

## **ARTICLE 23-2** **DEFINITIONS**

### **SECTION 2.1 GENERALLY**

The following rules of construction apply to the text of this ordinance.

The present tense includes the future tense, the singular number includes the plural, the plural number includes the singular and the word "or" includes the word "and" unless the context clearly indicates the contrary.

The word "shall" is mandatory; the word "may" is permissive.

The word "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied".

If the context indicates that the word "or" does not include the word "and" where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:

- A. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
- B. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- C. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

The word "includes" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like, kind or character.

### **SECTION 2.2 GLOSSARY**

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

Access/Curb Cuts. A way or means of approach to provide vehicular entrance or exit to a property from a public street. **[Added 6-28-2005 by Ord. No. 958]**

Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.<sup>1</sup> **[Added 6-28-2005 by Ord. No. 958]**

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<sup>1</sup> Editor's Note: The former definition of "accessory apartment," added 10-28-2008 by Ord. No. 1021, which immediately followed this definition, was repealed 4-13-2021 by Ord. No. 1237.

Accessory dwelling unit. An additional dwelling unit added on a lot that is accessory to a principal dwelling unit. The accessory dwelling unit shall be no more than half of the total gross floor area of the principal dwelling or 900 square feet, whichever is smaller. An ADU can be attached or detached from the principal structure. **[Added 4-13-2021 by Ord. No. 1237; amended 2-11-2025 by Ord. No. 1315]**

Accessory Ground-Mounted Solar Energy Installation. A solar energy installation that primarily supports on-site energy needs that is mounted on the ground, either directly or on supports which do not constitute a building under the Building Code. **[Added 2-13-2024 by Ord. No. 1274]**

Accessory Use. A use of a lot that is secondary or supportive of the principal use. **[Added 3-12-2019 by Ord. No. 1214]**

Adult Bookstore. A business having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, pictures and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31. **[Added 10-26-2004 by Ord. No. 936]**

Adult Entertainment Establishment. For the purpose of this ordinance, Adult Book Store, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theatres, and Adult Live Entertainment Establishments shall be commonly referred to as Adult Entertainment Establishments. **[Added 10-26-2004 by Ord. No. 936]**

Adult Live Entertainment Establishment. Any establishment, including but not limited to a nightclub, bar, restaurant, tavern, dance hall, stage or other performance venue, which displays live entertainment, including but not limited to persons or entertainers appearing in a state of nudity or other live performance distinguished by an emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Massachusetts General Law Chapter 272, Section 31. **[Added 10-26-2004 by Ord. No. 936]**

Adult Motion Picture Theater. An enclosure or building, or any portion thereof, used for presenting visual media material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Massachusetts General Law Chapter 272, Section 31. **[Added 10-26-2004 by Ord. No. 936]**

Adult Paraphernalia Store. A business having as a substantial or significant portion of its stock in devices, objects, tools, toys or electronic media which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31. **[Added 10-26-2004 by Ord. No. 936]**

Adult Video Store. A business having a substantial or significant portion of its stock in trade (for sale or rent) motion pictures, films, video cassettes, DVDs and other film material or similar audio/visual media and electronic media which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31. **[Added 10-26-2004 by Ord. No. 936]**

Affordable Units. As defined in the latest regulations of the United States Department of Housing and Urban Development. **[Added 10-28-2008 by Ord. No. 1021]**

ANSI. American National Standards Institute. [Added 2-13-2024 by Ord. No. 1274]

Applicant. Applicant shall include an owner, or his agent or representative, or his assigns.

Artist and/or Creative Services Live/Work Units. Commercial artist space used, or designed to be used, by artists or craftspeople, including those in the creative service sector, to create works of art or crafts, and which is also used by such artists or craftspeople to reside in. Such residency shall be limited to one (1) family per dwelling unit. Works of art or craft shall mean items that are created primarily for purposes of aesthetic enjoyment, and not solely for practical purpose, including but not necessarily limited to paintings, drawings, lithographs, and other representations; photographs, film, video, prints and other visual and electronic media; textiles and costumes; jewelry; pottery; art objects made of glass, precious and semi-precious metals, stones and the like; lighting used for artistic purposes; gallery and exhibit space; performance arts including dance, music and theater including writing, lessons, practice, rehearsal and actual performances whether live audiences, taped or filmed. [Added 10-28-2008 by Ord. No. 1021]

Assisted Living Residence. A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance. Dwelling units in Assisted Living Residences shall not be considered to be Multi-Family or Garden Apartment Units. (ORD. #791, 1995)

Animal Shelter. A free standing building(s) owned and operated by a non-profit, tax exempt entity or a governmental agency, exclusively for the housing, care and adoption to the public of unwanted or homeless animals and for educational purposes associated therewith and to prevent the cruelty to and alleviate the pain and suffering of all. (ORD. #861 – 1999)

Auto Service Station. Any area of land, including structures thereon, which is used or designed to be used to supply motor vehicles with gasoline, oil, grease, and customary accessories and may include facilities for lubrication, washing, polishing, and minor repairs.

