



FY 2016

PLANNING BOARD ASSISTANCE PROGRAM

***Review of Permitting Requirements
For
Industrial/Manufacturing Uses***

City of Easthampton

***Prepared by the Pioneer Valley Planning Commission
June 2016***

Acknowledgements

This Review of Permitting Requirements for Industrial/Manufacturing Uses for the City of Easthampton was a community driven effort under the direction of the Mayor's Office and the Easthampton Planning Department.

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- Lawrence Smith, Senior Planner
- Ashley Eaton, Planner

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PURPOSE

The Pioneer Valley Planning Commission (PVPC) was contracted by the City of Easthampton, funded by a grant from the state's Community Compact Cabinet program, to review the city's permitting procedures for industrial and manufacturing uses and to compare Easthampton's processes with those of similar nearby communities (Westfield, Northampton, Holyoke, Chicopee, West Springfield, South Hadley, Ludlow) competing for the same uses.

PROCESS

- PVPC conducted a review of Easthampton's development regulations and processes
- PVPC also reviewed the development regulations and processes, and conducted interviews with the municipal planners of Westfield, Northampton, Holyoke, Chicopee, West Springfield, South Hadley and Ludlow
- PVPC facilitated a Public Forum conducted on June 13, 2016 to which 70 Easthampton manufacturing/industrial property/business owners were individually invited to attend to discuss the city's regulations and people's experiences with getting projects permitted in the city, and possible alternatives. Suggestions made at the Forum included:
 - the need better and clearer regulations and ordinances
 - requiring Parking to the rear doesn't make sense for many projects (Stop & Shop)
 - requiring Special Permits for business in Business Districts doesn't make sense (that's why they are BUSINESS districts)
 - hearings need to be well run (to ensure that discussion is focused on what's under consideration and not go off on unrelated tangents)
 - develop a tiered Special Permit system based on various impact thresholds
- PVPC conducted a follow-up meeting with city officials on June 27, 2016 to review the comments of the Public Forum, the results of the community comparisons and preliminary recommendations.

ASSUMPTIONS

1. Given the choice developers would prefer not to go through a Special Permit/Site Plan Approval process.
2. Developers are reticent to go through a Public Hearing process because of concerns that the process is pro-longed, will be used to delay the project, will be subject to continuous never ending list of hurdles, will be subject to topics which are not specifically germane to what's being applied for, and after spending much time and money will be denied.

3. Developers are more inclined to accept and participate in a permitting process that they perceive as being:
 - Timely
 - Fair
 - Clear in terms of what has to be submitted
 - Clear in terms of what the criteria are for being approved, and
 - Clear in terms of, if they play by the rules, they have a likely chance of being approve
4. Having good projects is in the best interest of both the city and the developer and they need to develop a non-adversarial working relationship to best achieve this.
5. In rendering their decisions, permitting authorities have the difficult responsibility of balancing the needs of the community (expanding it job and tax base), the rights of the developer, and the impact on abutters.

REVIEW AND COMPARATIVE ANALYSIS RESULTS & RECOMMENDATIONS

A. How Manufacturing/Industrial Uses Are Permitted Under Zoning

Easthampton

Manufacturing and industrial uses are permitted in the Industrial and Mixed Use/Mill Industrial zoning districts. All manufacturing and industrial uses require a Special Permit issued by the Planning Board.

Nearby Communities

All of the other communities permit most of their manufacturing and industrial uses by-right in their industrial districts. Westfield does require a Special Permit from the Planning Board for uses having a cumulative floor area of 100,000sf or more and all uses in all districts that discharge more than 25,000 gallons of waste into the city's wastewater system, and Chicopee requires a Special Permit issued by the City Council for particularly noxious uses. In Chicopee projects administered through the Westover Metropolitan Development Corporation do not require city approval.

Recommendations

- A.1. The city should review the Zoning Ordinance's Table of Uses to evaluate whether any of the manufacturing/industrial uses currently requiring a Special Permit should be permitted By-Right, but still subject to Site Plan Approval.
- A.2 To assist in this evaluation, the City should also review prior projects approved by the City and identify which projects, in hind-sight, likely didn't require the additional scrutiny of a Special Permit and could have gotten by with just Site Plan Approval. In assessing these projects identify which specific attributes of the projects were the deciding factors between those that should or shouldn't have required a Special Permit. Based on these attributes the City should develop a list of impact thresholds and amend the Table of Uses to require Special Permits only for those uses which exceed these thresholds. These could include:
 - Whether its new construction or the reuse/adaptation of existing structures
 - Cumulative floor area of the project (100,000sf)
 - Size of Parcel (20 acres)
 - Alteration of land (10 acres)
 - Traffic generated (500 new ADT)
 - New parking spaces at a single location (100).
 - Public water usage
 - Waste discharged into municipal treatment facility (what is town's treatment capacity and what are the plans for expansion)

- Air quality
- Noise
 - While the Zoning Bylaw does contain a generalized statement on Noise under the Environmental Performance Standards, the city should consider adopting a general Noise Ordinance setting specific, objective decibel limits which would reduce the subjectivity of it when evaluating applications. A sample Noise Ordinance from the City of Westfield is attached.

B. Site Plan Review

Easthampton

All manufacturing and industrial uses require a Site Plan Approval issued by the Planning Board.

Nearby Communities

All of the other communities also required Site Plan Approval which is issued by the Planning Board.

Recommendations

- B.1. For uses requiring a Special Permit, the Site Plan Approval process and requirements should be absorbed into and be a standard part of the Special Permit application, process and approval, and not be a stand-alone Permit. This would simplify the process into a single application, single filing fee, single set of plans, single Public Hearing and single Decision.
- B.2. Site Plan Approval should be a stand-alone permit only for those uses permitted By-Right.
- B.3. Regardless of the use or district, Special Permits and Site Plan Approvals for the same project should be processed and approved by the same permitting authority.

C. Pre-Application Review

Easthampton

Easthampton currently utilizes an informal, less structured pre-application review process. While there is no set pre-application process applicants are encouraged to discuss projects and conceptual ideas with the Planning Department prior to formal submission to identify any potential problems. A more formal pre-application review process was attempted by the Department in the past but was unsuccessful due to a lack of interdepartmental participation and interest. Better interdepartmental communication in the review process has been identified by the city as one area for improvement.

Nearby Communities

While Ludlow has none, all of the other communities have some type of voluntary Pre-Application Review process of projects. While South Hadley and Chicopee encourage applicants to meet with the municipal planners prior to filing, Westfield, Northampton, Holyoke and West Springfield all have more formalized technical review meetings which also include the building inspector, DPW, conservation, fire and police, community/economic development, public health, solicitor/town counsel and more. These meetings occur on a regular basis (weekly in Westfield, bi-weekly in West Springfield, monthly in Northampton) or as needed in Holyoke, Chicopee and South Hadley.

