

ARTICLE II
Sections 2-10 & 2-20

DEFINITIONS

Section 2-10.1 – Building Code Definitions. Article 2 Definitions and Classifications of the Massachusetts State Building Code 780 C.M.R. relative to the construction and alteration, repair, maintenance and use of buildings in the City of Westfield MA and as later amended, is hereby adopted and made a part of this Zoning Ordinance.

Section 2-20.1 – 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 work “used” shall include the words “arranged” “designed” or “intended to be used.” The word “buildings” shall include the word “structure.” The present tense shall include the future tense.

Accessory Apartment. A secondary housing unit which is constructed within or attached to a principal residence, of lesser square footage, with a separate entrance and separate kitchen facilities.

Accessory use of Buildings. A subordinate use or building customarily incident to and located on the same lot with the main use or building.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazine, video and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Section thirty-one of Chapter two hundred and seventy two and which excludes minors by virtue of age. 7/1/93

Adult Dance Club. An establishment which, as its principal form of entertainment, permits a persons or persons to perform in a state of nudity as defined in MGL, Ch.272, Sec. 31

Adult Theatre. An enclosed building used for presenting materials distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL, Ch. 272m Sec., 31 and which excludes minors by virtue of age. 7/1/93

Alteration. Any change or modification in the plan, construction, or structural support of a building, structure or use.

Buffer Planting Strip. A strip of required yard space adjacent to the boundary of a property or district, not less in width (except for permitted fences) than is designated in the district, which is landscaped for the full width, and on which is placed a screen of sufficient density not to be seen through, and a height of not

less than five (5) feet in order to constitute an effective screen and give maximum protection and immediate visual screening to an abutting property or district.

The required screen shall be permanently maintained and shall constitute a planting of dense evergreens, or an appropriate wall or fence, or combination thereof. Such a screen shall be at least three (3) feet back from the street line and conform to the provisions of Article IV, Section 4-60. But in no case, shall a screen be set back further than the face of the building closest to the street line.

Building. A combination of any materials, whether portable or fixed, having a roof to form a structure for the shelter of persons animals or property. The word “building” shall be construed where the context requires, as though followed by the words “or part or parts thereof.” A porch or an attached garage, greenhouse or similar structure is to be considered as part of a building when considering the requirements of setbacks and side or rear yards.

- a. Detached. A building which has no party wall.
- b. Semi-detached. A building which has only one party wall in common with an adjacent building.
- c. Attached or row. A building which has two or more party walls in common with adjacent buildings.

Building Line. The line parallel to the street line at a distance there from equal to the depth of the required front yard and beyond which a building shall not extend.

Companion Animal or Pet: means any dog or cat. “Pet” or “Companion Animal” shall not include a “farm animal” as defined in this section. The maximum number of “Pets” or “Companion animals” permitted at any single-family dwelling in the City shall total no more than six (6) provided, however, that at no time are there more then three (3) dogs or four (4) cats aged six (6) months or older. The maximum number of licensed dogs and cats permitted at each individual unit of a two-family or multi-family apartment, condominium or other congregate living facility shall not exceed one (1) dog and one (1) cat per unit, regardless of the zoning district in which the facility is located. This Ordinance shall become effective on July 1, 2006. (06-01-06)

Condominium. Residential, commercial, or industrial units constructed or converted with the following common properties: 1) each of the units within the development is owned from the walls in, by separate parties; and 2) all open space and common areas are owned and managed by a condominium association or organization and governed by a Master Deed.

Coverage. The ration of enclosed ground floor area of all buildings on a lot to the horizontal projected area of the lot, expressed as a percentage.

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 preschool, or known under any other name which receives children not of common parentage under seven years of age, or 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. Day Care Center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care; an informal; cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor. 9/16/93

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

Family. Any number of persons within the second degree of kindred living and cooking together as a single housekeeping unit. The word "Family" as used herein includes residents of a residential rehabilitation center and foster children.'

