	N	N	4	4	4	4	4	4	N	T	N	
3 Outdoor, Temporary	1	Y	Y	Y	N	N	N	N	1	1	1	1	1	1	N	N	N	
17.3 Adult Entertainment	SEE ARTICLE 6, SECTION 6.3 for these regulations																	6.3
<b>18 Accessory Uses – Residential</b>																		
18.1 Residential Garage	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

Use Table Legend

OS = Open Space    Res A/A1 = Residential A, A-1    Res B/B1 = Residential B, B-1    Res C = Residential C    Res C-2 = Residential C-2  
 OA = Office A    Com P = Commercial Parking    Com A = Commercial A    Bus A = Business A    Bus B = Business B  
 Bus C = Central Business District    Bus D = Regional Shopping MUI = Mixed Use Industrial    IA = Industrial A    IP = Industrial Park

Springfield Zoning Modernization Project

USE	Residential Districts						Commercial & Business Districts										Industrial Districts			Additional Regulations
	O/S	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA	IP			
19. Accessory Uses – Nonresidential																				
19.1																				
1																				
2																				
19.2																				
19.3																				

Use Table Legend  
 OS = Open Space    Res A/A1 = Residential A, A-1    Res B/B1 = Residential B, B-1    Res C = Residential C    Res C-2 = Residential C-2  
 OA = Office A    Com P = Commercial Parking    Com A = Commercial A    Bus A = Business A    Bus B = Business B  
 Bus C = Central Business District    Bus D = Regional Shopping MUI = Mixed Use Industrial    IA = Industrial A    IP = Industrial Park

**Revision 1C** Add new Section 4.4.120.

Add new section as follows:

**Section 4.4.120. Standards for Apartment Buildings in Residence C-1 district.**

**4.1.121. Purpose**

Residence C-1 districts are intended to encourage quality site planning and pleasant, open, safe, healthy and presentable residential projects of moderate height, and attractive landscaping, for a variety of housing types as shown on the Use Table, including but not limited to multi-family garden apartments. The standards in this Section 4.4.120 apply to apartment buildings in Residence C-1 districts.

**4.1.122 Buildings to Lot and Front property lines.**

- A. No portion of any BUILDING shall be closer than fifty (50) feet from any lot line or twenty (20) feet from any street or driveway shown on a plan approved by the Planning Board.
- B. No portion of any BUILDING shall be closer than forty (40) feet from any exterior front LOT LINE or front property line of an interior through-street.
- C. Generally no rear wall of any BUILDING shall be more than three hundred fifty (350) feet from any street or DRIVEWAY shown on a plan approved by the Planning Board.

**4.1.123 Screening.**

When a building is one hundred (100) feet or less from any lot line, natural screening consisting of coniferous trees of a height no less than seven (7) feet shall be used where no comparable screening exists originally.

**4.1.124 Location of Off-Street Parking.**

- A. All OFF-STREET PARKING areas shall be no closer than forty (40) feet from any external STREET.
- B. In the case of a DRIVE providing access to more than one hundred (100) parking spaces, all parking spaces shall be physically separated from the DRIVE by a curb, planting strip or other suitable barrier vehicle access or egress.

- C. In no case shall perpendicular or bay parking be permitted on the main internal streets built to City standards.

4.1.125 Open Spaces

There shall be at least one area of open space large enough and centrally located so as to constitute a usable recreational area for the inhabitants of the complex. This main recreation area shall have at least twenty thousand (20,000) square feet for each fifty (50) units in the development.

**Revision 1D.** Replace Tables 5-1 and 5-2 to add in Residential C-1 District dimensional standards.

*Lot Area.* There shall be a lot area of 5,000 s.f. per dwelling unit.

Replace Tables 5-1 and 5-2 with the following.