Recommendations

- C.1. The town should adopt a more formal review process for projects, and encourage participation at the earliest stages of development as possible, preferably well prior to the formal submission. Standardization of this pre-application review process would further its primary function of identifying and addressing problems as early in the process as possible so that when a project is formally filed it has already received the technical review and agreement of the relevant city departments. For example, it makes for a much smoother Public Hearing if, when the question is asked about traffic issues, it can be reported that those aspects have already been reviewed and agreed to by the City Engineer, Public Works Director and Police Department.
- C.2. In order to ensure its success the process should:
- Be established by the Mayor as part of her administration's policies
 - Be administered and facilitated by the City Planner
 - Require the active participation of all of the city officials/departments (but not Board or Commission members who would ultimately be permitting these projects) that are involved in development project in any aspect including:
 - City Planner
 - Building Inspector
 - Fire Department
 - Police Department
 - Health Agent
 - Public Works
 - City Engineer
 - And for applicable projects:
 - School Department
 - Parks & Recreation Director
 - Principal Assessor

- Meet on a regular standard schedule (same time, same day) be it weekly, bi-weekly or monthly (this should be based on the number of applications that typically get filed over that time-frame)
 - Having a set meeting schedule will ensure that municipal participants will be available as they will have it set on their calendars.
 - This allows applicants to anticipate the timing of their applications
- Provide one-stop shopping where applicants can get all of their questions asked and answered
- Be informal and amicable as it is mutually beneficial to both the applicant and the city departments
 - It's an opportunity to, early-on, identify issues and potential solutions before the final plans are developed, applications submitted and the time clock starts ticking
 - It also develops a mutually beneficial and non-adversarial working relationship between private developers and city officials. Good projects are good for the developer and good for the city.
 - It ensures a more coordinated, consistent and comprehensive review of projects
 - It avoids last minute surprises to both the applicant and the permitting authority

D. Formal Application Process/Combined Permitting (multiple permits before same Board)

Easthampton

Special Permits follow the process as specified in M.G.L. Chapter 40A. Site Plan Approvals follow the process specified in the Easthampton Zoning Ordinance and both require a Public Hearing.

- Special Permits and Site Plan Approvals for the same project are combined into a single review process
- Applications are forwarded to relevant City Departments (Health, Engineers, DPW, ZBA, Water, etc.) for their review and comments.

Nearby Communities

All of the other communities also combine the Special Permit and Site Plan Approval into a single review process when issued by the same Board, except for Chicopee where Special Permits are issued by the City Council and Site Plan Approval is issued by the Planning Board.

Recommendations

- D.1. The formal review process established for the Pre-Application Review should be continued for the Formal Application Process.
- D.2. As recommended previously under Site Plan Approval, for uses requiring a Special Permit, the Site Plan Approval requirements should be absorbed into and be a standard part of the Special

Permit application, process and approval, and not be a stand-alone Permit. This would simplify the process into a single application, single filing fee, single set of plans, single Public Hearing and single Decision. The city should consider incorporating the following into Section 12.92:

“If Site Plan Approval is required for a use or structure that also requires an additional Use Special Permit, said Site Plan Approval shall be heard by the same Special Permit Granting Authority and shall be included as part of that Special Permit Application, and further, any approval, findings and conditions for said Site Plan Approval shall be in addition to and incorporated as a part of the findings and conditions of the Special Permit.”

- D.3. Site Plan Approval should be a stand-alone permit only for those uses permitted By-Right.
- D.4. Regardless of the use or district, Special Permits and Site Plan Approvals for the same project should be processed and approved by the same permitting authority.
- D.5. If kept as two required individual permits, the Site Plan Timetable (Section 12.94) should be consistent with that of the Special Permit.

E. Joint Public Hearings (meetings of multiple Boards/Commission)

Easthampton

Easthampton does not conduct Joint Public Hearings with multiple Boards on projects.

Nearby Communities

Only Northampton (Planning Board, Conservation Commission, ZBA) and Holyoke (Planning Board and Stormwater Authority) regularly hold Joint Public Hearings with multiple boards on projects. South Hadley and Ludlow have done it but it is not common practice. The most common complaint is the difficulty in getting multiple boards to meet on the same evening, in addition to their normal meeting schedule.

Recommendations

- E.1. When a project requires multiple approvals from different boards/commissions, where practicable the project reviews and Public Hearings should be held jointly. This ensures consistency in the information that is being provided to the city and assures a coordinated decision making process with boards issuing permits that are consistent, compatible and not in conflict.

F. Average Timeline (from formal Filing to Decision)

Easthampton

Two Months

Nearby Communities

- Holyoke – 30-35 days
- Chicopee – two months
- West Springfield – two months
- South Hadley – two months
- Ludlow – one-two months
- Northampton – two-three months
- Westfield – two - three months (under prior administrations this process was reduced to 21-35 days)

Recommendations

- F.1. Because the city departments have already reviewed the project and identified and addressed all/most of the technical issues during the pre-application review process, the time required to review the plans between the formal filing and the Public Hearing has been greatly reduced. Thus Public Hearings can be scheduled and held as quickly as possible.
- F.2. The Planning Department should prepare a draft Decision with standard conditions and suggested additional conditions germane to the particular application to assist and expedite the Board's decision making process. This should be available to the Board the meeting of the Public Hearing as it can further streamline the permitting process by potentially enabling the Board to render its Decision at the same meeting that the Public Hearing is closed.

G. Regular Planning Board Meetings

Easthampton

The Easthampton Planning Board meets regularly twice a month.

Nearby Communities

- Chicopee – once/month
- Holyoke – twice/month
- South Hadley – twice/month
- Northampton – twice/month
- Ludlow – twice/month

- Westfield – twice/month
- West Springfield – twice/month

Recommendations

G.1. Easthampton conducts their meetings as frequently as the other communities in the area. Continuing to meet twice a month should enable them to efficiently and expeditiously process permit applications.

H. Filing Fees for Industrial/Manufacturing Special Permits & Site Plan Approval

Easthampton

In terms of Easthampton’s filing fees, \$100 seems to be very low compared to what the other communities reviewed are charging and for what it is actually costing the city.

Nearby Communities

FILING FEES		
	Special Permit	Site Plan Approval
Easthampton	\$100	\$100
Chicopee	\$50 (+ advertising)	\$85 - no public hearing required \$900 - public hearing required (+ \$100/acre)
West Springfield	\$190	\$155
Holyoke	\$200	\$150 (+ \$0.05/sq ft of new construction)
South Hadley	\$250 + \$0.05/sq ft (+ postage and advertising) Outside Consultant Fee: \$5,000 (< 10 acres) \$10,000 (> 10 acres)	\$150 +\$0.05/sq ft of new construction and \$1/new parking space
Ludlow	\$250 (+ advertising)	\$250/acre + \$0.25/sq ft of new footprint
Westfield	\$100 - Minor Project \$550 - Intermediate Project \$1,275 - Major Project	Site Plans are included in Special Permit Fee
Northampton	\$325 - ZBA \$325 – Planning Board (w/site plan) \$1,075 – Planning Board (w/site plan for flag lots) \$1,075 – Planning Board (w/major site plan) (+ \$0.05/sq ft of new building)	\$100 - Admin Site Plan \$325

Recommendations

- H.1. Filing Fees for permit applications are supposed to cover the city's expenses for processing applications. While they are not supposed to be more than the processing costs, they also shouldn't be less than the processing costs.

