

Article 4 Use Regulations

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ARTICLE 4 USE REGULATIONS

SECTION 4.0 PURPOSE

The purpose of Article 4 is to establish regulations, standards, and review procedures for different uses of land in each of the ZONING DISTRICTS established by Article 3.

SECTION 4.1 GENERAL PROVISIONS

Section 4.1.10 Applicability of Use Regulations

Except as otherwise provided in this Ordinance or by superseding state or federal law, BUILDINGS, STRUCTURES, or land shall be used only for the purposes permitted in the specified districts as provided in this article.

Section 4.1.20 Determination of Use

The BUILDING COMMISSIONER, with guidance from this ordinance, shall determine whether any specific USE falls within a USE category listed in Table 4-4, Use Table, and if so, which category of USE. The determination of the Commissioner may be appealed to the Board of Appeals as provided in Section 11.2. When different USES occur together on a LOT and/or in the same BUILDING, (for example retail and office and/or residential) the USE which triggers the highest level of review shall determine the level of TIERED REVIEW for the entire application.

Section 4.1.30 Uses Not Listed

Any USE not listed in Table 4-4, Use Table, shall be construed to be prohibited.

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, 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.

4.2.24 Expansion of Uses and Changes of Tenancy and Use

- A. A change of tenancy in an existing BUILDING in which the existing USE is continued and no exterior site alterations are made, shall not require any approvals under this ordinance.
- B. A new USE occurring within an existing BUILDING shall not require any approvals under this ordinance, provided that the new USE is not listed on Table 4-4 as requiring a Tier 3 or Tier 4 special permit, that the BUILDING is not enlarged, and that no exterior site alterations are made.
- C. As used in this section 4.2.24, the term “exterior site alterations” means any DEVELOPMENT occurring outside of an existing structure, excluding changes in the content of existing signage and the repair, replacement, upgrading, and maintenance of existing site facilities (such as landscaping, lighting, curb cuts, and parking).
- D. Where an expansion of a BUILDING, or the construction of one or more new BUILDINGS is proposed on the site of an existing BUILDING which is to be retained, such expansion or construction shall be reviewed according to

the number of dwelling units or floor area as shown on Table 4-2. In applying Table 4-2, only the dwelling units and floor area being added to the site shall be counted in determining the applicable tier of review. If the BUILDING, LOT or USE is nonconforming, the provisions of Article 10 “Nonconforming Uses, Structures, and Lots” shall apply to any expansion or construction.

- E. The REUSE of an existing BUILDING shall be reviewed as provided in Tables 4-2 and 4-4. A change of use within an existing BUILDING shall be reviewed as provided in B above.

Diagram 4-1 Types of Tiered Review

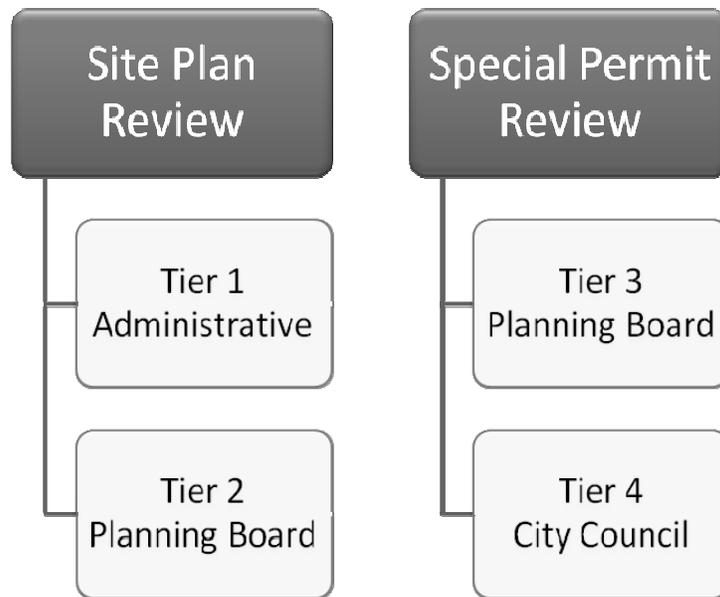


Table 4-1 Description of Tiered Review		
Level of Tiered Review	Applicable to	Process Description
1. Administrative Site Plan Review coordinated by the Office of Planning & Economic Development	Designated "1" in Table 4-4 OR Designated "T" in Table 4-4 and based on thresholds in Table 4-2	Section 12.2
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