<b>Table 5-1 Dimensional and Intensity Regulations – Residential Districts</b>							
<b>Legend</b>							
OS = Open Space		Res A/A1= Residential A, A-1		Res B/B1 = Residential B, B-1			
		Res C = Residential C		Res C-1 = Residential C-1		Res C-2 = Residential C-2	
Principal Use	Res A1	Res A	Res B	Res B1	Res C	Res C-1	C2
<b>MINIMUM LOT AREA PER DWELLING UNIT (SQUARE FEET)</b>							
Single-family dwelling	10,000	7,500	6,000	4,500 <sup>1</sup>	4,500	5,000	N
Two-family dwelling	N	N	4,000	3,000 <sup>1</sup>	3,000	4,000	N
Townhouse	N	N	N	2,500	2,000	2,500	2,000
<b>Apartment building</b>							
Units with 2 or more bedrooms	N	N	N	N	2,000	5,000	580
Units with less than 2 bedrooms	N	N	N	N	1,400	4,000	580
<b>MINIMUM FRONTAGE (FEET) FRONT LOT LINE</b>							
Single-family dwelling	50	50	50	45	45	30	N
Two-family dwelling	N	N	50	50	50	50	N
Townhouse	N	N	N	25	25	25	25

<b>Table 5-1 Dimensional and Intensity Regulations – Residential Districts</b>							
<b>Legend</b>							
OS = Open Space		Res A/A1= Residential A, A-1		Res B/B1 = Residential B, B-1			
Res C = Residential C		Res C-1 = Residential C-1		Res C-2 = Residential C-2			
Principal Use	Res A1	Res A	Res B	Res B1	Res C	Res C-1	C2
Apartment building	N	N	N	N	50	30	25
MINIMUM LOT WIDTH (FEET)(at Building Line)							
Single-family dwelling	100 <sup>2</sup>	75	50	45	45	n.r.	N
Two-family dwelling	N	N	50	50	60	n.r.	N
Townhouse	N	N	N	25	25	n.r.	25
Apartment building	N	N	N	N	75	n.r.	25
MINIMUM AND MAXIMUM FRONT YARDS (FEET)							
Minimum	25	25	15	10 <sup>3</sup>	10 <sup>3</sup>	25	25
Maximum	30	30	20	20	20	80	30
MINIMUM SIDE AND REAR YARDS – PRINCIPAL BUILDINGS							
Side Yard							
Feet	10	10	10	7 <sup>4</sup>	7	25	25
% of height of principal building	n.r.	n.r.	n.r.	n.r.	n.r.	50%	50%
Rear Yard							
Feet	35	30	25	20	20	25	25
% of height of principal building	n.r.	n.r.	n.r.	n.r.	n.r.	50%	50%
MINIMUM SIDE AND REAR YARDS – RESIDENTIAL GARAGES AND OTHER ACCESSORY BUILDINGS							
Side Yard							

<b>Table 5-1 Dimensional and Intensity Regulations – Residential Districts</b>							
<b>Legend</b>							
OS = Open Space		Res A/A1= Residential A, A-1		Res B/B1 = Residential B, B-1			
Res C = Residential C		Res C-1 = Residential C-1		Res C-2 = Residential C-2			
Principal Use	Res A1	Res A	Res B	Res B1	Res C	Res C-1	C2
Feet	3 <sup>5</sup>	3 <sup>5</sup>	0 <sup>3</sup>	0 <sup>5</sup>	0 <sup>5</sup>	10	10
% of height of principal building	n.r.	n.r.	n.r.	n.r.	n.r.	50%	50%
Rear Yard							
Feet	3	3	3	3	3	10	10
% of height of principal building	n.r.	n.r.	n.r.	n.r.	n.r.	50%	50%
<b>OPEN SPACE AND LANDSCAPING</b>	n.r.	n.r.	n.r.	5%	5%	20,000 sf for each 50 units	10%
Minimum open space	n.r.	n.r.	n.r.	5%	5%	30%	10%
Minimum landscaped portion of area between the front wall of the principal building and the street	75%	75%	75%	50%	50%	n.r.	n.r.
<b>MAXIMUM BUILDING HEIGHT OR STRUCTURE HEIGHT</b>							
Principal buildings							
Stories	2.5	2.5	2.5	3	3	2.5	
Feet	35	35	35	35	35	35	150 <sup>6</sup>
School, college, university, library, or municipal building, or church belfry or flagpole							
Stories	3	3	3	3	3	4	4
Feet	60	60	60	35	60	60	60
Residential Garage (feet)	20	20	20	20	20	25	25
Other Accessory Structure (feet)	15	15	15	15	15	25	25

N = Use not permitted

n.r. = no regulation

<sup>1</sup> In the Residential B-1 district, if a Special Permit is granted to authorize more than one SINGLE-FAMILY or TWO-FAMILY DWELLING on a LOT, the required LOT AREA shall be the sum of the minimum required LOT AREAS for all DWELLINGS on the LOT.

