

ZONING ORDINANCE

**CITY OF FITCHBURG
MASSACHUSETTS**



As Enrolled and Ordained
February 6, 1968
With Subsequent Amendments to
July 1, 1974

ORDINANCE NO. 51 - 68

CITY OF FITCHBURG

IN CITY COUNCIL

In the Year One Thousand Nine Hundred and Sixty Eight

AN ORDINANCE AMENDING AND REVISING THE
ZONING ORDINANCE OF THE CITY OF FITCHBURG

Be it ordained by the City Council of the City of
Fitchburg as follows:

Chapter 20* (see below) of the General Ordinances,
as amended is hereby further amended by striking out
the said chapter and inserting in place thereof, the
following new Chapter 20*

*listed as Chapter 22 in the revised City Ordinance
Book

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A R T I C L E I

TITLE, AUTHORITY AND PURPOSE

SECTION 1 - TITLE AND AUTHORITY

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Fitchburg, Massachusetts". It is enacted in accordance with Chapter Forty A (40A) of the General Laws of Massachusetts as amended, the Zoning Enabling Act.

SECTION 2 - PURPOSE

The purposes of this protective zoning ordinance are to promote and conserve the health and general welfare of the inhabitants of the City, to secure safety from fire, confusion or congestion; to facilitate the adequate provision of transportation, water, sewerage, and other public services, to avoid undue concentrations of population; to encourage the most appropriate use of land and to increase the amenities of the City.

A R T I C L E II
ESTABLISHMENT OF DISTRICTS

SECTION 1 - CLASSIFICATION OF DISTRICTS

The City of Fitchburg is hereby divided into districts of ten (10) types to be known as:

1. Rural Residence Districts
2. Residence A-1 Districts
3. Residence A-2 Districts
4. Residence B Districts
5. Residence C Districts
6. Neighborhood Business Districts
7. Central Business Districts
8. Commercial and Automotive Districts
9. Limited Industrial Districts
10. Industrial Districts

SECTION 2 - BOUNDARIES OF DISTRICTS DEFINED

The boundaries of each of the said districts are hereby established as shown, defined and bounded on the map accompanying this ordinance and on file with the Clerk of the City of Fitchburg, entitled "Zoning District Map of the City of Fitchburg, Massachusetts", dated 1965. All explanatory matter thereon is hereby made a part of this ordinance.

- a. District Boundary Lines on Ways: Where the boundary lines are shown upon said map within the street lines of public and private ways, railroads or utility lines, the center lines of such ways, railroads or utility lines shall be the boundary lines.
- b. District Boundary Lines on Lot Lines: Where the district boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot, or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- c. District Boundary Lines Outside of Street Lines: Boundary lines located outside of such street lines, railroad or utility lines and shown approximately parallel thereto shall be regarded as parallel to such lines, and dimensions shown in figures placed upon said map between such boundary lines and street, railroad and utility lines, are the distances in feet of such boundary lines from such street, railroad or utility lines, such distances being measured at right angles to such street, railroad or utility lines unless otherwise indicated.
- d. District Boundary Lines Follow Natural Features: Where the district boundary line follows a stream, lake or other body of water, said boundary line shall be construed to be at the thread of the channel of the stream unless otherwise indicated.
- e. District Boundary Lines Dividing a Lot: Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for the less restricted portions of such lot shall extend no more than thirty (30) feet into the more restricted portion, provided:
 - 1. The lot has frontage on a street, in the less-restricted district.
- f. Automatic Classification of District Line: Where property has not been specifically included within a district, it shall automatically be classed as lying in the most restricted district which abuts it.
- g. District Boundary Lines Determined by Identifications on Map: In all cases which are not covered by other provisions of this Article, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identification as shown on the map, or by the scale of the map.
- h. Determination of Uncertain Boundary Lines: Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Board of Appeals.
- i. All areas in each zoning district, including streets or other public lands, are subject to the zoning ordinance regulations for the district in which the streets and other areas are located.

ARTICLE III

RULES OF CONSTRUCTION

SECTION 1 - MEANING OF CERTAIN WORDS

Words used in the present tense include the future; words in the plural number include the singular; the word "shall" is mandatory and not directory; the word "lot" includes the word "plot"; the word "land" includes the words "swamp" and "water".

SECTION 2 - SEVERABILITY

The separate provisions of this ordinance and the Zoning Map are adopted with the intent that each shall have force and effect separately and independantly, except in so far as by express reference or necessary implication any one, or any part thereof, is made dependent upon another. The invalidity of any provision or part thereof shall not affect the validity of any other provision. Wherever this ordinance imposes greater restrictions upon the construction or use of buildings or land than other ordinances or existing provisions of law, regulations or permits, or any restrictions, easements, covenants, or agreements, the provisions of this ordinance shall prevail.

SECTION 3 - DEFINITIONS

For the purposes of this ordinance certain terms and words are defined as follows:

- a. Accessory Building: A subordinate building located on the same lot with main building or use, the use of which is customarily incidental to that of the main building or to the use of land.
- b. Accessory Use: A use customarily incidental to that of the main building or to the use of the land, not including the exterior storage of junk, dismantled or abandoned cars or any other storage detrimental to the health, safety or general welfare.
- c. Alteration: A change in or addition to a building which modifies the location, plan, manner of construction or the kind of materials used, or in any way varies the character of its use.
- d. Building line: The line established by law beyond which a building shall not extend.
- e. Corner Lot: A lot at the junction of two or more intersecting streets or ways. Only that portion of a lot having frontage on any one street or way 150 feet or less shall be considered to be a corner lot. Doubtful cases shall be determined by the building inspector.
- f. Dwelling Unit: A building or portion thereof which is designed for or occupied as a place of abode by one or more persons either permanently or transiently.
- g. Farm: A piece of land devoted to raising of crops or livestock, or devoted to any specific agricultural project, as, a dairy farm; such crops or livestock or portion thereof to be offered for sale.
- h. Floor Area: The gross horizontal area of the several floors of the building excluding areas used for accessory garage purposes and basement areas and closets. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures.
- i. Garden Apartments: A building or group of buildings not over two (2) stories in height intended to be occupied by three (3) or more families living independently of each other, but having a common heating system and so designed as to give the maximum amount of open space per family.
- j. Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of the top story in the case of a flat roof; to the curb of a mansard roof, and to the average height between plate and ridge of a gable, hip or gambrel roof.

