Provided from the Springfield Planning Departments Web Page

TABLE OF CONTENTS (Text Enacted 4-22-71/Text As Amended to 09-07-04)

ARTICLE	
I.	Zoning Districts
II.	Definitions
III.	Residential Districts – Table of Use Regulations
IV.	Residence A-1 Districts
V.	Residence A Districts
VI.	Residence B Districts
VI-A	Residence B-1 Districts
VII.	Residence C Districts
VIII.	Residence C-1 Residential Project Districts
IX.	Residence C-2 High-Rise Apartment Districts
X-A	Office A – Residence-Office Districts
X-B	Commercial P – Parking Lot Districts
X-C	Commercial A – Neighborhood Commercial Districts
X-D	Business A – General Business Districts
XI.	Business B – Service Business Districts
XII.	Business C – Central Business Districts
XIII.	Industrial Park Districts
XIV.	Industrial A Districts
XIV-A	Flood Plain District
XIV-B	Connecticut Riverfront District - R
XIV-C	Site Development and Design Overlay Zone
XIV-D	West Columbus Avenue Urban Renewal District
XIV-E	Wireless Telecommunication Facilities
XIV-F	Adult Entertainment
XV.	General Regulations
XVI.	Cluster Development Regulations
XVII.	Off-Street Parking and Loading
XVIII.	Sign Regulations
XIX.	Mobile Home and Mobile Home Parks
XX.	Administration
XXI.	Legal
XXII.	Board of Appeals
	Tables

Provided from the Springfield Planning Departments Web Page

ARTICLE I

DISTRICTS

Section 100. Districts. For the purpose of this Ordinance, the City of Springfield is divided into districts classified as follows:

1. Residence A-1 Districts
2. Residence A Districts
3. Residence B Districts
4. Residence B-1 Districts
5. Residence C Districts
6. Residence C-1 Residential Project Districts
7. Residence C-2 High-Rise Apartment Districts
8. Office A Residence-Office Districts
9. Commercial P Parking Lot Districts
10. Commercial A Neighborhood Commercial Districts
11. Business A General Commercial Districts
12. Business B Service Commercial Districts
13. Business C Central Business Districts
14. Industrial Park Districts
15. Industrial A Districts, Flood Plain, Riverfront and West Columbus Avenue

Section 101. Zoning Map and District Boundaries. The location and boundaries of each of these districts are hereby established as shown on a map entitled "Building Zone Map Revised" (consisting of a series of section maps, Division A through G and numbered 1 through 58, at a scale of one inch equals four hundred feet), which accompanies and is hereby declared to be a part of this ordinance. Said map is on file in the office of the Planning Department where it may be viewed during normal working hours. Said map, with all subsequent amendments thereto, supersedes all prior building zone maps of the City of Springfield.

1. Where any uncertainty exists as to the boundary of any district, as shown on said map, the following rules shall apply:

    a. Where boundary lines are indicated as following street, alleys, waterways or railroads, they shall be construed as following the center lines thereof.

    b. Where boundary lines are indicated as approximately following lot lines and the extension of lot lines, such lot lines and extensions of lot lines shall be construed to be such boundaries.

Provided from the Springfield Planning Departments Web Page

c. Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be measured on said map.

d. Where further uncertainty exists, the Planning Board, upon written application, shall by resolution determine the location of a disputed boundary, giving due consideration, among other things, to the apparent indicated location thereof, the scale of said map, official records, and the expressed purposes of the Zoning Ordinance.

Provided from the Springfield Planning Departments Web Page

ARTICLE II

DEFINITIONS

Section 200. Building Code Definitions. Article II Definitions and Classifications of the Massachusetts State Building Code 780 CMR relative to the construction and alteration, repair, maintenance and use of buildings in the City of Springfield, Massachusetts, and as later amended, is hereby adopted and made a part of this Zoning Ordinance.

Section 201. Definition of Other Terms. Unless otherwise expressly stated the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated. The singular shall include the plural, and the plural shall include the singular. The word "used", shall include the words "arranged", "designed", or "intended to be used". The word "building" shall include the word "structure". The present tense shall include the future tense.

1. Accessory Building. A building subordinate to, incidental to, and located on the same lot with the main building.

2. Accessory Use. A use subordinate and related to the main use of land or of a building on a lot and incidental thereto.

3. Adult Day Care - Residential. Those services, including nursing services, occupational therapy, physical therapy, social, recreational and educational events which are regulated by the Massachusetts Department of Public Health in accordance with 211 CMR 65.00.

4. Adult Retailers. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, videos, peep show booths, and other materials which are distinguished, or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in the Massachusetts General Laws, Chapter 272, sec. 31. For the purposes of this ordinance the term "substantial or significant portion" means an amount of stock in trade, books, magazines, videos, peep show booths, and other materials which is greater than 10% of the entire stock.

5. Adult Entertainment. (SEE ARTICLE XIV-F)

6. Bed & Breakfast Home. A private, owner-occupied house which rents no more than three (3) guest rooms as an overnight or temporary accommodation and includes breakfast in the room rate.

7. Buffer Planting Strip. A strip of land within a parcel that is established to protect an abutting land use from the land use on the subject parcel. A buffer planting strip consists of a pervious landscaped surface, not less in width than is designated in the district, and which is landscaped for the full length and gives maximum protection to an abutting property or district. The required screen shall be permanently maintained. It shall consist of dense evergreens, not less than four (4) feet in height, and an appropriate wall or solid fence, not less than six (6) feet in height. Such a screen shall be three (3) feet back from the street line and conform to the provisions of Section 1506. (See Figure 1.)

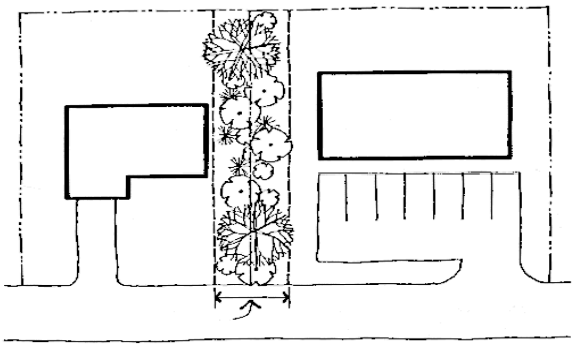

Figure 1: Buffer Planting Strips

8. Building. See Building Code for basic definition.

   a. Detached. A building which has no party wall.

   b. Attached or Row. A building which has two (2) or more party walls in common with adjoining buildings.

9. Building Area. The aggregate of the maximum horizontal cross-section areas, excluding cornices, eaves, and gutters, of all buildings on a lot.

10. Building Line. The line parallel to the front property line at a distance therefrom equal to the depth of the required front yard, and beyond which a building shall not extend. (See Figure 2.)

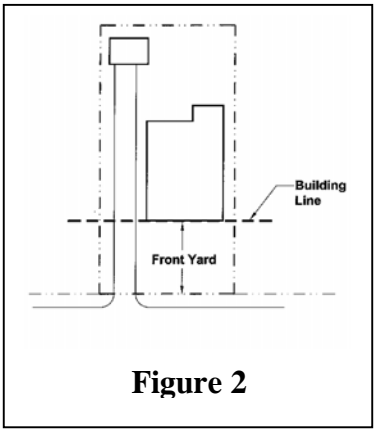

Figure 2

11. Condominium. The land, the building or buildings, all other improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, which have been submitted to the provisions of General Laws, Chapter 183A, as the same may be amended from time to time, in accordance with the provisions of said Chapter.

12. Day Care Center. Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven years of

age, or under sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents.

13. Drive In Restaurants. A place of business so laid out that patrons can be accommodated while remaining in their automobiles.

14. Drive Through Window. Any portion of a commercial establishment that, by design, is an automatic teller machine or allows for customers to interact with an employee of the establishment through a window or similar structural feature while remaining in their vehicle. See Section 1519.

15. Domestic Animal. Any animal that is kept for personal use or enjoyment within the home provided that such creatures are not kept to supplement food supplies or are used for any commercial purposes whatsoever other than offering for sale one litter, brood or offspring of a household pet domiciled on the premises. A domestic animal shall include but is not limited to dogs, cats, birds, and reptiles. A domestic animal does not include farm animals such as horses, ponies, cows, pigs, chickens, roosters, goats, or sheep.

16. Dwelling.

    a. Single-family. A building, on a lot, designed and occupied exclusively as a residence for one (1) family.

    b. Two-family. A building, on a lot, designed and occupied exclusively as a residence for two (2) families.

    c. Multiple or Apartment. A building(s), on a lot, designed and occupied exclusively as a residence for three (3) or more families living independently of one another.

17. Family. An individual or two (2) or more persons related by genetics, adoption or marriage, living and cooking together as a single housekeeping unit or a group of three (3) or fewer persons who are or who are not related by genetics, adoption or marriage, living and cooking together as a single housekeeping unit.

18. Family Day Care. Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence.

19. Front Lot Line. The property boundary line abutting the street line.

20. Garage-Residential. A building used for the storage of one or more automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.

21. Garage Parking. A building or structure for the storage or parking of more than three (3) passenger motor vehicles or motor powered boats or more than one (1) commercial motor vehicle.

22. Garden Apartment Project. A multi-family building or group of buildings constructed as a project area with an emphasis on sensitivity to the surrounding environment.

23. Height of Building. A building's vertical measurement from the mean level of the ground abutting the building up to the highest point of the roof; provided that chimneys, spires, towers, elevator penthouses, tanks, and similar projections of the building, and structures supporting utility or transmission facilities, shall not be included in calculating the height.

24. Hotel. A building, or portion of a building with access provided through a common entrance, lobby or hallway to one or more guest rooms, designed to be rented out as temporary or overnight accommodations for guests. This definition shall not include a Bed & Breakfast Home, Lodging House or Motel, as defined separately in this section.

25. Institution. Any hospital, sanitarium, rest home or convalescent or nursing home, infirmary maintained in the City; any private infirmary, rest home or charitable home for the aged, licensed by and under the supervision of the Massachusetts Department of Public Health; and hospital, sanitarium or establishment, public or private, licensed by and under the supervision of the Massachusetts Department of Mental Health under the provisions of Section 40 of Chapter 123; and any building used or occupied for the purpose of providing group care therein by any children's foster care agency licensed by the Department of Public Welfare under the provisions of Section 15 of Chapter 119.

26. Junk Yards. Any land used for the deposit, collection or storage of waste, used or discarded things or materials, whether or not in connection with the dismantling, processing, salvage, sale or other use or disposition thereof; and the deposit or storage on any lot of "two (2) or more wrecked, inoperative or unregistered vehicles", or parts thereof, for one month or more shall be deemed to be a junk yard. Garaged vehicles shall be exempt from this provision.

27. Kennel. Any property wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling domestic animals or a place where four (4) or more domestic animals are kept.

28. Landscaping. That portion of a lot that is free of structural improvements and/or impervious surface but improved with pervious and planted materials such as grass, trees, shrubs and other live plant materials.

29. Lodging or Boarding House. A building in which lodgings are let to four (4) or more persons who do not constitute a family and who occupy the premises as a principle place of residence as defined in Section 201.16 of this ordinance. In the case of a college or other institutional owner, the owner must provide a Residential Assistant as the primary occupant.

30. Lot. Shall mean an area of land in one ownership with definite boundaries as shown in the record title of the property or by a plan recorded in the Registry of Deeds.

31. Medical Office Building. A building used for professional offices for medical, surgical, dental, physical, rehabilitation, mental health, and other health care providers, related support services, pharmacies, and laboratories, and usual and customary accessory facilities thereto. Said medical office building shall in no case include provisions for overnight patient care.

32. Membrane-Covered Frame Structure. Primary or accessory structure consisting of a frame with a soft membrane covering.

33. Mobile Home. A structure transportable in one or more sections, which is eight body feet or more in width and is thirty two body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

34. Mobile Home Park. Any lot or tract of land upon which three (3) or more mobile homes occupied for dwelling purposes are located, including any building, structures, fixtures and equipment used in connection with mobile homes (G.L.C. 140, s. 32F).

35. Motel. A building, or portion of a building with access to one or more guest rooms provided by exterior or partially-enclosed walkways, designed to be rented out as temporary or overnight accommodations for guests.

36. Motor Vehicle Service 1 – Motor Vehicle Refueling Station/Convenience Store. A building used for the dispensing of petroleum products which may have accessory facilities such as a convenience store, air pressure/inflation machine and hand window cleaning.

37. Motor Vehicle Service 2 - Service Station. A building used for the servicing and maintenance of motor vehicles including such uses as engine tune-ups, tire changing, dispensing of gas, oil, and other similar products.

38. Motor Vehicle Service 3 - Repair Garage. A building used for the repair of motor vehicles including but not limited to transmission repair, engine overhaul, brake/muffler work and glass replacement.

39. Motor Vehicle Service 4 - Auto Body and Truck Service. A building used for the major repair of motor vehicles, and motor vehicle parts including but not limited to such uses as tire capping, re-treading, auto painting, and auto body work. Truck and heavy equipment servicing, both for maintenance, repair and major repair, shall be considered a Motor Vehicle Service 4 use.

40. Motor Vehicle Service 5 – Sales and Installation. A building used for the sale of motor vehicle parts, not including brakes, mufflers, and engine parts, and related installation of parts sold. Such activities would include installation of automotive accessories such as wipers, air filters, stereos, and would also include detailing/ reconditioning.

41. Non-Conforming Building or Use. A building or a use of land or of buildings existing at the effective date of this Ordinance, or any amendments thereto which does not conform with the requirements of this Ordinance, or any amendments thereto.

42. Off-Street Parking Space. An on-the-lot space (garage or outdoor) of appropriate location and dimensions for the parking of an automobile.

43. Off-Street Loading Space. An on-the-property space for the temporary parking of a commercial vehicle while loading or unloading merchandise or material, which abuts upon a street, alley, or other appropriate means of access. Such space shall be not less than ten (10) feet in width, fourteen (14) feet in height, and of such length that a truck or trailer occupying such a space shall be located entirely on the lot with the building it is to serve and shall not extend into the sidewalks or the street.

44. Principal Building. The main building on a lot, or any building other than an accessory building. Each building that contains a residence or residences, and

each commercial, industrial, or institutional building which houses a separate commercial, industrial or other enterprise, or a group of permitted commercial or industrial uses, shall be construed to be a principal building for the purpose of the Ordinance.

45. Project Area. A development of land consisting of two (2) or more principal residential buildings that is under unified control and is planned and developed as a whole. The development may include driveways, utilities, buildings, open spaces and other site improvements.

46. Rear Lot Line. The lot line opposite to the front property line or in the case of a corner lot, the rear lot may be elected by the owner, provided that it be indicated on the plans as filed with the Code Enforcement Commissioner. In the case of a corner lot, the rear lot line must be an interior lot line.

47. Recreational Vehicle. A portable structure designed as a temporary residential living unit for travel, recreation or vacation use. These vehicles include, but are not limited to a travel trailer, motor home, 5th wheel trailer, tent trailer, or pick-up camper.

48. Recycling Center. Any building used for the collection and processing of used materials whereby the resultant product is to be re-used in the same or different form or manner. This shall not include the storage or salvage of motor vehicles or white goods.

49. Residential Rehabilitation Center. A residence or group home for not more than twenty (20) persons, the purpose of which shall be for the continued rehabilitation of individuals with social and emotional problems who would further benefit by such a half-way house facility. These residences must be operated by persons appointed by an appropriate competent authority and licensed by a State of Massachusetts agency. If such a residence is used solely for the raising of foster children, not more than five (5) such children will be allowed per home.

50. Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is, separate and distinct from that of any adjoining lot.

51. Special Permit Granting Authority. The City Council, Planning Board, or Board of Appeals designated for the issuance of special permits.

52. Street. A street, road, or way which has been dedicated as a public way or has been devoted to public use.

53. Street Line or Street Right-of-Way Line. The dividing line between a property line of a lot and the outside boundary of a street, or between a lot and a private street, road, or way over which the owners or tenants of two (2) or more lots held in single and separate ownership have the right-of-way. (See Figure 3.)

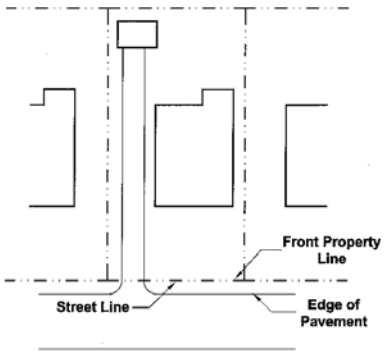

Figure 3

54. Swimming Pool. Either (a) a below-ground pool; artificial pool of water located below surrounding grade, and having a depth of a least thirty-six (36) inches, as measured from the lowest point in the pool a vertical distance to the ground level; or (b) an above-ground pool; artificial pool of water located above surface grade with a diameter of fifteen (15) feet or greater at the outside dimensions, and a capacity to hold water to a depth of thirty-six (36) inches or more.

55. Telephone Central Office. A building and its equipment erected and used for the purposes of facilitating transmission and exchange of telephone or radio-telephone messages between subscribers, and other business of the telephone company; but in residence districts not to include public business facilities, storage of materials, trucking or repair facilities, or housing of repair crews.

56. Truck Stop. A fuel dispensing and repair service facility designed to accommodate primarily the trucking industry. Accessory uses common to a truck stop may include such things as a restaurant, shower facilities, lodging facilities, and short-term parking areas.

57. Wireless Telecommunications Facility. A commercial or public utility-operated use designed to facilitate wireless communications and similar uses through a tower, antenna, satellite dish, monopole and/or similar facility.

58. Yard. All yards shall be exclusive of overhanging eaves, gutters, cornices (of less than three (3) feet in length on main building and twelve (12) inches on accessory buildings) and steps. Parking spaces and drives shall be permitted in yards except where specifically prohibited or regulated.

    a. Front Yard. The minimum required open, unoccupied spaces, within and extending the full width of a lot, between the front property line and the parts of a building nearest to such front property line. In the case of a corner lot, the front yard shall be determined by that side of the building which contains the main door. (See Figure 4.)

b. Side Yard. The minimum required open, unoccupied space within the lot between a side lot line and the parts of the building nearest to such side lot line. Such a side yard must extend through for the required width from the front property line or the front yard to the rear yard or its equivalent or to another street. (See Figure 4.)

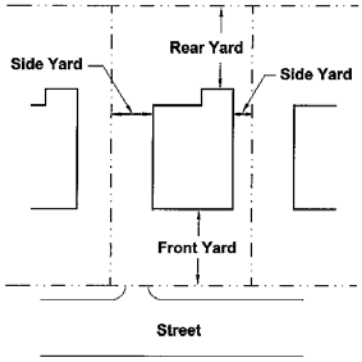

Figure 4

c. Rear Yard. The minimum required open space, the full width of the lot, between the rear wall of the building throughout its height and the rear line of the lot. In case of a triangular lot, the rear yard shall be the open space between the rear wall of the building and a line half-way between it and the point of intersection of the side lines of the lot. In no case shall the rear yard be located between the house and the street. (See Figure 4.)

59. Zone Map. A part of this Ordinance which may be amended, altered, or changed only in accordance with the provisions set forth in Article XX, Section 2004. The Zone Map due to its size is incapable of being included within this volume but may be obtained on request from the Planning Department.

Provided from the Springfield Planning Departments Web Page

ARTICLE III

RESIDENTIAL DISTRICTS - TABLE OF USE REGULATIONS

Section 300. Use Regulations. In residential districts, a building may be erected or used and a lot may be used and occupied for any of the purposes in accordance with Sections 301- 306 of this article, and for purposes accessory, customary and incidental to these uses as expressly stated in Articles IV - IX, **and for no other purpose**.

a. Key. In the table of use regulations, Sections 301-306, the following key shall apply:

Y A use permitted "by right" in the applicable zone.
N A use not permitted under any circumstances in the underlying zone.
SP A use permitted only when issued a special permit by the special permit granting authority (SPGA). Unless otherwise stated in this Ordinance, the SPGA shall be the Springfield City Council.

b. Notations. In Sections 301-306 (Table of Use Regulations), references to Section 307 (Use Regulations Denoted), are marked parenthetically. eg. [1], [2], [3], etc.

Use	Residential Zones						
	A-1	**A**	**B**	**B-1**	**C**	**C-1**	**C-2**
Section 301. Agricultural Uses							
1. Agriculture	[1]	[1]	[1]	[1]	[1]	[1]	[1]
2. Horticulture	[1]	[1]	[1]	[1]	[1]	[1]	[1]
3. Floriculture	[1]	[1]	[1]	[1]	[1]	[1]	[1]
4. Viticulture	[1]	[1]	[1]	[1]	[1]	[1]	[1]
5. Accessory Retail	[1]	[1]	[1]	[1]	[1]	[1]	[1]
Section 302. Residential Uses							
1. Single Family Detached	Y	Y	Y	Y	[2]	N	N
2. Single Family Attached	N	N	N	Y	Y	N	N
3. Single Family Semi-attached	N	N	N	Y	Y	N	N
4. Cluster Development	[3]	[3]	[3]	[3]	[3]	[3]	[3]
5. Two-family Attached	N	N	N	Y	Y	N	N
6. Two-family Detached	N	N	Y	Y	[2]	[4]	N
7. Apartment building, 1-3 floors	N	N	N	N	[2]	N	Y
8. Apartment building, over 3 floors	N	N	N	N	N	N	Y
9. Lodging House	N	N	N	N	SP	N	N
10. Garden Apartment Project	N	N	N	N	N	[5]	N
11. Rest Home, convalescent home	N	N	N	N	N	SP	N
12. Assisted Living Center	N	N	N	N	N	SP	N
13. Residential Rehabilitation Center	N	N	N	N	N	SP	N

Provided from the Springfield Planning Departments Web Page

Use	Residential Zones						
	A-1	**A**	**B**	**B-1**	**C**	**C-1**	**C-2**
Section 303. Institutional Uses							
1. Place of Worship	[6]	[6]	[6]	[6]	[6]	[6]	[6]
2. Rectory, convent	[6]	[6]	[6]	[6]	[6]	[6]	[6]
3. Municipal Buildings	Y	Y	Y	Y	Y	Y	Y
4. Parks, playgrounds, and open spaces	Y	Y	Y	Y	Y	Y	Y
5. Hospital	[7]	[7]	[7]	[7]	[7]	[7]	[7]
6. Accessory Sanitarium	[7]	[7]	[7]	[7]	[7]	[7]	[7]
7. Public, private school	[6]	[6]	[6]	[6]	[6]	[6]	[6]
8. College, university	[6]	[6]	[6]	[6]	[6]	[6]	[6]
9. Family Day Care Home	[8]	[8]	[8]	[8]	[8]	N	N
10. Day Care Center	[9]	[9]	[9]	[9]	[9]	[9]	[9]
11. School age child care program	[9]	[9]	[9]	[9]	[9]	[9]	[9]
12. Adult Day Care	[10]	[10]	[10]	[10]	[10]	[10]	[10]
13. Cemetery	[11]	[11]	[11]	[11]	[11]	[11]	[11]
Section 304. Business Uses							
1. Home Office	[12]	[12]	[12]	[12]	[12]	[12]	[12]
2. Home Occupations	[13]	[13]	[13]	[13]	[13]	N	N
3. Neighborhood Retail (5,000 s.f. or less)	N	N	N	N	N	N	[14]
4. Personal Shop	N	N	N	N	N	N	[14]
5. Bed and Breakfast Home	N	[15]	[15]	[15]	[15]	N	N
6. Dine-in Restaurant	N	N	N	N	N	N	[14]
7. Take-out Restaurant	N	N	N	N	N	N	[14]
Section 305. Commercial Uses							
1. Health Club	N	N	N	N	N	N	Y
2. Wireless Telecommunication Facility	[16]	[16]	[16]	[16]	[16]	[16]	[17]
3. Hospital and accessory uses	[7]	[7]	[7]	[7]	[7]	[7]	[7]
Section 306. Places of Amusement							
1. Temporary outdoor place of amusement	[18]	[18]	[18]	[18]	[18]	N	N

Provided from the Springfield Planning Departments Web Page

Section 307. Use Regulations Denoted.

1. Agriculture, horticulture, floriculture, viticulture uses and accessory retail sales derived from on-site agricultural, horticultural, floricultural and viticultural uses are allowed only on parcels greater than three (3) acres in size. Accessory retail may include up to 20% stock of products not derived on-site but that are customary and in keeping with the main use.

2. Any residential project area containing two (2) or more principal buildings shall require a special permit from the City Council.

3. Single-family dwellings as a part of a cluster development shall be allowed by special permit of the Planning Board provided that the development meets the provisions of Article XVI.

4. Two-family detached dwelling unit projects shall be developed at a maximum density of four (4) families per acre and shall be subject to site plan review from the Planning Board.

5. A garden apartment project shall require a special permit from the City Council and site plan review of the Planning Board. A mixed project of garden apartments and two-family dwelling units shall require a special permit from the City Council and site plan review from the Planning Board.

6. Religious and educational uses shall be allowed provided that such use is on land owned or leased by: the Commonwealth of Massachusetts, the City of Springfield, a religious sect or denomination, or a non-profit educational corporation. Such uses are subject to the dimensional regulations found in Article IV, Section 404.

7. Hospital or sanitariums and their accessory uses such as laboratories and biotechnology research facilities, and accessory buildings shall be allowed with a Special Permit of the City Council provided that:

    a. The terms accessory uses and accessory buildings as to hospitals and sanitariums shall include but not be limited to attached medical office buildings and all buildings, structures, facilities and uses associated with, related to or supportive of the services provided by such institutions, whether or not such accessory uses or buildings are themselves required to be licensed as hospitals or sanitariums by the Commonwealth;

    b. Restaurants, cafeterias and other accessory retail uses shall not be located in a free-standing building; and

c. Such uses, regardless of the size of the structure(s), are subject to the dimensional regulations found in Article IV, Section 404.

8. Family day care homes for children under the age of 16 shall be allowed provided that:

a. Such use is conducted in an accessory fashion to an existing private residence;

b. One (1) parking space is provided for every staff person who does not reside at the residence;

c. There are no more than six (6) clients, including participating children residing on the property; and

d. The use be conducted in accordance with MGLc.28A.