Battery(ies). A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy mechanically or electrochemically. For the purposes of this article, batteries utilized in consumer products are excluded from these requirements. [Added 2-13-2024 by Ord. No. 1274]

Battery Energy Storage System. One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. For the purposes of this ordinance, a battery energy storage system is classified as a residential-scale, small-scale, or commercial/industrial-scale battery energy storage system as follows: [Added 2-13-2024 by Ord. No. 1274]

- A. Residential-scale battery energy storage systems have an aggregate energy capacity less than or equal to 30 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Small-scale battery energy storage systems have an aggregate energy capacity greater than 30

kWh to 10 megawatt-hours (MWh).

- C. Commercial/Industrial-scale battery energy storage systems have an aggregate energy capacity greater than 10 MWh.

Such systems are equipped with cooling, ventilation, fire suppression and an electronic battery management system. It may be a primary use or an accessory use to a solar energy facility, power generation facility, an electrical substation or other similar renewable energy uses, or to a residence or business. Battery energy storage systems/facilities shall not constitute a public utility for the purposes of this ordinance and in accordance with Section 9-5.

Battery Energy Storage System Facility(ies). A dedicated-use building that houses battery energy storage systems. [Added 2-13-2024 by Ord. No. 1274]

Bed-and-Breakfast Home; Tourist Home. An owner-occupied residential dwelling designed to provide the rental of rooms to transient guests. [Added 5-27-2003 by Ord. No. 913]

Billboard. A sign unrelated to a business or profession conducted, to a service offered, or to a commodity sold upon the premises where such sign is located.

Block. Land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shoreline, or any other barrier to the continuity of development.

Building. Any structures having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any person, process, equipment, or goods.

Building Code. The Massachusetts State Building Code as currently in effect and as hereafter amended from time to time. [Added 2-13-2024 by Ord. No. 1274]

Building Height. (See Plate 1 and Plate 2) The vertical distance as measured from the average finished grade at its intersection with the front wall of the building to the:

- A. Top of the coping or overhang of a flat-roofed or deck-roofed building; or
- B. Point half-way between the intersection of the top of the eave and the exterior wall and the top or ridge line of the roof of a gable or hipped roof, except that when the roof slope is greater than a ratio of twelve (12) feet vertical to twelve (12) feet horizontal, the measurements shall be taken at a point two thirds of the way up; or
- C. Point half way up between the intersection of the lower slope with the upper slope, and the ridge or top of the upper slope of a mansard or a gambrel roof; or
- D. Point two thirds of the distance up between the top of the eave and the top of a French roof; or
- E. Point two thirds of the distance up between the eave and the ridge or top of the A-frame roof.

Building Inspector. Any duly appointed official of the City of Pittsfield charged with enforcement of the

Zoning Ordinance.

Building, Principal. A building in which is conducted the principal use of the lot.

Building-Mounted Solar Energy Installation. A solar energy installation that is permanently affixed to a building, as defined by the Building Code. This definition is inclusive of canopy structures. **[Added 2-13-2024 by Ord. No. 1274]**

Canopy Structure. An overhead roof or else a structure over which a fabric or metal covering is attached, able to provide shade or shelter from weather conditions such as sun, hail, snow and rain. **[Added 2-13-2024 by Ord. No. 1274]**

Cell. The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy. **[Added 2-13-2024 by Ord. No. 1274]**

Club or Lodge. A building or land used for the activities of a private club or social organization and not an adjunct to or operated as or in connection with a public tavern, cafe, or other place open to the public.