- <sup>2</sup> In the Residential A-1 district, if the LOT DEPTH is greater than 100 feet, the LOT WIDTH may be reduced below the 100-foot minimum by 1 foot for each 2 feet by which the 100-foot depth is exceeded, but the width may not be reduced to less than 90 feet.
- <sup>3</sup> In the Residential B-1 district, the required SIDE YARD shall be zero (0) feet for Townhouses.
- <sup>4</sup> In the Residential B-1 district, the minimum FRONT YARD shall be five (5) feet for Townhouses.
- <sup>5</sup> The required SIDE YARD shall be ten (10) feet for any portion of a detached RESIDENTIAL GARAGE that is less than sixty-five (65) feet from any FRONT LOT LINE. The distance between such detached RESIDENTIAL GARAGE and the PRINCIPAL BUILDING shall be not less than six (6) feet.
- <sup>6</sup> In the Residential C-2 district, a nonresidential PRINCIPAL BUILDING shall not exceed 4 stories or 60 feet.

**Section 5.2.20 Maximum Building Coverage in Residential Districts**

5.2.21 The maximum BUILDING COVERAGE in residential districts shall be as follows:

Table 5-2 Maximum Building Coverage – Residential Districts		
Legend		
OS = Open Space Res A/A1= Residential A, A-1 Res B/B1 = Residential B, B-1 Res C = Residential C Res C-1 = Residential C-1 Res C-2 = Residential C-2		
Zoning Districts	Lot Area (sq. ft.)	Maximum BUILDING COVERAGE
Res A-1 Res A Res B	Up to 7,500	35%
	7,501 – 20,000	30%
	20,001 – 30,000	25%
	30,001 – 45,000	20%
	45,001 – 60,000	15%
	More than 60,000	10%
Res B1	Any	50%
Res C	Any	50%
<u>Res C-1</u>	<u>Any</u>	<u>30%</u>
Res C2	Any	30%
Res O	Any	50%

**June 3, 2009 Suggested Revision 2 – correcting the order of Sections in Article 4**

Renumber Sections (and sub-sections) **4.4.120 as 4.7.80** and **4.7.80 as 4.4.130**.

The first switch moves standards for General Service and Contractors shops from Section 4.4 Supplemental Regulations to Section 4.7 Special Standards for Certain Uses. The second switch moves standards related to Mobile Homes from Section 4.7 Special Standards for Certain Uses to 4.4.130 Mobile Homes, where it is near all the other supplemental residential uses.

Delete sub-section **4.4.14** Reserved and renumber sub-section **4.4.15** to **4.4.14**.

**Attachments**

November 2008 Zoning Ordinance

May 2009 Revision Packet

# May 2009 Revision Packet to the Zoning Ordinance Public Review Draft, November 2008

## *May 2009 Revision 1-- General Provisions*

The following revisions (hereinafter the "Revision Packet") are hereby incorporated into the November 2008 draft Zoning Ordinance (hereinafter "the November 2008 draft"), which is proposed for adoption to replace the existing Zoning Ordinance for the City of Springfield. Revisions to the November 2008 draft are shown with additional text in underline format and deleted text in ~~strikethrough~~. The November 2008 draft, together with these revisions, constitute the entire proposed Zoning Ordinance which is the subject of a public hearing to be held by the Springfield Planning Board scheduled for June 3, 2009. In case of any conflict between the provisions of the November 2008 draft and the revisions in this Revision Packet, the Revision Packet shall control. **In particular, references to the Planning Board as the body granting a Special Permit in the November 2008 draft shall be superseded by contrary provisions in this Revision Packet granting such authority to the City Council.**

## *May 2009 Revision 2-- pertaining to definition of Building Height*

Section 1.7 (page 9 November 2008 Draft)

### **Section 1.7 IMPLEMENTATION OF THIS ORDINANCE**

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 one hundred nineteen (119) 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 one hundred twenty (120) days after the final City Council vote adopting this Ordinance.