Family Day Care Home. 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 a residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with our without compensation therefor. 9/16/93

Frontage. Deleted 03/06/03 replaced with Lot Frontage:

Funeral Establishment. An establishment under the care and control of a funeral director a licensed pursuant to M.G.L. Chap. 114, Sec. 49 with facilities for the preparation of the dead for burial or cremation, with reposing rooms for the viewing of the body, and for funerals, final disposition of the body to be elsewhere in accordance with the Massachusetts Federal Laws. Also known as funeral home or funeral parlor. 5/20/93

Garage – Private. 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.

Garage – Public. 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, in which provisions may be made for the dispensing of gasoline, oil, or similar products for the servicing of such vehicles and in which provisions may be made for the

repair and servicing of these vehicles. Public garages shall further be classified according to the following specific types and uses.

- a. Parking Garage. A building used for the parking of motor vehicles. Gas may be dispensed but not other servicing or repairing of vehicles shall be permitted.
- b. Motor Vehicle Service Station. A building used for the servicing and minor repair of motor vehicles including such uses as engine tune-ups, dispensing of gas, oil, and other similar products, and the installation and repair of automotive accessories such as radios, burglar alarms, and other electronic devices.
- c. Repair Garage. A building used for the major repair of motor vehicles including such uses as transmission repair, engine overhaul, and auto body work.

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 one (1) or more wrecked, unregistered or inoperative vehicles, or parts thereof, for one month or more shall be deemed to be a junk yard. Garaged vehicles shall be kept from this provision.

Kennel: means one pack or collection of dogs and/or cats on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of four (4) or more dogs six (6) months of age or older, or five (5) or more cats six (6) months or older (including companion animals and pets), owned or kept by a person on a single premises irrespective of the purpose for which they are maintained. This Ordinance shall become effective on July 1, 2006. (06-01-06)

Kennels (Commercial). Deleted 06/01/06

Kennel, Commercial : means any premises maintained for any of (or combination of the following:

- (1) the boarding or in-residence training of any number of dogs and/or cats;
- (2) the day care of any number of dogs and/or cats that is not the owner/operator's companion animal or pets;
- (3) ten (10) or more dogs six (6) months of age or older or ten (10) or more cats six (6) months of age or older kept as companion animals or pets; or for/from breeding

This ordinance shall become effective July 1, 2006 (06-01-06)

Kennel, Residential: means any premises where an Owner or keeper maintains as companion animals or pets, or for breeding, four (4) or more, but not more than nine (9) dogs six (6) months of age or older, and/or five (5) or more but not more than nine (9)

cats six (6) months of age or older. This Ordinance shall become effective on July 1, 2006. (06-01-06)

Lodging House. A building in which lodgings are let to four (4) or more persons not within the second degree of kindred to the family household, therein.

Lot. An area of land in one ownership with definitive boundaries as shown in the record title of the property or by a plan recorded in the Registry of Deeds, used or available for use as the site for one or more buildings.

- a. **Corner:** A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or extended lot lines in case of a curved street being not more than 135 degrees. For purposes of this Ordinance, the yard adjacent to each street shall be considered a front yard and shall meet the front setback requirements unless otherwise stated in this Ordinance.
 - In the case where an already developed lot is made a corner lot by the subsequent construction of a new street, the setbacks adjacent to said new street shall be considered side setbacks.
- b. **Through:** A lot which abuts two (2) streets, but not at their intersection.
- c. **Interior:** Any lot other than a corner lot or a through lot.
(Amended 03/06/03)

Lot Access: Vehicular egress/access to a lot must be across and from the front lot line and lot frontage. Such egress/access may not encroach onto abutting lots. (Amended 03/06/03)

Lot Frontage: The uninterrupted length of the front lot line, along a single street, as defined herein, whether straight or not, which conforms to the Minimum Lot Frontage Requirement. Frontage may not be illusory and must provide practicable access to the buildable portion of the lot. It should be noted that even though a lot complies with the minimum frontage requirement, because it may be measured on a curve, such lot may not conform to other provisions of Zoning (i.e. Lot Width, Lot Layout, etc.).