Commissioning. A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements. **[Added 2-13-2024 by Ord. No. 1274]**

Co-working space. A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including, but not limited to, dedicated work-stations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other as part of a community. Rules for membership and participation in the co-working space are explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members. **[Added 4-13-2021 by Ord. No. 1237]**

Creative Services. Specialized industries rooted in professional creativity and the generation of wealth through the intellectual property of individual skill and talent. Examples include, but are not limited to, architectural, engineering, interior, or landscaping design; software and graphics design; advertising and public relations; electronic commerce businesses; and film, video and multi-media. **[Added 10-28-2008 by Ord. No. 1021]**

Day Care Services. This shall include the services of any institution or place whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, or preschool, or under any other name, except a Sunday School conducted by a church or a summer recreation camp, which received for temporary custody, with or without stated educational purposes, during part or all of the day apart from their parents, three or more children under seven years of age and not of common parentage. The term "day care services for children" shall not include: (1) services of kindergartens or nursery schools operating as part of organized educational systems; (2) services of kindergartens or nursery schools operated by a state agency; and (3) family day care home as defined in Chapter 28A of the M.G.L. **(ORD #425-1982)**

Decibel. A unit of intensity of sound (the sound pressure level).

Decommissioning. A systematic process that provides a narrative and plan for the removal/proper disposal and reclamation of a battery energy storage system, and its site, at the end of its useful life and/or as the result of damage by fire or other emergent event. **[Added 2-13-2024 by Ord. No. 1274]**

Dedicated-Use Building. A building that is built for the primary intention of housing small-scale or commercial/industrial scale battery energy storage systems and/or facilities and supporting equipment. Garages are not considered dedicated-use buildings. Any dedicated-use building built to house small-scale or commercial/industrial-scale BESS shall comply with the following: **[Added 2-13-2024 by Ord. No. 1274]**

- A. The building's only use is battery energy storage, energy generation, and other electrical grid and/or other renewable energy source storage such as solar-related operations.
- B. No other occupancy types are permitted in the building.
- C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- D. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following:
  - (1) The areas do not occupy more than 10% of the building area of the story in which they are located.
  - (2) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Development, or Develop. The construction of a new building or other structure on a lot or conversion of a building or structure for a new use; the relocation of an existing building or structure on another lot; the use of a tract of land for a new use; or the subdivision of a tract of land into two or more lots.

Dwelling Types.

- A. One-Family  
A detached residential dwelling unit other than a mobile home designed for and occupied by one family only.
- B. Two-Family  
A detached residential building containing two dwelling units designed for occupancy by not more than two families.
- C. Three-Family  
A detached residential building containing three dwelling units designed for occupancy by not more than three families. **[Added 2-11-2020 by Ord. No. 1221<sup>2</sup>]**

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<sup>2</sup> Editor's Note: This ordinance also redesignated former Subsections C through E as Subsections D through F,

D. Multi-Family

A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

E. Garden Apartments

A group of multi-family dwellings on a single lot, designed for rental of the individual dwelling units, or for sale as condominiums or co-operative units having common open space, and designed in accordance with the special requirements of such dwellings as set forth in this ordinance.

F. Town House. A dwelling unit in a row of at least three (3) such units, in which each unit has its own front and rear exposure to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common vertical fire-resistant walls. **[Amended 10-28-2008 by Ord. No. 1021]**

Dwelling Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment, for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Dwelling Unit, Gross Floor Area. Gross floor area shall encompass all rooms including kitchen, bathrooms, closets, hallways and space occupied by interior partitions within the dwelling unit.

Earth Materials. For the purpose of this ordinance, earth materials shall include sand, gravel, stone, clay or soil.

Electric Vehicle (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current. **[Added 2-13-2024 by Ord. No. 1274]**

Electric Vehicle (EV) Charging Station. An electric vehicle charging station is equipment that connects an electric vehicle (EV) to a source of electricity to recharge electric cars, electric vehicles and plug-in hybrids. Charging stations are also called electric vehicle supply equipment (EVSE). **[Added 2-13-2024 by Ord. No. 1274]**

Electric Vehicle Supply Equipment (EVSE).<sup>3</sup> The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between premises wiring and the electric vehicle. **[Added 2-13-2024 by Ord. No. 1274]**

Energy Code. The Massachusetts State Energy Code or Stretch Energy Code as currently in effect and as hereafter amended from time to time. **[Added 2-13-2024 by Ord. No. 1274]**

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respectively.

<sup>3</sup> These are also more commonly referred to as “EV charging stations,” “electric recharging points,” or simply “charging points.”

