

SECTION 10 DEFINITIONS

For the purposes of this ordinance, certain terms and words are herein defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not directory; the word "may" is discretionary; the word "lot" includes the word "plot"; the word "land" includes the words "marsh" and "water".

Accessory Building or Use: A use, or detached building, which is located on the same lot with the main building or use and which is subordinate and customarily incidental to the use of the main building or the land.

Adult day care facility, large: A "Social Day Care (SDC) Program" or "Adult Day Health" Program as those terms are defined by the Commonwealth's Executive Office of Elder Affairs (EOEA), serving more than ten persons.

Adult day care facility, small: A "Social Day Care (SDC) Program" or "Adult Day Health" Program as those terms are defined by the Commonwealth's Executive Office of Elder Affairs (EOEA), serving not more than ten persons.

Adult Entertainment Establishments: Shall include and be defined as:

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct

or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws.

Airport Related Uses: A use or activity (excluding "park and fly facilities", "ride/park and fly facilities", "airport related employee parking", or "storage of vehicles for hire or return vehicles for hire") whose purpose or function is primarily or partially dependent on location and/or access to the operations of an airport and whose functions are necessary for the daily operations and economic viability of a full service commercial airport.

Animal Hospital or Veterinary Facility: Commercial medical facilities for keeping animals to be treated, in treatment or recovering from treatment, in accord with normal veterinary practice as established by the Massachusetts Board of Registration and Veterinary Medicine.

Apartment Building: A dwelling designed to accommodate four (4) or more dwelling units.

Attached Dwelling: A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Attached dwellings are also referred to as townhouses, townhouse dwellings or row houses.

Bed and Breakfast: The providing of room and breakfast in a dwelling to not more than three (3) transient guests for remuneration. There shall be no more than two (2) persons per room. There shall be adequate off-street parking for residents and guests.

Boarding House: A building or premises, other than a hotel, inn, motel, tourist house or lodging house, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to transient guests, in contrast to hotels, restaurants, and tourist homes, open to transients.

Building: A combination of any materials whether portable or fixed having a roof, to form a structure for the shelter of persons, animals or property.

Building Coverage: The aggregate ground floor area of all buildings on the lot, including accessory buildings but excluding unroofed terraces and steps and cornices, eaves or gutters projecting not more than thirty (30) inches, expressed as a percentage of the lot area.

Building Height: For the purpose of this ordinance, the height of any building shall be the vertical distance from the mean finished grade of the building to the highest point of the top story (in the case of a flat roof) or to the mean distance between the plate and the ridge (in the case of a pitched roof). (See Section 4.3.10 for special permits from height regulations.)

Building Lot: (See "Lot")

Child Care Facility: A day care center or school age child care program, as those terms are defined in G.L. c. 28A, s. 9.

Club: A building or portion thereof or an area which is used to meet the social and recreational needs of a nonprofit group or organization to which membership is to which membership is required, with or without the sale of alcoholic beverages.

Commercial recreation, indoors: Theaters, concert halls, and cinemas, where noise is confined to the building, and there is no adult entertainment. Such building shall be located not less than fifty (50) feet from property used or zoned for residential purposes.

Community Residence: A nonprofit group living arrangement for individuals who cannot easily maintain or occupy their own housing, financially or otherwise, but who do not need nursing home or other institutional care. The individuals living

together may care for themselves or have some support services. See also Shared Elderly Housing. There shall be no more than six (6) persons per residence. There shall be no more than two (2) persons per bedroom.

Condominium: A system of real estate ownership in which a person or persons, partnership or corporation own one or more units or parcels in a multiunit structure or parcel of land plus an undivided interest in elements and/or components owned jointly by all of the unit or parcel owners, or as defined in Chapter 183A of the General Laws.

Congregate Housing: A shared residential living environment for six or more people which integrates shelter and service needs of functionally impaired and/or socially isolated older persons (age 50 or older) who are otherwise in good health and can maintain a semi-independent life style and who do not require constant supervision or intensive health care as provided by an institution. Each resident has his/her own bedroom (or may share a bedroom) and may have a separate living room, kitchen, dining area, or bathroom, and may share living, dining, and bathroom facilities with other older persons, such as in a common dining facility.

Conversion: A transformation of all or a portion of a building which results in a greater number of units of each use.

Cooperative: A system of ownership in which shares in a corporation are owned, entitling an owner or owners to occupancy of a portion of real estate owned by the corporation.