In the case of a subdivision lot approved under the Subdivision Control Law, the lot frontage requirement may be reduced by not more than twenty (20) percent for lots situated around the cul-de-sacs, provided:

- a. they are approved as a part of and are shown on the approved Definitive Subdivision Plan, and
- b. the minimum lot width must be achieved at the front of the principal structure on the lot, and continued from that point to the rear of the lot. (03-06-03)

Lot Area, Minimum. The smallest sized lot to be considered as a building lot. The following shall not be counted toward land within the minimum lot area: land under permanent water bodies (measured at the average high water mark) and bordering vegetated wetlands as defined under M.G.L. c.40, Sec. 131 as defined by the Conservation Commission; land within public ways, and land within private ways and right-of-ways where the general public has the right of access by automotive vehicles; not less than 80% of land in the minimum lot area shall have a slope in excess of 33%, nor may the remaining 20% of land in the minimum lot area have a slope in excess of 50% (as determined by the city" Geographic Information System, or by a registered land

surveyor's equivalent topographic plan). That land comprising the minimum lot area must be contiguous. (05-20-02)

Lot Depth: The mean horizontal distance, measured perpendicular (at right angles) to the front lot line, between the front lot line and the rear of the lot. Said distance shall be measured from a portion of the front lot line that equals the minimum lot frontage and no (principal) structure may be placed on a portion of the lot that has a depth less than the minimum lot depth required. (03-06-03)

Lot Lines.

- a. Front: The property line dividing a lot from a single street right-of-way.
- b. Rear: The lot line(s) most nearly opposite from and parallel to the front lot line.
- c. Side: Any lot line not a front or rear lot line. (03-06-03)

Lot Layout. In addition to the minimum lot area, depth, width and frontage requirements, lots shall be laid out in such a manner that a square, with the sides equal to the minimum frontage requirement for the zoning district in which it is located, can be placed within the lot with at least one point of the square lying on the front lot line with no portion of the square extending beyond the boundaries of the lot. (05-20-02)

Lot Width: The horizontal distance (measured in a straight line at the narrowest point) between the side lot lines. At no point, between the front lot line and the rear of the principal structure (said rear being the furthest point of the structure from the Front Lot Line) located on the lot, shall the lot have a width less than the minimum lot width required. In the case of a cul-de-sac lot with a 20% frontage reduction, the minimum lot width must be achieved at the front of the principal structure on the lot, and continued from that point to the rear of the lot. (03-06-03)

Lumber Yard. An area designated for open-air storage, or a warehouse or other enclosed building, established for the storage, distribution or sale (for wholesale or retail purposes) of products and equipment needed in connection with the lumber industry.

Master Deed. A legal document filed with the locality containing conditions, covenant, and restrictions governing the sale, ownership use and disposition of a property under the applicable state or local condominium law. In many instances this document is also known as a Declaration of Condominium.

Mobile Home. A residential living unit, built on a chassis, and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living (see Article V).

Mobile Home Park. Any lot or tract of land upon which two (2) or more mobile homes occupied for dwelling purposes are located, including any buildings, structures, fixtures and equipment used in connection with mobile homes.

Motor Vehicles. Any vehicle 1) constructed and designed for use on public streets, and, 2) requires registration to be operated on a public street, and, 3) requires the operator to be

licensed to operate on a public street, and, 4) propelled by power other than muscular power including such vehicles when pulled or towed by another motor vehicle.

Such motor vehicles include, but are not limited to, automobiles, motorcycles, recreational vehicles, ambulances, busses, auto homes, mobile homes and heavy /construction equipment. (06/03/04)

Motor Vehicle Sales. Any principal use of a premises for any of the following:

- a) Sale of new motor vehicles.
- b) Purchase and sale of second hand motor vehicles.
- c) Buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding or selling the same, or the buying selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicles parts.
- d) Repair and servicing of motor vehicles provided said repair and servicing is conducted as an accessory use secondary to the principal use. (06-03-04)

Municipal Facilities. Facilities owned by the City or constructed upon the authorization of the City on City-owned land and (a) used in furtherance of a governmental public purpose or (b) otherwise of benefit to the public as determined by the appropriate municipal authority. Appropriate municipal authority is that officer or body charged with the care, custody and control of the land on which the facility is located. (04-18-02)

Non-Conforming Building or Use. A building or a use of land or of building 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.