- H.2. Easthampton's current fee of \$100 likely covers less than two hours of staff time for application processing and reviews. The city needs to develop a fair fee schedule that represents the true costs of processing permit applications. This can be accomplished by identifying everyone who is involved in processing and reviewing Special Permit and Site Plan Approval applications and, on average, how much time is involved for each person, including site visits and meetings. This should include not only professional staff but also clerical staff involved in application input, advertising, etc. Converting the hours committed to processing an application to the dollar amount expended should not only include the hourly salary/wages, but also any benefits package the employees are provided by the city. Similar to Westfield and Northampton, the city should consider adopting a tiered fee schedule where the fee is commensurate with the size and complexity of the project. Small projects should take less time so the fee should be less. Larger projects will take more time so the fee should be more.

Appendices

Appendix 1: Recommendation Implementation Schedule

Appendix 2: Industrial/Manufacturing Permitting – Community Comparison Matrix

Appendix 3: Manufacturing and Industrial Based Zoning Review – By Community

Appendix 4: Permitting Processes – Municipal Planner Comments

Appendix 5: Westfield Noise Ordinance

RECOMMENDATIONS IMPLEMENTATION SCHEDULE					
How Manufacturing/Industrial Uses Are Permitted Under Zoning					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
A.1. Review Table of Uses to determine which manufacturing/ industrial uses could be permitted By-Right, but still subject to Site Plan Approval.	Planning Department, Planning Board	Mayor, Building Inspector, ZBA, City Council	High	2017	Requires Zoning Ordinance Revisions
A.2 Develop a list of impact thresholds and amend the Table of Uses to require Special Permits only for those uses which exceed these thresholds.	Planning Department/ Planning Board	Building Inspector, ZBA	High	2017	Review prior projects and identify which specific attributes of the projects were the deciding factors between those that should or shouldn't have required a Special Permit. Requires Zoning Ordinance Revisions
Site Plan Review					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
B.1. Combine Special Permit and Site Plan Approval into single permit	Planning Department, Planning Board	Mayor, City Council	High	2017	This would simplify the process into a single application, single filing fee, single set of plans, single Public Hearing and single Decision. Requires Zoning Ordinance Revisions
B.2. Site Plan Approval should be a stand-alone permit only for those uses permitted By-Right.	Planning Department, Planning Board	Mayor, City Council	High	2017	
B.3. Special Permits and Site Plan Approvals	Planning Department,	ZBA, Mayor,	High	2017	Requires Zoning Ordinance Revisions

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for the same project should be approved by the same permitting authority.	Planning Board	City council			
Pre-Application Review					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
C.1. & C.2. Adopt a more formal review process for projects, and encourage participation at the earliest stages of development as possible, preferably well prior to the formal submission.	Mayor, Planning Department	Building Inspector, Fire Dept., Police Dept., Health Agent, Public Works, City Engineer, School Dept., Parks & Rec., Assessor	High	2017	Standardization of this pre-application review process would further its primary function of identifying and addressing problems as early in the process as possible
Formal Application Process/Combined Permitting					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
D.1.Continued the Application Review Process (C.1./C.2.) in the Formal Application Process.	Planning Department	Building Inspector, Fire Dept., Police Dept., Health Agent, Public Works, City Engineer, School Dept., Parks & Rec., Assessor	High	2017	
D.2.As recommended in B.1. combine Special Permit and Site Plan Approval into single permit .	Planning Department, Planning Board	Mayor, City Council	High	2017	incorporating the following into Section 12.92: "If Site Plan Approval is required for a use or structure that also requires an additional Use Special Permit, said Site Plan Approval shall be heard by the same Special Permit Granting Authority and shall be included as part of that

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					Special Permit Application, and further, any approval, findings and conditions for said Site Plan Approval shall be in addition to and incorporated as a part of the findings and conditions of the Special Permit.”
D.3.Site Plan Approval should be a stand-alone permit only for those uses permitted By-Right.	Planning Department, Planning Board	Mayor, City Council	High	2017	
D.4.Regardless of the use or district, Special Permits and Site Plan Approvals for the same project should be processed and approved by the same permitting authority.	Planning Department, Planning Board	ZBA, Mayor, City council	High	2017	Requires Zoning Ordinance Revisions
D.5.If kept as two required individual permits, the Site Plan Timetable (Section 12.94) should be consistent with that of the Special Permit.	Planning Department, Planning Board	City Council	High	2016	Requires Zoning Ordinance Revisions
Joint Public Hearings					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
E.1. When a project requires multiple approvals from different boards, where practicable the project reviews and Public Hearings should be held jointly.	Planning Board, ZBA, Conservation Commission		Med	2017	This ensures consistency in the information that is being provided to the city and assures a coordinated decision making process with boards issuing permits that are consistent, compatible and not in conflict.

Average Timeline					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
F.1. Public Hearings should be scheduled and held as quickly as possible.	Planning Department, Planning Board	ZBA, Conservation Commission	High	2017	Because the city departments have already reviewed the project and identified and addressed all/most of the technical issues during the pre-application review process, the time required to review the plans between the formal filing and the Public Hearing has been greatly reduced.
F.2. Prepare a draft Decision with standard conditions and suggested additional conditions germane to the particular application.	Planning Department		High	2017	This should be available to the Board the meeting of the Public Hearing as it can further streamline the permitting process by assisting and expedite the Board's decision making process potentially enabling the Board to render its Decision at the same meeting that the Public Hearing is closed.
Regular Planning Board Meetings					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
G.1. Planning Board should continue twice monthly meetings.	Planning Board		High	2017	Continuing to meet twice a month should enable them to efficiently and expeditiously process permit applications.
Filing Fees for Industrial/Manufacturing Special Permits & Site Plan Approval					
RECOMMENDATION	PRIMARY	OTHERS	PRIORITY	YEAR	COMMENTS
H.1. & H.2. The city needs to develop a fair fee schedule that represents the true costs of processing permit	Planning Department,	Mayor, Planning Board , ZBA, Conservation Commission,	High	2017	Filing Fees for permit applications are supposed to cover the city's expenses for processing applications. While they are not supposed to be more than the

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applications.		City Council			processing costs, they also shouldn't be less than the processing costs.