Corner Lot: A lot located at the intersection of two or more streets or ways having an angle of intersection of not more than 135 degrees.

Courier Services: Establishments primarily engaged in the delivery of individually addressed letters, parcels, and packages (generally under 100 pounds), except by means of air transportation. Delivery is usually made by street or highway within a local area or between cities.

Design Review: The process wherein a developer's site plan is submitted to the City for examination and evaluation of the technical elements of the submitted materials as well as determination of how well the plan itself meets officially adopted criteria.

Detached Dwelling: A building which is designed or occupied as a single family residence on its own lot and is separated by side and rear yards from any other structure or structures, except accessory buildings.

Distribution: The movement of products, generally between storage and retail locations.

Docks, Commercial: That area of a wharf, or pier, which is used in connection with some type of waterborne commercial activity.

Duplex House: A house containing two dwellings adjoining side by side; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex house shall be considered as one principal building occupying one lot for the purpose of determining yard requirements. The term duplex house is synonymous with the term semidetached dwelling.

Dwelling: Any building, or part thereof, used for habitation for one (1) or more persons, but not including commercial accommodations for transient occupancy or trailers or mobile homes, however mounted.

Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) family.

Educational use, nonexempt: A facility providing educational services, such as a dance studio or a martial arts classroom, but not exempt pursuant to G.L. c. 40A, s. 3.

Everett Avenue Urban Renewal Area: The Everett Avenue Urban

Renewal Plan prepared in accordance with M.G.L. c.121B and adopted by the Chelsea City Council, March 23, 1998, as delineated on the Zoning Map, and amended from time to time, is fully incorporated into this ordinance.

Family: Any number of related individuals living together in one (1) dwelling unit as a single housekeeping unit as distinguished from a group occupancy, a lodging house, rooming house, club, hotel or other communal arrangements; provided, however, that not more than four (4) unrelated persons may constitute a family for the purposes of this ordinance.

Family day care home, large: Any private residence operating a facility as defined in G.L. c. 28A, s. 9.

Family day care home, small: Any private residence operating a facility as defined in G.L. c. 28A, s. 9.

Fishing pier: Shall not include the processing of fish.

Floor Area: The sum of the interior floor area of the floors of a building exclusive of basements, stair wells, halls, bathrooms, corridors, attics, walls, partitions, porches, and attached accessory buildings, as measured between exterior faces of walls.

Floor Area Ratio: Gross floor area of all buildings on the lot divided by total lot area.

Floor/Story: (See "Story")

Freight Forwarding Terminal: A structure or area where freight brought by truck or rail is stored for routing and reshipment.

Frontage: The linear extent of a lot measured along a city accepted street or public or private way from the intersection of one side lot line to the intersection of the other of the same lot, which can be used for access to the lot but not including any portion thereof devoted to a right of way or a

driveway serving more than one (1) lot or dwelling.

G.L.: Reference to the General Laws of the Commonwealth.

Garage, Private: Covered space for the housing of motor vehicles, including a space accessory to a dwelling unit used by the resident thereof, but not for the rental of more than two (2) stalls or for commercial repair or commercial storage.

Garage, Public: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, but not to include the dispensing of gasoline or oil to motor vehicles.

General service establishment: Establishments for trades and crafts which require manual dexterity, including but not limited to shops such as the following: plumbers, electricians, painters, paperhangers, upholsterers, sign painters, printers and monument works.

Gross Floor Area: The sum in square feet, of the gross horizontal areas of all the floors of a principal building, and its accessory buildings on the same lot, including basements and cellars, as measured from the exterior faces of the exterior walls, or centerlines of walls separating two buildings, including:

1. elevator shafts and stairwells on each floor;
2. attic space with a structural headroom of seven feet or more, except as hereafter excluded;
3. interior mezzanines, and penthouses;
4. basement and cellar areas not devoted exclusively to uses accessory to the operation of the building;

5. all weather covered habitable porches and balconies;

but excluding:

1. areas used for parking garages, accessory parking, or offstreet loading purposes;

2. basement and cellar areas devoted exclusively to uses accessory to the operation of the building;

3. open or lattice enclosed exterior fire escapes;

4. attic space and other areas for elevator machinery or mechanical equipment accessory to the building;

5. open porches and balconies.

Areas excluded from gross floor area are still subject to all dimensional requirements, including minimum yard setbacks and maximum building coverage.