Table 4-2 Tiered Review Thresholds				
	Tier 1 Administrative Site Plan Review	Tier 2 Planning Board Site Plan Review	Tier 3 Planning Board Special Permit Review	Tier 4 City Council Special Permit Review
Thresholds for New Structures with Uses Designated "T" in Table 4-4				
Multi-Family Dwellings	3 to 5 dwelling units	6 to 15 dwelling units	Not Applicable	16 and more dwelling units
Non-residential use or mixed-use building Floor Area	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
Building Height or height of any structure	less than 50 feet	50 to 74 feet	75 to 149 feet	150 feet or more
Thresholds for Reuse of Existing Structures with Uses designated "T" in Table 4-4				
Multi-Family Dwellings	3 to 10 dwelling units	11 to 25 dwelling units	26 to 50 dwelling units	51 and more dwelling units
Non-residential use or mixed-use building Floor Area	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
Building Height or height of any structure	less than 75 feet	75 to 111 feet	112 to 224 feet	225 feet or more

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:

Table 4-3 Key for Use Table	
Symbol	Meaning
Y	USE allowed AS OF RIGHT.
D	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)
T	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
1	USE permitted subject to Administrative Site Plan Review (Section 12.2).
2	Use permitted subject to Planning Board Site Plan Review (Section 12.3).
3	Use allowed by Planning Board Special Permit Review (Section 12.4).
4	Use allowed by City Council Special Permit Review (Section 12.5).
N	Prohibited use.

Table 4-4 Use Table

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		
1 Agricultural Uses																			
1.1	Agriculture																		
1	Parcel five (5) acres or more																	Exempt under M.G.L. 40A	
2	Parcel less than five (5) acres																	4.4.11.A	
3	Horse Stable																	4.4.11.C.	
1.2	Community Garden																		
1.3	Farmer's Market																		
2 Residential Uses																			
2.1	Single-Family Dwelling																		
1	One Dwelling Unit per Lot																	4.4.120	
2	More than one dwelling per lot																	4.4.120	

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
2.2 Two-family Dwelling	N	N	1	T	1	N	N	1	N	N	N	N	N	N	N	N	N	4.4.80	
2.3 Multi-family Dwelling																			
1 Townhouse Dwelling	N	N	N/2	T	2	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	T	N	T	T	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	4.4.130	
2.6 Mobile Home Park	N	N	N	N	N	N	N	N	4	4	4	4	N	N	N	N	N	4.4.130	
2.7 Temporary Dwelling	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	Y	N	N	4.4.90	

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
2.8 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	
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	N	T	T	T	T	T	T	T	T	N	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	

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
3.3 Charitable Use (other than exempt educational use or religious use)	N	N	N	N	N	N	N	T	T	T	T	T	T	T	T	N	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	
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	

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
4.3 Adult Day Care Center	N	N	N	N	Y	N	N	T	T	Y	T	Y	T	T	T	N	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	N	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		
3 Group Home Facility	N	N	N	N	4	N	N	N	4	4	N	4	N	N	N	N	N		

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-1 = Residential C-1
 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

Table 4-4 Use Table

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	
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	N	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	N	4	N	N	N	N	T	T	N	

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
8.3 General Service and Contractor's Shop	N	N	N	N	N	N	N	N	T	T	Y	T	T	N	T	T	T	4.7.80	
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		

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
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	N	4	4.4.60
10. Office, Clerical, Research and Services Not Primarily Related to Goods and Merchandise																			
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	T	1	2	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	1	Y	4	2	N	N	See §19 below in Table 4-4 for Accessory Uses	

Use Table Legend

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 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

Table 4-4 Use Table

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		
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	2	T	N	N		
11.3 Tavern	N	N	N	N	N	N	N	N	T	T	T	T	T	2	T	N	N		
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	N	4	N	N	4	N	4	4	N	4.7.30	
12.2 Motor Vehicle Rentals	N	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	N	4	4	4	N	2	N	N	4	4	4.7.30	
2 Car Wash	N	N	N	N	N	N	N	N	4	4	N	N	2	N	N	2	N	4.7.30	