9. Day care centers and school age child care programs shall be allowed provided that:

a. The parcel of land is at least 20,000 square feet in size.

b. Regardless of the size of structure, the use is subject to the dimensional regulations found in Article IV, Section 404.

c. If the Office for Children open space requirement, found in 102 CMR, 7.00, is provided on site, the rear yard shall be completely enclosed with a six foot (6') high solid fence, notwithstanding the provision of Article XV, Section 1506 - Vision Obstruction.

d. The use be conducted in accordance with MGLc. 28A.

10. Adult day care shall be allowed provided that:

a. The use is an accessory use to an existing residential use.

b. A resident of the property be the principal care giver.

c. There shall be no more than one (1) non-resident employee.

d. There be no more than two (2) adults provided adult day care at any one time, including those who permanently reside on the property.

11. New cemeteries or the expansion of existing cemeteries shall be allowed. In the case of new cemeteries, the following shall apply: a new cemetery shall be no less than three (3) acres in size and has the prior written approval of the Springfield Public Health Department and the Mayor.

12. Home office uses shall be allowed provided that:

    a. The operator of a home office must reside in the dwelling and can only be assisted at that location by other resident family members.

    b. All on-site business must be conducted exclusively by telephone, mail, or computer.

    c. The operator can not receive customers at the house. If personal contact is required, it must take place off the premises.

    d. No commercial pickup or delivery of products or supplies is permitted.

    e. No commercial vehicles associated with the business are permitted on or near the property.

    f. If a car, recreational van or pickup truck is used by the operator for the business, it shall contain no advertising.

    g. No accessory or non-accessory signs are permitted on the property.

13. Home occupations and/or professional offices of an architect, artist, dentist, doctor, electrologist, hairdresser, lawyer, manicurist, musician, practitioner of acupuncture and teacher, shall be allowed provided that:

    a. Such office or room for home occupations shall be located in a dwelling in which the practitioner permanently resides, but not in a building accessory thereto or in an addition to the dwelling constructed after the time of enactment of this ordinance.

    b. Such accessory use may occupy not more than one-third (1/3) of the total floor area of the dwelling, exclusive of the basement.

    c. There shall be no outside employees who are not members of the household, except an architect, dentist, doctor, lawyer, and practitioner of acupuncture are allowed no more than one (1) employee who is not a member of the household.

d. No goods shall be publicly displayed on the premises. Signs shall be subject to the provisions of Article XVIII.

e. In no case shall there be more than five (5) patrons of the use on the premises at any one time.

14. An apartment building over six (6) stories in height may include a restaurant. It may also include accessory uses which are designed to serve principally residents of the apartment and guests. These uses may include a restaurant, community center, news-stand, drugstore, barber shop, or beauty shop. Such accessory commercial uses shall be located within the apartment building. The total maximum floor area for a restaurant plus such accessory uses shall not exceed five (5) percent of the total floor area of the building or buildings, excluding basements and garages. Customer access to all accessory commercial uses shall be limited to the interior of the building.

15. Bed & Breakfast Homes shall be allowed by special permit of the City Council and are further subject to Article XV, Section 1522 and Article XVII, Section 1701.21.

16. Wireless communications facilities shall be allowed provided that: (a) the parcel shall be no less than three (3) acres in size; and (b) are further subject to the regulations found in Article XIV-E, Section E-1400.

17. Roof- and facade-mounted wireless communications facility are allowed, subject further to Article XIV, Section E-1400. Ground-mounted facilities are not allowed in Residence C-2.

18. Temporary outdoor places of amusement or recreation with carnival type rides shall be allowed provided that the use is licensed by the Mayor in accordance with Section 5.48 of the Revised Ordinances of the City of Springfield as amended.

Section 308. Accessory Uses Denoted. Accessory use on the same lot with and customarily incidental to any aforementioned permitted or special permitted uses. (See Section 1520 of Article XV General Regulations Membrane-Covered Frame Structure controls.) The term accessory use shall not include a business directly or indirectly, but shall include:

1. The keeping of domestic animals as household pets.

Provided from the Springfield Planning Departments Web Page

a. The keeping of domestic animals as household pets shall be allowed only in accordance with Chapter 6.04 of the Ordinances of the City of Springfield, 1986, as amended;

b. The keeping or raising of horses on a tract, provided that the tract of land is three (3) acres or larger in size. Any building used for the keeping or raising of horses shall be located not less than fifty (50) feet from any street or property line;

2. Up to three (3) lodgers or boarders including the furnishing of table board for such permitted lodgers or boarders, provided that: (a) the use be accessory to a single-family dwelling in which the owner of the dwelling is the primary occupant; and (b) each use not be located in an accessory building.

3. Private parking or garage-residential, provided that:

a. Said garage shall not exceed two (2) additional automotive vehicles owned or used by others for a similar purpose if they are stored in the same building;

b. Said garage shall have a ground floor area not to exceed 10% of the size of the lot on which the garage is situated, but shall in no case exceed 1,000 s.f. of accumulative garage space.

c. 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.

d. Said detached garage shall have a maximum height of twenty (20) feet at the ridge line but in no case shall said garage exceed the height of the principal building;

e. No private parking or garage-residential space shall be used to store or park more than one (1) commercial vehicle and, further, said commercial vehicle shall not exceed a gross vehicle weight of 10,000 lbs.;

f. A private detached garage or other permitted accessory building may be constructed in the permitted side or rear yards, but in no case shall any part of said building be less than three (3) feet from any side or rear lot line; and

g. No part of any detached garage in the side yard situated within sixty-five (65) feet of any front property line shall extend within ten (10) feet of any side lot line to an adjoining lot fronting on the same street. The distance

Provided from the Springfield Planning Departments Web Page
between such detached garage and the principal building shall be not less than six (6) feet.

4. Private home swimming pools in accordance with the provisions of Article XV, Section 1514.

5. Accessory signs in accordance with Article XVIII.

Provided from the Springfield Planning Departments Web Page

ARTICLE IV

RESIDENCE A-1 DISTRICTS

Section 400. Intent. Residence A-1 districts are intended to accommodate single-family detached dwellings at relatively low densities, whether designed on a lot-by-lot basis or as cluster developments, plus appropriate supporting public facilities. This density is intended to approximate the existing development pattern in certain sections of the City.

Section 401. Use Regulations. A building may be erected or used and a lot may be used or occupied for any purpose in accordance with the Table of Use Regulations for Residential Districts in Article III and no other.

Section 402. Accessory Use Regulations. In Residence A-1, accessory uses shall be allowed only in accordance with Article III, Section 308.

Section 403. Dimensional Standards. The following standards apply to lots with principal buildings less than 2,000 s.f. in ground floor area. See Article XV, Section 1501 for non-conforming lot standards.

1. Lot Area. A lot area equal to or greater than ten thousand (10,000) square feet is required for every building erected.

2. Building Area. No more than twenty-five (25) percent of the area of each lot may be occupied by buildings.

3. Frontage.

   a. Each lot shall have a width at the front property line equal to or greater than fifty (50) feet and a width at the building line greater than one hundred (100) feet. If the depth of the lot is greater than one hundred (100) feet, this minimum building line width may be reduced by one (1) foot for each two (2) feet by which the one hundred (100) foot depth is increased but the width may not be reduced to less than ninety (90) feet; and

   b. In the case of a single-family detached cluster development, in conformance with the provisions of Article XVI, the maximum density shall be calculated as follows: 15% of the land area shall be subtracted from the gross acreage of the tract. Using the remaining 85% as a net acreage base, development shall not exceed four (4) units per acre.

4. Yards. See also Article III, Section 308.3 for detached garage location.

Provided from the Springfield Planning Departments Web Page

Notwithstanding the following provisions, no part of any building except the outside steps and landing, shall be nearer to any front property line than the corresponding parts of the nearest building on either side thereof facing on the same street. In no case need this setback distance exceed thirty-five (35) feet.

a. Front Yard. Where the alignment of a building is not controlled by the preceding paragraph, no part of any building, except the outside steps and landing, shall extend within twenty-five (25) feet of the front property line. At least seventy-five (75) percent of the front yard shall be planted with grass or otherwise landscaped in a manner consistent with 201.28 and no parking shall be allowed within this landscaped area. In the case of an interior lot, the front of the building shall face the street and shall contain the main door. Additionally, the front wall of any building shall be set back no farther that the rear wall of the nearest building on either side thereof facing on the same street.

(1) Landings may extend in width one (1) foot beyond the front door frame on each side of the door.

(2) Access sidewalks not exceeding four (4) feet in width may be included in the seventy five percent (75%) landscaping requirement.

b. Side Yards. Side yards shall be provided on every lot as follows:

(1) Conforming lots: For every single-family detached dwelling, there shall be two side yards, neither of which shall be less than ten (10) feet in width.

(2) Non-conforming lots: See Article XV, Section 1501.

(3) In the case of a corner lot, there shall be a side yard equal to or greater than fifteen (15) feet between the building and the side property line fronting on a street..

c. Rear Yards. One (1) yard equal to or greater than thirty-five (35) feet in depth shall be provided. Roofless ground story projections from the building may extend to within fifteen (15) of the rear lot line.

5. Height. No building or structure shall exceed two (2) stories and attic or thirty-five (35) feet. All other accessory buildings shall not exceed fifteen (15) feet in height, except in the case of a garage-residential, which shall not exceed twenty (20) feet in height at the ridge line.

6. Off-Street Parking. Two (2) off-street parking spaces shall be provided for a dwelling unit. A parking space shall be a minimum of ten (10) feet wide. Access to a parking space shall be a minimum of eight and one half (8.5) feet wide. For off-street parking and loading requirements for uses other than a single-family dwelling, see Article XVII.

Section 404. Dimensional Standards. The following standards apply to lots with principal buildings equal to or greater than 2,000 s.f. in ground floor area.

1. Lot Area. For lots with principal buildings greater than 2,000 s.f. in ground floor area, the following minimum lot area standards shall apply:

Size of Principal Building (g.f.a.)	Minimum Lot Size (s.f.)
2,000 s.f. - 4,000 s.f.	20,000 s.f.
4,001 s.f. - 6,000 s.f.	40,000 s.f.
6,001 s.f and higher	Size of Principal Building x 10 = Minimum lot size

2. Building Area. No more than twenty (20) percent of the area of each lot may be occupied by buildings.

3. Frontage. Each lot shall have a width at the front property line equal to or greater than one hundred (100) feet.

4. Yards.

   a. Front Yard. No part of any building, except the outside steps, shall extend within twenty-five (25) feet of the front property line. At least seventy-five (75) percent of the front yard shall be planted in grass or otherwise landscaped in a manner consistent with Section 201.28 and no parking shall be allowed within this landscaped area.

   b. Side Yards. Each side yard shall be equal to or greater than 100% of the height of the principal building.

   c. Rear Yards. One (1) rear yard shall be provided, equal to or greater than 100% of the height of the principal building or equal to or greater than 35 feet, whichever is greater.

5. Height. No building or structure shall exceed two (2) stories and attic or thirty-five (35) feet except a school, college, university, church belfry, chimney, flag pole, library, or municipal or institutional building and their accessory buildings may be erected to a height not to exceed three (3) stories or sixty (60) feet. All other accessory buildings shall not exceed fifteen (15) feet in height, except in the case of a garage-residential, which shall not exceed twenty (20) feet in height at the ridge line.

6. Off-Street Parking. Two (2) off-street parking spaces shall be provided for a dwelling unit. A parking space shall be a minimum of ten (10) feet wide. Access to a parking space shall be a minimum of eight and one half (8.5) feet wide. For off-street parking and loading requirements for uses other than a single-family dwelling, see Article XVII.

Provided from the Springfield Planning Departments Web Page

ARTICLE V

RESIDENCE A DISTRICTS

Section 500. Intent. Residence A Districts are intended to accommodate single-family detached dwellings at moderate densities, whether designed on a lot-by-lot basis or as cluster developments. The appropriate supporting public facilities are also accommodated.

Section 501. Use Regulations. A building may be erected or used and a lot may be used or occupied for any purpose in accordance with the Table of Use Regulations for Residential Districts in Article III and no other.

Section 502. Accessory Use Regulations. In Residence A, accessory uses shall be allowed only in accordance with Article III, Section 308.

Section 503. Dimensional Regulations. The following regulations shall apply to all lots with principal buildings less than 2,000 s.f. in ground floor area. For all other structures, the dimensional regulations found in Article IV, Section 404 shall apply. See Article XV, Section 1501 for non-conforming lot standards.

1. Lot Area. A lot area equal to or greater than seven thousand five hundred (7,500) square feet is required for every building erected. In the case of a cluster development, in conformance with the provisions of Article XVI, the maximum density shall be calculated as follows: 15% of the land area shall be subtracted from the gross acreage of the tract. Using the remaining 85% as a net acreage base, development shall not exceed six (6) units per acre.

2. Building Area. No more than thirty (30) percent of the area of each lot may be occupied by buildings.

3. Frontage. Each lot shall have a width at the front property line equal to or greater than fifty (50) feet and a width at the building line equal to or greater than seventy-five (75) feet.

4. Yards. See also Article III, Section 308.3 for detached garage location. Notwithstanding the following provisions, no part of any building except the outside steps and landing, shall be nearer to any front property line than the corresponding parts of the nearest building on either side thereof facing on the same street. In no case need this setback distance exceed thirty-five (35) feet.

    a. Front Yard. Where the alignment of a building is not controlled by the preceding paragraph, no part of any building, except the outside steps and

landing, shall extend within twenty-five (25) feet of the front property line. At least seventy-five (75) percent of the front yard shall be planted with grass or otherwise landscaped in a manner consistent with 201.28 and no parking shall be allowed within this landscaped area. In the case of an interior lot, the front of the building shall face the street and shall contain the main door. Additionally, the front wall of any building shall be set back no farther that the rear wall of the nearest building on either side thereof facing on the same street.

(1) Landings may extend in width one (1) foot beyond the front door frame on each side of the door.

(2) Access sidewalks not exceeding four (4) feet in width may be included in the seventy five percent (75%) landscaping requirement.

b. Side Yards. Side yards shall be provided on every lot as follows:

(1) Conforming lots: For every single-family detached dwelling, there shall be two side yards, both of which shall be equal to or greater than ten (10) feet in width.

(2) Non-conforming lots: See Article XV, Section 1501.

(3) In the case of a corner lot, there shall be equal to or greater than fifteen(15) feet between the building and the side property line fronting on a street.

c. Rear Yard. One (1) yard equal to or greater than thirty (30) feet in depth shall be provided. Roofless ground story projections from the building may extend to within fifteen (15) of the rear lot line.

5. Height. No building or structure shall exceed two (2) stories and attic or thirty-five (35) feet. All other accessory buildings shall not exceed fifteen (15) feet in height, except in the case of a garage-residential, which shall not exceed twenty (20) feet in height at the ridge line.

6. Off-Street Parking. Two (2) off-street parking spaces shall be provided for a dwelling unit. A parking space shall be a minimum of ten (10) feet wide. Access to a parking space shall be a minimum of eight and one half (8.5) feet wide. For additional off-street parking and loading requirements see Article XVII.

Provided from the Springfield Planning Departments Web Page

ARTICLE VI

RESIDENCE B DISTRICTS

Section 600. Intent. Residence B Districts are intended to accommodate single-family detached and two-family dwellings of medium densities, whether designed on a lot-by-lot basis or not, plus the appropriate supporting public facilities.

Section 601. Use Regulations. A building may be erected or used and a lot may be used or occupied for any purpose in accordance with the Table of Use Regulations for Residential Districts in Article III and no other.

Section 602. Accessory Use Regulations. In Residence B, accessory uses shall be allowed only in accordance with Article III, Section 308.

Section 603. Dimensional Regulations. The following regulations shall apply to all lots with principal buildings less than 2,000 s.f. in ground floor area. For all other structures, the dimensional regulations found in Article IV, Section 404 shall apply. See Article XV, Section 1501 for non-conforming lot standards.

1. Lot Area. Every building erected or used in whole or in part as a dwelling, shall have a lot area and lot width at the front property line and at the building line equal to or greater than the requirements set forth below:

Type of Dwelling	Minimum Lot Area/Family	Minimum Lot Width	Minimum Lot Width at Front Property Line
Single-family detached	6,000 s.f.	60	50
Two-family detached	4,000 s.f.	80	50

In the case of a cluster development, in conformance with the provisions of Article XVI, the maximum density for single-family shall be calculated as follows: 15% of the land area shall be subtracted from the gross acreage of the tract. Using the remaining 85% as a net acreage base, development shall not exceed ten (10) units per acre.

2. Building Area. No more than thirty-five (35) percent of the area of each lot may be occupied by buildings.

Provided from the Springfield Planning Departments Web Page

3. Yards. See also Article III, Section 308.3 for detached garage location. Notwithstanding the following provisions, no part of any building except the outside steps and landing, shall be nearer to any front property line than the corresponding parts of the nearest building on either side thereof facing on the same street. In no case need this setback distance exceed twenty-five (25) feet.

   a. Front Yard. Where the alignment of a building is not controlled by the preceding paragraph, no part of any building, except the outside steps and landing, shall extend within fifteen (15) feet of the front property line. At least seventy-five (75) percent of the front yard shall be planted with grass or otherwise landscaped in a manner consistent with 201.28 and no parking shall be allowed within this landscaped area. In the case of an interior lot, the front of the building shall face the street and shall contain the main door. Additionally, the front wall of any building shall be set back no farther that the rear wall of the nearest building on either side thereof facing on the same street.

      (1) Landings may extend in width one (1) foot beyond the front door frame on each side of the door.

      (2) Access sidewalks not exceeding four (4) feet in width may be included in the seventy five percent (75%) landscaping requirement.

   b. Side Yards. Side yards shall be provided on every lot as follows:

      (1) Conforming lots: (a) For every single-family and two-family detached dwelling, there shall be two side yards, both of which shall be equal to or greater than ten (10) feet in width.

      (2) Non-conforming lots: See Article XV, Section 1501.

      (3) In the case of a corner lot, there shall be not less than fifteen (15) feet between the building and the side property line fronting on a street.

   c. Rear Yard. One (1) yard equal to or greater than twenty-five (25) feet in depth shall be provided. Roofless ground story projections from the building may extend to within fifteen (15) of the rear lot line.

4. Height. No building or structure shall exceed two (2) stories and attic of thirty-five (35) feet. All other accessory buildings shall not exceed fifteen (15) feet in height, except in the case of a garage-residential, which shall not exceed twenty (20) feet in height at the ridge line.

Provided from the Springfield Planning Departments Web Page

5. Off-Street Parking. Two (2) off-street parking spaces shall be provided for each dwelling unit. A parking space shall be a minimum of ten (10) feet wide. Access to a parking space shall be a minimum of eight and one half (8.5) feet wide and parking for each dwelling unit must be individually accessible. For additional off-street parking and loading requirements, see Article XVII.

Provided from the Springfield Planning Departments Web Page

ARTICLE VI-A

RESIDENCE B-1 DISTRICTS

Section 600-A. Intent. Residence B-1 Districts are intended to accommodate single-family and two-family houses at high densities.

Section 601-A. Use Regulations. A building may be erected or used and a lot may be used or occupied for any purpose in accordance with the Table of Use Regulations for Residential Districts in Article III and no other.

Section 602-A. Accessory Use Regulations. In Residence B-1, accessory uses shall be allowed only in accordance with Article III, Section 308.

Section 603-A. Dimensional Regulations.

1. Lot Area and Width. Every building or group of buildings hereafter erected or used in whole or in part as a dwelling shall have a lot area and lot width at the street line and the building line of not less than the requirements set below:

Type of Dwelling	**Minimum Lot Area/Family**	**Minimum Lot Width at the Building Line**	**Minimum Lot Width at Front Property Line**
Single-family detached	4,500 s.f.	45	45
Single-family attached	2,500 s.f.	25	25
Single-family semi-attached	3,000 s.f.	35	35
Two-family detached	3,000 s.f.	50	50
Two-family attached	2,000 s.f.	25	25

2. Building Area. Not more than fifty (50) percent of the area of each lot or project area may be occupied by buildings. At least ten (10) percent of the balance shall be planted in grass or otherwise landscaped, as opposed to either paving or some other artificial surface intended for parking.

3. Yards. Notwithstanding the following provisions, no part of any building, except the outside steps, shall be nearer to any street line than the corresponding parts of the nearest building on either side thereof facing on the same street, but in no case need this distance exceed fifteen (15) feet.

Provided from the Springfield Planning Departments Web Page

a. Front Yard. Where the alignment of a building is not controlled by the preceding paragraph, no part of any building, except the outside steps, shall extend within ten (10) feet of the street line of any street. At least fifty (50) percent of the required front yard shall be planted in grass or otherwise landscaped with live plant material, as opposed to either paving or some other artificial area. In the case of an interior lot, the front of a single-family or two-family house shall face the street and shall contain the main door or doors.

   (1) Landings may extend in width one (1) foot beyond the front door frame on each side of the door.

   (2) Access sidewalks not exceeding four (4) feet in width may be included in the seventy five percent (50%) landscaping requirement.

b. Side Yards. Side yards shall be provided on every lot as follows (subject to the provisions of Article XV, Section 1501):

   (1) For every single-family detached or two-family detached there shall be two (2) side yards, neither of which shall be less than seven (7) feet in width. In the case of a corner lot, there shall be no less than ten (10) feet between the building and the side street line.

   (2) For every semi-attached dwelling there shall be one (1) side yard which shall be not less than five (5) feet in width.

   (3) In the case of an attached dwelling, no side yard shall be required.

c. Rear Yard. One (1) yard not less than twenty (20) feet in depth. Roofless ground story projections from the building may extend to within fifteen (15) feet of the rear lot line.

Section 604-A. Height. No building or structure shall exceed three (3) stories or thirty-five (35) feet. All other accessory buildings shall not exceed fifteen (15) feet in height, except in the case of a garage residential, which shall not exceed twenty (20) feet at the ridge line.

Section 605-A. Off-Street Parking. One (1) individually accessible off-street parking space shall be provided for each dwelling unit. For additional off-street parking and loading requirements, see Article XVII.

Provided from the Springfield Planning Departments Web Page

ARTICLE VII

RESIDENCE C DISTRICTS

Section 700. Intent. Residence C Districts are intended to accommodate the full range of housing types, including single-family detached, single-family attached, single-family semi-attached, two-family dwellings and multiple-family dwellings at higher densities. It is also intended to accommodate supporting public facilities, plus selected institutional uses.

Section 701. Use Regulations. A building may be erected or used and a lot may be used or occupied for any purpose in accordance with the Table of Use Regulations for Residential Districts in Article III and no other.

Section 702. Accessory Use Regulations. In Residence C, accessory uses shall be allowed only in accordance with Article III, Section 308.

Section 703. Dimensional Regulations. See Article XV, Section 1501 for non-conforming lot standards.

1. Lot Area. Every building or group of buildings erected or used in whole or in part as a dwelling shall have a lot area and lot width at the front property line and at the building line equal to or greater than the requirements set forth below:

Type of Dwelling	Minimum Lot Area/Family	Minimum Lot Width at the Building Line	Minimum Lot Width at Front Property Line
Single-family detached	4,500 s.f.	45	45
Single-family semi-attached	3,000 s.f.	40	40
Single-family attached	2,500 s.f.	20	20
Two-family detached	3,000 s.f.	60	50
Multiple-family dwelling; dwelling units with two (2) or more bedrooms	2,000 s.f.	75	50
Multiple-family dwelling; dwelling units with one (1) or less bedrooms	1,400 s.f.	75	50

Provided from the Springfield Planning Departments Web Page

2. Building Area. No more than fifty (50) percent of the area of each lot or project area may be occupied by buildings. At least ten (10) percent of the balance shall be planted in grass or otherwise landscaped, as opposed to either paving or some other artificial surface intended for parking.

3. Yards. See also Article III, Section 308.3 for detached garage location. Notwithstanding the following provisions, no part of any building except the outside steps and landing, shall be nearer to any front property line than the corresponding parts of the nearest building on either side thereof facing on the same street. In no case need this setback distance exceed twenty-five (25) feet.

   a. Front Yard. A front yard shall be provided on every lot as follows:

      (1) Where the alignment of a building is not controlled by the preceding paragraph, no part of any building, except the outside steps and landing, shall extend within ten (10) feet of the front property line. At least fifty (50) percent of the front yard shall be planted with grass or otherwise landscaped in a manner consistent with 201.28 and no parking shall be allowed within this landscaped area. In the case of an interior lot, the front of a single-family or two-family house shall face the street and shall contain the main door(s). Additionally, the front wall of any building shall be set back no farther that the rear wall of the nearest building on either side thereof facing on the same street.

      (2) Landings may extend in width one (1) foot beyond the front door frame on each side of the door.

      (3) Access sidewalks not exceeding four (4) feet in width may be included in the fifty percent (50%) landscaping requirement.

      (4) For multiple-family dwellings, no parking space shall be located in the front of any principal building, except that parking spaces may be located in the front of such buildings by special permit by the Planning Board upon a finding by the Planning Board that: (a) such parking spaces are necessary to the use with which they are connected, that they cannot be practically located elsewhere on the lot; (b) that their location in the front of any principal buildings will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street; and (c) that such parking spaces are and otherwise arranged in accordance with the concept of this Ordinance.

b. Side Yards. Side yards shall be provided on every lot as follows (non-conforming lots are subject to the provisions of Article XV, Section 1501):

(1) For every single, two-family detached, and multiple family dwelling, there shall be two (2) side yards, both of which shall be equal to or greater than seven (7) feet in width.

(2) In the case of a single-family attached dwelling, no side yard shall be required.

(3) In the case of a corner lot, there shall be no less than ten (10) feet between the building and the side street line.

c. Rear Yard. One (1) yard not less than twenty (20) feet in depth shall be provided. Roofless ground story projections from the building may extend to within fifteen (15) feet of the rear lot line.

d. Distance Between Buildings. In the case of a lot or project area containing more than one (1) principal building, the distance between any two such detached buildings shall be equal to or greater than fifteen (15) feet.

4. Height. No building or structure shall exceed three (3) stories or thirty-five (35) feet except a school, college, university, church belfry, chimney, flag pole, library, or municipal or institutional building and their accessory buildings may be erected to a height not to exceed three (3) stories or sixty (60) feet. All other accessory buildings shall not exceed fifteen (15) feet in height, except in the case of a garage-residential, which shall not exceed twenty (20) feet in height at the ridge line.