- k. Home Occupation: An occupation customarily conducted in the place of residence of the operator or of a professional person, or in a building accessory thereto, such as dressmaking, millinery, home cooking, handicraft, specialized cultivation and propagation of house plants, insects, fish, and birds and animals limited to one litter at a time, or the offices of a physician, surgeon, dentist, real estate agent, teacher, clergyman, artist, lawyer, architect, musician, landscape architect, city planner, broker, engineer, beautician or member of any other recognized profession.
- l. Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this ordinance.
- m. Lot Width: The shortest distance between the side lot lines measured through the set back line.
- n. Multi-family Dwelling: A dwelling occupied by three or more families.
- o. Non-conforming Use: A non-conforming use is the use of any building or land lawfully occupied at the time of the passage of this ordinance which does not conform to the regulations of the district in which it is located.
- p. Poultry Farm: A farm with a flock of more than fifty (50) birds.
- q. Side Line: The line dividing one lot from another lot.
- r. Street Line: The established line between the lot and the street. This is not to be considered as the edge of the travelled portion of the road, or as the gutter or curb line of a paved street, unless said edge, gutter or curb line is on a street line as above defined.
- s. Structure: Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences.
- t. Two Family House: A dwelling occupied by two families with two separate housekeeping units.
- u. Yard: An unoccupied space, open to the sky, on the same lot with the building or structure.
- v. Yard, Front: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
- w. Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the principal building.
- x. Yard, Side: A yard extending between the side lot line of the lot and the nearest line of the principal building and then extending from the front yard to the rear yard, or in the absence of either

of such yards, to the front or rear lot lines, as may be.

- y. Setback: The minimum horizontal distance between the street line and the line of the building.
- z. Story: That part of a building between any floor and the floor or roof next above. For the purpose of this ordinance, where a building is not divided into stories, a story shall be considered fifteen feet in height. Steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories. A basement or cellar, the ceiling of which extends more than four feet six inches above the average finished grade, shall be a story within the meaning of this ordinance.

A R T I C L E I V

EXISTING BUILDINGS, STRUCTURES, LAND, USES

SECTION 1 - EXISTING USES OF BUILDINGS AND LAND NOT AFFECTED

Any lawful building or structure or lawful use of a building, structure or land, or part thereof existing at the time of the adoption of this ordinance is not affected by this ordinance to the extent of the use existing at the time of adoption.

SECTION 2 - NON-CONFORMING USES

No building or other structure nor any land shall be used, nor shall any building or other structure or part thereof be erected or altered, except in conformity with the provisions of this ordinance and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this ordinance shall not apply to existing buildings, or structures, nor to the existing use of any building or structure, or of land to the extent to which it was lawfully used at the time of the adoption of this ordinance.

This ordinance shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent, subject, however to the following provisions:

- a. Such use has not been abandoned for a period of one (1) year or more except in the case of land used for agriculture, horticulture, or floriculture for a period less than five (5) years.
- b. Such use is not enlarged to more than twenty-five percent (25%) of the floor and ground areas in use at the time of adoption of the original zoning ordinance, except that any non-conforming farm may be enlarged up to the total area, owned by the non-conforming farmer at the time of adoption of this ordinance, and there shall be no limit as to the expansion of farm buildings.
- c. The use may only be changed to a conforming use or to a use permitted in the most restrictive district in which the present use would be conforming provided that when so changed it shall not be returned to a use permitted in a less restricted district.

- d. In case the use is destroyed or damaged by fire, explosion, or other catastrophe, the structure or use may be restored or rebuilt at the same location and used as previously, provided:
 - 1. The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Section 2 of this paragraph.
 - 2. The restoration or rebuilding shall conform to this ordinance so far as practicable and shall be completed within two (2) years of the catastrophe unless approved by the Board of Appeals in writing in accord with Section VII.
- e. The building or structure is completed if a permit for construction was granted prior to the adoption of this ordinance and construction is accomplished within two (2) years after the date of adoption of this ordinance.

A R T I C L E V

PERMITTED USES

SECTION 1 - APPLICABLE IN ALL DISTRICTS, AS HEREINAFTER PROVIDED

For the purposes of this zoning ordinance, the following uses of a building, structures and land are permitted in all portions of the city, as hereinafter provided:

A. Provisions That Conform

Any Building or structure which conforms to the provisions of this ordinance and in compliance with the Building Code of the City of Fitchburg.

B. Customary Home Occupations

Customary Home Occupations, provided:

1. No more than twenty-five percent (25%) of the floor area of the residence is used for the purpose of the home occupation or the professional use, or, if an accessory building is used, no more than thirty percent (30%) of the floor area of the accessory building and residence combined.
2. There is no external evidence of the home occupation or the profession. Signs shall be limited to professional announcement signs not over one (1) square foot in area and such signs may be of an illuminated and non-flashing type in the case of a physician, optometrist or dentist.
3. There are not more than two (2) non-residents employed on the premises.
4. There is one off-street parking space for each non-resident employee.

C. Government Buildings

Governmental buildings, parks and playgrounds, and housing for the elderly under the jurisdiction of any governmental agency.

D. Sand, Gravel or Loam Removal

Removal from the site of sod, loam, sand, clay, gravel, stone or quarry stone from any location, is permitted provided that the written approval of the Planning Board is obtained, except that when such removal is incidental to and in connection with the construction of a building on the premises for which a building permit has been issued in accordance with the Building Code no permit shall be required, and further provided that the Board of Appeals, with the approval of the Planning Board, shall, when such removal of sod, loam, sand, clay, gravel, stone or quarry stone is from any location within three hundred (300) feet of a public road, impose such appropriate conditions and safeguards as said boards may deem to be in the public interest and shall require a bond in a sufficient penal sum with sufficient surety or sureties conditioned on the performance of such conditions and safeguards.

E. Signs

Signs, illuminated only by the reflector method, placed back of the building line and so erected that the light source is not visible from the street or adjacent properties for the following purposes:

1. Real estate signs not more than six (6) square feet in area, appertaining to the lease or sale of the building or of the premises on which they are located.
2. Announcement signs in connection with any of the permitted uses, provided that such signs are located on the premises with the use which they announce, and provided that they do not exceed three (3) square feet in area.
3. Any other signs if approved by the City Council as pertaining to the use of the premises on which it is located except as otherwise provided in this ordinance.