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 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

Table 4-4 Use Table

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 Installation of Motor Vehicle Electronic Accessories (alarms, radios, mobile phones)	N	N	N	N	N	N	N	N	4	4	N	N	2	N	N	2	N	4.7.30	
4 Installation of Motor Vehicle Parts or Accessories (tires, mufflers)	N	N	N	N	N	N	N	N	N	4	N	N	4	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	N	4	N	N	4	N	N	2	N	4.7.30	
6 Motor Vehicle Painting or Body Work	N	N	N	N	N	N	N	N	N	4	N	N	4	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	4	N		

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
12.5 Temporary Vehicle storage																			
1 Temporary car storage lot	N	N	N	N	N	N	N	N	N	4	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	4	N		
12.6 Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N	4.7.40	
13. Industrial Uses																			
13.1 Light Industrial	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		

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
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	N	T	T	T	N	2	2	2		
13.4 Packing, Warehousing and/or Distribution of goods, merchandise, and equipment	N	N	N	N	N	N	N	N	N	N	T	4	N	N	2	2	2		
14. Transportation																			
14.1 Parking Facility																			
1 Surface Parking Lot	1	N	N	N	N	N	Y	T	T	T	T	T	T	T	T	1	1		

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-1 = Residential C-1
 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

Table 4-4 Use Table

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 Parking Garage	N	N	N	N	N	N	Y	N	T	T	T	T	T	T	T	T	T		
14.2 Commercial Marina/ Ferry Service	T	N	N	N	N	N	N	N	N	N	N	N	N	N	T	N	Y	N	
14.3 Intermodal Transportation Facility (Bus or Train Station)	N	N	N	N	N	N	N	4	4	4	4	4	4	4	4	4	4	4	
14.3 Heliport	N	N	4	N	N	N	N	N	N	N	4	4	4	N	4	4	4	4.7.100	
15. Utilities																			
15.1 Public Utilities	N	2	2	2	2	2	2	2	2	2	2	2	4	2	1	1			
15.2 Wireless Communication Facility	SEE ARTICLE 6, SECTION 6.2 for these Regulations.																		
15.3 Trash Hauling Service Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N			
15.4 Recycling Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	4	N			

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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
16. Storage																			
16.1	Indoor Storage	N	N	N	N	N	N	N	N	N	T	T	T	T	N	2	2	2	
16.2	Outdoor Sales and Storage																		
1	Outdoor Sales and Storage (such as flowers)	N	N	N	N	N	N	2	2	2	2	N	2	2	2	Y	2	N	
2	Outdoor Sales including Recreational Vehicles, boats and trailers	N	N	N	N	N	N	N	N	4	4	N	4	4	T	T	T		
3	Outdoor Sales and Storage of building materials	N	N	N	N	N	N	N	N	4	N	N	4	N	N	2	N		
17. Recreation and Entertainment																			
17.1	Health Club	N	N	N	T	N	N	N	T	T	T	T	T	T	T	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-1 = Residential C-1
 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

Table 4-4 Use Table

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		
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	T	N	N	
2 Outdoor Place of Amusement	2	N	N	N	N	N	N	N	N	4	4	4	4	4	N	T	N		
3 Outdoor, Temporary Place of Amusement	1	Y	Y	Y	N	N	N	N	1	1	1	1	1	N	N	N			
17.3 Adult Entertainment	SEE ARTICLE 6, SECTION 6.3 for these regulations																6.3		
18. Accessory Uses – Residential																			
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-1 = Residential C-1
 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

Table 4-4 Use Table

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 Drive-up Window for business with interior services																			
1 Bank, Pharmacy or other Retail Service Use	N	N	N	N	N	N	N	2	2	2	N	N	2	N	2	2	2	7.3.20	
2 Restaurant	N	N	N	N	N	N	N	4	4	4	N	N	4	N	N	N	N	7.3.20	
19.2 Outdoor Display of Goods for Retail Sales and Services	N	N	N	N	N	N	N	2	2	2	N	2	Y	2	2	N	N		
19.3 Motor Vehicle Sales/Motor Vehicle Rentals with no more than 5 vehicles displayed at one time	N	N	N	N	N	N	N	4	N	4	N	4	4	4	N	4	N		