5. Off-Street Parking. One (1) individually accessible off-street parking space shall be provided for each dwelling unit. For additional off-street parking and loading requirements, see Article XVII.

Section 704. Public or Private Way.

1. All ways furnishing access to any multiple family dwelling erected under the provisions of this Article VII shall be provided in accordance with the applicable Rules and Regulations for the development of Subdivisions of the Planning Board of the City of Springfield.

2. In conformance with Section III-C of the Subdivision Rules and Regulations, the Planning Board shall determine what is adequate access to each building. This includes the construction characteristics of the ways. In no case shall a drive be

less than twenty (20) feet in paved width. Principal criteria to be considered in this site plan review are:

a. The distance from each building to the nearest way providing access. Generally, no rear wall of any building shall be more than three hundred (350) feet from a street built to City standards and no building shall exceed three hundred (300) feet in length.

b. Number of apartment units or parking spaces to be served by the way.

c. Accessibility to fire and other emergency or service vehicles.

3. In addition to the requirements specified for a subdivision plan, the applicant's site plan shall show all proposed structures, parking areas, loading areas, drives, sidewalks, buffer areas, and wooded areas to remain. Subdivision approval shall bind the developer to these facilities as shown on the site plan.

Provided from the Springfield Planning Departments Web Page

ARTICLE VIII

RESIDENCE C-1 RESIDENTIAL PROJECT DISTRICTS

Section 800. Intent: Residence C-1 districts are intended to encourage the quality site planning and pleasant, open, safe, healthy and presentable residential projects of moderate height, and attractive landscaping, including but not limited to, residential project areas, garden apartments and residential clusters.

Section 801. Use Regulations. A building may be erected or used and a lot may be used or occupied for any purpose in accordance with the Table of Use Regulations for Residential Districts in Article III and no other.

Section 802. Accessory Uses. In Residence C-1, the accessory uses found in Article III, Section 308 shall be allowed. No business, service or industry, with the exception of home offices (Article III, Section 307.13) and home occupations (Article III, Section 307.14), shall be carried on in a Residence C-1 District.

Section 803. Dimensional Regulations. See Article XV, Section 1501 for non-conforming lot standards.

1. Lot Coverage. The total area enclosed by the outside perimeter of the foundation walls of all buildings erected or altered on a lot shall not cover more than thirty (30) percent of the total project area in which they are located, excluding from such total area, the total area of all streets furnishing access to any building located in such project area. At least fifteen (15) percent of the balance shall be planted in grass or otherwise landscaped, as opposed to either paving or some other artificial surface intended for parking.

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

3. 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.

4. Height. The following height regulations shall apply:

    a. Residential Buildings. Residential buildings in a project area shall not exceed two (2) stories and attic or thirty-five (35) feet in height.

    b. Accessory Buildings. In no case shall the height of any accessory building exceed the height of any residential building in any project area.

Provided from the Springfield Planning Departments Web Page

Section 804. Setbacks and Distance Between Buildings.

1. 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 property 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.

2. Buildings to Buildings. All residential buildings shall be spaced at least twenty (20) feet from each other except that in no case shall two windowed walls facing one another be closer than forty (40) feet.

3. 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.

Section 805. Off-Street Parking.

1. Parking Requirements. Off-street parking shall be provided at the rate of at least one and one-half (1-1/2) parking spaces for each dwelling unit with the exception of housing for the elderly as provided for in Article XVII, Section 1701-2b.

2. Location of Parking. All parking areas shall be located:

   a. Not less than forty (40) feet from any external street (each street on which a lot abuts).

   b. In the case of any internal street or drive providing access to more than one hundred (100) parking spaces, all parking spaces shall be physically separated from the paved street width by a curb, planting strip or other suitable barrier against un-channelized access or egress.

   c. In no case shall perpendicular or bay parking be permitted on the principal internal streets built to City standards.

d. See Article XVII for additional parking controls.

Section 806. Access.

1. All streets furnishing access to any dwelling unit erected under the provisions of this Article VIII shall be provided in accordance with the applicable Rules and Regulations for the Development of Subdivisions of the Planning Board of the City of Springfield.

2. In conformance with Section III-C of the Subdivision Rules and Regulations, the Planning Board shall determine what is adequate access to each building. This includes the construction characteristics of the ways. In no case shall a drive be less than twenty (20) feet in paved width. Principal criteria to be considered in this site plan review are:

   a. The distance from each building to the nearest way providing access. Generally no building shall be more than three hundred (300) feet from a street built to City standards.

   b. Number of dwelling units or parking spaces to be served by the way.

   c. Accessibility to fire and other emergency or service vehicles.

Section 807. Special Regulations.

1. The applicant shall submit a detailed site plan, drawn to scale, with his rezoning petition which shows all proposed structures, parking areas and bays, loading areas, drives, sidewalks, buffer areas, recreational amenities and wooded areas to remain. In addition, he shall submit an architect's rendering which clearly illustrates the style and materials of the facade to the dwelling unit planned.

2. The site plan and architectural renderings, as approved, shall be filed with the Code Enforcement Commissioner and any major change, as determined by the Code Enforcement Commissioner, in the approved plans must be re-submitted to the City Council for approval.

Provided from the Springfield Planning Departments Web Page

ARTICLE IX

RESIDENCE C-2 HIGH-RISE APARTMENT DISTRICTS

Section 900. Intent. Residence C-2 districts are designed to make special provisions for multi-story apartment structures on collector and arterial streets, except the Central Business District which is covered by a separate zoning district.

Section 901. Use Regulations. A building may be erected or used and a lot may be used or occupied for any purpose in accordance with the Table of Use Regulations for Residential Districts in Article III and no other.

Section 902. Accessory Uses. In Residence C-2, the accessory uses found in Article III, Section 308 shall be allowed. No accessory use shall exceed ten (10) percent of the total floor area of the building. In addition, the following uses are uses are allowed in an accessory fashion:

1. Home offices, subject to Article III, Section 307.12.

2. Day care centers, subject to Article III, Sections 307.09, and 307.10.

3. Accessory residential and private garages, provided that no establishment of business, service, or industry connected directly or indirectly with motor vehicles is carried on. Not more than one (1) such vehicle shall be a commercial vehicle and shall be stored in a manner consistent with the definition of a garage-residential (201.20). Otherwise space shall not be used or leased for a commercial vehicle.

   All accessory uses, if to serve more than the inhabitants of the building are allowed only when authorized as a special permit by the City Council, subject to the general provisions prescribed in Article XV.

Section 903. Dimensional Regulations.

1. Setbacks and Yard Requirements.

   a. Front Yards. There shall be a front yard which shall not be less than 50% of the height of the principal building and in no case less than twenty-five (25) feet, except in a case where an adjacent building on either side along the same street (and within the same block and district) is located closer to the front property line, in which case the new building may conform to the lesser setback.

Provided from the Springfield Planning Departments Web Page

b. Building Side Yards. There shall be a side yard on each side of a building equal to or greater than 50% of the height of the principal building and in no case less than twenty-five (25) feet for a principal building, and ten (10) feet for an accessory building.

c. Building Rear Yards. There shall be a rear yard behind each building equal to or greater than 50% of the height of the principal building and in no case less than twenty-five (25) feet for a principal building, and ten (10) feet for an accessory building. On an interior lot than runs through from front property line to a rear property line abutting a street, no building shall be nearer than ten (10) feet to either street line.

d. Distance Between Two Principal Buildings. The minimum distance between any two principal residential structures on the same lot shall be equal to or greater than one-half (1/2) the height of the highest building, except in the case where neither facing wall will contain fenestration, in which case the distance shall be equal to or greater than one-fourth (1/4) the height of the highest building. In no case shall there be less than twenty-five (25) feet between buildings on the same lot.

2. Lot Coverage. All principal residential structures shall occupy no more than a total of thirty (30) percent of the area of the lot. The lot occupancy of principal residential structures may be increased beyond the permitted lot occupancy of thirty (30) percent of the area of the lot, up to a maximum of forty-five (45) percent of the area of the lot, at the rate of three hundred (300) square feet of lot occupancy beyond the permitted thirty (30) percent of the area of the lot for each on-site covered parking space provided for the principal residential structures. In no instances shall the total lot coverage of all structures, with their accessory structures, exceed more than forty-five (45) percent of the area of the lot.

3. Density. The maximum density shall not exceed seventy-five (75) dwelling units per acre.

4. Off-Street Parking. A minimum of one (1) off-street parking space shall be provided for each dwelling unit, with the exception of housing for the elderly as provided for in Article XVII, Section 1701-2b. No unenclosed parking area shall be located within twenty-five (25) feet of any front property line or within ten (10) feet of any other lot line. See Article XVII for additional parking controls. A restaurant and other permitted non-accessory commercial uses shall require additional parking at the rate prescribed in Article XVII. All other accessory uses shall be exempt from parking requirements.

Provided from the Springfield Planning Departments Web Page

5. Height. No apartment building shall be erected to height in excess of one hundred and fifty (150) feet or less than thirty-five (35) feet, and no accessory building to an apartment building shall exceed twenty-five (25) feet in height. Principal buildings other than apartment buildings may be erected to a height not to exceed four (4) stories or sixty (60) feet.

Provided from the Springfield Planning Departments Web Page

ARTICLE X-A

OFFICE A RESIDENCE-OFFICE DISTRICTS

Section 1000-A. Intent. This district is designed for those areas of the City which are characterized by larger older residences which may be converted or as a transitional zone between residential and non-residential districts.

Section 1001-A. Use Regulations.

1. Any use permitted in Residence B Districts.

2. Conversion of a residential structure to an office or studio building with the restriction that any facade alterations do not detract from the residential quality of the structure or the neighborhood in general.

3. New office or studio building or similar new addition to an existing structure, day care center, and nursery school when authorized as a Special Permit by the City Council.

Section 1002-A. Area Regulations.

1. Lot Area and Width. Each lot used for new construction shall be at least five thousand (5,000) square feet with at least seventy-five (75) foot frontage at the building line.

2. Building Area. Not more than forty (40) percent of the area of each lot used for new construction may be occupied by a building.

3. Yards. Except existing buildings, same as Residence A-1.

4. Height. Same as Residence A-1.

5. Parking. See Article XVII, Section 1701, paragraph 12.

6. Buffer. Along each side or rear property line, which directly abuts a residential district in the City, or similar districts in an adjoining municipality, a buffer planting not less than ten (10) feet in width, as defined in Section 201-4 shall be provided.

Section 1003-A. Special Regulations.

In the case of a new office or studio building or a new addition to a converted

Provided from the Springfield Planning Departments Web Page
residential structure, Article VIII, Section 807, Special Regulations shall apply.

Provided from the Springfield Planning Departments Web Page

ARTICLE X-B

COMMERCIAL P PARKING LOT DISTRICTS

Section 1000-B. Intent. This district is intended to accommodate those parcels of land which are to be developed for the sole purpose of open-air parking, either in conjunction with an existing business or as a separate use.

Section 10001-B. Use Regulations.

1. Open-Air Parking Lots. No buildings are permitted with the exception of an attendant's booth which shall be no larger than 200 square feet.

Section 1000-B. Special Regulations.

1. The parking bay size, lighting, screening, landscaping, surface and maintenance, and layout specifications in Article XVII, Section 1702, sub-sections 2, 3, 5, 6 and 7 shall apply to all parking lots in this district.

2. Buffer. Along each side or rear property line which directly abuts a residential district in the City, or similar districts in an adjoining municipality, a buffer planting not less than ten (10) feet in width, as defined in Section 201-4, shall be provided.

Provided from the Springfield Planning Departments Web Page

ARTICLE X-C

COMMERCIAL A NEIGHBORHOOD COMMERCIAL DISTRICTS

Section 1000-C. Intent. Neighborhood Commercial Districts are intended to provide for the special requirements of retail and service convenience type commercial establishments which serve primarily the day-to-day needs of the immediately surrounding neighborhood, and encourage attractive compact commercial developments in locations close to the residences served.

Section 1001-C. Use Regulations. Buildings may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

1. Any use permitted in Residence C Districts.

2. Retail store designed primarily to provide daily service to the residents of the immediately surrounding neighborhood and within a ground floor area not in excess of ten thousand (10,000) square feet. A pool or billiard table is not permitted. No more than five (5) video machines will be allowed as an accessory use to the above.

3. Personal shop, such as a barber shop, beautician, clothes cleaning pickup agency, but NOT including laundry or dry cleaning establishment.

4. Retail service store or custom store such as a bakery or confectionery, custom tailoring or millinery shop, clock and jewelry store, radio, television or household appliance repair store, PROVIDED that:

   a. Any article made shall be sold at retail from the premises, and

   b. The area devoted to processing or storage shall constitute not more than forty (40) percent of the gross floor area.

5. Office or studio building with a ground floor area not in excess of five thousand (5,000) square feet. Such an office building may include as an accessory use, a restaurant, cafeteria or news-stand designed to serve principally the employees of the office building. Such accessory commercial use shall be located within the principal building. The total maximum floor area for such use shall not exceed five (5) percent of the total floor area of the building, excluding basements and garages.

6. Bank or similar financial institution.

7. Automatic self-service laundry or dry cleaning establishment.

8. Telephone central office, including office open to the general public.

9. Motor vehicle parking lot or parking garage, (no repairing of vehicles permitted), day care centers and nursery schools, hospitals and sanitariums.

10. Undertaking establishment when authorized as a special permit by the City Council subject to the general provisions prescribed in Section 2005.

11. Accessory use on the same lot with and customarily incidental to any of the above permitted uses which use may include:

    a. Storage within a completely enclosed building in conjunction with a permitted use, PROVIDED such storage does not constitute more than forty (40) percent of the gross floor area of the store.

    b. Living accommodations for the proprietor of a store or business establishment or for a watchman or similar employee.

    c. Signs as permitted in Article XVIII.

12. Wireless communications facility subject to the restrictions prescribed in Section XIV-E.

Section 1002-C. Area and Height Regulations. Every building used exclusively as a dwelling shall comply with the area and yard regulations prescribed for Residence C Districts. The height of such residential buildings shall conform to 902-5. For buildings used in whole or in part for commercial purposes the following regulations shall apply:

1. Building Area. Not more than fifty-five (55) percent of each lot may be occupied by buildings.

2. Front Yard. There shall be a setback on each street on which a lot abuts which shall be not less than twenty (20) feet.

3. Side Yard. For every detached building or group of attached buildings, there shall be two (2) side yards, neither of which shall be less than ten (10) feet in depth.

4. Rear Yard. There shall be a rear yard on each lot which shall be not less than ten (10) feet in depth.

5. Heights. No new building shall exceed two (2) stories or thirty (30) feet in height.

6. Special Regulations. In order to encourage sound and attractive commercial development, the following special requirements shall apply:

   a. Every use other than the parking lot shall be completely enclosed within a building.

   b. Along each side or rear property line, which directly abuts the residence district in the city or similar districts in an adjoining municipality, a buffer planting strip not less than ten (10) feet in width, as defined in Section 201-4, shall be provided.

   c. No permanent storage of merchandise shall be permitted outside a building.

   d. Off-street parking, off-street loading, and special requirements relating to highway frontage, prescribed in Article XVII and Section 1502, shall apply in Neighborhood Commercial Districts. For each dwelling unit, one (1) off-street parking space shall be provided.

Provided from the Springfield Planning Departments Web Page

ARTICLE X-D

BUSINESS A GENERAL BUSINESS DISTRICTS

Section 1000-D. Intent. General Business Districts provide for the appropriate development and special requirements of the major outlying business concentrations, which serve an area larger than the immediate neighborhood.

Section 1001-D. Use Regulations. Buildings may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

1. Any use permitted in Commercial A District. Undertaking establishments are permitted outright in Business A districts.

2. Retail store, including department store, variety store, furniture store, specialty shop, or any other retail store designed primarily to serve an area larger than the immediate surrounding neighborhood. These stores may NOT include, as a main use, retail motor vehicle services, such as new or used motor vehicle sales, tire, brake and muffler shops.

3. Hotel or motel.

4. Office building.

5. Club, lodge, or tavern.

6. Restaurants. Not to include a drive-in restaurant. As a special permit by the City Council, restaurants may have as an accessory convenience, a drive-through window wherein take-out food may be ordered and picked up by patrons while in their car.

8. Indoor storage building or warehouse in conjunction with a retail store or permitted use, PROVIDED the area devoted to storage shall not constitute more than forty (40) percent of the gross floor area.

9. Business, dance or similar schools, NOT to include trade schools which have training operations that create objectionable noise levels at the property line.

9A. No more than five (5) video machines will be permitted as an accessory use to any of the above without a special permit for an indoor place of amusement.

10. The following uses, when authorized as a special permit by City Council, subject to the general provisions prescribed in Section 2005.

a. Motor Vehicle Service Station (not to include a truck stop). Services to include such uses as a gas station, lubrication service, washing-buffing, installation and service of radios, burglar alarm systems, and all other electrical or electronic systems and engine tune-ups, but may not include transmission overhaul, major engine repairs, tire recapping or retreading, auto body repair, or brake or muffler shops.

b. Mechanical, public car-wash provided that (1) mechanical power used in conjunction with such use does not exceed twenty (20) rated horsepower and two (2) on-lot storage lane capacity is provided for at least ten (10) cars.

c. Indoor place of amusement or recreation operated for profit, including theater, bowling alley or pool hall containing more than two (2) pool tables. A pool or billiard table is not permitted in retail stores.

d. Mobile Home Park subject to the provisions of Article XIX.

e. Pet kennels if sound-proofed and contained within a building.

f. Wholesale in conjunction with and accessory to a permitted retail use PROVIDED that the area devoted to the retail use is no less than 60% of the gross floor area.

g. Monument engraving and sales.

h. Furniture upholstering and refinishing.

i. Wholesale florist.

j. Used automotive sales as an accessory use with no more than five (5) cars displayed for sale at any one time.

k. Automotive rentals either as an accessory use or a main use.

l. Heliport.

Section 1002-D. Area and Height Regulations. Every building used exclusively as a dwelling shall comply with the area, yard and height regulations prescribed in Residence C Districts. For buildings in whole or in part for business purposes the following regulations shall apply:

1. Building Area. Not more than seventy-five (75) percent of area of each lot may be occupied by buildings.

2. Front Yard. There shall be a setback on each street on which a lot abuts which shall not be less than ten (10) feet, EXCEPT in a case where an adjacent building on either side along the same street (and within the same block and district) is located closer to the street line, in which case the new building may conform to the lesser setback.

3. Side Yard. None required for a building used for business purposes, EXCEPT that where a lot abuts a residential district, or a street on the side lot line, a side yard shall be provided which shall not be less than ten (10) feet.

4. Rear Yard. None required EXCEPT when the lot abuts a residential district in which case paragraph 6b of this section applies.

5. Height. No building shall exceed four (4) stories or sixty (60) feet in height.

6. Special Regulations. In order to encourage sound and attractive commercial development, the following special requirements shall apply:

   a. Every use, other than the parking lot, shall be completely enclosed within a building.

   b. Along each side or rear property line, which directly abuts the residence district in the City, or similar districts in an adjoining municipality, a buffer planting strip not less than seven (7) feet in width, as defined in Section 201-4, shall be provided.

   c. No permanent storage of merchandise shall be permitted out-side of a building.

   d. Off-street parking, off-street loading, and special requirements relating to highway frontage, prescribed in Article XVII and section 1502, shall apply in Business A Districts. For each dwelling unit one (1) off-street parking space shall be provided.

Provided from the Springfield Planning Departments Web Page

ARTICLE XI

BUSINESS B SERVICE BUSINESS DISTRICTS

Section 1100. Intent. Business B Districts make provision for a wide range of highway oriented automotive and heavier service type business activities which ordinarily require either main highway or light industrial locations. Among the objectives of the Service Business Districts are:

1. To encourage the sound and appropriate commercial development in compact segments of major highway frontage.

2. To provide locations for important heavier service type business uses convenient to downtown and other business locations.

3. To protect major highways as thoroughfares.

Section 1101. Use Regulations. Buildings may be erected or used, and a lot may be used or occupied for any of the following purposes and no other:

1. Any use permitted outright in Business A Districts.

2. General service and contractor's shop, including cabinet making, light metal working, tinsmith, plumbing or similar shop.

3. Wholesale business establishment, indoor storage building or warehouse.

4. Laundry, dry cleaning or clothes pressing establishment, PROVIDED that the equipment and materials to be employed will not involve danger or fire or explosion.

5. Governmental or public service corporation's building or facility or any similar use.

6. Newspaper publishing, job printing or similar establishments.

7. Commercial greenhouse or nursery.

8. Wholesale dairy or bakery.

9. Light industrial processes employing not more than fifty (50) persons and

limited to such uses as the manufacture of clothing and other textile products, small electrical appliances and supplies, scientific and electronic instruments, jewelry and watches, the manufacture of small products from already prepared materials, stamping or extrusion of small metal or plastic products, the packaging of small products. The 50 person employment limit may be increased with a special permit from the City Council.

10. Privately owned trade school.

11. The following uses when authorized as a special permit by the City Council, subject to the general provisions prescribed in Section 2005:

    a. All uses listed in Section 1001-10 EXCEPT Mobile Home Parks and Accessory Wholesale (1001-10f).

    b. Outdoor place of amusement, recreation or assembly on a lot not less than two (2) acres in size.

    c. Express trucking.

    d. New or used automobile, truck, trailer and mobile home sales agency or rental agency PROVIDED that:

        (1) The lot shall not be less than five thousand (5,000) square feet.

        (2) All facilities shall be located, and all services shall be conducted within the confines of the lot.

        (3) All repair or similar activity shall be accessory.

    e. Drive-in Restaurants.

    f. Motor vehicle repair shop, auto body shop, brake and muffler shop, tire capping and retreading.

    g. Yard for storage and sale of coal, fuel oil, or building material.

    h. Heliport.

    i. Temporary car storage lot.

    j. Truck stop.

Section 1102. Area and Height Regulations. Every building used exclusively as a dwelling and having four (4) stories or less, shall comply with the area, yard and height regulations prescribed in Residence C Districts. For buildings used in whole or in part for business purposes and all residential buildings five (5) stories or more in height, the following regulations shall apply:

1. Density. The maximum density of buildings used for residential purposes (other than buildings exclusively for residential use and less than five (5) stories) shall not exceed one hundred fifty (150) dwelling units per acre.

2. Building Area. Not more than eighty (80) percent of the area of each lot may be occupied by buildings.

3. Front Yard. There shall be a setback on each street on which a lot abuts which shall not be less than ten (10) feet, EXCEPT in a case where an adjacent building on either side along the same street (and within the same block and district) is located closer to the street line, in which case the new building may conform to the lesser setback.

4. Side Yard. None required for a building used for business purposes, EXCEPT that where a lot abuts a residence district, or a street on the side lot line, a side yard shall be provided which shall be not less than ten (10) feet. In the case of a building used in whole or part for residential purposes, the residential section of the building shall be no closer than twenty (20) feet to any portion of another principal building; in no case shall the side yard of such a building be less than seven (7) feet.

5. Rear Yard. None required EXCEPT when the lot abuts a residential district in which case paragraph 7a of this section applies.

6. Height. No building shall exceed four (4) stories or sixty (60) feet in height **Except** with a special permit from the City Council.

7. Special Regulations. In order to encourage sound and attractive commercial development, the following special requirements shall apply:

   a. Along each side or rear property line, which directly abuts a residence district in the city or similar districts in an adjoining municipality, a buffer planting strip not less than five (5) feet in width as defined in Section 201-4 shall be provided. In Business B districts, a fence may be used in place of or in combination with evergreens.

   b. Off-street parking, off-street loading and special requirements relating to

highway frontage prescribed in Article XVII and Section 1502 shall apply in Business B districts. For each dwelling unit, one (1) off-street parking space shall be provided.

Provided from the Springfield Planning Departments Web Page

ARTICLE XII

BUSINESS C CENTRAL BUSINESS DISTRICTS

Section 1200. Intent. Business C Districts are intended to accommodate high intensity business uses appropriate for downtown locations and to set design standards commensurate with this special area of the City.

Section 1201. Use Regulations. Buildings may be erected or used, and a lot may be used or occupied for any of the following purposes and no other:

1. Any use permitted outright in Business A Districts.

2. Wholesale business establishment.

3. Indoor storage building or warehouse in conjunction with retail store or other permitted use.

4. Newspaper publishing, job printing, or similar establishment.

5. Motor vehicle parking lot or structures.

6. Multiple-family dwellings or apartment houses.

7. The following uses, when authorized as a special permit by the City Council, subject to the general provisions prescribed in Section 2005.

   a. Manufacturing and Warehousing. The City Council shall use as a guide in reviewing such a petition the amount or location of trucking connected with the use to assure that no undue traffic hazard or congestion is created.

   b. Indoor or Outdoor place of amusement or recreation, including theater or bowling alley.

   c. Heliport.

Section 1202. Area and Height Regulations.

1. Building Area. Not more than ninety-five (95) percent of the area of each lot may be occupied by buildings, EXCEPT in the case of a building used in whole or in part for residential purposes, in which case not more than ninety (90) percent of each lot may be occupied by buildings.

2. Density. Every building used in whole or in part for residential purposes shall contain not more than one hundred fifty (150) dwelling units per acre.

3. Yards. None required, EXCEPT that no portion of a building used in whole or in part for living purposes shall be located any closer than twenty (20) feet to any portion of another building. In the event that this building abuts a vacant lot, it shall not be located any closer than twenty (20) feet from that lot line.

4. Height. No building shall exceed four hundred (400) feet in height.

Section 1203. Special Regulations for Multiple-Family Dwellings.

1. No ground floor area shall be used for living purposes.

2. There shall be provided on the lot at least fifty (50) square feet of landscaped usable open space for each dwelling unit. Such usable open space may be provided on the ground or a balcony or on the roof of a structure, PROVIDED it is accessible to all residents of the building.

3. Off-street parking and off-street loading in accordance with Article XVII. These requirements include (but are not limited to) the provision of at least one (1) off-street parking space for each dwelling unit, EXCEPT for special provisions relative to housing for the elderly.