Hazardous Materials: A substance or solid material in a quantity or form that significantly contributes to serious illness or death, or that poses a substantial threat to human health or poses an unreasonable risk to health, safety, property or the environment when improperly managed, including all materials listed as hazardous by the Environmental Protection Agency, under the Toxic Substance Control Act, Federal Resource Conservation and Recovery Act or similar authority, the Department of Energy or by the Commonwealth of Massachusetts pursuant to applicable General Laws.

Height: (See "Building Height".)

Home Occupation: An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use. In connection with such use, there shall be no retail sale of merchandise on the

premises. Home occupations shall not include barber shops, commercial stables or kennels, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time.

Hotel/Motel - A hotel, inn or motel is a building designed or used for six (6) or more paying guests, primarily the temporary abode of persons who have their residence elsewhere, who are lodged with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suite.

Hotel/Motel - Extended Stay Lodging: A hotel, motel, or guest quarters containing a minimum of fifty (50) guest units intended primarily for rental to transient guests, who have a primary domicile elsewhere, by the day, week or longer and which may contain kitchenette facilities. A kitchenette facility may include a refrigerator, two burner stove, microwave oven, dishwasher and sink but may not include a conventional oven.

Industrial Park: An area planned for occupancy for more than one (1) industrial establishment with shared common areas.

Junk Yard/Facility: an area or structure used for the storage and/or sale of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris; waste, junked, dismantled or wrecked automobiles, or parts thereof; iron steel, and other old or scrap ferrous or nonferrous materials; and any item that contains a hazardous material as defined by the Massachusetts Department of Environmental Protection (DEP).

Kennel: Facilities for keeping three (3) or more animals three (3) months old or older on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where animals are customarily kept for sale.

Kindergarten: A school or class of young children, usually from four (4) to six (6) years of age.

Landscaped Area: Land fully developed and maintained to present a pleasant appearance and to stabilize the soil, using primarily vegetation and natural features of the site, although these may also be supplemented by decorative paving.

Light industry or light manufacturing: Includes the following (with related offices), provided that such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials, except for the uses operating under a license granted under the authority of Chapter 148 of the Massachusetts General Laws as of the date of this ordinance:

- a. Assembly of previously prepared or manufactured parts;
- b. Laboratory or research establishments;
- c. Machine shops or other metal working;
- d. Printing and graphic arts establishments;
- e. Manufacture, compounding, processing, packaging, stamping or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries and food products, and wood, but not including the rendering of fats or oils.

Loading Space, Offstreet: An offstreet space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street or other appropriate means of ingress and egress.

Lodging House, Licensed: Any dwelling other than a hotel or motel, inn, or tourist home in which living space is let to four (4) or more persons.

Logistics Center: A business that contracts with third parties

to perform shipping and storage. The majority of items shipped shall be routed from off-site location to off-site location without being stored on-site.

Lot: An area or parcel of land or any part thereof in individual, joint, or common ownership, or in ownership by the entirety, which is designated on a plan as a separate lot and which has boundaries identical with those on a plan recorded in the Suffolk County Registry of Deeds.

Lot Coverage: The building footprint area expressed as a percent of the total lot area.

Lot Width: The shortest distance between the side lot lines of the lot measured at the minimum set back line.

Major Commercial Project: Any nonresidential development or use (a) having 25,000 sq. ft. of gross floor area; or (b) generating more than 500 vehicle trips per day, as calculated using the most recent ITE Manual, or (c) requiring more than 100 parking spaces by the terms of Section 5.1, herein.

Manufacturing: Fabrication of raw materials or assembly of parts or materials fabricated offsite.

Manufacturing - Bio-tech: The use of living organisms, parts of organisms, or the products of organisms to develop microorganisms for specific uses.

Marina: A waterfront commercial activity whose primary purpose is the seasonal or year round rental of berthing space for pleasure craft. Accessory uses include boat repair facilities, boat launching equipment, a fueling station, the sale of nautical equipment, and administrative space.

Materials Recovery Facility (MRF): Reserved: an area in conjunction with a structure/building designed to receive and process materials such as wood, paper, metals, or plastics for

the purpose of recycling said materials into usable products and/or materials for resale to industry and commerce; it shall not be construed that an MRF can be utilized for the production of energy for either public or private purposes.