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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-1 = Residential C-1	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

SECTION 4.4 SUPPLEMENTAL REGULATIONS FOR RESIDENTIAL USES

Section 4.4.10 Accessory Residential Uses

4.4.11 Agriculture and Animals

- A. **Agriculture.** Agriculture on parcels less than five (5) acres. Production of fruits, vegetables and/or ornamental flowers is permitted by right on parcels less than five (5) acres in all ZONING DISTRICTS with the following standards:
 - 1. Production does not include production or keeping of any animals and the raising of livestock is prohibited;
 - 2. The sale of products grown on-site to others is allowed provided that such sales are accessory to the principal USE of the property.
 - 3. Construction of a greenhouse or other agricultural structure larger than 250 square feet requires a Tier 1 review.
- B. **DOMESTIC ANIMALS.** The keeping of DOMESTIC ANIMALS as defined in Article 2 as household pets is permitted.
- C. **Horses.** The keeping or raising of horses for personal use is permitted provided that the tract of land on which this occurs is three (3) acres or larger in size and that any BUILDING used for the keeping or raising of horses is located not less than fifty (50) feet from any street or property line. The raising of horses on parcels of five (5) acres or more is deemed to be an AGRICULTURAL USE.

4.4.12 Lodging and Boarding

The accommodation of a maximum of up to three (3) lodgers or boarders including the furnishing of board for such lodgers or boarders, is permitted in residential districts provided that (a) the USE is accessory to a SINGLE-FAMILY DWELLING in which the owner of the DWELLING is the primary occupant; and (b) the USE is located in the DWELLING and not in an ACCESSORY BUILDING.

4.4.13 Mixed-use Buildings Containing Dwelling Units in Commercial A, Business A, Business B, Business C, and Mixed Use Industrial districts

In order to maintain an active pedestrian STREET environment, enhance the character of commercial districts, and maintain continuity of commercial activity without interruption by residential façades, the portion of all MIXED-USE BUILDINGS along STREET FRONTAGES shall be

used only for non-residential purposes, except for entrances to the residential units. The following additional requirements shall apply.

- A. All DWELLING UNITS in MIXED-USE BUILDINGS shall be located as follows:
 - 1. DWELLING UNITS located above the STREET level may be placed anywhere within a MIXED-USE BUILDING in accordance with the density established in tables 5-5 and 5-6. .
 - 2. DWELLING UNITS that are located at STREET level must be located within the interior of the BUILDING at least thirty (30) feet behind the front BUILDING wall.
- 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 Residential Parking Areas and Structures

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

- A. Parking in a RESIDENTIAL GARAGE- of not more than two (2) MOTOR VEHICLES owned by non-residents if stored in the same BUILDING as vehicles owned by residents.
- B. The ground FLOOR AREA of a RESIDENTIAL GARAGE shall not exceed 10% of the size of the LOT on which the garage is situated or 1,000 square feet, whichever is less.
- C. Said detached garage shall have a maximum height of twenty (20) feet but in no case shall said garage exceed the height of the PRINCIPAL BUILDING
- D. Said garage shall in no case be used for the repair or service of vehicles for profit nor for the repair or service of vehicles other than those owned by or registered to the owner or tenant of the premises on which said garage is erected.

- E. No private parking area or RESIDENTIAL GARAGE shall be used to store or park more than one (1) commercial vehicle.
- F. No commercial vehicle exceeding a gross vehicle weight of 10,000 lbs. shall be parked or stored in a Residential DISTRICT.

Section 4.4.20 Swimming Pools

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

Section 4.4.30 Membrane Structures

4.4.31 Membrane Structures Generally

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

4.4.32 Temporary Use Permit for Special Events

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

Section 4.4.40 Storage of Travel Trailers, Recreational Vehicles, Boats and Mobile Homes

The storage of a MOBILE HOME, TRAVEL TRAILER, RECREATIONAL VEHICLE or boat exceeding twenty (20) feet in length shall not be permitted in any residential ZONING DISTRICT. No MOBILE HOME, TRAVEL TRAILER, RECREATIONAL VEHICLE or boat of any size shall be stored within the FRONT YARD in any residential ZONING DISTRICT.