Section 1204. Special Regulations for Other Uses. In order to encourage sound and attractive development, the following special requirements shall apply:

1. No permanent or periodic storage of merchandise or equipment shall be permitted outside a building.

2. Off-street loading requirements prescribed in Article XVII shall apply in Business C Districts. Although non-residential uses are exempt from off-street parking requirements, in the case of any building containing more than twenty thousand (20,000) square feet of floor area, a plan shall be submitted to the Planning Department showing the proposed accommodation of the off-street parking likely to be generated.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIII

INDUSTRIAL PARK DISTRICTS

Section 1300. Intent. The purpose of this section is to establish Park Districts, and to regulate land uses to insure compatibility of development, both within the District and with adjacent uses and users by means of the following performance standards, area requirements and other regulations.

Section 1301. Use Regulations. Within any Industrial Park District, as indicated on the Building Map, no building, structure or land shall be used and no building or other structure shall hereafter be erected, altered or enlarged except for the following:

1. Manufacturing.

2. Fabricating.

3. Processing.

4. Packing.

5. Office Buildings.

6. Public Utility uses.

7. Research laboratories and research facilities.

8. Accessory buildings located on the same lot with the main buildings.

9. Accessory uses located on the same lot with the main buildings.

10. Temporary structures on a lot for uses incidental to construction work on that lot or lots abutting, which structures shall be removed immediately upon completion or abandonment of the construction work for which they were erected.

11. Signs in conformance with Article XVIII.

12. Restaurants and banks.

13. Warehousing.

14. As an accessory use to a permitted manufacturing or warehousing use, retail

sales shall be permitted, but in no case shall such retail sales exceed twenty-five (25) percent of the total sales of the establishment.

15. Heliport.

16. Wireless communications facility as an accessory use to one of the above uses and further subject to the restrictions prescribed in Article XIV-E.

Section 1302. Prohibitions. Within any Industrial Park District, NO buildings shall be erected, altered or enlarged and NO land shall be used for the following:

1. Abattoir.

2. Asphalt manufacturing or refining.

3. Building material manufacturing and distribution where outside storage or manufacturing operations are required.

4. Commercial coal yard or coal storage.

5. Creosote manufacturing.

6. Distillation of coal, wood or bones.

7. Explosives or fireworks manufacturing.

8. Fat rendering.

9. Fertilizer or potash manufacturing or refining.

10. Glue or size manufacturing or process involving recovery from fish or animal offal.

11. Gypsum, cement, plaster, or plaster of paris manufacturing.

12. Incineration except for the destruction of wastes resulting from the primary use of the land and in compliance with the provisions of Article XIII Industrial Park Districts.

13. Motor vehicle repairing.

14. Reduction of or dumping of offal, garbage, or refuse.

15. Junk or salvage yard or junk or salvage storage.

16. Petroleum refining.

17. Sewage disposal plant EXCEPT where controlled by a municipality.

18. Tar distillations.

19. Tar roofing manufacturing.

20. Trash hauling services or the storage of trash hauling vehicles and associated equipment such as trash bins.

21. The temporary storage of trucks or truck bodies as a principal use of a parcel or not accessory to the principal use of the parcel.

Section 1303. Lot Sizes.

1. The minimum area of any lot shall be one and one-half (1-1/2) acres.

2. The minimum width of any lot shall be two hundred (200) feet measured along the street line at the front of the lot.

3. The minimum width of any lot at the front building line shall be two hundred (200) feet.

4. The minimum depth of any lot, as defined in Article II, shall be two hundred (200) feet.

5. Every lot shall have frontage on a public way, or a private way approved by the Planning Board.

Section 1304. Lot Coverage and Setbacks.

1. No building or structure, either permanent or temporary, shall be erected or used above the surface of any front yard, side yard, or rear yard, as defined herein, EXCEPT as provided in Section 1307, and Section 1304-8, and Section 1304-2.

2. The maximum aggregate land area that may be covered by principal and accessory buildings on any lot shall not exceed fifty (50) percent of the total area of the lot.

3. The minimum depth of the front yard as defined in Article II, shall be twenty-five (25) feet.

4. The minimum width of side yards, as defined in Article II, shall be fifteen (15) feet and FURTHER, no permanent building or structure shall be erected nearer to any side lot line than the height of such building or structure above the level of the ground at said side lot line of the site nearest opposite to the highest point of such building or structure. This limitation shall not apply to accessory towers, tanks, antennae and similar accessory structures. Where a side yard abuts a railroad right-of-way, the side lot line shall be deemed to be the center of the railroad right-of-way for the purpose of this paragraph 4.

5. The minimum depth of the rear yard, as defined in Article II, shall be twenty-five (25) feet. Where a rear yard abuts a railroad right-of-way, the rear lot line shall be deemed to be the center line of the railroad right-of-way for the purpose of this paragraph 5.

6. Any setback or yard provided on a lot, in accordance with the requirements of this Article XIII, shall NOT be considered as satisfying the yard or setback requirements for any other lot. Setbacks and yard requirement shall apply separately and individually to each lot.

7. Every required front, side or rear yard shall be kept open and unobstructed above the surface of the ground, and shall be maintained firm enough to accommodate the passage of fire and other emergency vehicles at all time. Nothing contained herein shall prohibit the erection, maintenance and use of structures for utilities, PROVIDED that such structures do not project more than five (5) feet from the side or rear lot lines and do not prevent the passage of fire and other emergency vehicles at all times.

8. Nothing contained herein shall prohibit the construction of railroad tracks and sidings in required rear or side yards so as to accommodate the passage of emergency vehicles at all times.

Section 1305. Building Dimensions.

1. The maximum height of any building or structure, other than office buildings, accessory towers, tanks, antennae, and other similar accessory structures, shall be sixty (60) feet above the general finish grade adjacent to such building or structure.

2. The minimum ground floor area of the principal building erected or altered on any lot in these Districts shall be four thousand (4,000) square feet.

Provided from the Springfield Planning Departments Web Page

Section 1306. Off-Street Parking and Loading. The following off-street parking and loading provisions shall apply in all Industrial Park Districts:

1. Adequate off-street parking areas shall be provided for the vehicles of employees, visitors, and other vehicles incidental to the use of any lot with a minimum of one (1) parking space for each one and one-half (1-1/2) employees employed in the principal shift at peak employment, plus one (1) parking space for each vehicle normally operated on the premises in the conduct of the business.

2. The total parking area required for each lot shall be increased proportionately to provide parking areas for additions to plant employment in accordance with the ratio expressed in Section 1306-1.

3. Sufficient area to provide adequate parking spaces for any lot shall be surfaced with a minimum of ten (10) inch compacted bank-run gravel base and two (2)inches of bituminous concrete or a comparable all-weather, dustless surface clearly marked for parking.

4. Parking bay size is controlled by Article XVII, Section 1702-2. Sufficient additional space shall be provided in parking areas for turning of vehicles.

5. Parking areas may be used by two or more plants when the total number of parking spaces provided is not less than the sum of the spaces required for each plant.

6. Required parking areas may be provided on either the lot upon which the principal building is located or on any lot the nearest point of which is not more than five hundred (500) feet distant from the nearest point of the property line of the lot where the principal building is located.

7. Access drives, turn-around areas, loading or unloading spaces, and other areas normally used by vehicles on the lot shall be surfaced as required under Section 1306-3.

8. Loading and unloading of vehicles shall be conducted with such vehicles parked completely off any public way. Wherever practicable, all loading and unloading shall be on those sides of the building which do not face a public way. Where loading and unloading must be conducted on any side of a building facing a public way, the building shall be so arranged so that no part of a truck or other vehicle shall be closer than ten (10) feet to the street line. Loading or unloading space shall be made off the public way.

9. Areas required for parking under the provisions of Section 1306-1 may be used for loading or unloading operations only during those periods when the parking spaces are not required to accommodate the needs for which they are provided.

10. Front yard parking shall be permitted PROVIDED all requirements relative to required front yards are met.

Section 1307. Performance Standards.

All uses shall conform to the performance standard requirements set forth in Section 1511.

Section 1308. Materials and Equipment Storage.

1. The storage of equipment or materials outside of buildings is permitted only under the following conditions:

   a. The storage shall be in an area enclosed by an opaque fence or sight obscuring screening, either of which shall not be less than six (6) feet nor more than ten (10) feet high.

   b. No materials or stored equipment shall project above such fence or screening EXCEPT for temporary storage of materials and equipment intended for use in construction during the actual period of active construction.

   c. Raw materials essential to the principal use of the lot may be stored in tanks and other types of structures permanently secured to the ground or building.

Section 1309. Fencing. Fencing may be erected where it is necessary to protect property or other activity of the occupant, to comply with security regulations of governmental bodies, or to protect the public from dangerous conditions, with the following:

1. No fence shall be constructed beyond the building lines, as established under the requirements of Section 1304.

2. Fences, other than storage shielding fences described in Section 1308-1, shall be of substantial open wire mesh or chain link construction or other open construction of substantial design and shall be erected and maintained in true line.

Section 1310. Landscaping. All required front, side and rear yards, EXCEPT those portions paved as driveways, access roads, loading and parking areas, or railroad tracks, shall be loamed and seeded and maintained as lawns, or developed and maintained as gardens. Notwithstanding the provisions of Section 1304-7, landscaping materials such as ornamental shrubs, trees or ground cover material may be located in required front,

side and rear yards PROVIDED they do not interfere with the passage of fire or other emergency vehicles.

All areas at the front of buildings, and at the sides of buildings, which face a public way shall be loamed and seeded and maintained as lawns, EXCEPT where portions of those areas are paved for permitted uses. Ornamental shrubs, trees, flowers or ground cover may be planted in these areas.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIV

INDUSTRIAL A DISTRICTS

Section 1400. Intent. Industrial A Districts make provisions make provisions for the full range of industrial and business uses compatible with a major urban center. However, special review and approval is required in the case of certain potentially hazardous or obnoxious uses. Because of the densely developed character of the city, certain other such uses are prohibited.

Section 1401. Use Regulations. Buildings may be erected or used, and a lot may be used or occupied for any of the following purposes and no other:

1. All uses in Section 1101, paragraph 1-11i - except a residential structure or mobile home as a main use, a heliport, a motor vehicle service station, a car wash establishment, the buying and selling of second-hand motor vehicles and a truck stop -- are permitted outright.

2. All other manufacturing, fabricating, processing, storage, retail or service uses EXCEPT those listed in Section 1401-3 below.

3. The following uses only when authorized as a special permit by the City Council, subject to the general provisions prescribed in Section 2005:

    a. Abattoir.

    b. Ammonia, chlorine or bleaching powder manufacture.

    c. Asphalt manufacture or refining.

    d. Celluloid manufacture (except in isolated, fire-resisting buildings).

    e. Coal tar products manufacture.

    f. Creosote manufacture.

    g. Distillation of coal, wood or bones.

    h. Explosives or fireworks manufactures.

    i. Fat rendering.

    j. Fertilizer manufacture or potash refining.

k. Glue or size manufacturing or process involving recovery from fish or animal offal.

l. Gypsum, lime cement, plaster of paris or plaster manufacture.

m. Helicopter or airplane landing facility.

n. Incineration, reduction of or dumping offal, garbage, or refuse on a commercial basis, EXCEPT where controlled by the municipality.

o. Iron, steel or other metal manufacture or processing, drop forging with power hammer, boiler works, heavy weight casting including galvanizing and other treatment.

p. Junk yard or junk storage (see also Section 1508).

q. Leather processing.

r. Linoleum manufacture.

s. Motor vehicle service station, car wash establishment, or the buying and selling of second hand motor vehicles.

t. Paint manufacture.

u. Paper manufacture.

v. The manufacture, refining or bulk storage of petroleum and products made therefrom.

w. Plastic manufacture or the manufacture of articles therefrom.

x. Poisonous gases.

y. Quarry.

z. Rubber, cauotshouc or gutta percha manufacture from crude or scrap material.

aa. Sewage disposal plant, EXCEPT where controlled by the municipality.

bb. Soap manufacture.

cc. Sulphurous, sulfuric, nitric, or hydrochloric acid manufacture.

dd. Tar distillation and tar roofing manufacture.

ee. Building for storage of used materials.

ff. Truck stop.

gg. Recycling Center.

hh. Trash hauling services or the storage of trash hauling vehicles and associated equipment such as trash bins.

ii. The temporary storage of trucks or truck bodies as a principal use of a parcel or not accessory to the principal use of the parcel.

4. No building or other structure shall be erected, altered, or used, and no land shall be used or occupied for residential purposes, EXCEPT where subdivision plans or individual building lots existed, and were duly recorded or registered prior to the enactment of this amendment. (August 12, 1962). The dwelling or dwellings of caretakers or watchmen located on the premises where such use is incidental to the principal permitted use are exempt from the above provisions.

Section 1402. Area and Height Regulations. Every building shall comply with the following area, yard and height regulations.

1. Building Area. Not more than seventy (70) percent of the area of each lot may be occupied by buildings.

2. Front Yard. There shall be a setback on each street on which a lot abuts which shall be not less than ten (10) feet.

3. Side Yard. None required, EXCEPT that where a lot abuts a residential district, or a street on side lot line, a side yard shall be provided which shall be not less than ten (10) feet. In any case, where side yards are provided, although they are not required, each side yard shall be not less than five (5) feet in width. Where a side yard abuts a railroad right-of-way, the side lot line shall be deemed to be the center of the railroad right-of-way for the purpose of this paragraph 3.

4. Rear Yard. There shall be a rear yard on each lot which shall be not less than fifteen (15) feet in depth or the height of the building, whichever is greater. Where a rear yard abuts a railroad right-of-way, the rear lot line shall be

Provided from the Springfield Planning Departments Web Page
deemed to be the center line of the railroad right-of-way for the purpose of this paragraph 4.

5. Height. No building shall exceed one hundred (100) feet in height.

Section 1403. Performance Standards. Any uses permitted in Industrial A Districts must also conform to all of the performance standards contained in Section 1511.

Section 1404. Special Regulations. In order to encourage sound and attractive industrial development, the following special requirements shall apply:

1. Along each side or rear property line, which directly abuts a residential district in the city or similar districts in an adjoining municipality, a buffer planting strip not less than ten (10) feet in width, as defined in Section 201-3 shall be provided.

2. Off-street parking, off-street loading and special requirements related to highway frontage described in Article XVII, Section 1502 shall apply in Industrial A Districts.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIV-A

FLOOD PLAIN DISTRICT

Section A-1400. Flood Plain District. The Flood Plain District is an overdistrict and includes all special flood hazard areas shown on the Flood Insurance Rate Maps (F.I.R.M.) effective June 17, 1991, which is part of this bylaw and which is on file in the offices of the City Clerk, Planning Board, and Building Department. These maps are incorporated herein by reference.

Section A-1401. Development Regulations. The following requirements apply in the Flood Plain District:

1. Any construction, development, or grading of any nature or description within the Flood Plain District shall not be commenced until an application for a Special Permit has been approved by the Board of Appeals.

2. Application to the Board of Appeals for a Special Permit shall be accompanied by a plan which shall show the following:

   a. Boundaries and dimensions of the area involved.

   b. The location, dimensions and mean sea level of the lowest habitable floor, including basement of existing and proposed buildings and structure thereon, and the elevation to which the structure has been flood-proofed.

   c. All plans shall show two (2) foot contour intervals and contours shall be delineated within two hundred (200) feet of the proposed construction.

   d. When neighboring communities are effected by altered or relocated watercourses, said communities and the Massachusetts Division of Water Resources shall be notified prior to the commencement of such activity. Submit copies of said notification to Federal Insurance Agency (F.I.A.)

   e. All permits required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334, have been or are in the process of being obtained.

   f. Any other information as is deemed necessary by the Special Permit Granting Authority to indicate the complete physical characteristics of the area and the proposed construction and/or grading thereof.

3. Plans shall be prepared by a Professional Engineer or Land Surveyor registered

in the Commonwealth of Massachusetts and shall show and make adequate provisions for the following:

a. The protection, preservation and maintenance of the water table and water recharge areas.

b. The preservation and maintenance of the natural stream channel plus sufficient width of overbank areas for the passage of 100-year flood flows so as not to increase the 100-year flood water surface elevation more than one (1) foot at any point within the community.

c. The retention of existing floodwater storage capacity.

d. Prevention of flotation, collapse and movement of structures.

e. Prevention of flood damage to public utilities including sewer, water, gas, and electric.

f. Within Zones A1-30, all new construction and alterations or additions (the cost of which alterations or additions equals or exceeds fifty (50) percent of the present market value of the existing structure) of residential and nonresidential structures shall have the lowest floor including basement elevated to or above the base flood elevation (the 100-year flood elevation designated on the FIRM) or in the case of nonresidential structures the lowest floor, including basement, be dry flood proofed to or above 100-year flood level, and with attendant utility and sanitary facilities be designed so that below the 100-year flood level, the structure is water tight.

g. Within Zone A, in the absence of F.I.A. base flood elevation data, the applicant shall obtain and submit other available data from a Federal, State or other source as criteria for requiring that any new construction alteration or addition of residential structures, shall have the lowest floor including basement, elevated to or above the 100-year flood level and any new construction, alteration or addition of nonresidential structure shall have the lowest floor, including basement, elevated or flood proofed to or above the 100-year flood level.

h. Where watertight flood proofing of a structure is permitted, a professional engineer or architect registered in the Commonwealth of Massachusetts shall certify that the methods used are adequate to withstand the flood depths, pressures and velocities, impact and uplift force and other factors associated with the 100-year flood.

i. Located within the Flood Plain District are areas designated as floodways.

Provided from the Springfield Planning Departments Web Page

Since the floodway is an extremely hazardous area due to the velocity of Flood Waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

(1) Encroachment, including fill, new construction, any alteration or addition and other development shall be prohibited unless certification by the engineer, surveyor or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of 100-year flood, and the Board of Appeals is satisfied that the encroachment will not derogate from the intent of this section of the by-law.

(2) If Section 3, i (1) above is satisfied, all new construction and any alteration or addition shall comply with all provisions of Section A-1401.

(3) Within fourteen (14) days after receipt of the application by the Board of Appeals, the Board shall transmit copies thereof, together with copies of the accompanying plan to the Board of Health, Engineering Department and the Conservation Commission or any other agency. Such agencies shall investigate the application and report in writing their recommendation to the Board of Appeals.

The Board of Appeals shall not take final action on such application until it has received a written report from the above agencies or until forty-five (45) days have elapsed without receipt of said reports.

Section A-1402. Compliance with Other Statutes. Nothing contained in this section shall excuse compliance with the Wetlands Protection Statutes, General Laws, Chapter 131, Sections 40 and 40A, or any other laws of the Commonwealth of Massachusetts.

Section A-1403. Disclaimer of Liability. This zoning by-law does not imply that land outside the areas of the Flood Plain District or uses permitted within such district will be free from flooding or flood damage. This by-law shall not create liability on the part of the City of Springfield or by any official thereof for any flood damage that may result from reliance on this by-law or any administrative decision lawfully made there-under.

Section A-1404. Mobile Homes and Mobile Home Parks. Mobile homes and mobile home parks are not permitted within the Flood Plain District.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIV-B

CONNECTICUT RIVERFRONT DISTRICT - R

Section B-1400. Intent. The Connecticut Riverfront District is intended to accommodate and control the development of the riverfront land so as to promote and protect the natural and aesthetic qualities of the river for the general welfare of the public.

Section B-1401. Use Regulations. Buildings may be erected or used, and a lot may be used occupied for any of the following purposes and no other:

1. Municipal recreation buildings, playgrounds, parks and benches.

2. Public and private recreation use including a riverway trail system, fishing piers, boathouse and picnic areas.

3. Agricultural, horticultural and viticultural uses.

4. Municipal Buildings and telephone exchange buildings.

5. Automobile parking lot.

6. Commercial marina to include boat sales, service, rentals, storage, launching ramps and docks.

7. Commercial sightseeing and ferrying.

8. The following uses, when authorized as a special permit by the City Council, subject to the general provisions prescribed in Section 2005 EXCEPT that Section 2005-5 Planning Board Report shall also include a report from the Riverfront Development Commission after the Riverfront Development Commission holds its own public hearing.

    a. Apartments (provided such complexes are not designed to preclude public access to and along the shoreline).

    b. Theater, stage building, art gallery and museums.

    c. Restaurant, delicatessen, gift shop, craft shop, or similar retail uses intended to serve tourism.

    d. Office or studio building.

e. Wholesale and retail sale of agricultural products, but not storage for distribution thereof.

f. Commercial greenhouse or nursery.

g. Hotel, motel and tourist information center.

h. Passenger terminal, rail, bus or helicopter.

i. Downtown district heating facility.

j. Accessory uses to all of the above.

Section B-1402. Area and Building Regulations.

Height:

1. Uses 1-7 in Section B-1401 -- no more than 35 feet.

2. Uses 8a-j in Section B-1401 -- to be determined by the City Council on a case by case basis, except that in no case may a building exceed 300 feet.

Yards: Side Yard - Minimum Side Yard - 10 feet

Area Coverage:

1. Uses 1-7 in Section B-1401 -- 70%

2. Uses 8a-j in Section B-1401 -- to be determined by the City Council on a case by case basis except that in no case may a building cover more than 80% of the lot.

Section B-1403. Parking. Residential - 1.5 spaces per unit.
Non-residential - as required in Article XVII.

Section B-1404. Signs.

1. Permitted signs in Section 1802, Section 1805-1, and Section 1808.

2. Roof Signs.

3. All signs in preceding paragraphs are subject to review and approval by the

Provided from the Springfield Planning Departments Web Page
Riverfront Development Commission which will consider size, location, height, color and style of each sign before it can be erected.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIV-C

SITE DEVELOPMENT AND DESIGN OVERLAY ZONE

Section C-1400. Intent. The Site Development and Design Overlay Zone (overlay zone) is intended to provide a review procedure for new development or alterations to areas of the city with unique architectural, design or landscape feature for the purposes of preserving and promoting proper and consistent land use development within these areas.

Section C-1401. Location. Overlay zones are indicated on the official Springfield Zoning Map.

Section C-1402. Use Regulations. In a Site Development and Design Overlay Zone, the use, sign and parking regulations of the underlying zone shall apply, except as noted below or in other sections of this Article.

1. The following uses and activities require a Special Permit from the City Council:

   a. Any use involving the new construction, demolition or exterior rehabilitation or any combination of these activities totaling more than 1,000 square feet.

   b. Conversion of residential structures to commercial uses, exclusive of home occupations.

   c. Automotive-related uses if allowed by right or by special permit in the underlying zone. These uses include, but are not limited to, a motor vehicle parking lot or garage, motor vehicle service station, mechanical or hand car wash, used automotive sales, automotive rentals, express trucking, truck, trailer and mobile home sales or rental agency, motor vehicle repair shop, auto body shop, brake and muffler shop, tire recapping and retreading, temporary car storage lot, truck stop, junk yard and gasoline filling station.

2. The following uses and activities, not included in C-1402.1, require a Special Permit from the Planning Board:

   a. Accessory signs and non-accessory signs, as defined in Article XVIII,

   b. Signs pertaining to gasoline filling stations, garages and shopping centers as defined in Article XVIII.

   c. Changes, beyond replacement maintenance, to the exterior facade or side wall fronting a public or private right-of-way, including but not limited to changes in roof design, windows, canopy and material.

d. Wireless communications facilities, excepting those facilities requiring a Special Permit from the City Council and excepting roof-mounted facilities extending less than 16 feet above the building height.

Section C-1403. Site Regulations. All proposed uses or activities in an overlay zone are subject to the Area and Height, Parking and Sign Regulations of the underlying zone, except as noted below.

1. Area and Height. All proposed uses or activities must demonstrate compatibility with the prevailing character of the surrounding area and with any approved Design Guidelines for the overlay zone.

2. Parking. Off-street parking areas, in excess of minimum parking requirements, shall be suitably landscaped and curbed. At least 15% of any parking area must be landscaped. Shade trees of four (4) inch caliper set at intervals of twenty (20) feet or less or shrub plantings set at intervals of four feet or less are examples of acceptable landscaping techniques.

3. Sign Regulations.

   a. These signs shall not exceed a height of ten (10) feet and shall not exceed twenty (20) square feet per face area or forty (40) square feet in total face area for a sign with two (2) faces. Accessory ground signs mounted on a ground base shall not exceed seven (7) feet in height and shall not exceed thirty (30) square feet per face area including the ground base area and shall not exceed sixty (60) in total face area for a sign with two (2) faces.

   b. Accessory wall signs may not exceed two (2) square feet per lineal foot of primary building frontage associated with the use and in no case shall the sign exceed 100 square feet. In the case of accessory wall signs on building frontage on a side street or parking area, the sign shall not exceed of the size of the sign facing the primary building frontage.

   c. One (1) non-accessory wall sign is allowed on a parcel. A non-accessory wall sign may not exceed 100 square feet per face area and shall have only one (1) face.

Section C-1404. Special Permit Procedures

1. Special Permit applications under this section are subject to Section 2005. In the event that a petitioner is requesting more than one Special Permit from the City Council for a particular project, the petitioner may combine the petitions at no additional cost.

2. The petitioner is encouraged to arrange a pre-application meeting with the Planning Department.

3. The petitioner shall present a plan that is in keeping with the architectural and design qualities of the overlay zone and that is in keeping with any applicable and approved Design Guidelines and Neighborhood Plans for the area.

4. For a Special Permit from the City Council, the petitioner shall submit six (6) copies of a Site Plan for review. The Planning Department shall distribute one copy of the plan to each of the following departments: Building Department, Economic Development, Public Works and City Council. The Site Plan shall consist of a narrative description of the proposal and four additional components:

   a. A Base Plan, showing the parcel boundary, dimensions, existing and proposed buildings, existing and proposed parking areas, curb cuts, utilities, lighting with specifications, waste disposal areas, fences, service areas, abutting parcels and street lines within a 200' radius of the site, and buildings and curb cuts located on abutting parcels.

   b. Elevations, at a scale (minimum 1/8"), showing existing and proposed building elevations. Elevations should indicate height, length and design of the facade area as well as the comparative heights of structures on abutting parcels. The elevations should be accompanied by a material and color board.

   c. A Landscape Plan, showing the limits of work, existing and proposed tree line, existing and proposed landscape features with planting and maturing size of each type of tree or shrub.

   d. A Sign Plan, showing the location, dimensions, height, material and color of existing and proposed signs, with accompanying elevations.