Principal Building. The main or most important building on a lot. Attached structures such as garages, greenhouses and similar units are to be considered as part of the principal building.

Quality. As used throughout this ordinance quality shall be construed to mean the following: Attention to a pleasing articulation of architecture, attention to the provisions of well designed private outdoor public and semi-public spaces and attention to the design of functional vehicular circulation.

School Age Child Care Program. Any program or facility operated on a regular basis which provides supervised group care for children not of common parentage who are enrolled in kindergarten and are of sufficient age to enter first grade the following year, or an older child who is not more than fourteen years of age, or sixteen years of age if such child has special needs. Such a program may operate before and after school and may also operate during school vacation and holidays. It provides a planned daily program of activities that is attended by children for specifically identified blocks of time during the week, usually over period of weeks or months, A school age child care program shall not include: any program operated by a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to a school age day care program; a Sunday school or classes for religious instruction conducted by a religious organization; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor. 9/16/93

Setback: The minimum distance from a lot line to a building placed thereon, or feature thereof as is required in a particular situation by this Ordinance. Said Setback shall be measured at the closest distance to the lot line. At no point shall any structure on the lot be any closer to any street line, whether said street line directly abuts the lot or not, than the minimum front yard setback requirement for that Zoning District

- a. Front: Setback required from all front lot lines and from all street lines.
- b. Rear: Setback required from a rear line.
- c. Side: Setback required from a side line. (03-06-03)

Shared Elderly Housing. Also known as congregate housing, this is housing which while providing separate private bedrooms for each resident supplies meals on a common basis from a single kitchen and maintains a common core living area to be shared by all residents.

Special Permit Granting Authority. City Council, Planning Board or Board of Appeals as indicated by this Ordinance.

Storage Facilities. Facilities also known as temporary storage or personal storage businesses which rent space, be it within a permanent building or in “cargo” boxes, for the temporary or long-term storage of personal items. These businesses generally have lease agreements with customers and have hours of operation during which customers may access their stored items.

Street. A way, whether public or private, set aside for the passage of persons or vehicles, and which is:

- (1) a public way accepted by the City or a way which the City Clerk certifies is maintained and used as a public way; or
- (2) a way shown on a plan approved and endorsed by the Planning Board in accordance with Chapter 41 of the Mass. General Laws (Subdivision Control Law); or
- (3) a way in existence when said Subdivision Control Law became effective in Westfield having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and having sufficient and adequate municipal services to serve land and the building erected or to be erected thereon.

Travel Trailer. A portable structure designed as a temporary residential living unit for travel, recreation or vacation uses.

Truck Terminal. A building or area in which freight, brought by truck, is assembled and/or stored for routing and reshipment, or in which semi-trailers units, and other trucks are parked or stored as a principal use and not accessory to a wholesale or industrial use.
11/17/94

Wood/Stump Reclamation Facility. Land area designated for the principal use of temporary or permanent storage, grinding, and or logs into lumber, wood chips, sawdust, or firewood when not associated with the clearance of a site for construction of a building structure.
11/17/94

Yards. All yards shall be exclusive of overhanging eaves, gutter, and 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: The minimum required open, unoccupied space, within and extending the full width of a lot, between the street line(s) and the parts of a building nearest to such street line(s). A public utility transformer and accessory apparatus is allowed in the front yard with the property owner's permission.
- b. Rear: The minimum required yard area, the full width of the lot, between the rear wall of the building throughout its height and the rear line of the lot. In the case of a triangular lot, with only one side fronting on a street, the rear yard shall be the yard area between the rear wall of the building and a line half-way between it and the point of intersection of the side line of the lot.
- c. Side: The minimum required open yard area within the lot between a side lot line, not a street 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 street line or the front yard to the rear yard or its equivalent or to another street. (03-06-03)

Article II, Section 2-20.1
Companion Animal or Pet
6-01-06

Article II, Section 2-20.1
Kennel
Kennels (Commercial) Revised
Kennel Residential
6-01-06