Section 4.4.50 Bed and Breakfast

4.4.51 Intent

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

4.4.52 Health Standards

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

4.4.53 Length of Stay

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

4.4.54 Interior Area Requirements

- A. A BED AND BREAKFAST must have a minimum interior area based on the 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

- B. No basement or unfinished attic space shall be included in the computation of minimum interior area.
- C. In no case shall any room but a bedroom be rented as a guest room.

4.4.55 Bed and Breakfast Signs

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

4.4.56 Special Permit Limitations for Bed and Breakfast facilities

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

Section 4.4.60 Hospital

4.4.61 Accessory Uses and Buildings

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

4.4.62 Hospitals in Residential Districts

The following provisions apply to HOSPITALS and their ACCESSORY USES and ACCESSORY BUILDINGS in Residential districts: See also 5.2.22.

- A. RESTAURANTS, cafeterias and other accessory retail uses shall not be located in a free-standing BUILDING.
- B. HELIPOINTS are allowed with a Special Permit Review by the City Council Special Permit Tier 4 Review.

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.

Section 4.4.70 Day Care

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

4.4.71 Day Care Centers and School Age Child Care Programs

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

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

4.4.72 Family Day Care Homes

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

- A. The USE shall be an ACCESSORY USE to an existing private residence.
- B. One (1) parking space shall be provided for every staff person who does not reside at the residence.
- C. The USE shall be conducted in accordance with M.G.L. Chapter .28A and licensed by the Massachusetts Office for Children or successor agency.
- D. A LARGE FAMILY DAY CARE HOME shall have at least one approved assistant when the total number of children participating in such day care exceeds six.

4.4.73 Home Based Adult Day Care

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

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

Section 4.4.80 Conversion of Dwelling Unit to Duplex/Multifamily

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

- 4.4.81 Each DWELLING UNIT shall be provided with a separate access not passing through the living area of any other DWELLING UNIT.
- 4.4.82 No structural alteration or extension of the BUILDING exterior shall be made except as may be necessary for reasons of safety.
- 4.4.83 The Planning Board may prescribe such further conditions with respect to the conversion and USE of BUILDINGS or property as it seems appropriate.

Section 4.4.90 Temporary Dwelling

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

Section 4.4.100 Drives Crossing a Residential District to a Non-Residential District

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

Section 4.4.110 Condominiums

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

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

4.4.121. 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.

4.4.122 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.

4.4.123 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.

4.4.124 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.

4.4.125 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.

Section 4.4.130 Mobile Homes and Mobile Home Parks

4.4.131 Purpose

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

4.4.132 Travel Trailers

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

4.4.133 Mobile Homes

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

- A. Individual MOBILE HOME. A MOBILE HOME shall be permitted outside of a MOBILE HOME PARK **only** if it is a single MOBILE HOME DWELLING UNIT

on a LOT in SINGLE AND SEPARATE OWNERSHIP, and when authorized by a City Council Special Permit but only in cases where personal hardship can be demonstrated, and subject also to the Tier 4 Special Permit criteria in Section 12.5

4.4.134 Special Regulations for Mobile Home Parks

All MOBILE HOME parks shall conform to the following regulations:

- A. MOBILE HOME PARKS – shall conform to all state regulations, and all other applicable rules and regulations pertaining to MOBILE HOME parks.
- B. Subdivision Regulations – All MOBILE HOME parks shall be developed in conformance with the applicable rules and regulations of the Springfield Subdivision Regulations. This shall include the construction of all internal STREETS in accordance with City standards, even though the individual MOBILE HOME lots are to remain under single ownership.
- C. Area and YARD Regulations.
 - 1. LOT AREA – a minimum of five thousand (5,000) square feet of LOT AREA shall be provided for each MOBILE HOME space. Each lot shall have a width of at least forty-five (45) feet.
 - 2. YARDS – a FRONT YARD of not less than ten (10) feet shall be provided. One (1) REAR YARD and two (2) SIDE YARDS shall be provided, each of which shall be not less than five (5) feet, but in no case shall there be less than twenty (20) feet between any two MOBILE HOMES. This subsection shall apply to both PRINCIPAL and ACCESSORY STRUCTURES.