5. In addition to the Site Plan submissions, a traffic impact study shall be prepared at the direction of the Director of Public Works and shall be furnished at the time of application.

6. For a Special Permit from the Planning Board, the petitioner is required to submit four (4) copies of items C-1404.4b. and C-1404.4d.

7. Unless otherwise specified by the Planning Director, the Site Plan shall be no smaller than 1" = 20' scale, drawn by a registered architect or landscape architect. At the time of a pre-application meeting, the petitioner may request

from the Planning Director a waiver from one or more of the submission requirements. Such request shall be made in writing and shall demonstrate a compelling reason for relief from any submission requirement.

8. The Planning Department, based on input from appropriate city departments, neighborhood councils, associations and revitalization groups, will review and make appropriate recommendations to the petitioner. These recommendations shall be forwarded to either the City Council or the Planning Board at least seven (7) days in advance of the public hearing.

Section C-1405. Standards for Reviewing

1. In addition to the standards for reviewing set forth in 2005.7, the City Council and Planning Board shall consider the following matters in making its decision:

   a. The Planning Department's site plan review recommendation.

   b. The compatibility of the proposed use or activity with the Master Plan and any applicable Design Guidelines and Neighborhood Plans.

   c. The impact of the proposed use or activity upon the delivery of municipal services, including water, sewer, fire protection and police protection.

   d. The impact of the proposed use or activity upon traffic circulation, both on-site and on access ways to the site.

   e. The impact of the proposed use or activity upon the health, safety and welfare of the surrounding neighborhood.

   f. The positive impact of the proposed use or activity on the overall economic development of the overlay zone area.

Section C-1406. Certificate of Occupancy. The Building Commissioner shall issue a Certificate of Occupancy based on compliance with all aspects of the Special Permit, including the Site Plan, with the possible exception of seasonal landscaping, and any further conditions contained within the language of the Special Permit.

Section C-1406. Revocation. The Building Commissioner may revoke the Certificate of Occupancy, the Planning Board and City Council may revoke a Special Permit for just cause. Examples of just cause include, but are not limited to, failure to comply with any conditions attached to the Special Permit, substantial deviation from the Site Plan, false or misleading testimony at a public hearing, failure to comply with applicable city ordinances and regulations.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIV-D

WEST COLUMBUS AVENUE URBAN RENEWAL DISTRICT

Section D-1400. Intent. The West Columbus Avenue Urban Renewal District is intended to accommodate the development of riverfront land located within the West Columbus Avenue Urban Renewal Area Amendment #3, for retail, commercial, cultural and entertainment activities in a manner respectful of and in keeping with the natural and aesthetic qualities of the Connecticut River for the overall welfare of the general public, consistent with the protection of lands owned by the public as a natural resource for open space and park-oriented activities.

Section D-1401. Use Regulations. Buildings may be erected or used, and a lot may be used or occupied for any of the following purposes and no other:

1. Agricultural, horticultural and viticultural uses.

2. Municipal recreation buildings, playgrounds and parks.

3. Public and private recreation uses including a riverfront trail system, fishing piers, boathouses and picnic areas.

4. Municipal buildings.

5. Commercial marinas to include boat sales, service, rentals, storage, launching ramps and docks.

6. Commercial sightseeing and ferrying services.

7. Multifamily-Residential Buildings, not to include a residential institution, rest home, convalescent home, nursing home, infirmary, lodging house, residential rehabilitation center, group home or assisted living facility.

8. Theaters, art galleries, museums and other indoor places of amusement.

9. Restaurants and delicatessens.

10. Gift and craft shops.

11. General retail.

12. Health clubs, spas and similar uses.
13. Office or studio buildings.

14. Farmers' market, but not storage for distribution thereof.

15. Hotels, not to include motels.

16. Tourist and visitor information centers.

Section D-1402. Accessory Use Regulations. The following accessory uses shall be allowed in the West Columbus Avenue Urban Renewal District:

1. Off-street parking, subject to the standards found in Section D-1405.

2. Wireless communications facility, subject further to Section 1521.

Section D-1403. Prohibitions. The following uses, as well as others not listed in D-1401, are expressly prohibited in the West Columbus Avenue Urban Renewal District:

1. Drive-up service windows.

2. Motor vehicle service stations, motor vehicle repair garages and public car washes.

3. New or used motor vehicle sales.

4. Automotive rentals.

5. Manufacturing and warehousing facilities.

6. Wholesale.

7. Adult theater.

8. Adult entertainment.

Section D-1404. Site Planning and Dimensional Regulations. The West Columbus Avenue Urban Renewal District is subject to the Reuse Controls (4.2) of the West Columbus Avenue Urban Renewal Plan, as amended. Copies of the urban renewal plan are available in the offices of the Springfield Redevelopment Authority. The following site planning and dimensional regulations shall also apply to the West Columbus Avenue Urban Renewal District.

1. Area Coverage. The area coverage of all buildings, parking areas, driveways and other impervious surfaces, (not including sidewalks and pedestrian ways) in the West Columbus Avenue Urban Renewal District shall not exceed 75% of the total area.

2. Yards.

a. Front Yard. No portion of any building shall be located within ten (10) feet of a public way.

b. Side Yards. No portion of any building and no parking space shall be located within ten (10) feet of a side lot line.

c. Rear Yard. There shall be a rear yard of ten (10) feet.

3. Building Height. No building shall exceed one hundred (100) feet except a spire shall not constitute a building for the purposes of this Section and the height of any spire and appurtenances thereto shall not exceed one hundred fifty (150) feet.

4. Landscaping. The amount of land devoted to landscaping within the West Columbus Avenue Urban Renewal District shall be no less than 20%. This percentage includes all landscaped areas except for those located within an interior parking area. For landscaping requirements within the interior parking area, see Section D-1405.

a. Landscaped areas shall be enhanced with trees, hedge rows, grass and other suitable plantings. All trees required in this section shall meet the following standards:

Number	One (1) tree per 5,000 square feet of landscaped area
Type	As approved by the City Planning Department in consultation with the Tree Warden
Caliper at planting	2.5 - 3.0 inches

b. All grassed areas shall be sod and equipped with an irrigation system. The Springfield Redevelopment Authority may waive the sod requirement in favor of seeding in areas of minimal public view or use.

5. General Site Planning Standards.

a. Off-Street Loading and/or Unloading. Off-street loading and/or unloading space is subject to the requirements found in Section 1703-1705 of this ordinance, off-street loading and unloading areas shall be suitably landscaped and screened.

b. Viewsheds. No less than 10% of the aggregate surface area of walls facing

a public way, facing a side lot line or facing the Connecticut River must be devoted to windows, public balconies and/or entrances with the public provided with access thereto wherever practicable.

c. Building Materials and Colors. All exterior building materials, including roof materials, colors, wall treatments, windows, doors and entrances shall be appropriate for the West Columbus Avenue Urban Renewal District.

Section D-1405. Off-Street Parking. This section is intended to allow for the temporary parking of motor vehicles and for the adequate ingress to and egress from the West Columbus Avenue Urban Renewal District by motor vehicles, bicycles and pedestrians in an environmentally-sensitive and attractive area. There is no minimum off-street parking requirement in the West Columbus Avenue Urban Renewal District.

1. Design Standards.

a. Landscaping.

(1) Interior parking areas. A minimum of 5% of the area of interior parking areas, including pedestrian walkways, shall be suitably landscaped and curbed. One (1) tree shall be planted for every fifteen (15) off-street parking spaces. The specifications found in D-1404.4.a. shall apply to all tree plantings.

(2) Landscaped islands. The beginning and end of not less than 80% of all parking aisles shall be landscaped and curbed. Tree plantings in a landscaped island shall count toward the tree planting requirement of D-1405.1.a.1. The specifications found in D-1404.4.a. shall apply to all tree plantings.

(3) Pedestrian walkways. All pedestrian walkways longer than two hundred (200) linear feet shall be elevated from all abutting parking areas. A buffer area shall be provided along one side of each walkway. Buffered areas shall not be continuous in order to allow for pedestrian access to parking areas. Each buffer area shall be no less than four (4) feet in width and shall be enhanced with shade trees planted no less than thirty (30) feet on center. Tree planting in buffer areas shall count toward the tree planting requirement of D-1405.1.a.1. The specifications found in 1404.4.a. shall apply to all tree plantings. Pedestrian walkways shall be open air and accessible for pedestrians and the handicapped.

b. Pavement Markings. All parking spaces shall be consistently marked. All parking areas and access driveways shall be marked in white color. All crosswalks and similar areas designed for pedestrian activity in an off-street

parking lot or access driveway shall be marked, at a minimum, by a block ladder style in white color.

c. Sign Markings. All parking lot and driveway signs, both instructional and identification, shall be customized to the West Columbus Avenue Urban Renewal District.

d. Lighting. All interior parking areas shall be provided with adequate lighting, but with minimal glare or reflection on abutting properties. Pole mounted lighting fixtures shall not exceed a height of thirty (30) feet. All interior lighting areas shall be illuminated to the following standards:

Footcandles (minimum average on pavement)	.4

e. Curbing. All parking areas and driveways shall be appropriately curbed with four (4) inch, Type VB or "Cape Cod" style granite curbing unless otherwise approved by the Director of Public Works.

Section D-1406. Sign Regulations. This section is intended to allow for a coordinated master sign plan with emphasis on the principal use of a structure. All sign elements shall be blended in a coordinated scheme that is both aesthetically sound and reflective of the comprehensive development of the West Columbus Avenue Urban Renewal District.

1. Master Sign Plan. A master sign plan shall be prepared for the West Columbus Avenue Urban Renewal District. The plan shall depict all elements within the West Columbus Urban Renewal District, including accessory signs and traffic directional signs. The plan shall demonstrate compatibility with these regulations and all other applicable regulations.

2. Accessory Wall Signs. One (1) accessory wall sign is a allowed for the principal use of any structure on each side of the structure facing a public way or used as a designated building entrance. All accessory wall signs shall meet the following standards:

a. Size. Accessory wall signs shall not exceed two (2) square feet per lineal foot of building footprint.

b. Illumination. Accessory wall signs may be illuminated.

c. Projection. Accessory wall signs shall not be perpendicular to the structure or the building.

3. Accessory Ground Signs. A multiple building parcel may have an accessory ground sign for every 495 linear feet of frontage along West Columbus Avenue from the south side of West Union Street to the north side of West Broad Street. The distance between the accessory ground signs permitted hereunder shall be incorporated in the master sign plan. An accessory ground sign shall meet the following standards:

   a. Size. Accessory ground signs shall not exceed one hundred fifty (150) square feet per face area.

   b. Height. Accessory ground signs shall not exceed a height of forty (40) feet.

   c. Illumination. Accessory ground signs may be illuminated.

4. Other Signs. Permanent or temporary accessory roof signs, non-accessory signs, blinking and flashing light signs and all other signs not specifically prohibited shall be permitted with the approval of the Springfield Redevelopment Authority.

5. Temporary Signs. Temporary signs, banners and exterior promotional materials are permitted, subject to the applicable provisions of this zoning ordinance with respect to temporary signs.

Section D-1407. Site Plan Review Process. All new construction and exterior rehabilitation proposed to be carried out within the West Columbus Avenue Urban Renewal District shall be subject to the site plan review process set forth in Section 4.3 of the West Columbus Avenue Urban Renewal Plan, as amended. Copies of the Urban Renewal Plan are available in the offices of the Springfield Redevelopment Authority.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIV – E

Wireless Telecommunications Facilities

Section E-1400. Intent. The purpose of this article is to establish guidelines for the siting of wireless telecommunications towers and antennas and ancillary facilities. The goals of this article are to: (1) protect residential zoning districts and land uses, historic assets and institutional uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers on municipally owned property where appropriate or in other non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage the use of existing buildings, telecommunication towers, light or utility poles and/or towers, as opposed to construction of new telecommunication towers; (6) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (7) ensure that all telecommunication facilities, including towers, antennas and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community by encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (8) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (9) consider the public health and safety of telecommunication towers; and (10) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these purposes, the City of Springfield shall give due consideration to its master plan, neighborhood plans, zoning map, existing land uses, and environmentally and historically sensitive areas in approving sites for the location of towers and antennas.

Section E-1401. Definitions. As used in this article the following items shall have the meanings indicated:

1. "Alternative tower structure" shall mean man-made trees, clock towers, bell steeples, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

2. "Ancillary facilities" shall mean the buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

3. "Antenna" shall mean any exterior or interior apparatus designed for telephonic, radio, or television communications through the sending and/or

receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. Parabolic dish antennas used for satellite communications shall not be included within this definition.

4. "Buffer area" shall mean the area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

5. "Carrier" shall mean a company that provides wireless telecommunication services.

6. "Co-location" shall mean when two or more wireless telecommunication carries locate an antenna on the same wireless telecommunication tower.

7. "FAA" shall mean the Federal Aviation Administration.

8. "FCC" shall mean the Federal Communications Commission.

9. "Functionally equivalent services" shall mean Cellular Radio, Personal Communication Service (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging, Commercial Land Mobile Radio and additional emerging technologies.

10. "Guyed Tower" shall mean a tower, which is supported or braced through the use of cables (guy wires) which are permanently anchored.

11. "Height" shall mean, when referring to a tower, the vertical distance measured from the lowest finished grade at the base of the tower to the highest point on the tower, even if said highest point is an antenna.

12. "Lattice tower" shall mean a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

13. "Monopole" shall mean the type of wireless telecommunication tower that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas.

14. "Mount" shall mean the structure or surface upon which antennas are mounted, including the following three types of mounts:

    a. Building Mount. Mounted on or in a building.

b. Ground Mount. Antenna support (tower) mounted on the ground.

c. Structure-Mount. Mounted on or in an existing structure other than a building.

15. "Personal wireless service facility" shall mean a facility for the provision of personal wireless telecommunication services, as defined by the Telecommunications Act of 1996, as amended.

16. "Pre-existing towers and pre-existing antennas" shall mean any tower or antenna and ancillary facilities which has been lawfully erected prior to the effective date of this article, including permitted towers or antennas and ancillary facilities that have been approved but have not yet been constructed so long as such approval is current and not expired.

17. "Radio Frequency (RF) engineer" shall mean an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

18. "Radio Frequency Radiation (RFR)" for the purposes of this article shall mean the emissions from personal wireless telecommunication facilities or any electromagnetic energy within the frequency range from 0.003 MHZ to 300,000 MHZ.

19. "Stealth design" shall mean a wireless telecommunication facility that is designed or located in such a way that the facility is not readily recognizable as a wireless telecommunications facility (see Alternative Tower Structure).

20. "Telecommunication facility" or “facility” shall mean a facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless telecommunication devices including transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio broadcasts are not "telecommunication facilities."

21. "Telecommunications or transmission tower" or “tower” shall mean the monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers."

22. "Wireless communications" shall mean any personal wireless telecommunication services as defined in the Federal Telecommunications Act

of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas, nor does it include non-cellular telephone service.

Section E-1402. Applicability.

1. New Towers and Antennas. All new wireless telecommunications towers or antennas shall be subject to these regulations.

2. Pre-Existing Towers or Antennas. Pre-existing wireless telecommunications towers, pre-existing antennas and ancillary facilities shall not be required to meet the requirements of this article, other than the requirements of Section E-1411 and Section E-1412 absent any enlargement or structural modification or the addition of any antennas.

3. Public Property. Antennas or towers located on property owned, leased or otherwise controlled by the City of Springfield shall be encouraged, provided a license or lease authorizing such antenna or tower has been approved by the City Council. Said approved publicly owned sites utilized for the purpose of constructing towers and/or antennas shall be treated as engaging in a special permit use under this Article.

4. Amateur Radio Station Operators/Receive Only Antennas. This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

5. Satellite Dish Antennas. This Article shall not govern any parabolic dish antennas used for transmission or reception of radio signals associated with satellites.

Section E-1403. General Requirements.

1. Principal or Accessory Use. A different existing structure or use on the same lot shall not preclude the installation of a wireless telecommunication facility on such lot. If a tower and its ancillary facilities constitute the sole use of the lot, the tower shall be deemed to be the principal use otherwise, the use shall be considered accessory.

2. Leased Area. For purposes of determining whether the installation of a tower or antenna complies with zoning regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with such revised standards and regulations within ninety (90) days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

4. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in Massachusetts State Building Code 780 C.M.R., et. seq., as amended. If, upon inspection, the Code Enforcement Commissioner concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

5. Non Regulated Services. Wireless telecommunications towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as public utilities, or private utilities.

6. Co-Location Required. This article mandates that carriers co-locate antennas on towers and other structures whenever possible. See Section E-1408 for co-location requirements.

7. Site Plan Required. Approval of the site plan shall be required for all new wireless telecommunications facilities including modifications to or the addition of new wireless telecommunications facilities to pre-existing towers, buildings or other structures. Site plans for wireless telecommunication facilities allowed by right shall be approved by the Code Enforcement

Commissioner. Site plans for wireless telecommunication facilities requiring a special permit shall be approved by the special permit granting authority.

Section E-1404. Wireless Telecommunication Facilities Allowed by Right.

1. Ground mounted wireless telecommunications facilities are allowed by right in Business A, Business B, Industrial A, and Industrial Park zoning districts provided the following conditions are met:

   a. The facility does not exceed the maximum height of sixty (60) feet in Business A, Business B and Industrial Park; one hundred (100) feet in Industrial A.

   b. The facility does not obstruct a view of scenic interest as determined by the Commissioner of Code Enforcement.

   c. The facility is not within three hundred (300) feet of, and visible from, the property boundaries of a school, place of worship, college, public library, public park, public conservation area, museum, cemetery, or property or district listed on the State Register of Historic Places, or from an American Heritage River.

   d. The facility is not within three hundred (300) feet of, and visible from, a residential zoning district or a building containing one or more residences within a nonresidential zoning district.

2. Wireless telecommunications facilities mounted to an existing building or structure are allowed by right in Business A, Business B, Business C, Industrial A, and Industrial Park zoning districts provided the facility and the building or structure to which the facility is mounted does not exceed sixty (60) feet in Business A, Business B and Industrial Park; one hundred (100) feet in

Industrial A; four hundred (400) feet in Business C and provided the facility does not exceed the height of the building to which it is attached by more than twelve (12) feet.

Section E-1405. Wireless Telecommunication Facilities Allowed By Special Permit.

1. Wireless telecommunications facilities not allowed by right may be allowed by a special permit except wireless telecommunication towers are not allowed in Business C.

2. All ground mounted wireless telecommunication facilities shall be designed to accommodate at least three carriers and shall not exceed the height of one hundred forty (140) feet in a residential zone and in Commercial A, one

hundred fifty (150) feet in Business A and Business B, and two hundred (200) feet in Industrial A and Industrial Park.

3. All special permits are subject to the Special Permit Review Criteria, Section E-1406 and Site Design Standards Applicable to all Wireless Telecommunication Facilities, Section E-1407.

Section E-1406. Special Permit Review Criteria: In addition to the above standards, the special permit granting authority upon the granting or denial of a petition for a special permit shall cause those members voting with the prevailing side to set forth clearly the reason(s) for its decision, taking into consideration all of but not limited to the following factors:

1. Proximity of the telecommunications facility to residential structures, residential district boundaries, the property boundaries of a school, place of worship, college, public library, public park, public conservation area, museum, cemetery, property or district listed on the State Register of Historic Places, or an American Heritage River.

2. Nature of uses on adjacent and nearby properties;

3. Surrounding topography;

4. Surrounding tree coverage and foliage;

5. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness including stealth designs which are encouraged;\

6. Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures;

7. Availability of proposed tower to other potential carriers.

8. Adequacy of the setback or design of the facility to ensure the safety of persons or property in the event of collapse.

Section E-1407. Site Design Standards Applicable to all Wireless Telecommunication Facilities. The following site design standards shall apply to wireless telecommunications facilities:

1. New Towers

Provided from the Springfield Planning Departments Web Page

a. Lattice towers and guyed towers are prohibited.

b. Setbacks:

(1) Ground-mounted wireless telecommunications facilities shall be set back two hundred (200%) percent of the tower height from the property boundaries of a school, place of worship, college, public library, public park, public conservation area, museum, cemetery, property or district listed on the State Register of Historic Places, an American Heritage River, a residential zoning district, or a building containing one or more residences within a nonresidential zoning district.

(2) If the tower is of stealth design, the special permit granting authority may reduce the required setback but not less than one hundred (100%) percent of tower height.

(3) In no case shall a ground-mounted facility built as an accessory use be allowed on any portion of the lot between the principal building and the street.

c. Security fencing. Towers shall be enclosed by security fencing not less than eight (8) feet in height. Towers shall also be equipped with appropriate anti-climbing measures.

d. Landscaping. The following requirements shall govern the landscaping surrounding the towers:

(1) The buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound and be planted with evergreens at least six (6) feet high at planting and planted in staggered double rows five (5) feet on center.

(2) In locations where the visual impact of the tower, which requires a special permit, would be minimal, the landscaping requirement may be substituted elsewhere on the property at the sole discretion of the special permit granting authority.

(3) All landscape plantings must be continually maintained.

e. Ancillary Facilities. Any proposed ancillary facility shall not be more than twelve feet (12) in height. The ancillary facility shall be no more than three hundred sixty (360) square feet in area, and there shall be no more

than three (3) such facilities located on the site. In the case of co-location, a shared ancillary facility may be built to a height not to exceed twenty (20) feet and may contain a maximum of 360 square feet for each provider. Such ancillary facilities must satisfy the minimum zoning district setback requirements for accessory structures.

f. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

g. At a tower site, the design of the ancillary facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

h. Lighting. No exterior lighting is permitted except as follows:

(1) The ancillary facilities enclosing electronic equipment may have one (1) light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building; and

(2) No lighting is permitted on a tower except lighting that specifically is required by the FAA.

i. No signs are permitted except those required by the Federal Communications Commission or by law, such as warning and equipment information signs. No sign shall exceed four (4) square feet.

2. Antennas Mounted on Existing Structures or Roof Tops

a. Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing building or structure.

b. Side- and roof-mounted wireless telecommunication facilities shall not project more than twelve (12) feet above the height of an existing building or structure. Wireless telecommunication facilities may be located on a building or structure that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building or structure height.

c. The antenna complies with all applicable FCC and FAA regulations.

d. The antenna and ancillary facilities shall comply with the Massachusetts State Building Code 780 C.M.R., as amended.

e. The ancillary facility shall not contain more than three hundred sixty (360) square feet of gross floor area or be more than twelve (12) feet in height.

f. The antenna and ancillary facilities must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

g. Antennas on existing towers. An antenna may be attached to a preexisting tower to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

(1) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed.

(2) An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this Article, with approval from the special permit granting authority.

(3) All antenna mounts installed on existing towers shall, to the extent technically feasible, match both style and type of the existing antenna mounts.

Section E-1408. Co-Location. The City of Springfield requires that licensed carriers share wireless telecommunication facilities and sites where feasible and appropriate, thereby reducing the number of wireless telecommunication facilities that are stand-alone facilities. All applicants for a special permit for a new wireless telecommunication facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for co-locating wireless telecommunication facilities;

2. Notification by certified mail of intent to seek a special permit to all the other licensed carriers for commercial mobile radio services operating within five (5) miles of the site;

3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and

4. A copy of a notice of lease and affidavit of compliance with this section.

5. In the event that co-location is claimed to be not technically feasible, a written statement of the reasons for the infeasibility shall be submitted to the Planning Department. The Planning Department may retain a technical expert in the field of RF engineering to verify if co-location is not feasible or is feasible. The cost for such a technical expert will be at the expense of the applicant. The special permit granting authority may deny approval to an applicant that has not demonstrated a good faith effort to provide for co-location or co-locate on an existing wireless telecommunication tower.

6. If the applicant does intend to co-locate or to permit co-location, plans and elevations, which show the ultimate appearance and operation of the wireless telecommunication facility at full build-out shall be submitted.

7. All documentation shall be submitted with the application.

Section E-1409. Location Priorities. Wireless telecommunication facilities shall be located and approved in accordance with the following prioritized locations:

1. The first priority shall be an existing building.

2. The second priority shall be an existing tower.

3. The third priority shall be a new tower on lands owned by the City of Springfield.

4. The fourth priority shall be a new tower on privately owned land.

Section E-1410. Site Plan Submission Requirements. In addition to the site plan submission requirements of the development regulations, the following information shall be submitted:

1. Comprehensive Service Plan: In order to provide proper evidence that any proposed location of wireless telecommunications antennas (and any supporting tower and/or ancillary facilities enclosing related electronic equipment) has been planned to result in the fewest number of towers within the City of Springfield at the time full service is provided by the applicant throughout the city, the applicant shall submit a "Comprehensive Service Plan." Said Comprehensive Service Plan shall indicate how the applicant proposes to provide full service throughout the city. The Comprehensive Service Plan shall indicate the following:

Provided from the Springfield Planning Departments Web Page

a. Whether the applicant's subscribers can receive adequate service from existing antennas located inside or adjacent to the City of Springfield

b. How the proposed location of the antennas relates to the location of any existing network towers within and/or near the City of Springfield

c. How the proposed location of the antennas relates to the anticipated need for additional antennas and supporting towers within and/or near the City of Springfield by the applicant.

d. How the proposed location of the antennas relates to the objective of co-locating the antennas of different service carriers on the same tower.

e. How the proposed location of the antennas relates to the applicants overall objective of providing full wireless telecommunication services within the City of Springfield while, at the same, limiting the number of towers to the fewest possible.

2. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed wireless telecommunications facility and any other structure, topography, parking and other information deemed by the special permit granting authority to be necessary to assess compliance with this article.

3. Legal description of the entire tract and leased parcel (if applicable).

4. The setback distance between the proposed tower and the nearest residential unit, residentially zoned properties, the property boundaries of a school, place of worship, college, public library, public park, public conservation area, museum, cemetery, or property or district listed on the State Register of Historic Places, or American Heritage River.

5. The separation distance, within one (1) mile, from other towers and antennas.

6. A landscape plan showing specific landscape materials including, but not limited to, species type, size, spacing and existing vegetation to be removed or retained.