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INDUSTRIAL/MANUFACTURING PERMITTING – COMMUNITY COMPARISON			
	Districts Permitted	By-Right/Special Permit	Site Plan Review
Easthampton	Industrial (I) Mixed-Use/Mill Industrial (MI)	Special Permit through the Planning Board	Site Plan Review through the Planning Board
Westfield	Business B Industrial A Industrial Park	Allowed By-right in all districts. Special Permit required by the Planning Board if use will discharge more than 25,000 gallons of waste a day into the sewer system or has a cumulative floor area of 100,000sf or more	Site Plan Review required through the Planning Board
Northampton	General Industry Office/Industrial Highway Business	Allowed by-right in GI and OI. Allowed in HB if associated with adjacent commercial or industrial uses.	Site Plan Approval by Planning Board.
Chicopee	Industrial Garden Industrial Planned Unit Development Garden Industrial Planned Unit Devel. Type II Business B Business C	Allowed by-right in Industrial, Garden Industrial PUD and Garden Industrial PUD-Type II. Special Permit through City Council required in Business B and C	Development projects under 1,000 sq ft - Site Plan Review through the building department. Development projects between 1,000 and 7,5000 sq ft - Site Plan Review through the Site Plan Review Advisory Committee (SPRAC). Development projects larger than 7,500 sq ft - Site Plan Review through Planning Board.
Holyoke	General Industry Waste Management Industrial Park	Allowed by-right	Site Plan Review required through the Planning Board, if new structure(s) have at least 5,000 sq feet of gross floor area, 10,000 sq ft of impervious surface or require 17+ parking spaces OR an addition is adding 5,000 sq ft of impervious surface, 5,000 sq ft of gross floor area or 17+ parking spaces OR new structure will generate more than 700 vehicle trips per day
West Springfield	Business B Business B-1 Industrial Industrial Park Industrial Park-Light	Allowed by-right	Site Plan Review through the Planning Board required for all manufacturing uses in these zones.
South Hadley	Business B Industrial A Industrial B	Allowed by-right in industrial zones. Special Permit through the Planning Board is required in Business B zones.	Site Plan Review through the Planning Board required.

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	Industrial Garden		
	Districts Permitted	By-Right/Special Permit	Site Plan Review
Ludlow	Business B Industrial A Industrial C Mill Redevelopment District	Allowed by-right in industrial zones. Light manufacturing is allowed in Business B zone with a Special Permit from the Planning Board.	Site Plan Review through the Planning Board is required. Industrial uses in the Mill Redevelopment District require Site Plan Approval from the Administrative Review Committee.

Manufacturing and Industrial Based Zoning Review

Easthampton

Districts Manufacturing is permitted in:

- Industrial (I)
- Mixed-use/Mill Industrial (MI)

Industrial (I)

By-right or special permit?: Manufacturing uses in this zone require a special permit through the planning board and site plan approval. (Only uses allowed by-right are accessory structures—sheds, garages, greenhouses—and temporary construction trailers.)

Dimensional/Density Requirements:

Use	Minimum Total	Minimum Width	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
Planned unit development for mixed use	5 acres	--	--	50 feet	25 feet	3 feet	--	--
Planned Business development	3 acres	140 feet	140 feet	50 feet	25 feet	3 feet	30 feet (2)	50
Planned Industrial Development	15 acres	140 feet	140 feet	50 feet	25 feet	3 feet	30 feet (2)	40
Any other	40,000 sq ft	(4)	140 feet	50 feet	25 feet	3 feet	30 feet (2)	40

Additional Regulations:

Screening and buffering requirements if Industrial zone abuts residential zone. 25 foot planting strip required in the center of strip with plants that are at least 3 feet wide and 6 feet tall. This area counts within the yard calculations. Sites over 175 ft require a 35 foot wide strip. 50% of the plants must be

evergreens. A solid wall or fence (no taller than 6 feet) with suitable plantings can be substituted for the planting strip.

Parking requirements for manufacturing- 1 per 600 sq ft of gross floor area OR .75 spaces per each employee of the combined employment of the largest two successive shifts (whichever is larger)

Performance standards/Design Guide Lines: Planned industrial Districts must meet Environmental Performance Standards and Community Development and Performance Standards.

Mixed-use/Mill Industrial (MI)

By-right or special permit?: Manufacturing uses in this zone require a special permit through the planning board and site plan approval. (Only uses allowed by-right are accessory structures—sheds, garages, greenhouses—and temporary construction trailers.)

Dimensional/Density Requirements:

Use	Minimum Total	Minimum Width	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
Planned unit development for mixed use	4 acres	--	--	--	--	--	--	--
Any Other	10,000 sq ft	(4)	100 feet	30 feet	15 feet	30 feet	55 feet (4)	60

Additional Regulations: Parking requirements for manufacturing- 1 per 600 sq ft of gross floor area OR .75 spaces per each employee of the combined employment of the largest two successive shifts (whichever is larger)

Performance standards/Design Guide Lines: Not applicable

Site Plan Review or Approval Required?: Special permit from the Planning Board is required.

Associated Fees:

Zoning Permits:

- Special permit- \$100
- Site Plan approval- \$100

- Approval not required- \$50

Building Permits:

- \$10.00 per \$1,000 of construction cost (\$50 minimum)- Commercial and 3+ residential
- \$75.00- annual inspection/certificate of occupancy

Westfield

Districts Manufacturing is permitted in:

- Business B (Light industrial that employs fewer than 50 people in the manufacturing of small wares)
- Industrial A
- Industrial Park

District	Minimum Total	Minimum Width	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
Business B	12,000 sf	--	150 feet	20 feet	15 feet	25 feet or height of the building	35 feet (2.5)	80 %
Industrial A	1 acre	--	--	At least 30 ft but no more than 100 ft	20 feet	20 feet	60 feet (-)	50%
Industrial Park	2 acres	--	200 feet	*	*	*	60 feet (-)	40%

*Buildings and parking cannot be located within 20 feet of an Industrial and Commercial boundary, within 200ft of Residential boundary, within 75 ft of highway, within 100 ft of arterial separating Industrial from Residential, and within 50 ft of arterial separating Industrial from Commercial or any street running through Industrial district.

Additional Regulations:

- Business B- If abutting residential property, planting strip buffer of at least 20 ft is required. Ten percent (10%) of the required from yard must have grass, live shade trees and ornamental shrubs.
- Industrial A-If abutting residential property, planting strip buffer of at least 20 ft is required. Ten percent (10%) of the required from yard must have grass, live shade trees and ornamental shrubs. All projects will be reviews for the potential of groundwater contamination and may need to include a groundwater management program
- Industrial Park-Shade trees are required along street frontage. Must be “no less than 60 ft on center, three feet inside frontage and no less than 2 and a half inch caliper at time of installation. Vegetative screens required around parcel is abuts Residential or Agricultural zoned land. Must screen entire site from view during all seasons. Additionally all front and side yards must be landscapes.

Vehicular access permitted on highway, secondary highway or local street connecting directly to highway or connecting highway. Local streets that connect to residential streets are not allowed for vehicular access.

Performance standards/Design Guide Lines:

- Business B-must adhere to the performance standards found in Article IV- Section 4-120.
- Industrial A- None
- Industrial Park- None.

By-right or special permit?:

Manufacturing is allowed by-right in Business B, Industrial A, and Industrial Park. A special permit is required from the Planning Board if use will discharge more than 25,000 gallons of waste a day into the City's sewer system, is considered a super industrial used (SIU), or has a cumulative floor area of buildings on site is greater than or equal to 50,000 sq. ft. Additionally in Industrial A and Industrial Park zones, a special permit approved by the City Council is required for any use processing, reprocessing, remanufacturing, reclaiming, or recycling construction, building or demolition materials.