Facilities. See “Battery Energy Storage System Facility(ies).” **[Added 2-13-2024 by Ord. No. 1274]**

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over eight persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Fire Code. The Massachusetts State Fire Code as currently in effect and as hereafter amended from time to time. **[Added 2-13-2024 by Ord. No. 1274]**

Flammable or Explosive Materials. Materials that produce flammable or explosive gasses or vapors under ordinary temperature conditions, including liquids with closed cup flash point of less than one hundred five (105) degrees Fahrenheit.

Flywheel Mechanical Batteries. A flywheel has a dual-function electric motor to store and generate energy. It uses electricity to spin the flywheel so that it is storing kinetic energy, and the faster it spins, the more energy it stores. **[Added 2-13-2024 by Ord. No. 1274]**

Forest Cutting Plan. Refers to MGL Chapter 132 and the Forest Cutting Practices Act, 304 CMR 11.00. **[Added 2-13-2024 by Ord. No. 1274]**

Frontage type. Frontage types govern the building placement on the lot, the height, setbacks, facade elements, and placement of on-site parking. **[Added 4-13-2021 by Ord. No. 1237]**

Governmental Archives. A structure built for the keeping of Federal, State, County or Local records, historical documents, artifacts or other related equipment. **(Ord #712-1992)**

Group Home. For the purpose of this ordinance, a group home is defined as any building or structure solely used or occupied for the purpose of providing group or family living and other associated or related educational experiences, and shall be licensed by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic, or operated by a profit or non-profit educational corporation. Group homes shall not apply to hospitals or sanatorium type of facilities, or to the rental of dwelling units in a multi-family (apartment) building by a licensed provider or individual to house 4 or less people **(Ord #489-1984)**

Hospice House. A hospice house or inpatient hospice facility means a facility that provides palliative care, supportive care and other services to terminally ill patients with a limited life expectancy and to their families. A hospice house shall be owned and operated by a hospice program licensed by the Commonwealth of Massachusetts Department of Public Health pursuant to M.G.L. c. 111, § 57D and 105 CMR 141.000. **[Added 8-14-2007 by Ord. No. 1000]**

Hospital or Sanatorium. Any hospital, clinic, sanatorium, infirmary, convalescent homes, rest home or establishment, public or private, licensed by or under the supervision of the Massachusetts Department of Public Health or the Massachusetts Department of Mental Health and any support or allied administrative or medical service use accessory to such principal use, whether in the same or separate buildings or on the same or separate lots including, ambulatory surgery, rehabilitation, radiological or optometric facilities, doctor's offices, medical office building, laboratories, pharmacies, wellness facilities, housing

for medical personnel or medical students, employee child care, parking facilities and facilities for the sale or lease of pharmaceutical, medical and orthopedic supplies **(ORD #647-1989)**

Institutional Use. For the purpose of this ordinance, institutional uses shall include only churches, temples or synagogues, sanatoriums, hospitals, charitable welfare or health care centers, libraries, schools, nursing homes, orphanages, convents, monasteries or other like religious uses **(ORD #489-1984)**

Iron-Air Batteries. The basic principle of operation is reversible rusting. While discharging, the battery breathes in oxygen from the air and converts iron metal to rust. While charging, the application of an electrical current converts the rust back to iron and the battery breathes out oxygen. **[Added 2-13-2024 by Ord. No. 1274]**

Lithium-Ion Batteries. A battery that uses lithium ions to charge and distribute electricity. **[Added 2-13-2024 by Ord. No. 1274]**

Lot. For purposes of this ordinance, a lot is a clearly defined piece of land of sufficient area and dimensions to meet minimum zoning requirements for width, area, use and coverage and to provide such yards and other open spaces as are required herein.

Such lots shall have frontage on a public street or on a private street approved by the Community Development Board and may consist of all, portions, or combinations of lots of record and lots described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance. **[Amended 6-28-2022 by Ord. No. 1250]**

Lot Area. The horizontal area of the lot exclusive of any area in a public or private way.

Lot Area Per Dwelling Unit. "Lot area per dwelling unit" is that portion of the lot area required for each dwelling unit located on a lot.

Lot Coverage. Shall include the total square footage of the perimeter of all of the dedicated-use buildings and/or structures housing a battery energy storage system, inclusive of all interior spaces between the dedicated-use buildings and/or structures housing a battery energy storage system, in addition to driveways and service roads (paved or stone), and all accessory equipment, buildings and structures. **[Amended 2-13-2024 by Ord. No. 1274]**

Lot Depth. The average depth measured in the mean direction of the side lot lines from the front street line to the rear lot line. The rear lot line shall be deemed to be no further back than a line drawn parallel with the front street line, entirely on the lot, and not less than ten (10) feet long.