4. Signs in Residential Zones:

In any residential district no sign or other advertising device shall be permitted except as follows:

- (a) One sign displaying the street number or the name of the occupant of the premises, or both, not exceeding one square foot in area. The sign may be attached to the building or may be on a rod or post not more than four feet high and at least three feet from the front lot line. Such sign may include identification of an accessory professional office and may also identify other permitted accessory uses including a customary home occupation.
- (b) One bulletin or announcement board or identification sign for a permitted non-residential building or use, not exceeding ten (10) square feet in area. For churches and institutions two bulletins or announcement boards or identification signs are permitted on each building, neither of which may exceed twenty (20) square feet in area. Such sign may be located within the required front yard, but no closer to the front lot line than one half the depth of said required front yard.
- (c) One sign in connection with a lawfully maintained non-conforming use, not exceeding twenty (20) square feet in area.
- (d) One "For Sale" or "For Rent" sign not exceeding six square feet in area, and advertising only the Premises on which the sign is located.
- (e) One contractor's sign not exceeding twenty (20) square feet in area, maintained on the premises while a building is actually under construction or repair.
- (f) Other temporary signs in connection with the construction or development of a building or lot, by special permit of the Board of Appeals which shall specify limits on the size and number of signs and the length of time to be maintained.

5. Signs in Residential and Neighborhood Business Districts:

In any residential or neighborhood business district no sign or other advertising device shall be of the exposed neon tube type or exposed gas-illuminated tube type; and any lighting of a sign or other advertising device shall be continuous, indirect light installed in a manner that will prevent objectionable direct light from shining onto any street or adjacent property. In residential or neighborhood business districts no sign or advertising device shall be illuminated after 11 P.M. unless such sign is determined to be designed to deter theft or vandalism.

6. Signs in Business and Industrial Type Districts:

Signs in Business and Industrial Type Districts:

- (a) Shall be allowed as are in Residential and Neighborhood Business Districts.
- (b) Signs or advertising devices not attached to the building shall not exceed 12 feet in height or 25 feet in length, exclusive of posts or other structural supports.
- (c) Signs or advertising devices, whether attached to the building or free standing facing toward and visible from the adjacent property or property across the street shall have an aggregate area not exceeding four square feet for each foot of lot line parallel or substantially parallel to the face of the building on which it is located.
- (d) Signs or advertising devices, whether attached to the building or free standing facing toward and visible from adjacent property or property across the street in a residential district, shall have an aggregate area not exceeding two square feet for each foot of lot line parallel or substantially parallel to the face of the building on which it is located.
- (e) No location shall contain more than one free standing sign or advertising device. Not more than one sign or advertising device shall exist on or upon such free standing structure.

7. Signs in All Districts:

The following requirements shall apply to all signs and other advertising devices in residential districts and to all on-premises signs and other on-premises devices in all other districts.

- (a) No sign or other advertising device with flashing, animated or intermittent illumination shall be erected or maintained.
- (b) No sign or advertising device or part thereof, shall be more than 25 feet above the ground level.
- (c) No sign or other advertising device attached to a building shall project more than twelve inches from the wall to which it is attached and no more than six inches above the roof or parapet line.
- (d) All signs within the jurisdiction of the zoning ordinance shall announce only the establishment or establishments or particular business or businesses on the premises on which the sign is erected, and such sign shall announce and devote no more than 50% of its area to an advertisement relating to any particular product.
- (e) No sign or advertising device of the moving or rotating type shall be erected or maintained.

8. Illumination:

In all Residential and Neighborhood Business Districts no outdoor floodlighting or decorative lighting shall be permitted except lighting primarily designed to illuminate walks, driveways, doorways, outdoor living areas, or outdoor recreational facilities, and where lighting is obviously used for the protection of persons and property, and except temporarily holiday lighting in use for no more than a five week period in any calendar year, except that decorative floodlighting of institutional or historic buildings may be permitted by the Board of Appeals by special permit. Any permanent lighting permitted by the preceding sentence shall be continuous, indirect and installed in such a manner that will prevent direct light from shining onto any street or adjacent property.

9. Temporary Signs:

The City Council may permit, from time to time as it sees fit, and grant special temporary off premise sign permits to charitable organizations providing that such signs do not exceed six in number and shall not be erected for longer than 15 days. Further, such temporary signs must comply with the provisions of the General Ordinances, Zoning Ordinances, and Building Codes of the City of Fitchburg and shall be removed within 48 hours after the conclusion of the event for which the signs were erected.

F. Accessory Uses

A use which is incidental or accessory to the foregoing and which is the use of an owner or occupant, provided;

1. For residences such uses are limited to:

- (a) Private guest house, tool shed, playhouse, tennis court, boat house, or other building or structure for domestic use such as storage of boats and boat trailers or private garage for motor vehicles, but not including more than one vehicle owned by a non-resident of the premises.
- (b) No more than four (4) lodgers or boarders except in Residence B and Residence C Districts.
- (c) The raising of or keeping of a small flock of poultry, less than fifty (50), or of saddle horses, private kennel, livestock, or other farm animals for use only by residents of the premises; and the cultivation of crops for consumption on the premises.

2. For farms, such accessory uses are limited to:

- (a) The uses of subsection F.1.a. and F.1.c. without a limitation as to number.
- (b) Garages for farm vehicles and equipment, barns, greenhouses, silos, storages or other buildings for temporary or permanent farm use.
- (c) Stand for the sale of produce raised on the premises only.

G. Trailer Coaches, Mobile Homes

No trailer coach or mobile home may be occupied except in a trailer park operating under a license from the Board of Health. A trailer coach or mobile home, which at the time of passage of this ordinance, is located and occupied in conformity with the provisions of this ordinance pertaining to dwellings, may remain in that location but, if removed, it shall not return nor be replaced by another trailer coach or mobile home.

Replace page 10 in the Fitchburg Zoning Ordinance with the attached which contains the most recent amendment to this Ordinance.

SECTION 2 - RURAL RESIDENCE DISTRICT

In all portions of the City indicated on the accompanying zoning map as Rural Residence Districts:

- A. All permitted uses (sub-sections B and C below), must comply with the appropriate provisions of Article V, Section 1, and Article VI.
- B. The following uses of land, buildings and structures are permitted:
 1. Detached one-family residence buildings.
 2. Churches, parish houses, and religious, sectarian or denominational schools.
 3. Public and private schools, colleges, libraries, museums, parks, playgrounds, recreation buildings, water towers, and reservoirs.
 4. Public utility buildings and governmental buildings, but not including a storage yard or repair shop.
 5. Hospitals, sanitariums, convalescent homes, extended care facilities, rest homes, but not a correctional institution or place of detention, and the use of land, buildings and structures for the accommodation of the members of any corporation chartered for any purpose described in Section four of Chapter one hundred and eighty of the General Laws, including those organizations specifically referred to in Section 3E of Chapter twelve of the General Laws, whether under Federal or State Law, including any body or association lawfully operating under a charter granted by a parent body so chartered, when approved and authorized by license of the City Council after a determination as to the effect upon the Neighborhood and the City at large, provided there is no external evidence, except an announcement sign in connection with any of the permitted uses, provided that such signs are located on the premises with the use they announce, and further provided, they do not exceed three square feet in area, and further provided, that off-street parking be established as per Article VI, Section 7 of this ordinance, except that in the event of any new construction for any of the above purposes, a minimum land area of at least five acres be provided, with a minimum front set-back of fifty feet, and a minimum side set-back of fifty feet, and a minimum rear set-back of fifty feet be maintained and that the maximum stories be limited to two and one-half.
 6. Farms and poultry farms, but not piggeries; market gardens, orchards, nurseries, greenhouses, and stands for the sale of produce raised on the premises. Cultivated uses are allowed up to all property and street lines. All other uses permitted in this sub-section shall be located not less than twenty-five (25) feet from any street line.
 7. Forests, wood lots, portable woodworking mills and machinery, provided:
 - (a) They are operated by the owner of the property.
 - (b) There shall be no storage within fifty (50) feet of any property line and one hundred (100) feet of any street line.

8. Recreation or conservation use under management and control of any government agency or authority.

9. Tourist Home.

C. The following uses are permitted when approved by the Board of Appeals in writing, in accord with Article VII, Section 3 b 2.

1. Cemeteries.

2. Day camps and other organized camps.

3. Commercial kennels or animal hospitals.

4. Riding academy.

5. Airports.

6. Conversion of a single family house existing at the time of the passage of the original zoning ordinance, in 1945, to accommodate two (2) families, provided:

(a) The house contains at least 1,650 square feet of gross floor area, not including basement rooms or open attic space.

(b) The lot contains at least 22,500 square feet in Rural Residence and 20,000 square feet in Residence A-1 and Residence A-2 Districts.

(c) The appearance and character of a single family house is preserved.

(d) Stairways, unless on the rear of the building, shall be located within the walls of the building, and on corner lots shall be within the walls of the building.

7. Golf, tennis, swimming or similar recreational club or facility operated as a business or for profit or not, including customary services and facilities incidental thereto, provided that:

(a) The minimum useable lot area be at least five (5) acres, and

(b) No building shall be located within less than seventy-five (75) feet of any street or property line.

Insert revised page 18 dated 12/1/74 to correct
typographical omission from original printing.

SECTION 3 - RESIDENCE A-1 and
RESIDENCE A-2 DISTRICTS

In all portions of the City indicated on the accompanying zoning map as Residence A-1 and Residence A-2 Districts:

- A. All permitted uses (sub-section B below), must comply with the appropriate provisions of Article V, Section 1 and Article VI.
- B. The uses provided in Article V, Section 2, sub-section B1, 2, 3, 4, 5, are permitted.

Any corporation chartered for any purpose described in Section 2 of Chapter 180 of the General Laws, whether under federal or State law, including any body or association lawfully operating under a charter grant by a parent body so chartered, and including also any organization or unit mentioned in clause twelve of Section 5 of Chapter 40 of the General Laws, shall be permitted to use or exercise at any lawful location or premises maintained by such corporation, body, organization association or unit in a Residence A-1 District at the time of the enactment of this ordinance on February 6, 1968, any license duly granted or issued under Chapter 138 of the General Laws to such corporation, body, association, organization or unit, whether such granting or issuance occurred prior to or occurs subsequent to such enactment.

- C. When approved by the Board of Appeals in writing, in accordance with Article VII, Section 3b2, the uses of Article V, Section 2 sub-section B8 and sub-section C1 2, 6 and 7 shall be permitted.
- D. When approved by the Board of Appeals in writing in accordance with Article VII Section 3b2, single family, two family, four family, or garden apartments, or any combination thereof, may be grouped on a single lot, in Residence A-2 Districts, provided the lot contains not less than ten (10) acres, and further provided that each structure shall be required to have the same area per family, required in the district, as would be required if it were on a single lot. Buildings shall be so grouped that each building shall face for the full length of its front facade either upon an existing street or upon an open space which in its least dimension shall be not less than one hundred (100) feet. Front, Side, and Rear Yard provisions for the district, shall apply. Garages or off-street parking spaces shall be provided for one car for each family on the lot. No dwelling unit shall contain less than three rooms exclusive of halls and bathrooms, and these three (3) rooms shall contain not less than six hundred (600) square feet of livable floor space, and further provided that each dwelling unit shall have separate cooking and toilet facilities.

SECTION 4 - RESIDENCE B DISTRICTS

In all portions of the City indicated on the accompanying zoning map as Residence B Districts:

- A. All permitted uses (sub-section B below), must comply with the appropriate provisions of Article V, Section 1 and Article VI.
- B. The following uses of land, buildings and structures are permitted:
 - 1. The uses permitted in Article V, Section 2, subsections B1, 2, 3, 4, 5.
 - 2. Two family or semi-detached dwellings.
 - 3. The conversion of a one-family residence building to accommodate not more than three dwelling units, provided:
 - a. The exterior one-family character of the building is not altered, and no major structural change is made in the exterior other than is necessary to provide means of egress from each unit as required by the Building Code.
 - b. There is at least six hundred (600) square feet of floor area for each dwelling unit, and provided further that each dwelling unit has separate toilet and cooking facilities.
 - c. The area of the lot on which the house is located is at least 9,000 square feet.
 - 4. When approved by the Board of Appeals in writing the provisions of Article V Section 3D shall apply.

SECTION 5- RESIDENCE C DISTRICTS

In all portions of the City indicated on the accompanying zoning map as Residence C districts:

- A. All permitted uses (sub-section B below) must comply with appropriate provisions of Article V Section 1 and Article VI.
- B. The following uses of land, buildings, and structures are permitted:
 - 1. All the uses permitted in Residence B Districts.
 - 2. Dwellings for more than one family.
 - 3. Boarding or lodging houses, tourist homes, nursing or convalescent homes, provided there is no external evidence, except an announcement sign in connection with any of the permitted uses, provided that such signs are located on the premises with the use which they announce, and provided they do not exceed three (3) square feet in area.
 - 4. Private clubs which are not conducted for profit.
 - 5. Office buildings or residential buildings converted to offices provided the exterior character of the building shall not be altered.
 - 6. Funeral homes or undertaking establishments.
- C. When approved by the Board of Appeals in writing, in accordance with Article VII Section 3 b e, residential buildings may be converted into offices as provided in B5 above, and the exterior character may be altered.