Site Plan Review or Approval Required?:

All uses of land or buildings in Business B, Industrial A and Industrial Park zones are subject to site plan review through the planning board. (Article VI-Section6-10)

Associated Fees:

Zoning Permits:

- *Intermediate project*- projects that involve new construction of less than 5,000 sq ft of gross floor area.- \$550
- *Major Project*- Projects that involve new construction greater than 5,000 sq ft. of gross floor area- \$1275
- *Industrial Park Permit Fee:* \$1 per 100 sq. ft of building space. Simple warehouse space will be charged \$0.50 per 100 sq. ft. of building space.

Building Permits:

- Commercial- \$0.40/square foot
- Accessory Structures- \$0.15/square foot (\$150.00 minimum)
- Commercial Roofing- \$0.04/square foot (\$150.00 minimum)

Northampton

Districts Manufacturing is permitted in:

- General Industry (GI)
- Office/industrial (OI)
- Highway Business (HB)

District	Minimum Total	Minimum Width	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
General Industry (GI)	--	--	--	20 feet	15 feet	20 feet	45 feet (-)	--
Office/Industrial (OI)	--	--	--	20 feet	15 feet	20 feet	45 feet (-)	--
Highway Business (HB)	--	--	--	0 feet*	0 feet	0 feet	60 feet (-)	40%

* Front starts after the 6 ft sidewalk and 10 ft tree belt.

Additional Regulations:

- General Industry- Open space requirements-20% of the lot. Parking -1 space per 1,000 sq ft of gross floor area
- Office/industrial- Open space requirement-20% of the lot. Parking-1 space per 1,000 sq ft of gross floor area
- Highway Business- Open space requirements-20% of the lot. Parking- 1 space per 1,000 sq ft of gross floor area. If use is greater than 25,000 square feet, one loading zone is required. Bike parking- 1 bike rack for every 10 car parking spaces

Performance standards/Design Guide Lines:

General Industry and Office Industrial do not have Performance Standards or Design Guidelines. The Highway Business district has design guidelines in place.

By-right or special permit?:

Manufacturing is allowed by-right in General Industry (GI) and Office/Industrial (OI) zone. It is allowed by-right in a Highway Business zone if associated with adjacent commercial or industrial uses.

Site Plan Approval:

Site Plan approval by the Planning Board is required for manufacturing in Highway Business

Associated Fees:

Zoning Permits:

Planning Board Special Permit w/ Site Plan- \$325

Planning Board Special Permit w/ Site Plan for flag lots- \$1,075

Planning Board Special Permit w/ MAJOR Site Plan- No Special Permit-\$1,075 + \$0.05/sq ft of new building

Planning Board Site Plan- No Special Permit- \$325

Administrative Site Plan Review- \$100

Zoning Board Special Permit- \$325

Building Permits:

New Construction or Additions (Greater than 30% of the floor area of the existing building)- \$0.60/sq ft

Repairs, renovations or additions (less than 30% of the floor area of the existing building)- \$7.00 per \$1000.00 of estimate cost (min. \$100)

Chicopee

Districts Manufacturing is permitted in:

- Industrial
- Garden Industrial Planned Unit Development
- Garden Industrial Planned Unit Development Type II
- Business B
- Business C

District	Minimum Total	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
Industrial	--	--	25 feet*	0 feet**	0 feet**	60 feet (-)	--
Garden Industrial PUD	50,000 sq ft	125 feet, if one building. 150 feet, if multiple buildings.	50 feet	25 feet***	25 feet****	45 feet (-)	33%
Garden Industrial PUD- Type II	6 acres; the tract with the principle building must be 50,000 sq ft	--	50 feet from interior street; 75 feet from exterior street	45 feet*** *	45 feet****	45 feet (-)	33%
Business B	--	--	25 feet*	0 feet *****	0 feet *****	40 feet (-)	--
Business C	--	--	25 feet*	0 feet *****	0 feet *****	40 feet (-)	--

*If buildings on either side of the parcel fail to meet the 25 feet front yard requirement, the building can be aligned with them.

**If parcel abuts residential zone or use, side and rear yards must be 25 feet.

*** If parcel abuts residential zone or use, side and rear yards must be 100 feet.

**** If parcel abuts a residential zone or use, side and rear yards must be 150 feet with a mixed conifer buffer that is 6 feet tall at the time of planting.

***** If parcel abuts residential zone or use, must be 15 feet away and screened with a solid wall, fence or hedge at least 8 feet tall.

Additional Regulations:

- Industrial- Parking- one space per two employees on the largest shift.
- General Industrial PUD and General Industrial PUD Type II- Screening- if the lot abuts a residential district, it must be screened by a solid wall, earthen berm or fence and natural planting area that is at least 6 feet tall. Maximum of 70% of the lot can be impervious surface. Loading docks are not allowed on side of the building fronting street and must be screened. Outdoor storage may not exceed 2% of the area of the principal use. Code stipulates additional landscaping requirements. Parking: one space per two employees on the largest shift.
- Business B- Parking: one space per two employees on the largest shift.
- Business C- Parking: one space per two employees on the largest shift.

Performance standards/Design Guide Lines:

None of the districts have performance standards.

By-right or special permit?:

Manufacturing is allowed by-right in these districts: Industrial, General Industrial Planned Unit Development, and General Industrial Planned Unit Development Type II. Industrial uses are allowed in Business B and Business C districts with a special permit from the City Council .

Associated Fees:

Zoning Permits:

Site Plan requiring a public hearing- \$900.00 +100.00 per acre

Site Plan not requiring Public Hearing- \$85.00

Building Permits:

Commercial Construction (Business, Assembly, Institutional, Mercantile or School)

New construction: \$0.50 /sq ft per floor (Min. Fee \$500; Max Fee \$20,000)

Additions, Alterations, Repairs: \$0.40/sq ft per floor (Min. Fee \$300; Max Fee \$15,000)

Roofing: \$0.05/sq ft (Min. \$150)

Demolition: \$150

Plumbing:

New and Renovations: \$70 +\$10 per fixture

Water Heater and Replacement Fixture: \$15+ \$5 per appliance

Electrical

Additions of Alterations \$0.10 per sq ft (Min. \$50)

Various other fees regarding electrical

Holyoke

Districts Manufacturing is permitted in:

- General Industry (IG)
- Waste Management(WM)
- Industrial Park (IP)

District	Minimum Total	Minimum Width	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
General Industry (IG)	10,000 sq ft	100 feet	100 feet	--	--	--	60 feet (4)	--
Waste Management (WM)	10,000 sq ft	100 feet	100 feet	--	--	--	180 feet (-)	--
Industrial Park (IP)	120,000 sq ft	200 sq ft	150 feet	50 feet	25 feet	25 feet	90 feet (7)	33.3%

Parking: 1 space for every 4 employees in the maximum working shift for business with more than 10 employees. In industrial park, no on-street parking is permitted.

Loading: If gross floor area is greater than 5,000 sq ft, a minimum of one off street berth for loading is required. It cannot be within 10 feet of street line and 5 feet of lot line.

Performance standards/Design Guide Lines: Section 6.5. Includes standards on noise, vibration, glare, water pollution and air pollution.

Landscaping Requirement: If use abuts a residential district or an educational use, the property line must be adequately screened by vegetation, planting or fencing and must be maintained by the owners of the property not being used for residential.