Lot Frontage. The uninterrupted distance between the side lot lines at the street line, provided that in no case shall the frontage on the street be less than eighty (80) percent of the required minimum lot width, as listed in the "Schedule of Intensity Regulations." **(ORD #425-1982)**

Lot Line. A lot line is the boundary of a lot.

Lot Types:

- A. Corner Lot.  
A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point for the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
- B. Interior Lot.  
A lot with only one frontage on a street.
- C. Through Lot.  
A lot other than a corner lot with frontage on more than one street.

Lot Width. The mean width of a lot measured at right angles to its depth.

Major Recreational Equipment. For the purpose of this ordinance, major recreational equipment is defined as including boats and boat trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, travel trailers, tent trailers, and the like, and case or boxes used for transporting recreational equipment whether occupied by such equipment or not.

Maker space. A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper manufacturing. Maker spaces may host classes or networking events which are open either to the public or to current and prospective members. **[Added 4-13-2021 by Ord. No. 1237]**

Marijuana. Has the meaning given as "marihuana" in Chapter 94C of the Massachusetts General Laws.<sup>4</sup>

Marijuana Cultivation, Manufacturing and Processing. Any use or facility, indoors or outdoors, which involves the cultivation, processing, handling, storage, transportation (including direct delivery) or manufacturing of marijuana, marijuana-derived, or marijuana-infused products. **[Added 4-10-2018 by Ord. No. 1202]**

Marijuana Testing and Research. Any use which involves the handling, storage, transporting, and manipulation of marijuana or marijuana-derived products for purposes of testing or research. **[Added 4-10-2018 by Ord. No. 1202]**

Medical Marijuana Retail. Any use which involves the sale and/or consumption of marijuana, marijuana-derived, marijuana-infused, or marijuana-related products by a registered marijuana dispensary to a qualified patient or certified caregiver. **[Added 4-10-2018 by Ord. No. 1202]**

Medical Use of Marijuana. The acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana for the benefit of qualifying patients in the

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<sup>4</sup> Editor's Note: The former definition of "medical marijuana dispensary," which immediately followed this definition, was repealed 4-10-2018 by Ord. No. 1202.

treatment of debilitating medical conditions, or the symptoms thereof.

Mobile Home. A vehicular portable completely enclosed structure built on a permanent chassis as a single unit designed for long-term occupancy as a dwelling, whether or not placed on or affixed to a foundation, with all the following characteristics:

- A. Containing sleeping accommodations and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- B. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.

Municipal Solar Systems: A solar energy system owned and operated by the City of Pittsfield or an agent of the City, the electricity which is generated therefrom to be used by the City or the general public. **[Added 3-12-2019 by Ord. No. 1214]**

Nationally Recognized Testing Laboratory (NRTL). U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards. **[Added 2-13-2024 by Ord. No. 1274]**

NEC. National Electrical Code. **[Added 2-13-2024 by Ord. No. 1274]**

NFPA. National Fire Protection Association. **[Added 2-13-2024 by Ord. No. 1274]**

Non-Dedicated-Use Building. Buildings that contain a battery energy storage system and do not need to comply with the dedicated-use building requirements; a residential garage. **[Added 2-13-2024 by Ord. No. 1274]**

Occupied Community Building. Any building in the occupancy group as defined in the Massachusetts State Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship. **[Added 2-13-2024 by Ord. No. 1274]**

Octave Band. A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Operation and Maintenance Manual. Document which describes in detail the proper battery energy storage system and facility operations, maintenance and property upkeep. **[Added 2-13-2024 by Ord. No. 1274]**

Outdoor Marijuana Cultivation. Any commercial use or facility which involves the storage, processing, transportation and outdoor cultivation of marijuana, including but not limited to open air, hot house, or cold frame greenhouse production is prohibited in the City. This does not include such production which is (a) for personal use or (b) conducted by a licensed caregiver, in amounts not to exceed the state-imposed limits for individuals or caregivers. **[Added 4-10-2018 by Ord. No. 1202; amended 2-23-2021 by Ord. No. 1233]**

Parking management plan. A plan submitted with an application for a building permit that indicates how parking will be provided to meet the requirements for the proposed use(s). Parking management plans may include either on-site or off-site parking, bicycle racks, indoor bicycle storage, electric vehicle charging stations, spaces for shared vehicles, and coordinated curb cuts, access drives and shared parking with adjacent property owners. **[Added 4-13-2021 by Ord. No. 1237]**

Personal Caregiver. A person who is at least 21 years old who has agreed to assist with a qualifying patient's medical use of marijuana. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient. An employee of a hospice provider, nursing, or medical facility providing care to a qualifying patient may also serve as a personal caregiver.