SECTION 6 - NEIGHBORHOOD BUSINESS DISTRICTS

In all portions of the City indicated on the accompanying zoning map as Neighborhood Business Districts:

A. All permitted uses (sub-sections B and C below) shall be:

1. Subject to the appropriate provisions of Article V, Section 1 and Article VI.
2. Conducted in enclosed buildings or structures except as provided in sub-section C below, and except for required off-street parking spaces.

B. The following uses of land, buildings, and structures are permitted:

1. Stores and shops for the conduct of retail business.
2. Restaurant with dining room and banquet facilities, not including a drive-in restaurant.
3. Retail service establishments conducting business directly with the consumer, such as dry cleaning or laundry pick-up stations, the shop of a beautician, barber or shoemaker, or the shop for custom work by a dressmaker, milliner, or tailor.
4. Business or professional offices or banks, provided that not more than five (5) persons are regularly employed in such office or bank.
5. Outdoor advertising as regulated by General Laws, Chapter 93, Sections 29-33, inclusive and as permitted thereunder.

C. The following uses of land, buildings, and structures, shall be permitted when approved by a majority of all the members of the City Council after a determination as to the effect upon the neighborhood and the City at large.

1. Any other retail business or service establishment supplying goods or services primarily for the residents of the surrounding neighborhood provided it is similar in character to the uses listed above and similar in effect on adjacent property.
2. Automotive service stations for the dispensing of fuel, washing and lubricating of vehicles and such minor repairs as changing tires or cleaning plugs, but not including the storage or sale of used cars, provided:
 - a. The property used for this purpose is not within two hundred (200) feet measured along the street frontage of a place of assembly or residential district unless the property so used is separated by a street from the place of assembly or residential district.

- b. Exterior storage of automobiles on the premises is limited to the vehicles of employees and customers.
- 3. Bus depots, taxi stands, or other passenger stations:
 - a. Subject to the provisions of sub-section 2a of this section.
 - b. Provided that any retail uses conducted within the structures are in compliance with the provisions of this section.

SECTION 7 - CENTRAL BUSINESS DISTRICTS

A. All permitted uses (sub-sections B and C below) shall be:

1. Subject to the appropriate provisions of Article V, Section 1 and Article VI.
2. Conducted in enclosed buildings or structures, except for required off-street parking spaces and for parking lots as permitted in sub-section C2.

B. The following uses of land, buildings and structures are permitted:

1. The uses permitted in Article V, Section 2, sub-sections B2, 3, 4.
2. All the uses permitted in Neighborhood Business Districts, subject to the same use provisions and required City Council approval, after a determination as to the effect upon the neighborhood and the City at large, provided:
 - a. Retail stores, shops and service establishments need not be limited primarily to the service of the adjacent neighborhoods or to direct contact with the consumer.
 - b. Offices, banks and financial institutions need not be limited in the number of employees.
3. Business or trade schools, music or dancing schools, television or radio broadcasting studios.
4. Hotels, apartment hotels, motels, boarding or lodging houses and restaurants.
5. Clubs, provided the chief activity of such club is not a service customarily carried on as a business.
6. Self-service laundry.

C. The following uses are permitted when approved by the City Council, in writing, provided the use is not objectionable to the residents of adjacent property because of dust, odor, fumes, smoke, radiation, refuse, glare, noise or vibration:

1. Places of amusement, assembly and public, private or commercial recreational activities.
2. Automobile parking garages or lots, provided the drives are at least twenty-five(25) feet from intersections.

D. Any use similar in character to the foregoing uses and not hereinafter prohibited.

SECTION 8 -- COMMERCIAL AND AUTOMOTIVE DISTRICTS

In all portions of the City indicated on the accompanying zoning map as Commercial and Automotive Districts:

A. All permitted uses (sub-section B and C below) shall be subject to the appropriate provisions of Article V, Section 1, and Article VI.

B. The following uses of land, buildings and structures are permitted:

1. All the uses permitted in Neighborhood Business and Central Business Districts subject to the same provisions and required approvals except that:
 - a. The uses of Article V, Section 6, Sub-sections C1, 2, 3, and Section 7C, 1 and 2 shall not require the approval of the City Council.
2. Light manufacturing using portable electrical machinery provided it is above the ground floor of a business building.
3. Automotive sales and service.
4. Mobile home parks and trailer parks subject to approval in writing of the City Council.
5. Funeral homes, funeral parlors or mortuaries.
6. Wholesale offices or showrooms.
7. Salesrooms and places for the repair and services of boats, trucks, cars, farm equipment and building supplies.
8. Restaurants, including those offering drive-in window service.
9. Commercial greenhouses, kennels or veterinary hospitals.
10. Transportation terminals or freight depots.
11. Outdoor storage, provided:
 - a. It is incidental to one of the uses permitted in Commercial and Automotive Districts, but not an auto junk yard.
 - b. It is adequately fenced and screened from the street and adjacent properties.
12. Wholesale, sale, storage and warehousing, including the whole-sale, sale or storage of food, fuel and building materials.
13. Radio and television broadcasting studios, newspaper printing and publishing, and job printing.

14. The manufacturing of products, the major portion of which are to be sold at retail by the manufacturer to the consumer upon the premises where manufactured.
- C. Any other use similar in character to the uses listed above and similar in the effect upon adjacent property, provided the use is not objectionable because of dust, odor, fumes, smoke, refuse, glare, radiation, noise or vibration, and provided also that the use is not contrary to the general welfare, safety, health and morals of the City of Fitchburg.

SECTION 9 - LIMITED INDUSTRIAL DISTRICTS

In all portions of the City indicated on the accompanying zoning map as Limited Industrial Districts:

A. All permitted uses (sub-section B below) shall be:

1. Subject to the appropriate provisions of Article V, Section 1 and Article VI.
2. Conducted in enclosed buildings or structures.

B. The following uses of land, buildings or structures are permitted:

1. Research, experimental or testing laboratories.
2. Office buildings, including insurance buildings.
3. Manufacturing of precision instruments, tool and die, dental, medical and optical equipment, electrical or electronic instruments.
4. Light non-nuisance manufacturing, and manufacturing which is incidental to research and experimental laboratories, subject to a license by the City Council after a determination as to the effect upon the neighborhood and the City at large in all cases.
5. Service buildings, built and maintained by one or more of the permitted uses, containing either or all of the following uses: restaurant, drug store, bank or other similar services primarily for the use of employees of the permitted uses.
6. Any accessory use when completely hidden from the abutting streets, tracts or lots, by appropriate screening or fencing.
7. Firm name signs, no larger than five (5) feet by twenty (20) feet attached to or flush to the building, but no more than one to a building. A sign bearing the firm name only, two (2) by six (6) feet, to be located fifty (50) feet from the highway or any public way.
8. The uses provided in Article V Section 4B3.