Additional IP zone standards:

- No building, building material storage, or loading shall occur within 100 feet of abutting residential
- No parking within 100 ft of residential unless completely screened. With screening, no parking should occur with 50 feet of residential uses.
- In cases where natural vegetation does not suffice and plants need to be introduced, the city will cover half of the costs.

- 2/3's of the square footage of the front yard must be covered with grass or appropriate landscaping.
- Exterior walls of buildings must be covered with brick or other material that is similar in attractiveness and durability.

Arts and Industry Overlay District (AIOD)

- Any uses allowed in the IG district are allowed within this overlay
- Site plan review required if adding more than 25 dwelling units or 50,000 gross square feet
- Parking only required for dwelling units.

Site Plan Review:

Site plan review approval required by the planning board if:

- New structure(s) have at least 5,000 square feet of gross floor area, 10,000 square feet of impervious surface or require 17 or more parking spaces
- An addition is adding 5,00 square feet of impervious surface, 5,000 square feet of gross floor area or more than 17 parking spaces.
- New structures will generate more than 700 vehicle trips per day (based off the ITE trip generation formula)

By-right or special permit?:

Associated Fees:

Zoning Permits:

Site Plan Review Fee- \$150 +\$0.05/sq ft of new construction

Special Permits- \$200.00

Building Permits:

New Construction and addition- \$0.50/sq ft (Min. \$200)

Alterations and repairs- \$0.40/ sq ft (Min \$100)

Fire protection/alarms- Min. \$200

Commercial Roof Replacement/Repair- \$0.06/sq ft

Demolition- \$150 plus \$50/square

Sheet Metal- \$0.02/sq ft

West Springfield

Manufacturing is permitted in the following districts

- Business B(BB)
- Business B-1(BB-1)
- Industrial (I)
- Industrial Park (IP)
- Industrial Park-Light (IP-L)

District	Min. Total	Min. Width	Min. Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage
Business B (BB)	7,500 sf	75 feet	50 feet	25 feet	10 feet	25 feet	60 feet (4)	60 %
Business B-1 (BB-1)	7,500 sf	75 feet	50 feet	25 feet	10 feet	25 feet	60 feet (4)	60%
Industrial (I)	7,500 sf	75 feet	50 feet	25 feet	10 feet	25 feet	60 feet (4)	60%
Industrial Park (IP)	70,000 sf	200 feet	50 feet	45 feet	45 feet	45 feet	60 feet (4)	50%
Industrial Park-Light (IP-L)	25,000 sf	100 feet	50 feet	35 feet	25 feet	35 feet	25 feet (2)	40%

Parking Requirements:

- Auto- 1 space per 2 employees of the two largest shifts combined and customarily employed on the premises.
- Loading- 1 space for the first 5,000 square feet of floor area and 1 space for each additional 30,000 square feet.
- Through the special permit process, applicants can reduce parking requirements or utilize shared parking
 - A 25% reduction in parking requirements can be approved if the parcel is located in a walkable area, is located with a quarter (1/4) mile of a bus stop or has a bus pass sponsor program.
 - Shared parking with an adjacent parcel, which could reduce the uses parking requirements by up to 75%, may be allowed if the applicant can prove that the peak demands for the two uses do not overlap.
 - May use of 100% of on-street parking along a parcel’s boundary if parking exists on both sides of the street or 50% of on-street parking along a parcel’s boundary if parking exists on one side of the street. To do this, the applicant must
 - Pay to have the parking striped
 - Obtain a permit from the DPW
 - Pass a DPW inspection for the striping

Performance standards:

Uses in IP and IP-L zones are subject to environmental performance standards

Landscaping Requirements:

- **Front Yard**
 - Front yard is reserved for landscaping and pedestrian uses.
 - Two shrubs are required for every 10 feet of frontage
 - One tree is required for every 50 feet of frontage.
- Loading zone must be shielded from the street on which the building fronts.

Associated Fees:

Zoning Permits:

- Site Plan Review- \$155- \$35 to The West Springfield Record and \$125 to the City of West Springfield
- Special Permit- \$190- \$65 to the West Springfield Record and \$125 to the City of West Springfield

Building Permits:

- Building (Industrial)
 - Building- \$0.30 per sq ft. (minimum \$300)
 - Addition or alterations- \$0.25 per sq ft (minimum \$100)
 - Accessory Building- \$0.25 per sq ft (minimum \$100)
 - Signs-\$50
 - Demolition \$100 per floor
 - Fence- \$30
 - Roofing-
 - Less than 5,000 sq ft- \$50
 - 5,000-10,000 sq ft- \$200
 - Greater than 10,000 sq ft- \$300
- Various other fees for Electrical, Plumbing and Gas

South Hadley

Districts Manufacturing is permitted in:

- Business B
- Industrial A
- Industrial B
- Industrial Garden

District	Minimum Total	Minimum Width	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
Business B	12,000 sq ft	--	100 feet	10 Feet	10 Feet	20 Feet	45 feet (3)	40%
Industrial A	40,000 sq ft	--	200 feet	25 Feet	20 Feet	20 Feet	40 feet (-)	40%
Industrial B	--	--	--	--	--	--	75 feet (6)	75%
Industrial Garden	75,000 sq ft	--	250 feet	75 Feet	50 Feet	50 Feet	40 feet (3)	35%

Parking: 1 space/1,000 sq ft of enclosed floor space OR 1 space/each anticipated employee, customer and company vehicle. Parking must be located behind, to the side, or underneath building. It must also be properly shielded from the road and adjacent properties

Performance standards/Design Guide Lines:

None

Landscaping Requirement:

In industrial Garden (IG) districts, no less than 2/3rds of the front setback and side yard areas of any building shall be provided with grass lawns, shrubbery or other appropriate landscaping.

Landscape buffers shall be provided between parking lots and public streets and between uses that may be incompatible, such as large-scale commercial uses and residences

By-right or special permit?:

Manufacturing that is not considered a noxious use is allowed by-right in the Industrial zones.

Manufacturing that is not considered a noxious use is allowed with a special permit approved by the Planning Board in Business B zones. Manufacturing that is considered a noxious use are allowed in Industry B zones with a special permit from the Planning Board.

Site Plan Review:

Projects are subject to site plan review through the planning board.