SECTION 4.5 HOME BASED BUSINESS

Section 4.5.10 Purpose

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

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

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

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

Section 4.5.20 Standards for All Home Based Businesses

4.5.21 Appearance of residence

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

4.5.22 Storage

- A. Outside storage, visible from any public way or adjacent properties which exceed what is customary for a SINGLE-FAMILY DWELLING in the vicinity, is prohibited.
- B. On-site storage of HAZARDOUS MATERIALS (including toxic, explosive, noxious, combustible or flammable) in a quantity beyond those normally incidental to residential USE is prohibited.

- C. STORAGE of inventory or products and all other equipment, fixtures, and activities associated with the HOME BASED BUSINESS shall be allowed in any STRUCTURE.

4.5.23 Compliance with other legal requirements

- A. The operation of the HOME BASED BUSINESS shall be restricted to enclosed STRUCTURES that are in compliance with applicable BUILDING CODES and that are not in violation of this Ordinance. This shall not prevent HOME BASED BUSINESSES from operating in NONCONFORMING STRUCTURES or on NONCONFORMING LOTS as defined in this Ordinance.
- B. If a business license is required, the owner shall have a current business license.
- C. The owner shall comply with all other requirements of federal, state, or local law.

4.5.24 Vehicles, Parking and Traffic

- A. Commercially-licensed vehicles associated with the HOME BASED BUSINESS use are allowed at the HOME BASED BUSINESS SITE. All commercial vehicles parked at the site shall be of a size that would not overhang into the public right-of-way when parked in the DRIVEWAY or other location on the HOME BASED BUSINESS SITE.
- B. Deliveries to a HOME BASED BUSINESS SITE from a truck or trailer exceeding forty (40) feet in box length are limited to once per month.

4.5.25 Business Hours

Clients or customers are permitted to visit a HOME BASED BUSINESS only between the hours of 7:00 a.m. to 8:00 p.m.

Section 4.5.30 Thresholds and Standards for Type 1 and Type 2 Home Based Businesses

4.5.31 Thresholds for Type 1 Home Based Businesses

- A. Type 1 HOME BASED BUSINESSES allowed by right shall not exceed any of the following thresholds

1. Other than family members residing within the DWELLING located on the HOME BASED BUSINESS site, there shall be no employee at the HOME BASED BUSINESS SITE.
2. Signs shall be limited to one (1) square foot of display area on all sides within Residential DISTRICTS.
3. No commercial vehicle shall be parked for longer than seventy-two (72) hours at the DWELLING.
4. There shall be no more than three (3) commercial vehicle deliveries to or from the HOME BASED BUSINESS SITE daily.
5. There shall be no more than two (2) client or customer vehicles at any one time and no more than eight (8) throughout the day at the HOME BASED BUSINESS SITE.

4.5.32 Standards for Type 2 Home Based Businesses.

- A. Any HOME BASED BUSINESS that exceeds one (1) or more of the thresholds in Subsection 4.5.31 shall be a Type 2 HOME BASED BUSINESS and shall require Tier 1 Site Plan Review as provided below. In addition to the standards in Section 4.5.20, the following standards shall apply to Type 2 HOME BASED BUSINESSES:

1. Other than family members residing within the DWELLING located on the HOME BASED BUSINESS site, there shall be not more than two (2) full time equivalent employees at the HOME BASED BUSINESS site at any given time.
 - a) Additional individuals may be employed by or associated with the HOME BASED BUSINESS, so long as they do not report to work or pick up/deliver at the HOME BASED BUSINESS site.
 - b) The HOME BASED BUSINESS SITE shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations, unless the assembly does not change the residential character of the STREET either due to limited vehicular traffic or to assembly in a screened area.