## *May 2009 Revision 3-- pertaining to definition of Building Height*

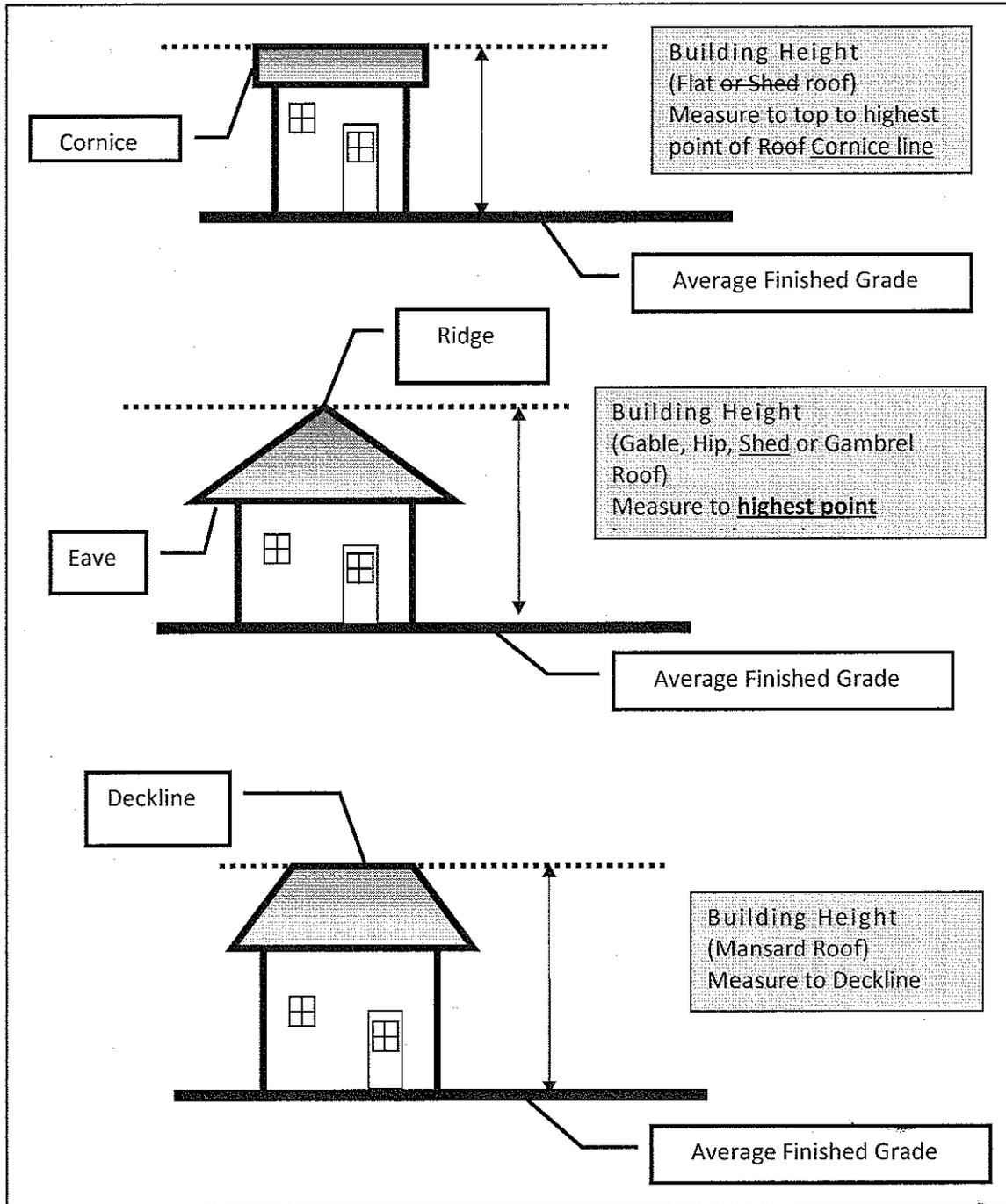
Section 2.2 Definitions (page 20 November 2008 Draft)

**BUILDING HEIGHT.** The vertical distance from the FINISHED GRADE abutting a BUILDING or STRUCTURE to the highest point of the roof. BUILDING HEIGHT shall be measured to the top of the highest cornice line in the case of a flat ~~or shed~~ roof; to the deck line of mansard roof; and to the highest point ~~mean height between the eaves and ridge of a gable, hip, shed or gambrel roof.~~

Chimneys, spires, cupolas, and similar minor projections not intended for human occupancy shall not be included in calculating BUILDING HEIGHT. Figure 2-2 illustrates how to measure BUILDING HEIGHT.