Associated Fees:

Zoning Permits:

Application Review-

Industrial less than 10 acres- \$5,000

Industrial greater than 10 acres- \$10,000

Site Plan Review Fee- \$ \$150 plus \$0.05 per ft of new construction and \$1 per new parking space

Special Permits- \$ \$200 plus \$0.05/sq ft

Public Notice- \$50 plus actual cost of postage and actual cost of public notice in the newspaper

Building Permits:

New Construction - \$100+ \$8 per \$1000 of construction costs

Additions- \$100 min +\$0.40 per sq ft

Alterations and repairs- \$100 min+ \$0.20 per sq ft

Fire protection/alarms- \$75 + \$2/head

Commercial Roof Replacement/Repair- \$75

Demolition- \$75+ \$0.10/ sq ft over 500 sq ft

Ludlow

Districts Manufacturing is permitted in:

- Business B*
 - Industrial A
 - Industrial C
 - Mill Redevelopment District
- * light manufacturing allowed

District	Minimum Total	Minimum Width	Minimum Frontage	Front Yard	Side Yard	Rear Yard	Permitted Height (Stories)	Maximum Building Coverage of lot
Business B	30,000 sq ft	--	50 feet	25 Feet	10 Feet	20 Feet	Must Comply with state building code	--
Industrial A	40,000 sq ft	--	50 Feet	25 Feet	20 Feet	25 Feet	Must comply with state building code	--
Industrial C	40,000 sq ft	--	50 Feet	25 Feet	25 Feet	25 Feet	Must comply with state building code	--
Mill Redevelopment District	25,000 sq ft	--	50 feet	25 Feet	20 Feet	20 Feet	Must comply with state building code	--

Noxious uses prohibited

Parking: 1 auto parking space per 2 employees of the two largest shifts combined and customarily employed on the premises. 1 bike parking space per 50 code required auto spaces. Opportunities for shared parking or reduction in parking exist. Auto parking must be located to the rear or side of the building. Bicycle parking should be 50 feet from the front door if possible.

Performance standards/Design Guide Lines:

Stormwater Performance Standards

Landscaping Requirement:

Requirement by lot area	% of total automobile parking and circulation area to be landscaped	Depth of buffer strip along front yard	Width of buffer strip along side and/or rear yards
Up to and including 15,000 sf	--	5 feet	5 feet
15,001-30,000 sf	4%	5 feet	5 feet
30,001- 43,500 sf	5%	10 feet	5 feet
43,501-100,000 sf	6%	10 feet	5 feet
100,001 sf up to, but not including 217,800 sf	7%	15 feet	7 feet
5 acres or more	8%	25 feet	20 feet

** in Mill Redevelopment District, the required landscaped area may include land intended to be transferred to a public or non-profit entity that is dedicated to public purposed such as parks, trails, or other open space

By-right or special permit?:

All manufacturing is allowed by-right in the industrial district, except for noxious uses which are prohibited. Light manufacturing is allowed in Business B with a special permit from the planning board

Site Plan Review:

Projects are subject to site plan review through the planning board. Industrial uses in the Mill Redevelopment District require site plan approval from the Administrative Review Committee

Associated Fees:

Zoning Permits:

Site Plan Review Fee- \$250/acre + \$0.25/sq ft of new foot print

Special Permits- \$250

Legal Notice Fees: applicant required to cover. Not included in fee.

Building Permits:

New Construction and addition- \$9 per \$1,000 of construction costs (\$500 min.)

Alterations and repairs- \$9 per \$1,000 (\$100 min)

Fire protection/alarms- \$75 + \$2/head

Commercial Roof Replacement/Repair- \$9 per \$1,000 (\$200 min.)

Demolition- \$9 per \$1,000 (\$100 min)

Sheet Metal

ORDINANCE NO. _____

CITY OF WESTFIELD

IN CITY COUNCIL

DECEMBER 20, 2001

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD AS FOLLOWS:

- A. That Chapter 10, Section 10-15 of the Code of Ordinances be and is hereby repealed, the section number to be reserved for future use.
- B. That Chapter 10, Section 10-16 of the Code of Ordinances be and is hereby repealed, the section number to be reserved for future use.
- C. That Chapter 10 of the Code of Ordinances be hereby amended by adding new sections to be numbered 10-30 through 10-36 as follows:

Sec. 10-30. Purpose.

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the inhabitants of Westfield through the reduction, control, and prevention of such loud or raucous noise that unreasonably disturbs, injures, or endangers the comfort, privacy, repose, health, peace or safety of reasonable persons.

Sec. 10-31. Land use zones and sound levels.

(a) Except as specifically provided for elsewhere in this Ordinance, no person shall cause, generate or permit sound, which exceeds the limits set forth below in section 10-31 (b), to extend beyond the property line.

(b) The sound levels established below are before any adjustments are applied:

Zoning District	Time Of Day	Max. Sound Level (dBA)
All Residential	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45

All Commercial	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
All Business	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	65
	10 p.m. to 7 a.m.	60
All Industrial	7 a.m. to 7 p.m.	75
	7 p.m. to 10 p.m.	75
	10 p.m. to 7 a.m.	70
Airport	7 a.m. to 7 p.m.	80
	7 p.m. to 10 p.m.	80
	10 p.m. to 7 a.m.	75

(c) Adjustments to Maximum Sound Levels:

(1) Agricultural uses shall conform to Industrial District standards.

(2) The following uses are exempt from the second levels established in section 10-31(b) above, but may be subject to other sound limitations as set forth elsewhere in this ordinance:

- a. school related activities on school property and any organized athletic events or activities occurring on state/municipal athletic fields, playgrounds, parks, or other state/municipal recreation facilities owned or operated by a the state/city, from 8 a.m. to 9 p.m.;
- b. church related activities (including church bells) occurring on church property, from 8 a.m. to 9 p.m.;
- c. special events for which city permits have been issued (the issuing authority may impose a maximum sound level (dBA) greater or lesser than in section (b). above;
- d. operation of aircraft and railroads;
- e. public safety or national defense activities conducted by authorized public safety or national defense personnel.

(3) Commercial Recreational Property

a. Definitions.

- Commercial Recreational Property. The term “commercial recreational property” means any non-residential privately owned non-church, non-school premises that is used primarily for the purpose of open air recreational activities regardless of whether or not a fee is charged.
- Open Air Recreational Activities. The term "open air recreational activities" means activities conducted out-of-doors or under an open-sided structure for the enjoyment or entertainment of participants or spectators.

b. Owners of commercial recreational property used for open air recreational activities may apply to the Chief of Police for a license to exceed the maximum permissible sound levels established at section 10-31(b).

c. The application for such license shall be in writing on such form as the Chief of Police requires. The application shall be filed at the Police Department between the hours of 8 a.m. and 4 p.m. Monday through Friday, legal holidays excepted, and shall be accompanied by a fee of Five Dollars (\$5.00). Each license shall be valid for the calendar year for which it is issued. Renewal licenses shall be processed in the same manner as initial applications for a license. Renewal applications for the upcoming calendar year may be submitted after November 30.

d. The Chief of Police may deny the application for a license in which case he shall set forth his reasons in writing to be mailed or otherwise delivered to the applicant within thirty days of the date of application. In the event that the Chief of Police grants the license, he shall include specific limitations on time, sound level and manner of sound reproduction as he deems appropriate. The Chief of Police shall not issue a license requiring a reduction of sound levels below levels that are otherwise allowed pursuant to section 10-31(b).

(4) Nonconforming use: The maximum permissible sound level that may be emitted from any lot containing a nonconforming use, i.e. a grandfathered use under the zoning ordinance, shall be the same as that permitted for the most restrictive zone in which the use would be conforming.

Sec. 10-32. Common activities subject to alternate limitations.

(a) Home Equipment and Powered Tools.