2. SIGNS shall comply with all applicable SIGN regulations found in Article 9 and shall not exceed four (4) square feet of display area on all sides within Residential DISTRICTS.
 3. One (1) commercial vehicle up to 10,000 pounds GROSS VEHICLE WEIGHT RATING is permitted to be parked longer than seventy-two (72) hours at the residence.
 4. There shall be no more than five (5) commercial vehicle deliveries to or from the HOME BASED BUSINESS SITE daily.
 5. There shall be no more than three (3) client or customer vehicles at any one time and no more than twelve (12) throughout the day at the HOME BASED BUSINESS SITE.
- B. Type 2 HOME BASED BUSINESS Site Plan Review. Applications for Type 2 HOME BASED BUSINESSES shall be processed using a Tier 1 Administrative Site Plan Review procedure in accordance with Section 12.2. In addition to the application requirements contained in Section 12.2.10 the applicant shall provide:
- C. A written narrative or letter that:
1. Describes the proposed HOME BASED BUSINESS;
 2. Includes a photograph of the site; and
 3. Demonstrates compliance with the applicable standards in Section 4.5.32.
- D. A site plan, not necessarily to scale, of the LOT proposed for the HOME BASED BUSINESS, including:
1. The LOT LINES and their dimensions;
 2. Outlines of the foundations of all BUILDINGS proposed for HOME BASED BUSINESS use with dimensions for each wall, and the distances from each wall to the nearest LOT LINE;
 3. Boundaries and dimensions of DRIVEWAYS and parking areas, indicating areas for use by HOME BASED BUSINESS employees and customers;

4. Outlines of the foundations of abutting DWELLINGS, and the distances from the shared LOT LINE to the nearest wall of each neighboring DWELLING; and
5. Identification of the BUILDINGS and areas of those BUILDINGS in which HOME BASED BUSINESS activities will take place, and where activities will take place in each BUILDING or area.

Section 4.5.40 Prohibited Home Based Business Uses

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

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

- A. MOTOR VEHICLE DISPATCH such as ambulance service;
- B. VETERINARY CLINIC or KENNELS;
- C. MOTOR VEHICLE SALES, RENTALS, SERVICES, REPAIR, PAINTING OR BODY WORK, or TEMPORARY STORAGE; and
- D. Repair, installation of auto stereos, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, lawnmowers or other engine repair, or repair of large appliances or equipment at the HOME BASED BUSINESS SITE.

Section 4.5.50 Home Base Business Enforcement

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

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

Section 4.6.10 Uses Exempted by State Law

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

Section 4.6.20 Site Plan Review

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

Section 4.6.30 Dimensional Requirements

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

Section 4.6.40 Qualification of uses that are Exempt

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

SECTION 4.7 SPECIAL REGULATIONS FOR CERTAIN USES**Section 4.7.10 Unsafe Buildings**

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

Section 4.7.20 Cemeteries

4.7.21 The expansion of existing CEMETERIES shall be allowed.

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

Section 4.7.30 Location of Automobile Services

4.7.31 Proximity of Automobile Services to Residential Districts.

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

4.7.32 Proximity of Automobile Services to Educational or Religious Uses.

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

Section 4.7.40 Junkyards

4.7.41 Enclosure

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

4.7.42 Storage of Junk Material

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

Section 4.7.50 Dumping and Inoperative Motor Vehicles

4.7.51. Dumping of Garbage, Rubbish or Other Refuse

No person shall dump garbage, rubbish, or other REFUSE in any place, or maintain as a dumping ground for garbage, rubbish, or other REFUSE any place, unless such place has been approved by the City Council and unless such place has been approved by the Commissioner of Public Health in accordance with the provisions of M.G.L. Section 150A of Chapter 111. This shall not apply

to those persons who wish to scientifically maintain compost for their own use in a manner that does not attract vermin or otherwise pose a threat to public health.

4.7.52 Inoperative Motor Vehicles in Residential Areas

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

Section 4.7.60 Removal of Certain Materials Restricted

4.7.61 Removal Restricted

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

4.7.62 Removal of Top Soil or Loam

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

4.7.63 Excavation Permit Process

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

4.7.64 Submission Requirements

- A. The applicant shall submit, as deemed necessary by the BUILDING COMMISSIONER, a plan prepared by a registered professional engineer or land surveyor showing the total area proposed for excavation or removal of the above material, the existing grade at two (2) foot contour intervals, and the proposed grade at two (2) foot intervals. The plan shall be approved by the BUILDING COMMISSIONER before a permit for excavation or removal is issued.
- B. The plan shall provide for proper drainage of the area covered by the permit both during and after completion of the excavation or removal. No removal shall take place below the established level of the nearest existing approved right-of-way, within twenty (20) feet of a property line, or fifty

(50) feet from a residence district, or thirty (30) feet from a STREET line. If the grade of the land where removal is to take place is higher than the abutting property, the material lying above the grade of the abutting property may be removed up to the property lines.