Section 2.2 Replace Figure 2-2 with the Figure below. (page 19 November 2008 Draft)

**Figure 2-2 (REVISED)**



**May 2009 Revision 4 – pertaining to definition of Trash Hauling Service**

Section 2.2 Definitions (page 51 November 2008 Draft)

TRASH HAULING SERVICES FACILITY. Storage of trash hauling vehicles and associated equipment for an establishment which coordinates the pickup of refuse or trash from residential and commercial facilities, but not the storage or transfer of refuse or trash at the facility.

**May 2009 Revision 5 – pertaining to Changes in Article 4 and Table 4-4 (Use Table)**

Replace, in their entirety, Sections 4.2 and 4.3 in the November 2008 Draft with the following new sections 4.2 and 4.3. (pages 69 to 90 of November 2008 Draft)

**SECTION 4.2 TIERED REVIEW LEVELS**

**Section 4.2.10 Tiered Review System**

This Ordinance designates some USES as permitted AS OF RIGHT in specified districts, requiring only a BUILDING PERMIT or USE PERMIT as described in Article 11 and Article 12. Such USES are designated by a “Y” in Table 4-4, Use Table. USES not allowed are shown with an “N” in Table 4-4. For all other USES in Table 4-4, this Ordinance establishes a TIERED REVIEW based on the scale and potential impact of the particular USE. These tiers are outlined in Table 4-1 and illustrated in Diagram 4-1.

**Section 4.2.20 Determination of Applicable Tiered Review**

**4.2.21 Tier Specified in Use Table**

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

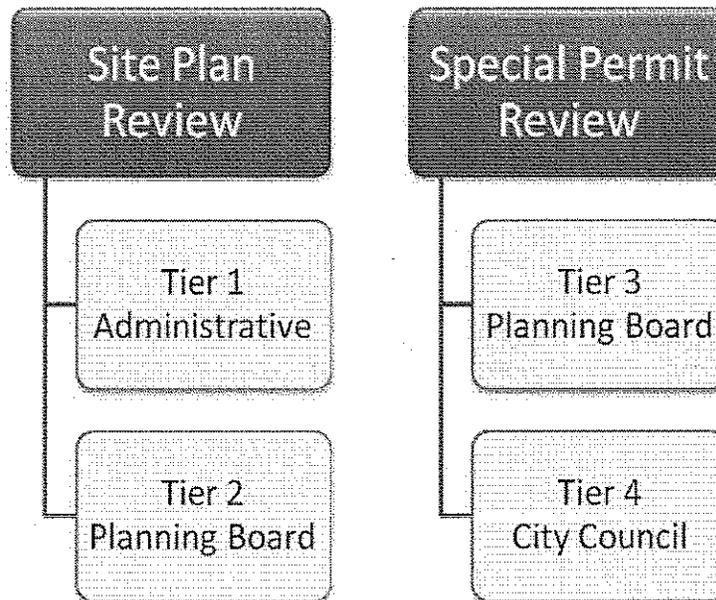
**4.2.22 Tier Not Specified in Use Table**

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

### 4.2.23 Higher Thresholds for Reuse of Existing Structures

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

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



<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 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 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 43,524 square feet	43,524 square feet to 2 acres	More than 2 acres

**Section 4.2.30 Non-Applicability to Dimensional Variations and Nonconforming Uses or Structures**

The TIERED REVIEW process above does not apply to Special Permits for dimensional variations, as provided in Section 12.6, or to findings allowing expansion of certain NONCONFORMING USES or STRUCTURES, as provided in Section 10.1.50.

**Section 4.2.40 Site Plan Review for Exempt Uses**

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

**SECTION 4.3 USE REGULATIONS**

**Section 4.3.10 Key**

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

<b>Table 4-3 Key for Use Table</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 Special Permit Review (Section 12.5).
<b>N</b>	Prohibited use.

**May 2009 Revision 6 – pertaining to flexible standards for Hospitals**

Add new Section 4.4.63. (page \_\_\_ of November 2008 Draft)

**4.4.63 Flexibility for Hospitals**

The Special Permit Granting Authority may establish different dimensional (frontage, height, front, side and rear yards), building coverage, landscaping, and parking requirements for Hospitals and their Accessory Uses and Buildings when such changes are supported by the findings required in Section 12.5.61.