Phased Development. Any development approved by special permit as having phases shall remain vested for a period of five (5) years from the date in which the special permit twenty (20) day appeal period concludes. This vesting shall not be extended by any amendments or modifications to the approved special permit or site plan unless expressly provided by the permit granting authority at the time the amendment or modification is approved. Prior to the issuance of a building permit for the first building in each phase, the applicant shall be required to submit and have approved, a site plan in accordance with Sections 7.3 and 7.802 of the Ordinance. **[Added 10-28-2008 by Ord. No. 1021]**

Photovoltaic System (also referred to as "Photovoltaic Installation"): An active solar energy system that converts solar energy directly into electricity. **[Added 3-12-2019 by Ord. No. 1214]**

Principal Use: The primary use of a lot, whether it be for solar energy production, residential, commercial, industrial or other uses. **[Added 3-12-2019 by Ord. No. 1214]**

Public or Quasi-Public Utilities. For the purpose of this ordinance, public or quasi-public utilities shall include power generating or power substations, transformer stations, radio or television transmitting towers or sites, relay stations, television cable antennae, sewage treatment plants, incinerators, water towers or tanks, or other water storage facilities, oil or natural gas metering or regulating substations, and any other similar structures or uses, except telephone exchanges or similar structures.

Public Utility. Shall include power lines, power transmission, power generation facilities, telecommunication facilities and community and/or municipal utilities. For the purposes of this ordinance, public utilities shall exclude solar energy installations, solar energy facilities, battery energy storage systems of any size, and battery energy storage facilities. A public utility may be privately owned or jointly owned through community aggregations or through the municipality but is otherwise regulated by the Massachusetts Department of Public Utilities, the Federal Communications Commission, the Federal Energy Regulatory Commission, or other governmental agencies. **[Added 2-13-2024 by Ord. No. 1274]**

Qualifying Patient. A person who has been diagnosed by a licensed physician as having a debilitating medical condition.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of direct current (DC). **[Added 3-12-2019 by Ord. No. 1214]**

Recreational Marijuana Retail. Any use which involves the sale and/or consumption of marijuana, marijuana-derived, marijuana-infused, or marijuana-related products and services to adults 21 years of

age and older. **[Added 4-10-2018 by Ord. No. 1202]**

Registration Card. A personal identification card issued by the Massachusetts Department of Public Health to a qualifying patient, personal caregiver, or dispensary agent. The registration card shall verify that a physician has provided written certification to the qualifying patient, that the patient has designated the individual as a personal caregiver, or that a medical dispensary has met the terms of Section 9 and Section 10, Chapter 369 of the Acts of 2012. The registration card shall identify for the Department of Public Health and law enforcement those individuals who are exempt from Massachusetts criminal and civil penalties for conduct pursuant to the medical use of marijuana.

Remediation Plan. A remediation plan is a document that discusses how the applicant plans on taking care of the site. The plan should discuss topics like what to do in the event of an emergency, who to call if there is a fire and how to handle events that are potentially dangerous or hazardous. Key and important aspects regarding bringing the BESS or BESS facility online (commissioning) and taking it offline and leaving the site (decommissioning) need to be addressed as well. For the purpose of this ordinance, the requirements for a remediation plan do not apply to EV charging stations in any of the districts. The remediation plan consists of the following sections: **[Added 2-13-2024 by Ord. No. 1274]**

Development Impact Statement. This component addresses the basics about the site--how big the BESS or BESS facility will be, how much space it will take up, how much noise it will make, what the surrounding landscape will look like, etc.

Commissioning Plan. The commissioning component discusses what is needed to bring the BESS and/or BESS facility online. It provides documented confirmation that the battery energy storage system and/or facility functions according to the intended design criteria and complies with applicable local, state and federal code requirements, guidelines, standards and regulations in order to receive the go-ahead to operate.