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

4.7.65 Requirements for Excavation and Material Removal

- A. The method of EXCAVATION or removal shall not affect existing STRUCTURES, existing or proposed STREETS, existing sewer and drainage facilities, and existing water courses.
- B. The emission of process dust, either from the area of operation or from the excavated materials themselves, shall be minimized by frequent watering or by such other means as the BUILDING COMMISSIONER shall direct.
- C. All work done in accordance with this section shall be carried out with full regard to promoting the health, safety, convenience and welfare of all persons and property.
- D. The applicant shall comply with all applicable provisions of Federal, State, and Municipal safety laws, health regulations and BUILDING CODES to prevent accidents or injury to persons on, about, or adjacent to the area where the excavation or removal is being performed. The applicant shall erect and properly maintain at all times, as required by the condition of the premises, or at the direction of the BUILDING COMMISSIONER, all necessary safeguards for the protection of the public and shall post danger signs warning against the hazards created in the carrying out of the activity.
- E. At the conclusion of the operation, or any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four (4) inches of top soil and seeded with a suitable cover crop, except where ledge is exposed. The final grade shall not exceed the angle of repose of the material – or a slope designated by the BUILDING COMMISSIONER.

- F. No material may be removed in such a way as to leave a permanent hold or depressions within the areas of EXCAVATION or removal below the average grade of adjoining land, STREET line, or approved right-of-way unless there is adequate fencing approved by the BUILDING COMMISSIONER.
- G. Inspection of the site shall be made every sixty (60) days or as determined to be necessary by the BUILDING COMMISSIONER. The DEPARTMENT OF PUBLIC WORKS shall, at the request of the BUILDING COMMISSIONER, make any surveys necessary to assure compliance with this section.
- H. Each application for a permit by the BUILDING COMMISSIONER, shall be accompanied by the required fee.
- I. A permit shall bear the date of the day on which it is issued, and unless sooner revoked by the BUILDING COMMISSIONER, shall continue in force for two (2) years from such date.
- J. No EXCAVATION or removal of earth, sand, gravel, clay, quarry stone, peat, or mineral ore for which a permit has been granted under this section shall be stopped for a period of more than one (1) year, unless the area excavated has been topped as required by paragraph E of this section, or the applicant shall forfeit his bond and the permit revoked. The BUILDING COMMISSIONER shall then proceed to top the area as required by paragraph E.

Section 4.7.70 Prohibited Uses and Performance Standards

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

4.7.71 Air Pollution

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

4.7.72 Water Pollution

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

4.7.73 Noise

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

4.7.74 Vibration

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

4.7.75 Nuisance Odors and Air Emissions

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

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

4.7.76 Heat and Glare

- A. Except for approved exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed BUILDING. Glare shall be shielded in such a way that it will not be visible from other LOTS or public ways.
- B. Exterior lighting, including but not necessarily limited to lighting of exterior walls of BUILDINGS from an external light source, lighting of parking areas, and lighting of walks and drives shall be done in such a manner as to direct light away from adjacent LOTS and public ways.

4.7.77 Insects and Rodents

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

4.7.78 Wastes and Refuse

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

Section 4.7.80 General Service and Contractor's Shop in the Business B-1 District.

GENERAL SERVICE AND CONTRACTOR'S SHOPS are allowed in the Business B-1 District provided that the building is located more than one hundred (100) feet from a LOT LINE and is not visible from a public STREET or from an adjacent residential district.

Section 4.7.90 Change of Use or Division of Shopping Centers in the Business D District

4.7.91 Purpose

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

- 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 Special Permit Review by the City Council.

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 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 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 shall take into consideration the mix of uses and the sizes of different uses.
- B. The City Council'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.
- C. A Shopping Center which is held in single ownership shall be exempt from the provisions of this Section 4.7.90.

Section 4.7.100 Heliport

- 4.7.101 Heliports must be reviewed and approved by the Massachusetts Executive Office of Transportation and the FAA. Applicant shall show evidence of coordination with state and federal agencies and regulations in the Special permit application.
- 4.7.102 Applicant shall include information about safety measures that will be taken with the proposed Heliport for physical design as well as management and safety training.

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