Medical Center: An institution providing varied medical services, including but not limited to ambulatory care, routine medical visits, surgical care, physical rehabilitation, or mental health services, on an out-patient basis. "Hospitals" and "Substance Abuse Treatment Centers" are specifically excluded from this definition. A) Adjacent properties are adequately protected from noise odors and unsightly appearances. B) The hours of operation will not negatively impact surrounding areas in terms of traffic flow, nor create increases in traffic volume in the evening hours.

Mobile Home: Any vehicle or object, which is drawn by or used in connection with a motor vehicle, and which is so designed and constructed or reconstructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundations. It shall include the type of vehicle or modular construction commonly known as a mobile home, containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Motel: (See "Hotel".)

Motor Freight Terminal: (See "Freight Forwarding Terminal".)

Motor vehicles parts stores: Retail sales of parts, including accessory repairs conducted within a completely enclosed structure.

Motor vehicle service Station: Structures or lots used primarily for the retail sale of gasoline or oil, the sale and installation of tires and other automobile accessories, garages and bays for maintenance of motor vehicles; but excluding car washes and places of business which engage primarily in motor

vehicle repair work requiring a license, auto body work, auto body spraying, and painting of motor vehicles.

Motor vehicle repair, sales, filling station, storage: See Garage, Private, Garage, Public and Gasoline Station.

Multifamily: (See "Apartment Building".)

Municipal: Facility operated by the City of Chelsea.

Municipal education building being rehabilitated or converted: Conversion from such use to a nonmunicipal use shall mean for any use, by right, special permit or site plan approval, as allowed in the underlying zoning; and professional, business and governmental offices; research, development of software, and other development operations including related business office; medical offices; and light industrial establishments and residential dwellings containing three (3) or more units.

Noncommercial Research Facility: Non commercial research facilities shall include laboratories and other research facilities or educational institutions which supply services for a fee to persons other than enrolled students. No manufacturing associated with noncommercial research facility shall be located within the Business Industrial or Light Industrial District.

Nonconforming Lot: Any lot which does not conform to the regulations for the District in which it is located; provided that such lot was in existence and lawful at the time of publication of the first notice of the public hearing before the City Council or Planning Board respecting the regulation to which it does not conform.

Nonconforming Structure: Any structure which does not conform to dimensional regulations or to the parking and loading requirements of this ordinance for the district in which it is located; provided that such structure was in existence and lawful at the time of the publication of the first notice of the public hearing before the City Council or Planning Board

respecting the regulation to which it does not conform.

Nonconforming Use: Any use of land or building which does not conform to the regulations for the district in which it is located; provided that such use was in existence and lawful at the time of publication of the first notice of the public hearing before the City Council or Planning Board respecting the regulation to which it does not conform.

Nursery School: A place for group preschool training of children.

Office Park: An area planned for occupancy of more than one (1) office establishment with shared common areas.

Park and Ride, Park and Fly, or similar term: A facility for storage of vehicles for rent or for transient parking of vehicles for driver and/or passenger transfer to another vehicle or mode of transportation.

Parking Space: A space inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

Parking Area, Community: A parking area or facility which serves uses within more than one building or on more than one lot.

Parking Area or Facility: A building, structure, lot or part thereof where offstreet parking spaces and waiting areas are provided including a Park and Ride, Park and Fly facility.

Personal service establishment: Personal services provided by a barber or beauty shop, professional, business or governmental office, bank; repair and maintenance of clothing and household articles by a cleaning or laundry agency or automatic equipment; cobbler, tailor, valet service; radio, television and appliance repairs; upholsterer.

Principal Use: The main or primary purpose for which a

structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this ordinance.

Residential Care Facility: A facility consisting of independent and semi-independent dwelling units, each occupied by not more than two (2) residents per dwelling unit, at least one (1) of whom is fifty five (55) years of age or older; said facility shall have available onsite passive and active recreational facilities, supervised and unsupervised activities, housekeeping assistance, and fulltime medical personnel to provide medical services, including, but not limited to, dietary and nutritional assistance and nursing care.

Restaurant: An establishment, other than a fast food restaurant, where the principal activity is the service or sale of prepared food or drink for on premises or off premises consumption. Restaurants shall not include facilities providing adult entertainment.

Restaurant, fast-food: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten either inside or outside the premises where it is sold.

Retail: A business which supplies commodities but not including exterior sales or services, drive-in or window services or the provision of any amusement, live or mechanical, except music or as incidental to the operations of a permitted church, school, club or similar non-profit institution or educational use.