SECTION 10 - INDUSTRIAL DISTRICTS

In all portions of the City indicated on the accompanying zoning map as Industrial Districts:

- A. All permitted uses (sub-sections B and C below) shall be subject to the appropriate provisions of Article V, Section 1 and Article VI.
- B. The following uses of land, buildings and structures are permitted:
 - 1. All uses permitted in Neighborhood Business, Central Business, Commercial and Automotive Districts, and Limited Industrial Districts.
 - 2. Power Laundries, dry cleaning or dye works.
 - 3. Printing or publishing establishments.
 - 4. Packaging or bottling plants and food processing plants.
 - 5. Manufacturing.
 - 6. Retail outlets accessory to manufacturing firms, provided they use less than one-third (1/3) of the floor and/or ground area.
 - 7. Bakery.
- C. The following uses of land, buildings or structures are permitted with the written approval of the City Council after a determination as to the effect upon the neighborhood and the City at large and subject to such conditions as they may impose for hiding by screening or fencing, waste disposal, lighting, drainage, etc.
 - 1. Airport.
 - 2. Open Storage.
 - 3. Any other use similar in character to the uses above and similar in effect on adjacent property.

SECTION 11 -

(Section 11 is reserved for future use)

SECTION 12 - RESTRICTED BUSINESS DISTRICT

In all portions of the City indicated on the Zoning District Map as Restricted Business Districts:

A. All permitted uses (sub-section B below) shall be:

1. Subject to the appropriate provisions of Article V., Section 1 and Article VI.
2. Conducted in enclosed buildings or structures of masonry construction.

B. The following uses of land, buildings or structures are permitted:

1. The uses permitted in Article V, Section 2, subsections B1, 2, 3, 4, 5, and 8 subject to the standards and requirements of the Rural Residence Districts.
2. Business and professional offices including retail and service sales which are accessory and subordinate to a permitted use and occupy no more than 30 percent of the total floor area.
3. Banks and other financial institutions.
4. Restaurants with dining room and banquet facilities, not including drive-in or fast food restaurants.
5. Medical and Dental Clinics.
6. Indoor theaters and assembly halls.
7. Private clubs which are not conducted for profit.
8. Hotels and Motels.
9. Funeral Homes and funeral parlors.
10. The uses permitted in Article V, Section 9, subsections B1, 2 and 4.

C. The following special uses are permitted when approved by the City Council in accordance with the special standards and conditions outlined in Article V, Section II and Article VI, Section 8.

1. Multifamily dwellings.

D. Development requirements except for uses permitted under subsections B1 and C, are as follows:

1. Minimum lot area: 30,000 square feet
2. Minimum lot dimensions: 150 foot lot width
125 foot lot depth
3. Minimum yard dimensions: 30 foot front yard
20 foot side yard, except
30 foot side yard where abutting
a Residence District Boundary
30 foot rear yard, except
40 foot rear yard where abutting
a Residence District Boundary
4. Maximum building height: 3 stories or an average height of 35 feet
5. Maximum building coverage: 30 percent of lot area (all buildings)
6. Maximum floor area as
percent of lot area: 50 percent of lot area

A R T I C L E V I

GENERAL PROVISIONS - APPLICABLE IN ALL DISTRICTS

SECTION 1 - LOCATION AND HEIGHT OF BUILDINGS

No building or other structure nor any land shall be used, nor shall any building or structure be erected or altered, except in conformity with the provisions of this ordinance and any amendments thereof which apply to the district in which the building, structure or premises shall be located.

- A. For the purposes of this ordinance all principal buildings may be built on any lot located in a district in which the building is permitted, provided:
1. It is located so as to comply with the following requirements for height and yards.
 2. No building in any district need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line, of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of fifty (50) feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than fifty (50) feet shall be deemed an adjacent lot.
 3. The front, side and rear yard provisions hereof may be varied by the Board of Appeals in the specific case of an irregular, narrow, or shallow lot or a lot unusual either in shape or topography, provided that in the opinion of the Board, it is impossible or extremely difficult to adhere to such provisions.
 4. Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen (18) inches in width, or of uncovered steps, unroofed porches, or window sills into a required yard or other open space.
 5. In all districts except within the flight path of commercial or governmental airports, farm buildings, churches, municipal or institutional buildings, and spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, ventilators and other appurtenances usually carried above the roof may have any height.

6. Every building shall have frontage on a way, public or private, or a clear unobstructed passageway at least twenty (20) feet wide for its entire length over the lot on which it is located to said way. If a building is located in the rear of another building located on the same lot, the open space between such buildings, shall be at least fifty (50) per cent greater than the rear yard requirement for the district. The rear building shall be subject to side and rear yard requirements of the district in which it is located.

SECTION 2 - SIZE OF LOTS

- A. For the purposes of this ordinance, all principal buildings may be built on any lot located in a district in which the building is permitted, provided:
1. The lot contains at least the area required, and such area is not counted for more than one principal building.
 2. The lot has at least the width required measured at the front main wall of the main building.
 3. No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, setback, yard or height provisions of this ordinance, applicable to the construction of the building on the lot. This provision shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.
 4. On corner lots the setback provisions governing the location of the building shall apply in relation to both streets.
 5. Any lot or lots of land described in a deed and officially recorded with the Registry of Deeds or included in a subdivision approved in writing in accord with the subdivision regulation of the Planning Board of Fitchburg, by said Board at the time of the adoption of this ordinance may be used for any permitted use in the district in which the lot or lots are located, provided:
 - a. In the case of a non-conforming lot, the adjoining lot is not vacant and in the same ownership.
 - b. Lots which do not conform to the requirements of Section 3 are used with the minimum non-conformance except that no side yard may be less than eight (8) feet.
 - c. Any lot on which more than one house existed at the time of the adoption of this ordinance may be divided and sold to separate owners and used with a minimum of non-conformance.