7. Method of fencing and finished color and, if applicable, the method of camouflage.

8. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.

9. A letter of commitment to lease excess space to potential carriers at prevailing market rates and conditions. The letter of commitment shall be filed with the Planning Department prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.

10. A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a one (1) mile radius. Such points shall be chosen by the carrier with review and approval by the Planning Department designee to ensure that various potential views are represented.

11. An analysis of the RFR levels at the facility as a means of assessing compliance with the FCC RF safety criteria. This analysis shall:

    a. Take into consideration all co-located radio transmitting antennas and/or nearby antennas that could contribute to RFR levels at the facility.

    b. Be performed and stamped by a RF engineer.

    c. Follow current methods recommended by the FCC for performing such analyses.

Section E-1411. Monitoring and Maintenance.

1. After the wireless telecommunications tower is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the building permit, existing measurements of RFR from the wireless telecommunications facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Standards section of this article, as amended.

2. The applicant and co-applicant shall maintain the wireless telecommunications facilities in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

Section E-1412. Abandonment or Discontinuation of Use.

1. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless telecommunications facility, such carrier shall notify the Code

Enforcement Commissioner by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.

2. Upon abandonment or discontinuation of use, at the option of the Code Enforcement Commissioner, the carrier shall physically remove the wireless telecommunications facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not limited to:

   a. Removal of antennas, mount, ancillary facilities and security barriers for the subject property.

   b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

   c. Restoring the location of the wireless telecommunications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

3. If a carrier fails to remove a wireless telecommunications facility in accordance with this section, the Code Enforcement Commissioner shall have the authority to enter the subject property and physically remove the facility. The Code Enforcement Commissioner shall require the applicant to submit an Irrevocable Letter of Credit prior to issuing a building permit to cover costs for the removal of the wireless telecommunications facility in the event the City of Springfield must remove the facility.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIV-F

ADULT ENTERTAINMENT

Section F-1400.

WHEREAS, adult entertainment and sexually orientated businesses require special supervision from public safety agencies of the City in order to protect the health, safety and welfare of the patrons of such businesses and the citizens of the City; and

WHEREAS, adult entertainment and sexually orientated businesses are known to often be the location of unlawful sexual activities; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of adult entertainment and sexually orientated businesses in order to protect the health and well being of the citizens; and

WHEREAS, adult entertainment and sexually orientated businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding community, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that adult entertainment and sexually orientated businesses, due to their nature have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and the downgrading of the quality of life in the community, particularly in downtown Springfield; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens of the City; protect such citizens from increased crime; preserve the quality of life of citizens and businesses in the City; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

WHEREAS, it is not the intent of this Ordinance to suppress any free speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult entertainment and sexually orientated businesses and which is necessary to protect the health, safety, and welfare of the citizens of the City of Springfield, and surrounding cities and towns.

NOW THEREFORE, pursuant to the authority granted by the Constitution of the Legislature of the Commonwealth of Massachusetts, be it enacted by the Springfield City Council, Hampden County, Massachusetts:

Provided from the Springfield Planning Departments Web Page

SECTION F-1401. Purpose and Findings

1. *Purpose:* it is the purpose of this Ordinance to regulate adult entertainment and sexually orientated businesses in order to promote the health, safety and general welfare of the citizens of Springfield and surrounding communities. The provisions of this Ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually orientated materials. It is neither the intent nor the effect of this Ordinance to restrict or deny access by adults to sexually orientated materials protected by the First Amendment.

2. *Findings:* based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and reports made available to the City Council, and on findings incorporated in the cases of *City Council of Erie v. Pap's A.M.,* 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.,* 501 U.S. 560 (1991); *City of Renton v. Paytime Theatres, Inc.,* 475 U.S. 41 (1986); *Young v. American Mini Theatres,* U.S. 50 (1976); and other studies in other communities including, but not limited to Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Dallas, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York; and St. Croix County, Wisconsin the City Council finds:

   a. Adult entertainment and sexually orientated businesses lend themselves to ancillary, unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.

   b. Employees of adult entertainment and sexually orientated businesses engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

   c. Sexual acts occur at adult entertainment and sexually oriented businesses.

   d. Adult entertainment and sexually orientated businesses encourage illicit sexual acts which create unhealthy conditions.

   e. At least 50 communicable diseases may be spread by activities occurring in adult entertainment and sexually orientated businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus (HIV-AIDS), genital herpes, hepatitis B, salmonella infections and shingella infections.

f. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS (Acquired Immunodeficiency Syndrome) caused by the human immunodeficiency virus (HIV) in the United States.

g. The findings noted in subsections a through f raise substantial governmental concerns.

h. Adult entertainment and sexually orientated businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns and, where necessary, should be banned or eliminated where they are or have been causing effects which are harmful to the health, safety and welfare of the citizens of Springfield and the surrounding communities.

i. The general welfare, health and safety of the citizens of the City will be promoted by the enactment of this Ordinance.

Section F-1402. Definitions. Uses which intend to provide sexual stimulation or gratification, including but not limited to, all of the following:

1. Adult Bookstore: an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L., Chapter 272, Section 31. For the purpose of this ordinance, the term "substantial or significant portion" means that more than 10 percent of the total floor area or stock is devoted to the items listed above.

2. Adult Paraphernalia Store: an establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L., Chapter 272, Section 31.

3. Adult Video Store: an establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L., Chapter 272, Section 31.

4. Adult Motion Picture Theater: an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L., Chapter

272, Section 31. This definition includes, but is not limited to, adult arcade, adult mini-motion picture theater, adult booth(s), adult drive-in theaters.

5. Adult Booth: An enclosed or partitioned area inside an adult oriented establishment which is: (I) designed or used for the viewing or listening of adult material by one (1) or more persons and (II) is accessible to any person, regardless of whether a fee is charged for access. The term "Adult Booth" includes, but is not limited to, a "peep show" booth or other booth used to view or listen to adult material (including, but not limited to, videotapes, audiotapes, films, CD-ROMs, DVDs or internet access).

6. Adult Dancing: Any dancing which exposes to view by patrons or spectators on the premises at any time the specified anatomical areas and/or specified sexual activities, as defined in this Ordinance.

7. Adult Dancing/Entertainment Establishments: An establishment, including but not limited to, a restaurant (eating and drinking establishments), lounge, dance hall, nightclub or other such place whose business includes the offering to customers of live entertainment wherein employees, agents, servants, independent contractors or other customers perform dance routines and/or display or expose specified anatomical areas, offered as adult oriented entertainment for viewing by patrons or spectators on the premises and characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

8. Adult Cabaret: See "Adult Dancing/Entertainment Establishments".

9. Adult Motel: A motel or similar establishment with the word "adult" or otherwise that advertises the presentation of adult material, offering public accommodations for any form or consideration which provides patrons with closed circuit television transmission, internet access, films, motion pictures, video cassettes, slides, CD-ROMs, DVDs or other photographic reproductions for the primary purpose of sexual gratification or as related to specified sexual activities.

10. Sexual Encounter Center: An establishment whose primary or accessory business is the provision on premises where customers either congregate, associate or consort with employees, agents, servants, independent contractors or other customers who engage in specified sexual activities in the presence of such customers or who display specified anatomical areas in the presence of such customers with the intent of providing sexual stimulation or sexual gratification appealing to adult sexual interests.

Provided from the Springfield Planning Departments Web Page

11. Massage Parlor: An establishment providing massages by persons other than a licensed health care professional, including activities that rub, stroke, knead or tap the body with the hand or an instrument or both for the purpose of or engaging in sexual gratification or as related to specified sexual activities. This definition also includes those activities listed within "Sexual Encounter Center". However, massages as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof or by the Commonwealth of Massachusetts or any agency thereof, while such person so registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.

12. Specified Anatomical Areas including, but not limited too, less than completely and opaquely covered: (I) human genitals or pubic region; (II) the cleavage of the human buttock; (III) any portion of the human female breasts below a horizontal line across the top of the areola at its highest point, the entire lower half of the human female breast, not including cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided that the areola is not exposed in whole or in part; and (IV) human male genitals in a discernable turgid state, even if completely and opaquely covered.

13. Specified Sexual Activities including, but not limited to, human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic hair, buttocks or human breast(s); flagellation or torture on the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of pain; erotic touching, fondling or other such contact with an animal by a human being; excretory functions as part of or in connection with any of the activities listed herein.

Section F-1403. Permitted Districts: Adult oriented uses are permitted with a special permit from the City Council in Business A, Business B, and Business C and no other districts, subject to the following regulations:

1. No lot occupied, or to be occupied, by an adult oriented use shall be located within a seven hundred (700) foot radius from a residential zoning district or a building containing residences.

2. No lot occupied, or to be occupied, by an adult oriented use shall be within a seven hundred (700) foot radius from the grounds of a school, place of worship, public library or public park.

3. No lot occupied, or to be occupied, by an adult oriented use shall be located within a seven hundred (700) foot radius of any other adult oriented use as defined.

4. Method of measurement of distances: The distances required by this section shall be measured from the closest property line occupied, or to be occupied, by an adult oriented use to the closest property line occupied by a protected use, zoning district or another adult oriented use. For the purpose of this ordinance, the term "protected use" includes, but is not limited to, residential zoning districts, buildings containing residences, grounds of a school, place of worship, public library or public park.

5. Prohibition of physical contact: While on the premises of an adult oriented use, no employee, agent, servant, independent contractor or other customer shall be permitted to have physical contact with any other adult entertainment employee, other employee, patron or spectator while the employee, agent, servant, independent contractor or other customer is entertaining, dancing or otherwise involved in the display of or exhibition of specified anatomical areas or specified sexual activities.

6. Exterior Display: No adult oriented use shall be conducted in any manner that permits the observation of any material depicting or relating to specified anatomical areas or specified sexual activities from any public or private way, parking area or adjacent properties. This provision shall apply to any display, signage, show window or opening.

7. Sign Requirements: Sign content shall identify the name of the establishment only and shall contain no advertisement in addition to the identification of the use. Only one (1) identification sign, to be mounted on the building wall face, shall be allowed for an adult orientated use. All other signs whether on the exterior of the building or visible from the exterior of the building are prohibited. No adult oriented use shall have any flashing lights visible from the exterior of the use. Furthermore, no sign shall rotate or contain reflective or florescent elements.

8. Non-conforming Use: Any adult oriented use in existence as of the effective date of this ordinance, which is in violation hereof, shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, altered or rebuilt.

9. In addition, any now existing retailer who is engaged in the sale and/or rental of books, periodicals, magazines, films, video tapes, CD-ROMs, DVDs, audiotapes or other printed or pictorial materials shall cover the front page of

said books, periodicals, magazines, films, video tapes, CD-ROMs, DVDs, audiotapes or other printed or pictorial materials or shall maintain a separate viewing and sales area for the rental and/or sale of said books, periodicals, magazines, films, video tapes, CD-ROMs, DVDs, audiotapes or other printed or pictorial materials as defined by this ordinance so as to prevent minors from viewing or entering said adult entertainment area.

10. Whoever disseminates to a minor any matter harmful to minors, knowing it to be harmful to minors, or has in his possession any such matter with the intent to disseminate the same to minors, shall be in violation of this ordinance. For the purposes of this ordinance, "a minor" is a person under eighteen years of age. Matter is harmful to minors if it is obscene or if taken as a whole, it (1) describes or represents nudity, sexual conduct or sexual excitement, so as to appeal predominantly to the prurient interest of minors; (2) is patently contrary to prevailing standards of adults in the county where the offense was committed as to suitable material for such minors; and (3) lacks serious literary, artistic, political or scientific values for minors. It shall be a defense under this section that the defendant was in a parental or guardianship relationship with the minor. It shall also be a defense that the defendant was a bonafide school, museum or library, or was acting in the course of his employment as an employee of such organization or of a retail outlet affiliated with and serving the educational purpose of such organization.

Provided from the Springfield Planning Departments Web Page

ARTICLE XV

GENERAL REGULATIONS

Section 1500. Non-Conforming Buildings, Structures or Uses

A permitted use located in a building which violates the side, rear or front yard requirements, or the minimum lot size requirements, shall be permitted to expand, or be reconstructed, or in all other ways be treated as a conforming use as long as such changes do not further violate the side, rear, front yard, or parking requirements. Existing open porches eight (8) feet or more from the street line may be enclosed on one or more sides.

1. Continuation. Any lawful use of a building or structure, or land existing at the effective date of this ordinance, and located in a zoning district in which it not be permitted as a new use under the provisions of this ordinance may be continued.

2. Change in Use. No non-conforming use of building, structure, or land shall be changed to another use which is substantially different from the former non-conforming use, EXCEPT one which is permitted by this ordinance in the district in which such use is located. Whenever a non-conforming use of land, structure, or building has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.

3. Alteration and Extension. Pre-existing non-conforming structures or uses may be extended or altered provided that no extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by this ordinance or bylaw that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. Such finding shall be made by the special permit granting authority provided, however, that when the requested change is solely for the reconstruction, extension, or structural change of a pre-existing non-conforming structure with no change of the non-conforming use, such finding may be made by the permit granting authority.

   Such finding shall be in the form of a special permit and such special permit shall conform to any subsequent amendments of this ordinance or bylaw unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit and in the case of construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

4. Abandonment. Any non-conforming use of land, buildings or structures voluntarily abandoned for a period of two (2) years or more shall not thereafter be re-established.

4A. Non-Use: Any non-conforming residential structure, consisting of four (4) or more dwelling units, not used for a period of two (2) years or more, shall not be re-established without a special permit from the special permit granting authority. The special permit granting authority shall make its finding based on substantial compliance with the requirements for Residence C Districts (Article VII), including, but not limited to, offstreet parking (Article XVII).

4B. Non-Use or Lack of Use: Any non-conforming commercial building, structures or use, including but not limited to, auto repair, autobody, brake and muffler shops, junk yard, storage yard, contractors shop or yard, trucking and auto sales not used or vacant for a period of two (2) years or more, shall not be re-established without a special permit from the special permit granting authority. The special permit granting authority shall make finding based on standards found in Article XX, Section 2005. (Special Permits).

5. Restoration of Damaged Buildings. A non-conforming use or building which has been partially damaged by fire, explosion, flood, riot, or other phenomenon, or legally condemned, may be restored and continued PROVIDED, however, the estimated cost of such restoration does not exceed one-half (½) of the fair value of the building, based on replacement cost immediately prior to such damage.

6. Agricultural Exemption. Buildings, structures, or land use primarily for agriculture, horticulture, or floricultural are exempt from paragraphs 3 and 4 of this section as outlined in the Zoning Enabling Act, Chapter 40A, Section 3, of the General Laws.

Section 1501. Non-Conforming Lots.

Any lot at the effective date of this ordinance, that does not meet the area and/or frontage requirements of this ordinance, but complies with any minimum area, frontage, width and depth requirements in force at the time the lot was lawfully laid out by plan or deed, duly recorded, or any lot shown on a plan endorsed with the words "Approval under the Subdivision Control Law not required", or words of similar import, MAY BE BUILT UPON for residential use, PROVIDED that such lot is in a district zoned residential under the provisions of this ordinance and meets the following additional conditions:

1. A Lot in Single and Separate Ownership. In the case of a lot held in single and

separate ownership at the time of enactment of this ordinance and subsequent amendments thereto, a lot with an area of four thousand (4,000) square feet or more and a frontage of forty (40) feet or more, may be built upon, but may not be used for a two-family or a multi-family residence.

2. Single Lot in Common Ownership With One Adjacent Occupied Lot. In the case of a single lot held in ownership common with one (1) adjacent occupied lot at the time of enactment of this ordinance or subsequent amendments thereto, a lot with an area of five thousand (5,000) square feet or more with a frontage of fifty (50) feet or more, may be built upon.

3. Common Ownership of Four or Less Lots. In the case of four (4) or less such lots held in common ownership with those of adjacent land at the time of enactment of this ordinance or subsequent amendments thereto, such lots with an area of five thousand (5,000) square feet or more with a frontage of fifty (50) feet or more may be built upon regardless of the date of recording or endorsement.

4. Common Ownership of More Than Four Lots. In the case of more than four (4) such lots held in common ownership with that of adjacent land at the time of the enactment of this ordinance or subsequent amendments thereto, such lots can be built upon only if the recording or endorsement occurred within five (5) years prior to the effective date of this ordinance or subsequent amendments thereto, and the lots have an area of five thousand (5,000) square feet or more and a frontage of fifty (50) feet or more. In the case of more than four (4) non-conforming lots in common ownership laid out more than five (5) years ago, the lot lines must be revised to conform with the minimum lot size and frontage enacted as part of this ordinance or subsequent amendments thereto.

5. Side Yard Exemptions. In the case of any non-conforming lot upon which a one-family dwelling or two-family dwelling can be constructed in conformance with the above provisions, a side yard of not less than five (5) feet shall be permitted in Residence A-1, A, B, and C Districts, thereby exempting the structure from the side yard requirements of this ordinance.

   For the purpose of this ordinance, any non-conforming lots, which are increased in size by eliminating abutting lot lines, shall not be considered a new lot and, therefore, will not have to meet the required minimum lot size, as long as the total area of the combined lots is four thousand (4,000) square feet or more.

Section 1502. Public Street or Road Frontage and Access. In Office A, Commercial A, Business A, Business B, Business C and Industrial A, the following provisions shall apply:

1. Access to Off-Street Parking. No area used for off-street parking or vehicle storage shall directly abut a street unless separated from the street or highway by a raised curb, planting strip, wall, or other effective barrier, and no such area shall have more than two (2) access ways to any one (1) public street for each five hundred (500) feet of frontage. No such access way shall be more than thirty-five (35) feet in width.

2. Parking, Loading and Service Areas. All parking, loading, unloading or use of service areas shall take place entirely within the lot line of such parking or service area.

3. Lighting. All lighting, including sign lighting, along streets shall be directed in such a way so as not to create a nuisance in a residential district, and in every district all such lighting shall be arranged so as not to create direct glare or hazardous interference with vehicular traffic.

Section 1503. Conversion of Dwelling to Two-Family or Multiple-Family Use. The Board of Appeals may authorize, as a special exception, the conversion of a dwelling to a two-family dwelling or multi-family dwelling, subject to the following conditions:

1. Each dwelling unit shall be provided with a separate access not passing through the living area of any other dwelling unit.

2. No structural alteration or extension of the building exterior shall be made except as may be necessary for reasons of safety.

3. The Board of Appeals may prescribe such further conditions with respect to the conversion and use of buildings or property as it seems appropriate.

4. The converted building must comply with the Building Code.

Section 1504. 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 1505. Reduction of Lot. No lot or plot shall be so reduced that the area of the lot or plot, or the dimensions of the open spaces, shall be smaller than herein prescribed.

Section 1506. Vision Obstruction. On the corner lot in any Residence District no planting shall be placed or maintained, and no fence, building, wall or other structure other than necessary retaining walls, shall be constructed after the effective date of these regulations, if such planting or structure thereby obstructs vision at any point between a

height of two and one-half (2 ½) feet and a height of ten (10) feet above the upper face of the nearest curb and within the triangular area bounded on two sides by the two street lines, or by projection of such lines to their point of intersection, and on the third side by a straight line connecting points on such street lines (or their projections) each of which points is twenty-five (25) feet distant from the point of intersection of the two street lines. The same vision obstruction restrictions apply for that portion of the corner lot's rear line from the street line for a distance equal to the abuttor's setback but in no case need this distance exceed twenty-five (25) feet. Poles, posts, and guys for street lights and for other utility services, and tree trunks exclusive of leaves and branches, shall not be considered obstructions to vision within the meaning of this provision.

In any residential district, a fence higher than eight (8) feet shall require a special permit by the Board of Appeals, subject to the general provisions prescribed in Section 2005. The same requirement shall apply to such a fence in excess of eight (8) feet, located in any district, if said fence is located within ten (10) feet of the property line of a residential use.

In the case of a front yard, no opaque fence shall be higher than three (3) feet. A fence more than twenty-five (25) percent solid shall be considered opaque.

Section 1507. Location of Automobile Services.

1. Proximity of Automobile Services to Residential Districts. No public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station, nor any of their appurtenances or accessory uses shall hereafter be erected or placed within twenty-five (25) feet of any residence 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 sky-lights 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 residence district.

2. Proximity of Automobile Services to Institutional Uses. No such public garage, automobile 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 street line of any public or private school, public library, church, playground or institution for the sick, dependent, or for children under sixteen years of age, if such entrances or exits are on the same street or on an intersection street.

Section 1508. Junk Yards.

1. Enclosure. All junk yard materials and activities not within fully enclosed buildings shall be completely surrounded with a six (6) foot opaque fence, sheet metal or wooden, with a suitable gate which shall be closed and locked EXCEPT during the working hours of such junk yards. Any loading, unloading, dismantling, cutting or other processing of junk materials must be carried on within this enclosure.

2. Storage of Junk Material. All junk material shall be stored in such manner as to prevent it from being transported out of the junk yard 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 1509. Dumping and Inoperative Motor Vehicles.

1. 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 Section 150A of Chapter 111 of the General Laws. This shall not apply to those persons who wish to scientifically maintain compost for their own use.

2. Inoperative Motor Vehicles in Residence Areas. In any residential district, the deposit or storage on any lot of two (2) or more wrecked or inoperative vehicles or parts thereof for one (1) month or more shall be prohibited. Garaged vehicles shall be exempt from this provision.

Section 1510. Removal of Certain Material, Restricted.

1. 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.

2. 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.

3. Conditions of Permit. The Building Commissioner may approve the excavation or removal of earth, sand, gravel, clay, quarry stone, peat or mineral ore under the following conditions:

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. The method of excavation or removal shall not affect existing structures, existing or proposed streets, existing sewer and drainage facilities, and existing water courses.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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 be adequate fencing approved by the Building Commissioner.

i. Before the issuance of any permit under this section, the applicant shall file with the City Treasurer a bond running to the City with sureties satisfactory to the Building Commissioner in such penal sum as the Building Commissioner shall determine, and be twice the estimated cost of conforming with the provisions of this ordinance.

j. Inspection of the site shall be made every sixty (60) days by the Building Commissioner. The Department of Streets and Engineering shall, at the request of the Building Commissioner, make any surveys necessary to assure compliance with this section.

k. Each application for a permit by the Building Commissioner, shall pay a fee of $50.00.

l. 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.

m. 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 g 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 g.

Section 1511. 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:

1. Air Pollution. Air pollutants shall not exceed the limits prescribed by the Massachusetts Department of Public Health in the regulations adopted by that

body on July 11, 1967, entitled "Regulations for the Control of Atmospheric Pollution in the Lower Pioneer Valley Air Pollution Control District," or any amendment thereto, or any other applicable regulations.

2. 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 Public Health under the provisions of Section 5 of Chapter 111 of the General Laws, or the Massachusetts Resources Commission, Division of Water Pollution Control, under the provisions of Section 27(4) of Chapter 21 of the General Laws.

3. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness, and as measured at any property line of the lot shall not exceed the following intensity in relation to sound frequency:

a.

Frequency, Cycles Per Sec. Max.	Sound Level, Decibels
0 to 74	74
75 to 149	59
150 to 299	52
300 to 599	46
600 to 1199	42
1200 to 2399	39
2400 to 4799	36
4800 to ---------	33

b. Such sound levels shall be measured with a sound level meter and octave band analyzer approved by the City of Springfield.

c. Noise making devices, which are maintained and utilized strictly to serve as warning devices, are excluded from these regulations.

d. These provisions do not apply to noise created by motor vehicles, trains or aircraft being operated in a manner normally incidental to the principal use on any lot.

4. 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.

5. Nuisance Odors. 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.

6. 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.

7. 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.

8. 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 containers. Junk Yards meeting the provisions of Article XIV and Section 1508 are exempt from this provision.

Section 1512. Distance from Stream or Lake. No building or structure shall be erected within thirty (30) feet from the mean high water mark of any lake, stream, river or similar body of water, shown either on the latest U.S. Geological Survey Maps or the Planning Board's official City Map, UNLESS a special permit therefore is granted by the City Council.

Section 1513. Filling of Wetlands. The removing, filling or dredging of any bank, flat, marsh, meadow, or swamp bordering on inland waters shall be done only in accordance with Chapter 131, Section 40 of the General Laws, known as the: "Wetlands Protection

Act."

Section 1514. Swimming Pools. A swimming pool, as defined in Article II, shall comply with the following standards:

1. A pool shall not be nearer than eight (8) feet to any lot line or eight (8) feet to any dwelling.

2. All swimming pools shall be enclosed by a fence at least four (4) feet high, and of a type not readily climbed by children, and containing gates which cannot be readily opened by children; in the case of above ground pools, the requirement for a fence shall be waived if the owner has a removable ladder which is removed at all times when the swimming pool is not in use.

Section 1515. Drives Crossing a Residential District to a Non-Residential District. A drive cannot be utilized to reach a permitted use in one district if to reach this use the drive must cross a residential district in which the use is not permitted.

Section 1516. Condominiums.

1. 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, that the same 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 provisions of Article XV, Section 1500 or Section 1501.
2. A copy of the Master Deed, as provided for in Chapter 183A, Section 8, of the Massachusetts General Laws, shall be submitted to the Building Commissioner of the City of Springfield, said Deed to contain a provision that when there is a change in the names of officers, directors, or trustees of the corporation, trust, or association formed to regulate and manage a condominium project, said change shall be submitted to the Building Commissioner of the City of Springfield within thirty (30) days of the change, and a further provision that the aforementioned requirements are for the benefit of the City of Springfield.

Section 1517. Stables.

1. Stables for the keeping or raising of horses as a business shall be allowed in Business B and Industrial A with a special permit from the City Council.

   Municipal stable or stables used only as a municipal service are permitted with a special permit from the City Council in any zone.

Provided from the Springfield Planning Departments Web Page

Section 1518. Adult Entertainment.

1. Purpose. This ordinance is enacted to serve the compelling city interests of preventing the clustering and concentration of adult entertainment establishments because of their deleterious effect on adjacent areas and of aiding in curbing crime and urban blight.