River or Stream, Bank of: Rising ground bordering a flowing body of water.

Row House: (See "Attached Dwelling".)

Screen: Shield from view in the manner described herein.

Shared Elderly Housing: A dwelling unit shared by six (6) or fewer residents, whether or not related to one another, each of whom is fifty five (55) years of age or older.

Shopping Center: An area planned for occupancy by more than one (1) retail establishment with shared common facilities.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right of way and used to attract attention.

Site Plan, Minor: An application for permits to build, alter or expand any building, structure or use in any district where such construction (1) will not exceed a total gross floor area of 8,000 square feet and (2) will not generate the need for more than 25 parking spaces shall be deemed a "minor site plan." For the purposes of computing the total gross floor area or parking spaces, all such applications made within the five (5) previous calendar years shall be considered in the aggregate.

Site Plan, Major: Any application for permits to build, alter or expand any building, structure or use in any district where such construction will exceed the standards for a minor site plan.

Storage: The deposit and care of materials in a warehouse or otherwise for safekeeping and/or ultimate distribution.

Storage, bulk: The storage of raw materials, including fuel.

Story: that part of a building or structure between any floor and the floor or roof above. For the Purpose of this ordinance, where a building or structure is not divided into stories, a story shall be considered to be up to twelve feet (12) in height. In no instance shall any cellar, basement or parking

area that has more than half of its clear height below the average finished elevation of the finished lot grade, be considered a story. Further, steeples, penthouses, and other projections used or intended to be used exclusively for utility service or access to the roof shall not be deemed a story.

Stream, Bank of: (See "River, Bank of".)

Street: A right of way which has been dedicated or intended for public travel, or private way offering the principal means of access to abutting properties.

Street Line: The dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts.

Structure: Any construction, erection, assemblage or other combination of materials upon the land, necessitating pilings, footings or a foundation for attachment to the land to give support or shelter such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, fence of more than six feet in height, platform, swimming pool or the like. See Temporary Structure.

Substance Abuse Treatment Center: A facility providing substance abuse treatment services, including but not limited to counseling services, therapy sessions and/or the dispensing of medication to treat substance abuse. A) Adjacent properties are adequately protected from noise, odors and unsightly appearances. B) The hours of operation will not negatively impact surrounding areas in terms of traffic flow, nor create increases in traffic volume during peak periods in surrounding areas. C) Such facilities are located not less than one thousand (1,000) feet from properties used for public or private kindergartens, elementary schools, or secondary schools, unless the Substance Abuse Treatment Center is located within an existing medical center.

Swimming Pool: An artificial pool of water or a natural pool with a depth of two (2) feet or more at any point or seventy

five (75) or more square feet of surface and used for swimming or bathing, located indoors or outdoors, together with the equipment, and appurtenances used in connection with the pool.

Temporary Structure: A structure which is erected for not more than a year. Such structures shall include tents, portable bandstands, bleachers, reviewing stands, a mobile home used in conjunction with construction activities or other structures of similar character. Such structures are deemed accessory uses permitted by special permits through special permit granting authority action in accordance with Section 9.3.

Tourist Home: (See "Hotel".)

Town House: (See "Attached Dwelling".)

Trade or Craft Shop: Facility serving a plumber, electrician, carpenter, including accessory office space, but not including a storage area or staging area for construction companies.

Trailer: Any vehicle or object which is drawn by a motor vehicle.

Truck Terminal: Any premises where the principal use is the outdoor or indoor storage, service, maintenance or repair of truck, bus, van, automobile or other motor vehicle fleets.

Veterinary: (See "Animal Hospital".)

Warehouse: A structure designed or used for the storage of goods.

Wholesale: The sale of goods in large quantity for the purpose of resale and completely enclosed in a building. Such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials, except for those uses operating under a license granted under the authority of Chapter 148 of the Massachusetts General Laws on or before June 16, 1986.

Yard: An open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and a lot line, and is not occupied or obstructed from the ground upward by a building or a structure, except for fences.

Yard, Front: A yard extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of a front yard shall be the minimum distance between the building and front lot line.

Yard, Rear: A yard extending across the full width of the lot and lying between the building and the rear lot line.

Yard, Side: A yard between the side lot line of the lot and the nearest line of the building, and 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. The width of a side yard shall be the minimum distance between the building and the side lot line.

Zoning Enforcement Officer: the person appointed under applicable City or State law who shall be duly charged with the enforcement of this ordinance.