SECTION 2- REGULATIONS FOR LOT AREA,
YARDS AND HEIGHTS OF STRUCTURES *

District and Minimum Lot Area	Minimum Lot Width	Minimum Side	Yard Dimensions		No. of Stories
			Front ***	Rear	
Rural Residence 22,500 s.f.	150 ft.	25 ft.	40 ft.	50 ft.	2½
Residence A-1 12,500 s.f.	100 ft.	20 ft.	30 ft.	40 ft.	2½
Residence A-2 10,000 s.f.	80 ft.	15 ft.	25 ft.	40 ft.	2½
Residence B 6,000 s.f. plus 3,000 s.f. for ea. add'l dwelling unit over two	60 ft.	12 ft.	20 ft.	35 ft.	2½
Residence C. 6,000 s.f. plus 2,000 s.f. for ea. add'l dwelling unit over three	60 ft.	10 ft.	20 ft.	30 ft.	3
Neighborhood Business	None	25 ft. where abuts a Res. Dist.	25 ft. or same as most res- trictive abutting District	30 ft.	2
Central Business	None	25 where abuts a Res. Dist.	None	None	None
Commercial and Automotive None, except 3,000 s.f. per unit for motels, trail- ers and mobile home or trailer parks**	None	50 ft. where abuts Res. Dist.	50 ft.	None	2
Limited Industrial 2 acres	200 ft.	50 ft.	50 ft.	50 ft.	2
Industrial None	None	25 ft. except 50 ft. where abuts Res. Dist.	20 ft.***	20 ft. except for bldg. ex- tending thru block or to a RR siding	2

See footnotes on page 34a

*Residential use of lots in any other District in which they are permitted shall comply with the density regulations of the Residence District adjacent to that District, and in the case where two or more Residence Districts are adjacent to the District, the density regulations of the least restricted Residence District shall apply.

**A trailer coach or mobile home shall be set back at least fifteen (15) feet from any street line or driveway serving it, and shall be placed at least five (5) feet from any side lot line, at least six (6) feet from any rear lot line, and shall not be nearer than ten (10) feet from any other trailer coach or mobile home.

***20 ft. setback only on land abutting a 50' public street. Setback to be 25' minimum on land abutting a 50' public street on corner lots only. A minimum of 40' front setback on any land abutting any public street that is less than 50' in width.

****Notwithstanding any other regulation contained in this Article the following setback requirement is applicable along both sides of the John Fitch Highway and Coolidge Avenue, namely, a minimum of 25 feet as measured from the future 80 foot right-of-way, as shown on the plan prepared by the Department of Public Works and as approved by the Fitchburg Planning Board under date of May 18, 1970.

SECTION 4 - LOCATION OF ACCESSORY STRUCTURES

- a. The yard provisions for principal structures shall apply to accessory structures, both detached or attached to the principal structure, when used for human occupancy.
- b. A detached accessory structure of one (1) story shall not be closer to the principal structure than ten (10) feet. A detached accessory structure of two (2) stories or more shall not be closer to the principal structure than fifteen (15) feet.
- c. No accessory structure or structures shall occupy more than twenty-five percent (25%) of the required rear or side yard areas.

SECTION 5 - FLOOR AREA

All dwelling units shall provide a minimum habitable floor area as follows:

- a. Six hundred (600) square feet for a dwelling unit on one (1) floor.
- b. Five hundred (500) square feet for a dwelling unit on the first floor of a dwelling unit of one and one-half (1½) floors.
- c. Four hundred (400) square feet for a dwelling unit on the first floor of a dwelling unit on two (2) floors.
- d. Except in the case of trailer, coaches and mobile homes, situated in a trailer court or trailer park, which dwelling unit shall have a minimum of two hundred (200) square feet.
- e. Motels and hotels shall have a minimum of one hundred fifty (150) square feet of floor area per dwelling unit.

SECTION 6 - CORNER CLEARANCE IN RESIDENCE DISTRICTS

Between the property lines of intersecting streets and a line joining points on such lines twenty (20) feet distance from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any residence district may be erected and no vegetation other than shade trees may be maintained between a height of three (3) and eight (8) feet above the plane through their curb grades.

SECTION 7 - OFF STREET PARKING

A. In all Zoning Districts, permanantly maintained off street parking shall be provided as part of the plan for any new construction as follows:

1. Stores and shops for the conducting of retail business, clubs, restaurants, taverns, and other eating places, shall provide one parking space for each three hundred (300) square feet of public floor space or area.
2. Theatres, stadiums, auditoriums, halls, undertaking establishments, or other places of public assembly, excluding churches, shall provide one parking space for each ten (10) seats.
3. Hospital or nursing home, one (1) space for each two (2) beds.
4. Boarding house, lodging house, inn, hotel, or motel, one (1) space for each room.
5. Offices and banks shall provide one parking space for each five hundred (500) square feet of office space or area.
6. Industrial and manufacturing establishments shall provide one (1) parking space for each five (5) workers based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the establishment.
7. Apartments, one (1) space for each dwelling unit, except for housing for the elderly under the jurisdiction of any governmental agency.

B. Application of Parking Requirements

1. No permit shall be issued for the erection of a new structure, the enlargement of an existing structure, or the development of a land use unless the plans show the specific location and size of the off-street parking required to comply with the regulations set forth in this Zoning Ordinance, and the means of access to such space from public streets. In the event of the enlargement of an existing structure the regulations set forth in the Zoning Ordinance shall apply only to the area added to the existing structure.
2. Buildings and land uses in existence on the effective date of this ordinance are not subject to these parking requirements but any parking facilities then serving or thereafter established to serve such buildings or uses may not in the future be reduced below these requirements.
3. Where a building or land area is used by two or more activities that fall into different classes of use, the facilities required shall be the sum of the requirements for the individual establishments.

4. Required off-street parking facilities which after development are later dedicated to and accepted by the city shall be deemed to continue to serve the uses or structures to meet the requirements for which they were originally provided.
5. Where no fixed seats are used in a place of assembly, each twenty (20) square feet of public floor area shall equal one seat.

C. Location and Layout of Parking Facilities

1. Required off-street parking facilities shall be provided on the same lot as the principal use they are required to serve; except where a use extends over lots located on different contiguous city blocks the required parking areas may be provided on any lot under the same ownership and within six hundred (600) feet of the building or structure to be served.
2. 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.
3. Each required car space shall be not less than nine (9) feet in width and twenty (20) feet in length, exclusive of drives and maneuvering space and the total area of any parking facility for more than five cars shall average at least three hundred (300) square feet per car. No driveways or curb-cuts shall exceed twenty-five (25) feet in width.
4. An open-air parking space shall be at least five (5) feet from any building and shall be at least five (5) feet from any property line unless a special permit is granted to park nearer.
5. No garage or open-air parking shall be provided nearer to the front street line than the prescribed minimum setback distance of the zoning district in which the lot is located.
6. Parking areas shall not be used for automobile sales, gasoline sales, dead storage, repair work, dismantling or servicing of any kind, and lighting that is provided shall be installed in a manner that will prevent direct light shining onto any street or adjacent property.