2. No adult retailer or adult theater shall be located less than 1000 feet from any district designated by those zoning ordinances for any residential use, including those residential uses allowed by Special Permit or grandfathered within business or commercial zones, or any public, private or parochial school, library, park, playground, recreational area, church or other area in which large numbers of minors regularly travel or congregate or be located within 1000 feet of any other adult store or adult theater without first obtaining a special permit.

3. In addition, any now existing retailer who desires to change the contents of his/her retail establishment so that a substantial or significant portion of its stock in trade will consist of books, magazines, videos, peep show booths, and other materials which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in the Massachusetts General Laws, Chapter 272, paragraph 31, shall be required to obtain a special permit. For the purposes of this ordinance, the term "substantial or significant portion" means an amount of stock in trade, books, magazines, videos, peep show booths, and other materials which is greater than 10% of the entire stock.

4. In addition, any now existing retailer who is engaged in the sale and/or rental of adult retail books, magazines and videos shall cover the front page of said books, magazines or video boxes or shall maintain a separate viewing and sales area for the rental and/or sale of said books, magazines or videos or other materials as defined by this ordinance so as to prevent minors from viewing or entering said adult entertainment area.

5. Whoever disseminates to a minor any matter harmful to minors, knowing it to be harmful to minors, or has in his possession any such matter with the intent to disseminate the same to minors, shall be in violation of this ordinance. For the purposes of this ordinance, "a minor" is a person under eighteen years of age. Matter is harmful to minors if it is obscene or if taken as a whole, it (1) describes or represents nudity, sexual conduct or sexual excitement, so as to appeal predominantly to the prurient interest of minors; (2) is patently contrary to prevailing standards of adults in the county where the offense was committed as to suitable material for such minors; and (3) lacks serious literary, artistic, political or scientific values for minors. It shall be a defense under this section

that the defendant was in a parental or guardianship relationship with the minor. It shall also be a defense that the defendant was a bona fide school, museum or library, or was acting in the course of his employment as an employee of such organization or of a retail outlet affiliated with and serving the educational purpose of such organization.

Section 1519. Drive-up Windows

1. Drive-up Service Windows utilized by any business shall require a Special Permit from the City Council.

Section 1520. Membrane-Covered Structures

1. These structures are not permitted in any zone when the primary use of the structure is for residence, storage, workshop, garage or similar uses. A temporary use permit for up to 60 days may be issued by the Building Commissioner for special events such as, but not restricted to, fairs, bazaars, weddings, promotions, and/or emergencies in any zone in the City.

Section 1522. Bed and Breakfast Homes

1. Intent. The intent of this section is to regulate the siting of Bed and Breakfast Homes, to provide for the proper design and operation of such facilities and to protect the neighborhood from any adverse impacts from such facilities.

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

    a. Bed and Breakfast Homes serving continental breakfast only do not require a food establishment permit. Continental breakfast may include beverages; fresh, frozen, commercially processed fruits; baked goods; cereals; homemade or commercial jams, jellies, honey, maple syrup, cream, butter; commercially manufactured hard cheeses; cream cheese and yogurt.

    b. Bed and Breakfast Homes serving full breakfast must obtain a residential kitchen permit from the Springfield Health Department.

3. 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. Design Standards.

    a. A Bed and Breakfast Home must have a minimum interior area of one

thousand five hundred (1,500) square feet to rent one (1) guest room, two thousand (2,000) square feet to rent two (2) guest rooms, and two thousand five hundred (2,500) square feet to rent three (3) guest rooms. No basement space or unfinished attic space shall be used to calculate square footage. In no case shall any room but a bedroom be rented as a guest room.

b. The above standards must be met by the interior area of the house at the time of the enactment of this ordinance.

c. One (1) unlighted, 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.

5. Special Permit Review Criteria. The special permit granting authority, in reviewing a petition shall consider the following, in addition to Section 2005.7:

a. The adequacy of the petitioner's interior and exterior site plan, and
b. The input of the public, the appropriate neighborhood council, civic association, abutters, city departments, relevant professional associations or non-profit tourism associations.

6. Special Permit Limitations.

The special permit may be granted only to the petitioner and may not be assumed by any other owner-operator(s).

Provided from the Springfield Planning Departments Web Page

ARTICLE XVI

CLUSTER DEVELOPMENT REGULATIONS

Section 1600. Intent. In order to permit (1) a more varied, imaginative and attractive pattern of residential development in terms of increased flexibility in site layout and building arrangement, (2) a desired reduction in street length, utility requirements and other site improvement and maintenance costs, (3) preservation of attractive natural features, (4) a more usable pattern of open space than is possible under traditional zoning regulations geared to the individual lot, as an option the requirements of the Residence A-1, Residence A and Residence B Districts may be modified in accordance with the provisions of this article.

Section 1601. Design Requirements. Provisions of Residence A-1, Residence A and Residence B Districts may be modified as indicated in this Article below when authorized as a special permit by the City Council, following review by the Planning Board and subject to all other requirements in this Article and all pertinent requirements of the Zoning and Subdivision Ordinance.

1. Minimum Tract Size. A tract of land to be developed shall be not less than five (5) acres in size, and shall be in one ownership or shall be the subject of an application signed jointly by the owners of the entire tract.

2. Density and Lot Area. Except in the case of an area devoted to garden apartments, in no case shall the number of dwellings permitted on a tract of land exceed the number which would have been permitted were the district regulations fully complied with. The method of calculating this density maximum is contained in the appropriate district regulation. In addition to the prescribed density controls, the minimum lot area, building area and lot width requirements relating to single-family and two-family dwellings may be altered as follows:

Districts	**Lot Area**	**Building Area**	**Minimum Lot Width**
Residence A-1	6000	35%	60 feet
Residence A	6000	35%	60 feet
Residence B	5000	50%	45 feet

The yard requirements shall not be reduced from those specified in the District. Minimum lot width shall be measured at building line.

3. Garden Apartments. In the case of a plan involving not less than fifty (50) two-

family, single-family detached or semi-detached dwellings, the proposed development may include garden apartment buildings, PROVIDED that (1) the area devoted to apartment use shall in no case be greater than twenty (20) percent of the area of the tract, (2) the apartment development shall comply with the provisions of Residence C-1 Districts governing garden apartment use and (3) the portion of the tract to be devoted to apartment uses shall be excluded from the tract size in applying the provisions of this section relating to single-family and two-family dwellings.

4. Open Space. The required areas for common open space shall either be conveyed to the City and be accepted by it for open space use or be conveyed to a non-profit organization the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned, or to be owned, by the owners of lots or residential units within the plot. If such corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential uses. In any case where such land is not conveyed to the City, a restriction enforceable by the City shall be recorded, provided that such land shall be kept in an open and natural state and not be built upon for residential use or developed for accessory uses such as parking or roadway.

Section 1602. Plan Requirements and Application Procedures.

1. As a condition of approval, the applicant shall demonstrate to the Planning Board and the City Council that the proposed development will result in a desirable and stable residential environment and that both the benefits to the City and the improved design justify modification of the basic district regulations.

2. Each application for a special permit hereunder shall be accompanied by a plan in duplicate of the cluster development prepared in accordance with the specifications of the Planning Board for a preliminary subdivision. The City Council shall not take final action on such a plan until it has received a report thereon from the Planning Board, or until said Board has allowed thirty (30) days to elapse after receipt of such a plan without submission of a report.

3. In addition to the requirements of a preliminary subdivision plan, said cluster plan shall clearly designate the proposed use of each area of the tract, including areas which are to be devoted to active or passive open space use.

4. A special permit for a cluster development issued hereunder by the City Council is primarily an authorization for the use of lots which have less than the normal minimum area or frontage. Subsequent approval by the Planning Board of a definitive subdivision plan for the area will be required as set forth in the Subdivision Regulations, including the approval of street and utility systems. A

favorable recommendation by the Planning Board that the special permit be issued shall not, therefore, be deemed to either constitute subdivision approval or imply that such approval will be given.

Provided from the Springfield Planning Departments Web Page

ARTICLE XVII

OFF-STREET PARKING AND LOADING

Section 1700. Off-Street Parking. Off-street parking spaces, with proper access from a street, alley or driveway shall be provided in all districts in the amount indicated in Section 1701. Such parking space shall be provided on any lot on which a dwelling is hereafter erected - or in the case of any other use on or near the lot on which any main building is hereafter erected. Nothing in this Section shall be construed to prevent the collective provision of off-street parking facilities for two or more buildings or uses, PROVIDED that the total of such off-street parking facilities shall be not less than the sum of the requirements for various individual uses computed separately. In no case shall the number of parking spaces provided, or the area devoted to parking, be less than the minimum requirements of Section 1701. Any existing use may expand in ground floor area up to twenty-five (25) percent without complying with these regulations. This exemption shall be granted only one time per use or building after the enactment of this provision.

Section 1701. Off-Street Parking Space Requirements.

1. Business C Central Business Districts shall be exempt from all off-street parking with the exception of residential requirements listed below and the provisions of Section 1204-2.

2. Structures used in whole or in part for residential purposes shall have one (1) space for each dwelling unit EXCEPT as follows:

    a. Residence B and Residence C-1, Residential Project Districts, shall have 1.5 spaces per dwelling unit, and Residence A-1 and Residence A Districts shall have two (2) spaces per dwelling unit. In the case of Residence A-1, Residence A and Residence B zones, a driveway shall constitute a parking space or spaces.

    b. In the case of any multi-family dwelling specifically designed for the elderly, the minimum off-street parking requirement shall be one (1) space for each four (4) dwelling units; this provision shall apply to all districts.

    c. Hotels, motels, and lodging houses shall have one (1) space for each rental room.

    d. Hospitals shall have one (1) space for each two (2) hospital beds. Rest homes, convalescent and nursing homes, and residential rehabilitation centers shall have one (1) space for each seven (7) beds.

e. Dormitories shall have one (1) space for each four (4) dormitory beds.

3. School buildings, up to and including ninth grade, shall have one (1) parking space for each fifteen (15) units of classroom student capacity.

4. School buildings or college buildings, tenth grade and up, shall have one (1) parking space for each ten (10) units of classroom capacity.

5. Bank or library buildings shall have one (1) space for each two hundred fifty (250) square feet of floor area in public use, plus one (1) space for each five hundred (500) square feet of floor area in other use.

6. Indoor place of assembly without fixed seats, including dance hall, skating rink, other places of amusement, shall have one (1) space for each two hundred (200) square feet of floor area in public use.

7. Indoor place of assembly with seating facilities including auditoriums, theaters, assembly halls, churches, arenas, shall have one (1) space for each five (5) seats.

8. Bowling alleys shall have three (3) spaces for each alley.

9. Restaurant or similar establishment shall have one (1) space for each fifty (50) square feet devoted to patron use PROVIDED that any restaurant serving food for consumption outside of the main building but on the premises, shall have at least forty (40) spaces. Restaurants serving food for consumption outside of the main building, but on the premises, shall have one (1) parking space for every eighty (80) square feet of patron space and shall have one (1) parking space for every twenty (20) square feet of food preparation area.

10. Retail sales of furniture, automobiles, nursery stock, etc. involving usually extensive display areas in relation to customer traffic shall have one (1) space for each eight hundred (800) square feet of gross floor area in such use. In the case of outdoor sales, one (1) space for each one thousand (1000) square feet of lot area in such use.

11. Other buildings for retail sales and services shall have one (1) space for each three hundred (300) square feet of gross floor area.

12. Professional offices, office building, office of a wholesale or jobbing establishment, including incidental sales space, shall have one (1) space for each five hundred (500) square feet of gross floor area.

13. Passenger transportation terminals shall have one (1) space for each three hundred (300) square feet of public and office area.

14. Building for manufacture, assembly, processing or packaging shall have one (1) space for each one thousand (1,000) square feet of gross floor area or one for each five (5) employees on the largest shift, whichever is the greater.

15. Storage, wholesale establishment, freight terminal and similar uses shall have one (1) space for each three thousand (3,000) square feet of gross floor area and/or lot area in such use.

16. Car wash establishment shall have sufficient parking space to prevent the use of adjoining public street for storage or holding of motor vehicles before or after servicing, but in no case less than five (5) space per washing bay.

17. Funeral establishment shall have ten (10) spaces for each reposing room.

18. Buildings or uses, other than specified above, shall have at least one (1) space for each one thousand (1,000) square feet of gross floor area, or lot area whichever is the greater.

19. No sales or servicing or dead storage of automobile or automotive equipment shall be carried on in any parking space.

20. Any business establishment, such as but not restricted to a bank or restaurant, with a drive-up service window will provide a vehicular storage lane for no less than five (5) cars.

21. Bed & Breakfast Homes must provide off-street parking at a ratio of one (1) space per guest room, either on-site or by long term lease at an off-site location within three hundred (300) feet of the premises. This requirement is in addition to the number of parking spaces required for the dwelling unit itself. The required spaces may not be located in the front yard. Existing parking areas may not be expanded more than twenty percent (20%) in order to meet this requirement. In the case of any expansion, the screening requirements of Section 1702(4) shall be applied regardless of the number of spaces created.

Section 1702. Location and Layout.

1. Location. Required parking shall be provided on the same lot with the main use it is to serve or, in Business and Industrial Districts, on a lot that is in the same ownership as, and located within, three hundred (300) feet of the main use. Parking required for two or more buildings or uses may be provided in

combined facilities where it is evident that such facilities will continue to be available for the several buildings or uses.

2. Size. In a parking lot or parking building at least fifty (50) percent of the parking bays must be 8-1/2 feet by 18 feet in size. The remaining parking bays may have a reduced bay size of 8 feet by 16 feet to accommodate smaller cars. These bay sizes are exclusive of adequate driveways and aisles which must have direct access to a street or alley. Bumper or wheel guards will be provided when needed.

3. Lighting. All artificial lighting used to illuminate any parking space or spaces shall be so arranged that all direct rays from such lighting fall entirely with such parking space or spaces.

4. Screening. In the case of any use in a Residence District for which five (5) or more parking spaces are required, all parking spaces not within a building shall be provided with a suitable fence, wall, or evergreen planting at least five (5) feet in height, designed to screen noise, odors, visibility and headlight glare, and located between such parking spaces and any other lot in a Residence District that abuts directly or across a street.

5. Landscaping. All open air surface parking areas shall be landscaped in the following manner in order to facilitate traffic channelization and control, to minimize heat and glare, to increase the supply of oxygen and to promote urban amenities:

   a. Parking areas with a capacity of twenty-five (25) parking spaces or less shall be excluded from the provisions of this subsection.

   b. Parking areas with a capacity of more than twenty-five (25) and less than seventy-five (75) parking spaces shall be landscaped a minimum of three (3) feet wide around the perimeter of any lot abutting a street. In addition, adequate bumpers or berms shall be installed to prohibit projection of vehicles over public areas.

   c. Parking areas with a capacity of more than seventy-five (75) parking spaces shall have minimum of five (5) percent of the gross lot area devoted to landscaped open space within the parking area. In addition, adequate bumpers or berms shall be installed to prohibit projection of vehicles over public areas. All landscaped areas in paragraphs (b) and (c) must contain live shade and/or ornamental trees with adequate spaces being left unpaved for their growth.

6. Surface and Maintenance. All of-street parking facilities required by the Article

Provided from the Springfield Planning Departments Web Page
shall be surfaced with bituminous concrete or its equal, drained, and periodically maintained by the owner or operator, and such facilities shall be arranged for convenient access and safety of pedestrians and vehicles.

Section 1703. Off-Street Loading. Adequate off-street loading and unloading space with proper access from a street, highway, common service driveway, or alley shall be provided on any lot which a business or institutional use is located. In no case shall the required space be less than requirements in Section 1704.

Section 1704. Off-Street Loading Space Requirements.

1. Every department store, freight terminal, railroad yard, hospital or sanitarium, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate floor area of twenty-five thousand (25,000) square feet or more, arranged, intended or designed for such use, shall provide off-street loading spaces in accordance with the following table:

Square feet of aggregate floor area devoted to such use				Required number of loading spaces
	25,000	up to and including	40,000	1
Over	40,000	"	100,000	2
"	100,000	"	160,000	3
"	160,000	"	240,000	4
"	240,000	"	320,000	5
"	320,000	"	400,000	6
"	400,000	"	490,000	7
For each additional		90,000 over	490,000	1 additional

2. Every auditorium, convention hall, exhibition hall, funeral home, hotel, multi-family dwelling, office building, restaurant, sports arena or institutional use, which has an aggregate floor area of one hundred thousand (100,000) square feet or more arranged, intended or designed for such use, shall provide off-street loading space in accordance with the following table:

Square feet of aggregate floor area devoted to such use				Required number of loading spaces
	100,000	up to and including	150,000	1
Over	150,000	"	400,000	2
"	400,000	"	660,000	3
"	660,000	"	970,000	4

" 970,000	"	1,300,000	5
" 1,300,000	"	1,630,000	6
" 1,630,000	"	1,960,000	7
" 1,960,000	"	2,300,000	8
For each additional	350,000 over	2,300,000	1 additional

3. Nothing in this Section shall be construed to prevent the joint use of off-street loading space for two or more buildings or uses if the total of such spaces, when used together, shall not be less than the sum of the requirements for the various individual uses computed separately.

Section 1705. Layout of Loading Facilities.

1. Each required loading space shall be not less than ten (10) feet in width, fourteen (14) feet in height, and of such length that a truck or trailer occupying such a space shall be located entirely on the lot with the building it is to serve, and shall not extend into sidewalks or the street.

2. Loading spaces may not include any of the required parking area. However, access ways and aisles may be used in common approaches to both parking areas and loading areas where approaches to both parking areas and loading areas are adequate for both.

Provided from the Springfield Planning Departments Web Page

ARTICLE XVIII

SIGN REGULATIONS

Section 1800. Scope and Definitions. The restrictions contained herein relate to sign size, location, general type, and number of signs permitted in each separate zoning district within the City of Springfield.

Construction, erection and maintenance requirements for signs, outdoor display structures and marquees with respect to safety, size, support and attachment or anchorage are contained in The Massachusetts State Building Code 780 C.M.R.

In those cases where permits are required for the erection, construction, or alteration of signs, the application for a permit shall be submitted in such form as the Building Commissioner may prescribe, and shall include such information as he may require for a complete understanding of the proposed work.

A permit shall not be issued until a bond, if required, has been filed with and approved by the City Treasurer.

1. "Sign," shall mean any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

2. "Accessory Sign," a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

3. "Non-Accessory Sign - Billboard," a sign (billboard) directing attention to a business, commodity, service or entertainment not conducted, sold, or offered upon the premises where the sign is located.

4. "Ground Sign," a sign which does not extend or project into or over a public way and is supported by one or more uprights or braces that are in or upon the ground.

5. "Roof Sign," a sign which is erected, constructed or maintained above the roof or architectural projection of a building and does not project more than twelve (12) inches beyond the wall line of the building.

6. "Wall Sign," a sign which is supported wholly or partially by an exterior wall of a building and extends not more than twelve (12) inches therefrom.

7. "Projecting Sign," a sign which is affixed to a building or structure and extends twelve (12) inches or more beyond the building wall, structure, or parts thereof.

8. "Real Estate Sign," an accessory sign advertising the sale, rental or lease of the premises on which it is maintained.

9. "Professional Sign," an accessory sign indicating the name and occupation of a professional person or group of associated professional persons.

10. "Identification Sign," an accessory sign other than a bulletin board sign indicating the name of a permitted use, the name or address of a building, or the name of the management thereof.

11. "Bulletin Board Sign," a ground or wall accessory sign, other than a marquee sign, of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon such sign is maintained.

12. "Construction Sign," a sign denoting the architect, builder, owner, or other business concern connected with the building operation. This sign is for use only with a duly authorized building operation and must be located on the same lot with such building.

13. "Temporary Sign," a sign of cloth or other combustible material, with or without a frame, which is usually attached to the outside of a building on a wall or store front. A temporary sign may remain in place for not more than sixty (60) days, and no more than two (2) temporary sign permits shall be granted an applicant within each calendar year.

14. "Instructional Sign," a sign conveying instructions with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a trespassing sign, a danger sign, and similar signs.

    Such signs shall not designate in any way any commercial advertisement of any merchandise or business EXCEPT in the case of a directional sign which may contain the name of the company or business involved. Instructional signs may be no larger than two (2) feet in height and five (5) feet in length, and the top of said sign may be no higher than five (5) feet from the ground.

15. "Lighted Sign," an illuminated sign or other sign designed to give forth any artificial light or reflect any light from an artificial source.

16. "Marquee Sign," a sign which is attached to a marquee.

17. "Sign Area," the area of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of any writing, emblem, representation, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it placed. Such sign area shall not include supporting bracing or framework which is not an integral part of the sign design; but in the case of a monument sign, the entire structure shall be considered an integral part of the background.

18. "Sign Area of Multiface Signs," the area computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more that three (3) feet apart at any point for accessory signs or more ten (10) feet apart at any point for non-accessory signs, the sign area is the measurement of one of the faces.

Section 1801. General Regulations.

1. No sign of any type may be erected or maintained visible from a street sign which:

   a. Safety Hazards. Prevents the driver of a motor vehicle of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic. Such hazards shall be determined jointly by the Traffic Engineer and the Building Commissioner.

   b. Flashing Lights. Contains, includes, or is illuminated by any flashing intermittent or moving lights, or moves, or has any animated or moving parts. This shall not prevent the erection of clocks. Signs indicating time and/or temperature, by means of white intermittent lighting will be allowed in non-residential districts. Their longest dimension will not exceed ten (10) feet. In the Business C District rotating signs and signs containing or displaying motion will be allowed as a matter of right in any instance where the permitted (see Section 1810) sign has an area of less than eighty (80) square feet. In the case of a permitted sign of eighty (80) square feet or more in size such signs containing or displaying motion shall be permitted only by special permit of the City Council in accordance with the provisions of Section 2005, but in no case shall a rotating sign rotate at a speed of greater than seven (7) RPM's. No flashing sign shall be permitted on the inside of the window of a building if it is located less than five (5) feet from the internal

surface of any such window which fronts on a street or public pedestrian way and is placed so as to be principally viewable from the exterior of the building.

c. Painted and Posted Signs. Is located upon a tree, or painted or drawn directly upon any building. Any signs to be painted or posted upon a building must be securely affixed to a substantial intermediate removable surface, and such surface shall be securely affixed to the wall of the building. Unless specifically permitted, pennants, banners, streamers, reflectors, or other similar devices may not be displayed for advertising or attention getting purposes outside a building.

2. Gasoline Filling Stations and Garages. Gasoline filling station, garage, variety store or any other permitted use on that property, may, if they elect to do so, divide the one exterior accessory sign affixed to the front wall of the building, to which they are entitled to as herein above provided into separate accessory signs affixed to and parallel to such wall over each bay door, to indicate the separate operation of each bay or department of business, PROVIDED, however, that the total area of the separate signs shall not exceed the maximum area permitted under the section of this ordinance pertaining to the size of accessory wall signs.

In addition, one illuminated or non-illuminated ground sign may be erected. The maximum face area of such a sign shall not exceed eighty (80) square feet per side for a double-faced ground sign or a total face area, all sides included, of one hundred sixty (160) square feet for a sign with more than two faces or sides. Its allowed height shall be thirty (30) feet, however, it shall not exceed a height equal to one foot high for each foot of setback. Except that in no case shall the height exceed fifty (50) feet. Said measurements shall be computed from the center line of the principal street upon which the sign is located and measured to the column or columns nearest the street front. If the sign is on a corner, the above measurement shall be from the center of the principal street and not the intersection of the two center lines. The height shall be measured vertically from the average grade nearest the supporting columns to the highest point of said sign.

3. Shopping Centers. Any group of five (5) or more commercial establishments, planned and developed as a unit for the site upon which they are built and owned as a unit, or any group of three (3) or more stores of this type with a minimum floor area of twenty-five thousand (25,000) square feet will be allowed the following signs:

a. One (1) multi-faced ground sign at each major street providing access to the property identifying the shopping center, but not any specific use or occupancy within the shopping center. This sign shall not exceed two

hundred (200) square feet if the building area is one hundred thousand (100,000) square feet or less. If the building area exceeds one hundred thousand (100,000) square feet, the sign shall not exceed three hundred fifty (350) square feet.

b. Accessory wall signs may be placed on top of covered walkways, PROVIDED they do not project more than two (2'-0") feet above the main roof line.

4. Signs Located Near Public Parks. It shall be unlawful to erect any roof sign within a distance of one hundred (100) feet of any public park of two (2) acres or more, measured from the inner curb line of the street which bounds the park.

5. Non-Accessory Signs.

Purpose. To preserve and promote the public health, safety, and welfare of the residents of Springfield by maintaining and enhancing the visual environment, by protecting areas of scenic beauty or of historic interest, by minimizing the possible adverse effect of non-accessory signs on nearby residences, public resources, or private property.

There shall not be more than 250 non-accessory signs in the City of Springfield. These signs must be properly permitted by the City of Springfield and by the Outdoor Advertising Division of the Commonwealth of Massachusetts. Existing signs which are so properly permitted may be maintained and repaired but not enlarged. The Code Enforcement Commissioner may issue a permit for a new sign allowed under this cap or for the relocation of a pre-existing sign permitted by the City and Commonwealth provided the new sign or new location comply with the following provisions:

a. One (1) non-accessory sign with an area less than one hundred (100) square feet shall be allowed for each parcel only if such sign is a "wall sign." Such a sign shall not project more than twelve (12) inches from the surface of the wall to which it is attached, or vertically past the roofline or parapet, or horizontally past the extent of the wall to which it is attached. Height from the top of the sign to finished grade shall not exceed thirty (30) feet.

b. A non-accessory sign shall not be located within a five hundred (500) foot radius of an existing non-accessory sign.

c. A non-accessory sign shall not be erected in:

Provided from the Springfield Planning Departments Web Page

(1) Any location where it obstructs a view of scenic beauty and interest or places of historic interest. In making this determination, the Code Enforcement Commissioner may consult the Springfield Park Commission and Springfield Historical Commission.

(2) Any location within five hundred (500) feet of, and visible from, the grounds of a school, place of worship, college, public library, public park, public conservation area, museum, cemetery, or property or district listed on the State Register of Historic Places, or from an American Heritage River.

(3) Any location within five hundred (500) feet of, and visible from, a residential zoning district or a building containing residences.

