

ARTICLE II – DEFINITIONS
Sections 2-10 & 2-20

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 word “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 or 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.

Bed and Breakfast. A single family dwelling in which lodgings are, or are intended to be, let for transient occupancy as a commercial venture, utilizing a common entrance, and which may include the furnishing of meals thereto. (7/15/21)

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.

Buffer Planting Strip. A permanently maintained strip of required yard space adjacent to the boundary of a property or district, having a screen with a height of at least 5 feet of sufficient density not to be readily seen through in any season, and whose full width is occupied by retained and/or planted trees and shrubs, and the incorporation of other vertical features such as a wall, fence or earthen berm, where appropriate.

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.

Common Occupancy. A single housekeeping unit shared by nontransient persons, including residents of a residential rehabilitation facility. For the purposes of determining density/lot area and parking requirements only, each group of 4 such persons or a portion thereof, exclusive of their minor dependents, caregivers and domestic help, shall constitute the equivalence of one household, unless the Zoning Board of Appeals issues a special permit to allow a departure from such requirements. (7/15/21)

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 ratio 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 as a residence for one household.
- b. Two Family. A building, on a lot, designed and occupied as a residence for two households living independently of one another in separate units.
- c. Multiple Family/Multifamily or Apartment. A building(s), on a lot, designed and occupied as a residence for three or more households living independently of one

another in separate units. Three or more dwelling units on the same lot, even if occurring in single family and/or two-family dwelling structures, shall be considered a multi-family dwelling use. (7/15/21)

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 or without compensation therefor. (9/16/93)

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)

Height (Building). The average vertical distance, as measured from the finished grade at the centerpoint of each building elevation, to the top of the structure. Such top is to be considered at the highest coping associated with a flat roof; the midway point along the highest gable, hip or shed roof slope; the deck level of a mansard roof; or the break point from the highest slope on a gambrel roof. (7/13/21)

Household. Persons living together in one dwelling unit and consisting of either: members of a common occupancy; or any number of persons related by blood, marriage or similar domestic partnership, legal adoption or guardianship. In the case of the latter, domestic help, caregivers or up to 3 roomers may be considered accessory to a household for the purposes of this ordinance. (7/15/21)

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. (6/1/06)

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 (6/1/06)

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. (6/1/06)

Large Scale Solar Power Generator – A ground-mounted solar energy facility occupying a footprint of more than 5,000 square feet or which is intended to produce the majority of its electrical energy for off-site consumption (non-accessory uses). (9/8/15)

Lodging House. A building in which lodgings are, or are intended to be, let to 4 or more persons, other than a dwelling. (7/13/21)

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.
- 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. (3/6/03)

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.

Lot Area, Minimum. The smallest sized lot to be considered as a building lot.

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. (3/6/03)

Lot Width: The horizontal distance (measured in a straight line at the narrowest point) between the side lot lines.

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. (6/3/04)

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. (6/3/04)

Motor Vehicle Service Station. A facility used for the servicing and repair of the motor vehicles of others, including any sale and dispensing of fuel. Electric vehicle charging stations, as an accessory use to a parking lot, are excluded from this definition.

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. (4/18/02)

Non-conforming (Use, Building, Lot or Structure). Lawfully existing or begun as of the effective date of this ordinance, or any amendments thereto, and located in a zoning district or present in a manner in which such use, building, lot or structure may not be permitted under the current provisions of this ordinance.

Park (municipal or otherwise). An area of land intended for outdoor enjoyment by the general public, which may have affiliated facilities used for conservation, recreation, assembly, concession, amusement, administration and the like, and operated principally as a non-commercial use. (4/4/13)

Pet or Companion Animal. A dog or a cat; or any animal customarily and legally kept indoors within a dwelling unit for personal and non-subsistence purposes.

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.

Residential District. The Rural Residential, Residence A, Residence B, Residence C, or Residence C-1 district. (12/28/17)

Roomer. A person exclusively occupying a rented bedroom within the principal dwelling unit of another's household, other than a short-term rental use. (7/15/21)

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 horizontal distance from a lot line to the closest part of a building, or other feature so regulated. (11/15/16)

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)

Yard. That area of a lot unoccupied by buildings, generally expressed as a minimum requirement, which extends parallel along the lot line and into the lot for the specified setback distance.

- a. **Front Yard:** formed by the setback from any street line(s)
- b. **Rear Yard:** formed by the setback from the rear lot line (not a street line). 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 of the building and a line half-way between it and the point of intersection of the side line of the lot.
- c. **Side Yard:** formed by the setback from a side lot line (not a street line)

Last revised 7/15/21 (2-20.1)