- (1) Powered tools and equipment and any powered tools used in lawn and garden maintenance for home use, excepting such tools and equipment used as part of a home occupation (which must comply with the standards below), are exempt except as set forth, below.
 - (2) When used inside a building/structure between the hours of 9:00 p.m. and 7:00 a.m., the sound levels generated by all such equipment shall not exceed the Maximum Sound Level for Residential Zones as set forth in section 10-31(b).
 - (3) No person shall operate any such equipment or tools outside of a building/ structure in any residential zoned area between the hours of 9 p.m. and 7 a.m.
 - (4) Sound levels generated by tools and equipment as part of a home occupation shall not exceed 50 dBA, as measured at the lot line.
- (b) Construction Activities and Equipment.
- (1) Commercial construction activities are subject to the alternate limitations at (b)(2), below, and are not subject to section 10-31(b) except as set forth herein. Such activities may only occur from 7:00 a.m. to 9:00 p.m. Monday through and including Saturdays, and on Sundays from Noon until 9:00 p.m. except as set forth below.
 - (2) Maximum Sound Levels. No person shall operate any equipment or appurtenances thereto in commercial construction, nor undertake activities, to erect, construct, demolish, excavate for, alter or repair any building or structure, which exceeds 85 dBA, when measured at 50 feet (15.2 meters) from the source. This standard shall not apply to trucks, pile drivers, pavement breakers, scrapers, concrete saws and rock drills.
 - (3) Night, weekend and legal holidays limitation. For purposes of this section, “legal holidays” means Christmas Day and Thanksgiving Day. Such activities are prohibited on legal holidays and outside of the days and times specified at section 10-32(b)(1) unless permitted in conformity herewith. A permit for out of hours commercial construction activities must be granted in advance by application to the Superintendent of Building and the Police Chief.
 - a. In granting such permit, the city shall consider whether:
 - i. the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities;

- ii. obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime;
 - iii. the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site;
 - iv. great economic hardship would occur if the work were spread over a longer time;
 - v. proposed night work is in the general public interest;
- b. In granting such permits the city may prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as it deems to be required in the public interest.
 - c. In no case may the noise level permitted exceed the Maximum Sound Levels for the Zoning District in which the work is occurring, except for reasons of emergency.
 - d. The equipment exempted in Section III.A. above are not exempted during these hours.
- (4) For purposes of this section, construction activities on a public road within a zone shall be considered as taking place on private property within that zone.
- (5) The adjustments to permissible sound levels established in section 10-31(c) apply to subsections (b)(2) and (b)(3) above.
- (6) All equipment used in commercial activities shall have sound control devices no less effective than those provided on the original equipment, and no equipment shall have an unmuffled exhaust.
- (7) All equipment used in commercial construction activities shall comply with all other pertinent standards of all state and federal agencies and regulations.
- (8) The provisions of this section shall not apply to construction equipment used in connection with emergency work, provided the city is notified within 12 hours after commencement of work.

Sec. 10-33. Disturbing, Excessive, Offensive Noises Which Constitute General Public Nuisance Noise Prohibitions; Prima Facie Violations.

- (a) The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, commotion or vibration upon any street, park or other premises open to the public; or upon any municipally owned property, whether open to the public or not; shall be unlawful. The ordinary and usual sound, noise or vibration incidental to the operation of these places when conducted in accordance with the limitations placed upon sound levels specified at section 10-30(b), or as may otherwise be permitted elsewhere under the terms of this ordinance, are exempted from this prohibition.
- (b) The use or operation of a radio, television, stereo, boom box, amplified musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors or passer-by is unlawful. Sound levels found to exceed the levels specified at section 10-31(b) when measured in accordance with section 10-33(e) shall be prima facie evidence of a violation of this section.
- (c) The use or operation of any of motorized dirt bike, motorcycle, all terrain vehicle or similar off road motorized device that produces sound in a manner that is plainly audible to any person other than the operator of the device, and those who are voluntarily participating in or witnessing the operation of the device, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by is unlawful. Sound levels found to exceed the levels specified at section 10-31(b) when measured in accordance with section 10-33(e) shall be prima facie evidence of a violation of this section.
- (d) This provision shall not apply to any participant in a licensed parade, or to any person who has been otherwise duly authorized by the city to engage in such conduct.
- (e) Enforcement of prima facie violations.
 - 1. The characteristics and conditions which should be considered in determining whether a prima facie violation of the provisions of this section exists should include, but not be limited to the following:
 - a. the level of the noise;
 - b. whether the nature of the noise is usual or unusual;
 - c. whether the origin of the noise is natural or unnatural;
 - d. the level of the ambient noise;
 - e. the proximity of the noise to sleeping facilities;

- f. the nature and zoning of the area from which the noise emanates and the area where it is received;
 - g. the time of day or night the noise occurs;
 - h. the duration of the noise; and
 - i. whether the noise is recurrent, intermittent, or constant.
2. Any peace officer who is authorized to enforce the provisions of this section and who encounters evidence of a prima facie violation of this section is empowered to confiscate and impound as evidence, any or all of the components creating, amplifying or transmitting the sound.

Sec. 10-34. Time for compliance.

Non-residential operations in existence prior to the date of adoption of this Ordinance shall be granted a three (3) month period within which to comply with provisions of this Ordinance. Any facility not in compliance by the end of such three (3) month period may apply for a temporary permit, as described in section 10-35. This Section shall apply only to non-residential facilities already in existence or for which work of improvement had commenced prior to the date this Ordinance went into effect.

Sec. 10-35. Temporary permits.

An applicant that qualifies as an existing non-residential facility under section 10-34 may request a temporary permit from the City Council. If the applicant can demonstrate that a diligent investigation of available noise abatement techniques indicates that compliance with the requirements of this Article would be impractical or unreasonable, the City Council may issue a permit to allow an exclusion from the provisions contained in all or part of this Article with appropriate conditions to minimize the public detriment caused by such exclusions. Such a permit shall expire at the end of the calendar year in which it is granted. A permittee that desires to renew the permit may apply to do so by filing with the City Clerk an application for renewal by November 30. Renewals are subject to the same standards and conditions as an initial application.

Sec. 10-36. Administration/Enforcement.

- (a) The Chief of Police, or his or her authorized designees, shall administer and enforce the provisions of this Article, except where expressly provided otherwise. All other officers and employees of the City shall assist and cooperate in the administration and enforcement of this Article. Notwithstanding the foregoing, for purposes of enforcement, sound level readings must be taken by personnel authorized to enforce this Article.

- (b) For purposes of enforcing the terms of this ordinance, when sound levels are required to be measured, measurements shall be performed using a device that meets or exceeds the accuracy of plus or minus 2dB at 114 dB SPL as measured on the dBa scale and which has a measured range which includes 50dB to 126 dB.
- (c) First time violators will be warned and required to cease the violation. Subsequent violations of the provisions of this Article shall be punished by non-criminal disposition as provided in Chapter 1, section 1-9.1 and enjoined pursuant to Chapter 1, section 1-9.
- D. That Chapter 1, Section 1-9.1 of the Code of Ordinances be and is hereby amended by deleting the reference to section 10-15 as contained therein and adding at section 109.1 the following:

10-31, 10-32, 10-33	Noise	\$25.00
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