ARTICLE VII

ADMINISTRATION

SECTION 1 - ENFORCEMENT

- a. This ordinance shall be enforced by the enforcing officer who shall be the Superintendent of Buildings, who shall grant no permit for the construction, alteration, relocation, occupancy or use of any building, structure, or premises in violation of any provision of this ordinance. Whenever any permit or license is refused because of some provision of this ordinance, the reason therefor shall be clearly stated in writing. No building shall be constructed, altered, or relocated without a building permit and no structure or land shall be occupied or used without an occupancy permit.
- b. With each application for a permit to build, there shall be filed a plan showing the lot, the area, and location of said lot and building or buildings thereon. No building hereafter erected, altered or relocated shall be used and no change shall be made of the use of any building or any parcel of land, except for the use of land for agriculture, horticulture, or floriculture, unless an occupancy permit signed by the enforcing officer has been granted to the owner or occupant of such land or building. Such permit shall not be granted unless the proposed use of the land or building and all accessory uses comply in all respects with this ordinance and no use shall be made of such land or building except the use or uses authorized by such occupancy permit.
- c. The enforcing officer may, and if required by the City Council shall, institute appropriate legal proceedings to enforce the provisions of this ordinance or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the permit for occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this ordinance.

SECTION 2 - BOARD OF APPEALS - PRESENT BOARD TO CONTINUE

The Board of Appeals as presently existing under Chapter 2 of the General Ordinances of the City of Fitchburg is expressly continued and designated as the Board of Appeals under this Chapter.

SECTION 3 - BOARD OF APPEALS

- a. Creation, Appointment and Organization: A Board of Appeals consisting of three (3) members and two (2) associate members, who shall all be residents or taxpayers of the City of Fitchburg and at least one member shall be a member of the bar, shall be appointed as provided in Section fourteen (14) of Chapter forty A (40A) of the General Laws, as amended, which shall act on all matters within its jurisdiction under Section fifteen (15) of Chapter forty A (40A) of the General Laws as amended, and under this ordinance in the manner prescribed in said section and subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land, and conserving property values, that it shall permit no building or use of land or building that is injurious, noxious, offensive, or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.
- b. Powers and Duties: The Board of Appeals shall have all the powers and duties prescribed by law and by this Ordinance, which are more particularly specified as follows:
 1. Interpretation: Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
 2. Exceptions: The Board of Appeals in specific cases, without any finding of hardship, may, on petition, after public notice and hearing, issue special permits for any of the uses for which this zoning ordinance requires the obtaining of such permits from the Board of Appeals. In granting any special permit, the Board shall prescribe any conditions that it deems to be necessary to or desirable for the public interest. No such special permit, however, shall be granted by the Board of Appeals unless it finds: That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this Zoning Ordinance. In determining its findings, the Board shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

The uses for which this zoning ordinance requires the obtaining of special permits from the Board of Appeals are as follows:

- a. Permit the extension of time in the restoration or rebuilding of a non-conforming use in accordance with Article IV, Section 2d.
 - b. Permit the removal of sod, loam, sand, clay, gravel, stone or quarry stone from any location within three hundred (300) feet of a public road in accordance with Article V, Section 1D.
 - c. Permit certain specified uses in Rural Residence Districts in accordance with Article V, Section 2C.
 - d. Permit certain specified uses in Residence A-1 and Residence A-2 Districts in accordance with Article V, Section 3B and 3C.
 - e. Permit the exterior character of a residential building to be altered in accordance with Article V, Section 5B5.
 - f. Permit single, two, multi-family and garden apartments, or any combination on a single lot of not less than ten (10) acres.
3. Variances: The Board of Appeals may also grant variances in particular cases, as provided for in Section 15 of Chapter 40A of the General Laws, as follows:

"To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of the applicable zoning ordinance where, owing to conditions especially affecting such parcel or such building 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 appellant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance, but not otherwise."

In order to grant a variance the Board of Appeals shall determine that all of the foregoing conditions are substantiated.

A variance may be granted to vary or adapt the strict application of any of the requirements of this zoning ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, in accordance with Article VI, Section 1.

The Board of Appeals may impose limitations both of time and use, in granting a variance, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time.

Any person submitting a Petition to the Board of Appeals for a variance or other approval by the Board of Appeals, shall pay a filing fee of \$25.00 to the City Clerk of the City of Fitchburg before said petition is acted upon by the Board of Appeals; provided, however, that where the variance is requested by reason of action instituted in writing by a responsible city agency or officer then and in such cases the filing fee of \$25.00 shall be waived.

4. Procedure: The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. At least 15 days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application or appeal and the Planning Board shall submit a report on such advisory opinion prior to the date of said hearing. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the City Clerk, by case number under one or another of the following headings: Interpretations; Special Exception permits; Variances; together with all documents pertaining thereto. The Board of Appeals shall notify the City Council and the Planning Board of the City of Fitchburg of each special exception permit and each variance granted under the provisions of this Ordinance.

SECTION 4 - AMENDMENTS

This Ordinance may from time to time be changed by amendment, addition or repeal by the City Council in the manner provided in Section Six (6) of Chapter Forty A (40A) of the General Laws, and any amendments thereto.

A. Any person submitting a petition for a change in the provisions of the Zoning Ordinance, for whatever reason, shall pay a filing fee of \$50.00 to the City Clerk before such petition shall be accepted by the City Clerk, such fee to cover the expense of giving notice by publication of the public hearings that are to be held in compliance with General Laws Chapter 40A, Section 6: provided, however, that where such zoning change is requested by a city agency then and in such cases the filing fee of \$50.00 shall be waived.

1. For the purposes set forth in the General Laws, Chapter 40A and Chapter 41 Section 81c, the Planning Board shall make careful studies in conjunction with the Building Inspector and the Board of Appeals in relation to the zoning ordinance and report annually to the City Council on or before May 1, its recommendations regarding any amendments to the Zoning Ordinance.

SECTION 5 - REPETITIVE PETITION

The acceptance of this ordinance includes the acceptance of Chapter Forty A (40A), Section Twenty (20) of the General Laws of the Commonwealth of Massachusetts and any amendments thereof.

SECTION 6 - VALIDITY

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

When this ordinance imposes a greater restriction of the use of buildings, structures, or premises, or on height of buildings, or requires larger yards, or open spaces than are imposed or required by any regulations or permits, or by any restrictions, easements, covenants, or agreements, the provisions of this ordinance shall control.

SECTION 7 - EFFECTIVE DATE

This ordinance shall take effect upon its final passage by the City Council