Emergency Preparedness Plan. This emergency preparedness plan guides first responders regarding the protocols to follow in response to various emergent situations such as system failures or floods and fires. Developers and/or applicants are required to outline for the Fire Department and the Police Department the steps and procedures needed to begin containing any issues that could potentially arise since they are often the first to arrive at the scene of an emergency.

Hazard Mitigation Plan. The hazard mitigation plan indicates how the applicant and/or developer plans to address the harmful effects that could potentially result from an emergent event. The best way to think about this is first, an emergent event happens, activating the emergency preparedness plan. Second, once the emergent event is contained and manageable, there must be some type of cleanup involved; this is where the hazard mitigation plan goes into effect. The company or developer must demonstrate they have a sound and robust plan for managing, containing and resolving issues (i.e., fluid leaking from batteries), and other risks associated with BESS and BESS facilities as a result of emergent or catastrophic events.

Decommissioning Plan. Of all the components of the remediation plan, the decommissioning plan might be the most important one of all. The decommissioning plan is Pittsfield's way of ensuring the reclamation of BESS and BESS facility sites meet the City's standards so that other

businesses can use the site.

Rooming or Lodging Houses. A dwelling unit in which more than three persons are housed or lodged for hire by the day, week, or month, either with or without meals. Such use shall not be deemed a home occupation. **[Amended 5-27-2003 by Ord. No. 913]**

School, Private. A duly organized school, other than a public or a parochial school, giving regular instruction in subjects ordinarily taught in the public schools, at least five days a week for eight or more months a year.

Self Storage Mini-Warehouse. A fully enclosed building or buildings or portion of a building that may contain removable interior partitions, and having individual compartmentalized units, stalls or lockers with privately controlled access points which are to be rented as storage space for the customer's goods, wares or personal property. An office for the rental of the storage spaces may be included, provided it does not exceed 400 square feet per 25,000 square feet of warehouse space, excluding any bathroom facilities. **[Added 1-14-2014 by Ord. No. 1076]**

Short-Term Rental: The rental of a legal or permitted dwelling unit, or a portion thereof including one or more bedroom(s) for residential purposes in exchange for payment, for a duration of less than 30 consecutive days. This definition explicitly excludes bed-and-breakfast homes, hotels, motels or lodging houses, or time shares as defined elsewhere in this chapter. **[Added 9-9-2025 by Ord. No. 1325]**

Short-Term Rental Intermediary (Intermediary): Any person or entity, other than the Short-Term Rental Operator, who facilitates, arranges, advertises, or provides booking services for a Short-Term Rental, and/or collects or receives payment for such rental. This includes, but is not limited to, online hosting platforms (e.g. Airbnb, Vrbo) brokers, property managers, property management companies, and real estate agents. **[Added 9-9-2025 by Ord. No. 1325]**

Short-Term Rental Operator: Any individual, firm, association, syndicate, company, trust, corporation, limited liability company, or other legal entity that manages, facilitates, or otherwise operates a Short-Term Rental. This includes, but is not limited to, property owners, lessees, sublessees, mortgage holders, and licensees. **[Added 9-9-2025 by Ord. No. 1325]**

Short-Term Rental Owner (Owner): The individual(s) or entities holding the legal title of record to the property being used as a Short-Term Rental. In cases where the property is held by a trust, corporation, limited liability company, or other entity, the Owner shall include any shareholder, beneficiary, or member with a direct or indirect financial interest in said entity. **[Added 9-9-2025 by Ord. No. 1325]**

Short-Term Renter: Any individual or group of individuals occupying a Short-Term Rental unit, for the duration of a Short-Term Rental stay. **[Added 9-9-2025 by Ord. No. 1325]**

Skiing Area, Commercial. They shall include the use of such areas for recreational purposes such as swimming, tennis, health club, horseback riding, chair lift rides, and related accessory uses including sport shops, restaurant and lodging facilities.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating. **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy System, Ground-Mounted: An active solar energy system that is structurally mounted to the ground and is not roof mounted; may be of any size (small, medium- or large-scale). **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy System, Large-Scale: An active solar energy system that occupies 40,000 or more square feet of area and generates more than 250 kW of DC. **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy System, Medium-Scale: An active solar energy system that occupies more than 1,750 but less than 40,000 square feet of area and generates between 10 and 250 kW DC. **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy System, Roof-Mounted: An active solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale). **[Added 3-12-2019 by Ord. No. 1214]**