**May 2009 Revision 7– pertaining to standards for Hospitals**

Delete Section 5.2.2. (page \_\_\_ of November 2008 Draft)

~~5.2.22 — The maximum BUILDING COVERAGE for a HOSPITAL in a Residential A-1, A or B district shall be twenty percent (20%), provided that no individual BUILDING shall exceed the BUILDING COVERAGE percentage from Table 5-2.~~

**May 2009 Revision 8 – pertaining to standards for Hospitals**

Amend Section 5.2.30. (page of November 2008 Draft)

**Section 5.2.30 Dimensional Regulations for Large Buildings in Residential A-1, A and B Districts**

In the Residential A-1, A and B ZONING DISTRICTS, the following requirements shall supersede the corresponding requirements specified elsewhere in this Article for any LOT where the BUILDING FOOTPRINT of the PRINCIPAL BUILDING is greater than 2,000 square feet. Hospitals and their Accessory Uses and Buildings are exempt from this section. See table 5-3.

**May 2009 Revision 9– pertaining to language related to non-conforming Adult Entertainment uses**

Delete Section 6.3.60 Adult Entertainment (page 156 of November 2008 Draft)

**~~SECTION 6.3.60 — PRE-EXISTING ADULT ENTERTAINMENT; NONCONFORMING USE~~**

~~Any ADULT ENTERTAINMENT use in existence as of September 7, 2004 (the date of the enactment of this Section of the zoning ordinance), which did not apply for a Special Permit within ninety (90) days of September 7, 2004, and which did not receive a Special Permit as a result of such application, shall be in violation of this Ordinance, as provided in M.G.L. Chapter 40A, Section~~

9A. Such ADULT ENTERTAINMENT use shall be subject to enforcement and penalties prescribed in this Ordinance and shall not in any manner be enlarged, altered or rebuilt.

Renumber Sections ~~6.3.70~~ to 6.3.60 and ~~6.3.80~~ to 6.3.70.

***May 2009 Revision 10 – pertaining to Campus Master Plan purpose***

Make the following changes to Section 6.1.11 (*page 131 November 2008 Draft*)

6.1.11 The purpose of this section is to provide a means by which a major “campus” DEVELOPMENT may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of the surrounding neighborhoods. The Campus Master Plan option is designed primarily for colleges, universities, hospitals and similar educational facilities (whether or not these are exempt from USE regulation under State law) that include multiple BUILDINGS and uses in campus environments adjacent to neighborhoods. The option may also be used by other exempt entities such as religious uses that have similar campus settings in residential districts.

***May 2009 Revision 11 – pertaining to Streamlining Tier 1 Permits***

Make the following changes to Section 12.2 (*page 256 November 2008 Draft*)

**SECTION 12.2 ADMINISTRATIVE SITE PLAN REVIEW (TIER 1)**

Administrative Site Plan Review shall be conducted by the Office of Planning and Economic Development in cooperation with the BUILDING COMMISSIONER’S Office, Department of Public Works, and other departments that have jurisdiction or an interest in the application. Tier 1 projects that are classified as exempt from review by the Office of Planning and Economic Development pursuant to Section 12.2.60 shall be reviewed as provided in Section 12.2.60.

**Section 12.2.10 Submission Requirements**

12.2.11 An applicant for Administrative Site Plan Review shall submit a complete application for Administrative Site Plan Review, including a plan of the subject PARCEL on a location map (e.g. a tax map) showing boundaries and dimensions of the PARCEL and identifying contiguous properties and STREETS that are within fifty (50) feet of a proposed STRUCTURE as well as any easements or rights-of-way. If the application is deemed exempt under Section 12.2.60, no further information shall be required, except as may be necessary to establish the

exemption or as may be required by the BUILDING COMMISSIONER'S Office for a Building Permit.