(4) Any location within an authorized urban renewal area which prohibits non-accessory signs.

d. A non-accessory sign of one hundred (100) square feet or larger may be either a "ground sign" or "wall sign." As a "ground sign," it may be a double-faced sign provided the distance between the two faces shall not exceed ten (10) feet at any point. Height from the top of the sign to finished grade of the roadway it faces shall not exceed thirty (30) feet.

e. A relocated sign shall not exceed its size at its current location. In no case shall a relocated sign exceed one hundred (100) square feet in Business A districts or seven hundred (700) square feet in Business B or Industrial A districts. Relocated signs are not allowed in any other zoning district. Relocated signs are not allowed on roofs.

f. When an existing sign is removed under this cap, a new sign may be permitted but shall not exceed the size of the removed sign. In no case shall a new sign exceed one hundred (100) square feet in Business A districts or seven hundred (700) square feet in Business B or Industrial A districts. New signs are not allowed in any other zoning districts or allowed on roofs.

<u>This ordinance was additionally amended as follows:</u>

The application for 603 East Columbus Avenue as submitted and approved at the Code Enforcement Department shall be grandfathered. The pending application within the Code Enforcement Department for 53 Batavia Street and two (2) locations owned by Western Massachusetts Electric Company on Cadwell Drive shall continue to be processed and be decided upon by the Code Enforcement Commissioner and the Commonwealth.

6. Location of Permitted Signs. No permitted wall, roof, projecting or marquee sign will be erected EXCEPT upon the specific portion of the building or its facade directly associated with the use for which sign is being allowed.

7. Accessory Ground Signs. Accessory ground signs will be permitted only for those uses which occupy space on the first (ground story) story level. These signs may only be erected on property either owned, leased or rented for and used in operation with the specific use.

8. Marquee Signs. A marquee sign may be substituted for a permitted accessory wall sign. Its size will be determined using the same formula as used for the wall sign in Section 1806-5.

   Marquee signs may not extend vertically more than two (2) feet above the roof line of the marquee.

Section 1802. Signs Which Are Allowed in All Districts. The following signs will be allowed in all districts PROVIDED they conform to the conditions stated in this section, and are not in violation of any other existing ordinance or regulation of the City of Springfield.

1. Real Estate Signs. Real estate signs will be allowed in all districts, PROVIDED:

   a. The size of any such sign shall not exceed sixteen (16) square feet in residential districts and thirty-two (32) square feet in all other districts.

   b. Not more than one (1) such sign shall be erected for any property held in a single and separate ownership.

   c. Such signs may be lighted signs in all districts EXCEPT residential districts.

2. Construction Signs. Construction signs will be allowed in all districts PROVIDED:

   a. The size of such signs will not exceed sixty-four (64) square feet, EXCEPT in residential districts where single or two-family homes are being constructed. In these districts the size of such signs shall not exceed twenty-four (24) square feet.

   b. No such sign shall be a lighted sign.

   c. Such signs shall be removed on completion or when active work on the

development ceases.

d. One such sign shall be allowed per building.

e. Signs not exceeding one hundred (100) square feet in area, any single dimension not to exceed twelve (12) feet, advertising the sale of homes or lots within a subdivision and located thereon, PROVIDED that not more than one (1) such sign be located at each major approach to the subdivision, and PROVIDED FURTHER that the display of such signs shall be limited to a six month period…at the expiration of such fixed period of time, the applicant may request a further extension of time, otherwise the sign shall be removed. When the fixed period of time for display has expired and the sign has not been removed, the City Building Department may enter upon the premises upon which such sign is located and remove such sign at no liability to the City and at the expense of the owner. The location of such a sign will conform to the yard area regulations of the district in which it is located.

3. Temporary Signs. A sign appertaining to campaigns, sales promotions, drives or events of political, civic, philanthropic, educational or religious organizations will be permitted as follows:

a. Residential Districts. In the case of a political, civic, philanthropic, education, or religious organization one (1) temporary sign with an area not to exceed six (6) square feet shall be allowed. No such sign shall be lighted.

b. Non-Residential Districts. Two (2) temporary signs will be allowed for any non-residential use in a non-residential district. No single sign to exceed twenty (20) square feet in area. No such sign shall be a lighted sign.

4. Instructional Signs. Instructional signs will be allowed in all districts.

Section 1803. Sign Restrictions in Residence A, A-1, B and C Districts. No person shall erect or display or maintain a sign on any premises within a Residence A, Residence A-1, Residence B or Residence C District, or any premises devoted to residential use within a non-residential district, EXCEPT as specified in Section 1802 and as follows:

1. Professional Signs. One (1) professional double-faced sign will be allowed for each separate "accessory use", as defined in Article III, Section 301-7 of the Zoning Ordinance, with a maximum area of one hundred forty-four (144) square inches. It may be a lighted sign. It shall be either attached to the building or a

free standing around sign. Maximum overall height will be six (6) feet. The sign shall conform to the setback requirements of the district within which it is located.

2. Bulletin Board Sign. One (1) bulletin board sign will be allowed for each side of a lot fronting on a street in conjunction with the following uses: Churches, other places of worship, school buildings, public libraries, municipal buildings, and similar uses. Such uses will be permitted to erect such a sign with a maximum area of twenty-four (24) square feet. The overall height shall not exceed six (6) feet if such a sign is a ground sign. Such a sign may be a lighted sign.

3. Identification Sign. One (1) identification sign will be allowed for each side of a lot fronting on a street in conjunction with any use permitted in a Residence C District. These uses will be permitted to erect such a sign with a maximum area of twelve (12) square feet. This sign shall be a wall sign and may be a lighted sign.

4. Setbacks. If due to the location of buildings not conforming to district setback requirements, it is physically impossible to conform to district setback requirements in regard to sign placement, the location of any of the signs in this section (1803) shall conform as nearly as possible to the required setback standards of the district within which they are located.

Section 1804. Residence C-1 Residential Projects. The following signs will be permitted:

1. Identification Signs.

   a. One (1) identification sign having a maximum height of ten (10) feet and maximum area not to exceed thirty-two (32) square feet will be allowed for each exterior street furnishing access to the property. Such sign may be either a ground sign or a wall sign and may be a lighted sign. If free standing, it must be located at least twenty (20) feet from any side lot line and five (5) feet from the front lot line.

   b. An individual identification sign, with the address of the building and the name of the building, will be allowed for each building within the development. It shall be a wall sign with a maximum area not to exceed six (6) square feet. Such a sign may be illuminated.

Section 1805. Residence C-2 High-Rise Apartment Districts. The following signs will be allowed:

1. Identification Signs. One (1) identification sign will be allowed for each building. The maximum area of such a sign will not exceed thirty-two (32) square feet. It may be ground sign, a wall sign, or a marquee sign, and may be a lighted sign. A ground sign shall be located at least ten (10) feet from the street line.

2. Commercial Uses. Any signs erected in conjunction with any non-accessory commercial use allowed in this district will conform to the restrictions listed in Section 1807 Neighborhood Commercial Districts.

Section 1806. General Provisions Relating to Accessory Wall Signs in Non-Residential Districts. The following provisions apply to the maximum allowable dimensions for accessory wall signs in commercial, business and industrial districts.

1. A building having more than one (1) side fronting on a street or public pedestrian way, or parking lot will apply these provisions to each side separately.

2. Accessory wall signs may not project more than twelve (12) inches from the surface of the wall to which they are attached.

3. Accessory wall signs may not project vertically more than twenty-four (24) inches past the roof line or parapet.

4. Accessory wall signs may not project horizontally further than the extent of the wall to which they are attached.

5. The maximum overall size of permitted accessory wall signs in the business, commercial and industrial districts may not exceed four (4) square feet per lineal foot of frontage (associated with that use) on a street or public pedestrian way, or on a parking lot which is located within the property lines of this use, or thirty (30) percent of the building facade associated with the use upon which it is placed, whichever is greater.

    a. Wall Plaques. Up to ten (10) percent of this allotted wall sign area may be used for the placement of a separate exterior wall plaque containing the name, emblem, token, ensign, embossed relief, medallion, or like insignia of the existing use.

    b. Private Pedestrian Malls. Signs located on private pedestrian malls in private ownership shall be exempt from the provisions of this article as long as they are not significantly visible from a public street or public pedestrian way.

Section 1806A. Office A Residence-Office District.

1. Accessory Signs. One (1) accessory wall sign per use is permitted for each side of a building fronting a street or public pedestrian way or parking lot. This sign may not be lighted. All accessory signs must conform to Section 1806.

Section 1807. Commercial A Neighborhood Commercial Districts. The following signs will be allowed:

1. Accessory Signs. One (1) lighted accessory wall sign peruse is permitted for each side of a building fronting a street or public pedestrian way or parking lot. All accessory signs must conform to Section 1806.

Section 1808. Business A General Business District. The following signs will be allowed:

1. Accessory Signs.

   a. Wall Signs. One (1) lighted accessory wall sign per use is permitted for each side of a building fronting a street or public pedestrian way or parking lot. All accessory signs must conform to Section 1806.

   b. Ground and Projecting Signs. One (1) illuminated or non-illuminated ground or projecting accessory sign will be allowed per use.

      (1) Ground. A double-faced ground sign will conform to the setback requirements of the district subject to Section 1803-4 and will not exceed one hundred (100) square feet per face in face area, or two hundred (200) square feet in total face area for a sign with more than two faces or sides. The height of such a sign will be proportioned to its setback and will be determined by applying the formula contained in Section 1801-2, paragraph 2. In no case shall the maximum height exceed thirty (30) feet.

      (2) Projecting. A double-faced projecting wall sign shall not exceed eighty (80) square feet per side or one hundred sixty (160) square feet in total area, for a sign with more than two faces or sides and shall not project more than three (3) feet beyond the street line.

   c. Gasoline Filling Stations and Shopping Centers. Restrictions relating to gasoline filling stations and shopping centers located within this district are to be found in Section 1801-(2 and 3).

2. Non-Accessory Signs. The maximum size of non-accessory signs may not

exceed three hundred (300) square feet. See Section 1801-5 for further restrictions.

Section 1809. Business B Service Business District.

1. Any signs allowed in Business A, Section 1808, will be allowed in Business B.

2. Non-Accessory Signs. Non-accessory signs will be allowed in Business B districts in accordance with Section 1801-5. The maximum size of any non-accessory sign will not exceed seven hundred (700) square feet.

Section 1810. Business C Central Business District.

1. Ground and Projecting Signs - One (1) illuminated or non-illuminated ground or projecting sign will be allowed per building for each side facing a street, public pedestrian way or parking lot, and such signs shall only bear the name, emblem, logo, or other project designation pertaining to the building.

   a. Ground - A double-faced ground sign shall not exceed fifty (50) square feet per face or one hundred (100) square feet in total face area, for a sign with more than two sides or faces.

   b. Projecting - A double-faced projecting wall sign shall not exceed fifty (50) square feet per side or face, or one hundred (100) square feet in total face area, for a sign with more than two faces or sides. This sign shall be no higher than the top of the second story structural ceiling and shall extend no further than three (3) feet beyond the street line.

2. a. Wall Signs - One (1) illuminated or non-illuminated wall signs are permitted on the first or second floor and may refer only to the owner or tenants occupying space on those floors. Wall signs must conform to the provisions in Section 1806.

   b. Projecting Signs - One illuminated or non-illuminated double-face projecting sign per use on the first floor is permitted. Such a sign shall be no larger than nine (9) square feet or eighteen (18) square feet in total face area, and may project no further than three (3) feet from the building face.

3. For those buildings higher than two (2) stories, an additional wall or roof sign may be allowed by special permit of the City Council for each side facing a street, public pedestrian way, or parking lot. In no case will roof signs be permitted on buildings lower than six stories or sixty (60) feet. These signs may

only bear the name, emblem, logo, or other project designation pertaining to the building or its principal tenant. These signs may not be internally lit nor directly lit from an external source, without the permission of the City Council.

4. Banners and Pennants - Decorative banners and pennants are permitted on the first or second floors. Such banners and pennants shall be affixed to the building only. They shall be removed as soon as torn or damaged and will only be permitted between the months of April and October. The banners or pennants may only be used for decorative purposes or for the promotion of temporary activities and may be no larger than eighty (80) square feet.

Section 1811. Industrial Park District.

1. Accessory Signs

   a. Wall Signs. Two (2) accessory wall signs are allowed for each use. All accessory wall signs must conform to Section 1806. Such signs may be lighted signs.

   b. Ground Signs. One (1) double-faced lighted ground sign will be allowed at each major street providing access to the industrial park. This sign shall be landscaped and may have a maximum height of two hundred fifty (250) square feet. The maximum height of this sign shall not exceed thirty (30) feet.

Section 1812. Industrial A Districts.

1. Accessory Signs - Any accessory signs allowed in Section 1808 Business A General Business District will be allowed in this district.

2. Non-Accessory Signs - Non-accessory signs will be allowed in Industrial A Districts in accordance with Section 1801-5. The maximum size of any non-accessory sign may not exceed seven hundred (700) square feet.

Section 1813. Non-Conforming Signs.

1. Any non-conforming sign legally erected prior to the adoption of this Ordinance may be continued to be maintained and repaired and the copy thereon may be changed. Such a sign shall not be enlarged, redesigned or altered in any way, other than normal maintenance and repair, UNLESS it is brought into conformity with this Ordinance.

2. The exemption herein granted shall terminate with respect to any sign which

1) shall have been abandoned; 2) advertises or calls attention to any products, businesses or activities which are no longer carried or sold, whether generally or at the particular premises; or 3) shall not have been repaired or properly maintained within sixty (60) days after notice to that effect has been given by the Building Commissioner.

Provided from the Springfield Planning Departments Web Page

ARTICLE XIX

MOBILE HOMES AND MOBILE HOME PARKS

Section 1900. Intent. The purpose of this Article 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.

Section 1901. Travel Trailers. No travel trailer (as defined in Article II) shall be used or occupied for dwelling or sleeping purposes in the City of Springfield.

Section 1902. Mobile Homes. No mobile home (as defined in Article II-17) shall be used or occupied for dwelling or sleeping purposes, EXCEPT in accordance with the following provisions:

1. 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 as a special permit by the City Council, but only in cases where personal hardship can be demonstrated, and subject also to the general provisions of Section 2005.

2. Mobile Home Parks. A mobile home park shall be permitted only in cases where such parks contain more than thirty (30) mobile homes. Mobile home parks are permitted only when authorized as a special permit by the City Council, subject to the general provisions of Section 2005, and shall be permitted only in Residence C Districts and Business A Districts.

Section 1903. Storage of Travel Trailers, Boats and Mobile Homes. The storage of a mobile home, travel trailer or boat exceeding twenty (20) feet in length shall not be permitted in any residential zoning district. No mobile home, travel trailer or boat of any size shall be stored within the front yard as defined in Article II, UNLESS an existing side yard is of insufficient width to store the vehicle or get it to the rear yard.

Section 1904. Special Regulations for Mobile Home Parks. All mobile home parks shall conform with the following special regulations:

1. Mobile Home Parks - shall conform to all Public Health Council Regulations, and all other applicable rules and regulations pertaining to mobile home parks.

2. 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.

3. Area and Yard Regulations.

a. 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.

b. Floor Area - each mobile home in a mobile home park shall have a total floor area of not less than four hundred eighty (480) square feet.

c. Yards - a front yard of not less than ten (10) feet shall be provided. Rear and two 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.

Provided from the Springfield Planning Departments Web Page

ARTICLE XX

ADMINISTRATION

Section 2001. Penalties and Enforcement.

1. Penalties. Any person violating any provisions of this Zoning Ordinance, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals, may be fined not more than one hundred (100) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

2. Enforcement. It shall be the duty of the Building Commissioner to enforce the provisions of this Ordinance, as amended. He shall refuse to grant a permit for the construction or alteration of any building, if the building as constructed or altered would be in violation of any of the provisions of this Ordinance, as amended; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any such ordinance or amendment thereof.

Section 2002. Filing Plot Plan. Unless otherwise ordered by the Building Commissioner, all applications for building permits made in conformity with the provisions of the Building Ordinance of the City of Springfield shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance as amended. One copy of such plans, when approved by the Building Commissioner, shall be returned to the owner.

Section 2003. Pending Applications for Building Permits. Nothing herein contained shall affect any permit issued before notice of hearing by the Planning Board on the question of adoption is first given, PROVIDED that construction work under any such permit is commenced within six (6) months after its issue.

Section 2004. Zoning Ordinance - Adoption, Amendment, Addition, Repeal.

1. No Zoning Ordinance nor part thereof may be adopted, amended, or repealed until:

   a. A recommendation for adoption, amendment, addition or repeal has been initiated by submission to the City Council by the City Council, a Board of Appeals, an individual owning land to be effected by such recommendation, by request of ten (10) registered voters of the city, the

Planning Board, a regional planning agency or other methods provided by the City Charter.

b. The City Council has within fourteen (14) days after receipt of such submission transmitted it to the Planning Board for review.

c. The City Council or a committee designated by the City Council for that purpose and the Planning Board has held a public meeting, at which persons interested shall be given an opportunity to be heard.

2. Notice and Hearing. Such hearing shall be held within sixty-five (65) days of submission of the initiated adoption, amendment or repeal by the City Council to the Planning Board. Notice of the time and place of such public hearing of the subject matter, and of the place where text and maps thereof may be inspected shall be published in a newspaper of general circulation in the city in each of two successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing, and by posting such notice in a conspicuous place in City Hall for a period of not less than fourteen (14) days before such hearing. Notice shall be prepared, published and posted by the City Clerk.

3. Mailing of Notice. Notice of such hearing shall also be sent by mail, postage prepaid, fourteen (14) days at least before such hearing to the Department of Community Affairs, the regional planning agency, the Planning Boards of all abutting cities and towns, any non-resident who files a request with the City Clerk wherein a boundary or use changes within a district.

4. Vote to adopt, amend or repeal. No vote to adopt, amend or repeal a proposed ordinance or by-law shall be taken by the City Council until a report has been submitted with recommendations by the Planning Board or twenty-one (21) such days have elapsed since the hearing without submission of such report or recommendations. Such vote shall require a two-thirds vote of the City Council; provided that if there is filed with the City Clerk, prior to final action, a written protest against such change stating the reasons, duly signed by owners of 20% or more of the area included in such change, or of the area of the land immediately adjacent, extending three hundred (300) feet therefrom, shall require a three-fourths vote of the City Council.

The City Council may hold its own public hearing after the required hearing described in Section 2004 1c has been held, however, a vote to adopt the proposed ordinance or change thereof by the City Council must take place within ninety (90) days from the date the required hearing was held or a subsequent hearing must be held by the Planning Board and City Council or

Provided from the Springfield Planning Departments Web Page
sub-committee with notice and report as above provided.

5. The Zone Map, which is part of this Ordinance, may be amended, altered or changed only in accordance with the foregoing provisions. The Zone Map, due to its size, is incapable of being included within this volume but may be obtained on request from the Planning Department.

Section 2005. Special Permits.

1. Authority and Rules.

Unless otherwise specified in the Ordinance, the City Council shall be the body responsible for granting special permits. The special permit granting authority shall adopt and from time to time amend rules relative to the issuance of such permits and shall file a copy of said rules in the office of the City Clerk.

2. Hearing, Notice and Decision.

a. The special permit granting authority shall hold a public hearing within sixty-five (65) days after the filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the City Clerk by the applicant.

b. The special permit granting authority shall require notice be given by publication in a newspaper of general circulation in the city once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the hearing, and by posting such notice in a conspicuous place in City Hall. Notice shall be sent by mail, postage prepaid, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred (300) feet of the property line as they appear on the most recent applicable tax list including those in another city or town, the Planning Board and planning boards of all abutting cities and towns. Such notice shall be prepared, published, posted and mailed by the City Clerk.

c. The special permit granting authority shall act within ninety (90) days following the public hearing. Failure to take final action upon an application for a special permit within said ninety (90) days shall be deemed a grant of the permit applied for. Special permits issued by a special permit granting authority shall require a two-thirds vote of boards of more than five (5) members, a vote of four (4) members of a five (5) member board, and a unanimous vote of a three (3) member board.

Provided from the Springfield Planning Departments Web Page

Upon the granting of a special permit, a copy shall be issued to the owner or applicant if other than the owner of the decision, certified by the special permit granting authority. No special permit shall take effect until a copy of the decision certified by the City Clerk that twenty (20) days have elapsed and no appeal has been filed, or that if such appeal has been filed that it has been dismissed or denied, is recorded in the Registry of Deeds wherein the land is located.

3. Duration.

A special permit granted by the special permit granting authority shall lapse if a substantial use thereof has not commenced within two years, or in the case of construction, if construction has not begun. Exception may be made for good cause by the special permit granting authority.

4. Special Consideration.

Special permits shall be issued by the special permit granting authority for uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production where the special permit granting authority finds that the proposed accessory use does not substantially derogate from the public good.

5. Planning Board Report.

The Planning Board (or designated staff) shall transmit a report to the special permit granting authority on each special permit application. The Planning Board shall be notified at least fourteen (14) days prior to the public hearing on such a special permit. However, the special permit granting authority may act in the absence of a report form the Planning Board after this fourteen (14) day period.

6. Effect of Denial.

If the special permit granting authority after said hearing denies the use applied for, no further application for the same use will be entertained by the City Council for a period of two (2) years from the date of said denial.

7. Standards for Reviewing.

Upon granting or denial of a petition for a special permit, the special permit granting authority shall cause those members voting with the prevailing side to

set forth clearly the reason(s) for its decision, taking into consideration all of but not limited to the following reasons:

a. The specific site is an appropriate location for such a use, structure, or condition.

b. The use as developed will not adversely affect the neighborhood.

c. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

7. Conditions Attached to Special Permit Approvals.

In approving a special permit, the special permit granting authority may attach such conditions and safeguards as are deemed necessary to protect the neighborhood such as, but not limited to, the following:

a. Requirement of front, side or rear yards greater than the minimum required by this Ordinance.

b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices.

c. Modification of the exterior features or appearances of the structure.

d. Limitation of size, number of occupants, method or time of operation, or extent of facilities.

e. Regulation of number, design, and location of access drives or other traffic features.

9. Existing Uses.

In the case of uses requiring special permits, but existing prior to the date of requirement, the existing building or lot or both may be expanded up to twenty-five (25) percent of the ground floor area or the lot area, without special permission from the City Council.

10. Certificate of Occupancy.

A Certificate of Occupancy shall not be issued to the applicant by the Building Commissioner until all physical special conditions shown on his site plan (with

the exception of seasonal landscaping), or contained within the language of the Special Permit, have been complied with.

Provided from the Springfield Planning Departments Web Page

ARTICLE XXI

LEGAL

Section 2100. Continuance of Former Zoning Ordinance. Repeal. The provisions of the Zoning Ordinance, so far as they are the same as those of existing zoning ordinances, shall be construed as continuations thereof and not as new enactments, and a reference in a zoning ordinance which has not been repealed to provisions of zoning ordinances which are revised and re-enacted herein, shall be construed as applying to such provisions as so incorporated herein. All zoning ordinances or parts of zoning ordinances heretofore passed, inconsistent herewith, are hereby repealed.

Section 2101. Validity. The invalidity of any Section or provision of this Zoning Ordinance shall not invalidate any other Section or provision thereof.

Section 2102. In Effect. This revised Zoning Ordinance shall take effect twenty (20) days from and after its passage.

Passed by the unanimous vote of the City Council, April 20, 1971, and approved by the Mayor, April 22, 1971. Taking effect May 12, 1971. Most recently amended on January 2, 1997.

Provided from the Springfield Planning Departments Web Page

ARTICLE XXII

BOARD OF APPEALS

Section 2200. Powers of Board of Appeals - Permit Granting Authority.

1. An appeal to the permit granting authority may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of this ordinance or the Building Code, by the regional planning agency in whose area the city is situated or by any order or decision by any person, including an officer or board of the city, or an abutting city or town aggrieved by an order or decision of the inspector of buildings, or other administrative official in violation of any provision of this ordinance or by-law adopted under it.

2. To hear and decide applications for special permits upon which the board is empowered to act under this ordinance or by-law.

3. To hear and decide petitions for variances, where it finds:

   a. That owing to circumstances relating to soil conditions, shape or topography of land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial or otherwise, to the petitioner.

   b. That desirable relief may be granted without substantial detriment to the public good.

   c. That granting such relief would not nullify nor substantially derogate from the intent or purpose of such ordinance or by-law.

Section 2201. Procedure for Application. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Building Commissioner and with the Board of Appeals, a notice of appeal specifying the grounds thereof. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 2202. Public Hearings. The Board of Appeals shall require notice be given by publication in a newspaper of general circulation in the city once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the hearing, and by posting such notice in a conspicuous place in City Hall. Notices shall be sent by mail, postage prepaid, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred

(300) feet of the property line as they appear on the most recent applicable tax list including those in another city or town, the Planning Board and planning boards of all abutting cities and towns. Such notice shall be prepared, published, posted and mailed by the City Clerk.

Section 2203. Decisions - Notice - Appeal

1. The decision of the Board of Appeals shall be made within seventy-five (75) days after the filing of an appeal application or petition EXCEPT in regard to a special permit when such decision shall be made within ninety (90) days. A concurring vote of the three members of the Board shall be required to grant a variance, or appeal. A detailed record of its proceedings, indicating the vote of each member, the reason for its decision, and official actions shall be filed within fourteen (14) days in the office of the City Clerk and shall be a public record. Failure of the Board to act within the allowed time shall be deemed to be an approval of the appeal, application, or petition. No variance or special permit or any extension, modification, or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty (20) days have elapsed, and that no appeal has been filed, or denied, is recorded in the Registry of Deeds.

2. Notice of the decision shall be issued to the owner and to the applicant.

3. Each notice of a decision shall specify that appeals from the order or decision may be made to the Superior Court, Land Court, or the Hampden County Housing Court, and by filing a copy of the complaint with the City Clerk within twenty (20) days of the filing order or decision with the City Clerk.

Section 2204. Rescission of Vote. The concurring vote of all the members of the Board shall be necessary to reverse any order or decision of the Building Commissioner, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance, or to effect any variance in the application of any such Ordinance.

###############