Solar Energy System, Small-Scale: An active solar energy system that occupies 1,750 square feet or less of area and generates less than 10 kW DC. **[Added 3-12-2019 by Ord. No. 1214]**

Specialty Artistic Manufacturing. An establishment for the preparation, manufacturing, production, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items of unique artistic works. Such manufacturing shall not be of a mass-production or assembly line nature and will be consistent with an artisan or craftsman custom producing individual items. **[Added 10-28-2008 by Ord. No. 1021]**

Street Type. Street types govern the land uses that are allowed by right on lots and/or in buildings whose principal facade fronts that street type. Buildings that have frontage on more than one street type are governed by a defined street hierarchy in each district. **[Added 4-13-2021 by Ord. No. 1237]**

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, and free-standing or ground signs. For purposes of this ordinance, structure does not include landscape features such as ornamental pools, planting boxes, sculpture, bird baths, open terraces, walkways, driveways, shelters for pets, open stairs, recreational equipment, flagpoles, under-ground fall-out shelters, mailboxes or outdoor fireplaces.

Subdivision Rules and Regulations. They are the regulations for subdivision of land adopted by the

Community Development Board in accordance with Municipal Planning and Subdivision Control Legislation contained in Chapter 41, Section 81-A to 81-GG of the General Laws of the Commonwealth of Massachusetts. **[Amended 6-28-2022 by Ord. No. 1250]**

Substantial or significant portion of stock. Used within this ordinance shall mean any of the following: **[Added 10-26-2004 by Ord. No. 936]**

- A. 20 percent or more of the business square footage, inventory or stock of merchandise for sale, rental, distribution, or exhibition during any period of time;
- B. 20 percent or more of the annual number of gross sales, rentals, or other business transactions; or
- C. 20 percent or more of the annual gross business inventory; or
- D. 20 percent or more of the hours during which the establishment is open.

Terminals, Truck, Rail, or Freight. For the purpose of this ordinance, terminals include not only buildings but also freight stored on the property and vehicles, bodies and equipment necessary for transportation, together with facilities necessary to prepare same.

Time Share. An ownership position in property which is based on a limited interval of time, and extended to multiple owners per unit. The use of property is on a transient basis with permanent occupancy being precluded. This is permitted only in zones in which hotels and motels are allowed. **[Added 5-27-2003 by Ord. No. 912]**

Transmission Rights-of-Way. A right-of-way is the corridor of land that allows access to construct, operate and maintain electric and other utility facilities. Rights-of-way typically contain wood or metal structures with high-voltage electric lines. Rights-of-way vary in width and are classified as either one zone or two zones based on voltage and the amount and location of electrical equipment within the corridor. **[Added 2-13-2024 by Ord. No. 1274]**

Travel Trailer. A vehicular, portable structure built on chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, having a body width not exceeding eight (8) feet, either self-propelled or designed to be transported on its own wheels by a motor vehicle.

Use. The purpose or activity for which land or buildings are designed, arranged, or intended; or for which land or buildings are occupied or maintained, including any such activity with respect to the requirements of this ordinance.

Utility Corridor. A strip of land that forms a passageway through which commodities such as oil, gas, and electricity are transported. **[Added 2-13-2024 by Ord. No. 1274]**

Waste Transfer Station. A facility designed for the storing or warehousing of construction debris, recyclable materials or other waste or by-products prior to consolidation for shipment to other facilities, as further defined by MGL c. 111, § 150A, and 310 CMR 1600. **[Added 3-23-2004 by Ord. No. 925]**

Wetlands. Areas where the soils are saturated and/or inundated such that they support a predominance of

wetland indicator plants.<sup>5</sup> [Added 2-13-2024 by Ord. No. 1274]

Written Certification. A document signed by a licensed physician, stating that in the physician's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. Such certification shall be made only in the course of a bona fide physician-patient relationship and shall specify the qualifying patient's debilitating medical conditions.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lines would have met without such rounding. Front and rear front yard lines shall be parallel.

Yard, Rear. A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot. In the case of through lots and corner lots, there will be no rear yards but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established in a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side. A yard between the building and the adjacent side line of the lot and extending from the front yard to the rear yard. In the case of through lots, side yards shall extend from the rear line of the front yards required. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Required. The open space between a lot line and the buildable area within which no structure may be located, except as otherwise provide in this ordinance. All yards referred to in this ordinance are minimum required yards.

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<sup>5</sup> Massachusetts Department of Environmental Protection (MADEP) delineation methodology.