Insert the following new Section 12.2.60 (page 259 November 2008 Draft)

### **Section 12.2.60 Exempt Projects**

12.2.61 The Office of Planning and Economic Development may establish classes of Tier 1 projects which, because of their size and scale, and because of staffing limitations in the Office, are deemed not to require full Administrative Site Plan Review. Such classes may be established and may be modified from time to time as workload and staffing levels require or permit. Such classification of projects shall use the same categories used in the tiered review system thresholds in Table 4-2, but with lower thresholds than indicated in Table 4-2 for Tier 1. (For example, new structures designated "T" on the Use Table with 3 – 5 dwelling units, or non-residential uses with less than 10,000 square feet of floor area may be classified as exempt under this Section 12.6.60.) When establishing such exemption classifications, the Office of Planning and Economic Development shall post such classifications on the City's website and shall place copies of the classification system on the front counter of the Office.

12.2.62 Applications classified as exempt by the clerk at the front counter of the Office of Planning and Economic Development, based upon the posted classification system shall be stamped "Exempt from Site Plan Review" and sent forthwith to the BUILDING COMMISSIONER'S Office. Such applications shall require no further review by the Office of Planning and Economic Development. The counter clerk shall make a notation of the applicant's name, tax parcel number, and other identifying information required by Office of Planning and Economic Development for purposes of record-keeping. The applicant shall have the option of bringing such applications directly to the BUILDING COMMISSIONER'S Office upon receipt of the exemption stamp and recording of the identifying information described above. Exempt applications shall not be required to comply with any of the provisions of Section 12.2, except that information necessary to establish the application's exemption from Tier 1 Site Plan Review shall be submitted

12.2.63 The Office of Planning and Economic Development shall monitor and evaluate the exemption process and may make adjustments to the exemption thresholds from time to time. Such modifications may include limiting exemptions or establishing different exemption thresholds by zoning district and/or use category.

**May 2009 Revision 12 – pertaining to clarifying Planning Board Special Permit processes**

Make the following changes to Sections 12.4 (pages 266 to 270 November 2008 Draft)

**SECTION 12.4 PLANNING BOARD SPECIAL PERMIT REVIEW (TIER 3)**

Special Permits authorized by this Ordinance to be granted by the Planning Board shall be granted only after application ~~to~~ and a hearing by the SPECIAL PERMIT GRANTING AUTHORITY (SPGA), subject pursuant to the provisions of M.G.L. Chapter 40A and this Ordinance.

~~The SPGA shall be the Planning Board unless otherwise specified in this Ordinance. References to the Planning Board in this Section 12.4 shall apply to any other SPGA designated in this Ordinance to conduct Special Permit reviews under this Section.~~

The PLANNING BOARD SPGA shall adopt and from time to time amend Rules and Regulations relative to the issuance of Special Permits and shall file a copy of these rules in the office of the City Clerk.

**Section 12.4.10 Relationship to Planning Board Site Plan Review**

Any applicant for a Special Permit from the Planning Board under this Ordinance shall also comply with the submission requirements and review criteria for Planning Board Site Plan Review contained in Section 12.3 unless this Ordinance specifies otherwise. The Planning Board Special Permit review process shall include within it the Planning Board review of the site plan and there shall be no separate Site Plan Review process in a combined Tier 3 review. Where the Special Permit review criteria are stricter than the Site Plan Review criteria, the Special Permit criteria shall apply.

. . . .

**~~Section 12.4.100 – Special Permit for Scientific Accessory Uses~~**

~~A Special Permit may be issued for a USE accessory to a USE permitted by right, whether or not on the same parcel, if such ACCESSORY USE is necessary in connection with scientific research or development or related production, provided the board granting the Special Permit finds that the proposed ACCESSORY USE does not substantially derogate from the public good.~~

**May 2009 Revision 13— pertaining to clarifying City Council Special Permit processes**

Make the following changes to Sections 12.5 (pages 271 to 275 November 2008 Draft)

**SECTION 12.5 CITY COUNCIL ~~HIGH IMPACT~~ SPECIAL PERMIT REVIEW (TIER 4)**

Special Permits authorized by this Ordinance shall be granted only after application to and a hearing by the SPECIAL PERMIT GRANTING AUTHORITY (SPGA), pursuant to the provisions of M.G.L. Chapter 40A and this Ordinance. The SPGA shall be the City Council unless otherwise specified in this Ordinance. References to the City Council in this Section 12.5 shall apply to any other SPGA that may be designated in this Ordinance to conduct Special Permit reviews.

All projects requiring Tier 4 review shall be subject to the issuance of a Special Permit and Site Plan approval by the City Council. The SPGA and Site Plan Review authority for Tier 4 applications shall be the City Council. The City Council shall adopt and from time to time amend rules relative to the issuance of Special Permits and shall file a copy of these rules in the office of the City Clerk. ...

**Section 12.5.100 Special Permit for Scientific Accessory Uses**

A Special Permit may be issued for a USE accessory to a USE permitted by right, whether or not on the same parcel, if such ACCESSORY USE is necessary in connection with scientific research or development or related production, provided the board granting the Special Permit finds that the proposed ACCESSORY USE does not substantially derogate from the public good.

**May 2009 Revision 14— pertaining to changing references to type of Special Permit throughout the Zoning Ordinance**

Make the following changes (throughout the November 2008 Draft)

**Revision 14A.** All references to “City Council High Impact Special Permit” shall be changed to “City Council Special Permit.”

**Revision 14B.** :Change “Tier 3 Planning Board Special Permit” and “Section 12.4” language to “City Council Special Permit” and “Section 12.5.” as follows:

- 1) **Heliports.** Section 4.4.62.B. (page 95) changed as follows:  
 “B. Heliports are allowed with a City Council Special Permit Tier 4 Review by the Planning Board through a ~~Tier 3 Review~~. “
- 2) **Mobile Homes.** Section 4.7.83.A. Mobile Homes (page 110) changed as follows:

“ ... and when authorized by a City Council Special Permit but only in cases where personal hardship can be demonstrated and also subject to the Tier 4 Special Permit criteria in Article Section 12.5”

3) **Change of Use of Division of Shopping Centers in the Business D district.**

Sections 4.7.91.A1, A3, and B. (*page 111*) changed as follows:

A. Special Permit Requirement for Change of USE or Division of Space.  
Within the Business D district only, the following provisions shall apply to certain changes of USE and any division of retail space occurring within a SHOPPING CENTER, where the change of USE or division of space occurs in a BUILDING with a BUILDING FOOTPRINT of 50,000 square feet or more:

1. Any change of USE involving the conversion of RETAIL SALES AND SERVICES or personal services businesses to a USE in any other category (unless such category is exempted from Special Permit review by state law), and any division of interior space into two or more smaller spaces, whether by subdivision of land, creation of separate leaseholds or licenses, division by CONDOMINIUM, or any other kind of spatial division that grants the right of different operators to use one existing interior space, shall require a Tier 3 ~~4~~ Special Permit Review by the City Council Planning Board.
2. No BUILDING PERMIT shall be granted for the erection or demolition of interior walls of a STRUCTURE regulated by subsection (1) until such Special Permit approval is granted.
3. In issuing its determination as to whether or not to grant Special Permit approval, the City Council Planning Board shall consider the impact of such change of USE or division of space on the character, built environment, vehicular and pedestrian access, traffic patterns, physical appearance, and structural integrity of the SHOPPING CENTER as a whole. The City Council Planning Board shall grant approval only if it finds that such division will not have a negative impact on the SHOPPING CENTER as a whole. The City Council Planning Board shall take into consideration the mix of uses and the sizes of different uses.

B. The City Council's Planning Board's approval of a Special Permit under this section may include a requirement that existing pedestrian and vehicular access and connections between uses be maintained, or that comparable substitute access is provided. Such pedestrian access may

include the existing interior pedestrian connections between retail spaces within or between BUILDINGS.

- 4) **Campus Master Plan Approval Process.** Section 6.1.42. (*page 133*) changed as follows:  
“A Campus Master Plan shall be reviewed in accordance with Section ~~12.4 (Tier 3 Special Permit Review by the Planning Board)~~ 12.5 (Tier 4 Special Permit Review by the City Council).”
- 5) **Wireless Telecommunications Review Process.** Section 6.2.47 (*page 140*) and 6.2.61 (*page 141*) changed as follows:  
  
All references to “Planning Board” shall be changed to “City Council.” All references to “Section 12.4” shall be changed to “Section 12.5.”
- 6) **Dimensional variations for Signs.** Section 9.3.72 (*page 214*); Section 9.8.17 (*page 220*); and Section 9.12 (*page 230*) changed as follows:  
  
All references to “Planning Board” shall be changed to “City Council.” All references to “Section 12.4” shall be changed to “Section 12.5.”

#### **Attachments**

November 2008 Zoning Ordinance