

City of Pittsfield

In the Year Two Thousand AND TWENTY ONE

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD -- CHAPTER 23, ZONING

Be it ordained by the City Council of the City of Pittsfield, as follows:

SECTION I

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2 Glossary, shall be amended by the addition of the following definitions to be inserted in alphabetical order:

<u>Accessory Dwelling Unit</u>. An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling or use. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- a. Detached structures. Examples include converted garages or barns, or a portion thereof, or new construction.
- b. Attached structures. These units are typically accessory suites attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

<u>Co-Working Space.</u> 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 net-working events which are open either to the public or to current and prospective members.

<u>Frontage Type.</u> Frontage Types govern the building placement on the lot, the height, setbacks, façade elements, and placement of on-site parking.

<u>Maker Space</u>. 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.

<u>Parking Management Plan.</u> 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,

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indoor bicycle storage, electric vehicle charging stations, spaces for shared vehicles, and coordinated curb cuts, access drives and shared parking with adjacent property owners.

Street Type. Street Types govern the land uses that are allowed by right on lots and/or in

buildings whose principal façade fronts that street type. Buildings that have frontage on more than one street type are governed by a defined street hierarchy in each district.

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2 Glossary, shall be amended by the removal of the definition of "Accessory Apartment".

SECTION II

That the Code o the City of Pittsfield Chapter 23, Zoning, Article 23-3, Section 3, shall be amended as follows:

- Section 3.102, reference to B-D Downtown Business shall be removed;
- Section 3.104, reference to D-A Downtown Arts Overlay shall be removed;
- Section 3.104, D-C Downtown Creative District shall be added;
- Section 3.209 B-D Downtown Business shall be removed;
- Section 3.216 D-A Downtown Arts Overlay District shall be removed in its entirety and replaced with "Section 3.216 D-C Downtown Creative District" and the following definition:
 - This district is established to modernize the City's land use regulations in the downtown area by focusing on building form and placement. This district is established to enhance vitality in downtown by fostering a mix of uses through increasing downtown housing opportunities and fostering business growth, while acknowledging arts-related development and the creative economy; encouraging greater pedestrian activity as part of entertainment and residential uses mixed with traditional retail and business activities; encouraging economic revitalization and active evening uses; contributing to public safety; and nurturing artistic contributions to the city and region. The reduction of urban sprawl and efficient use of city infrastructure by concentrating a compatible mix of uses is an important component of this district.

SECTION III

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4, Table of Principal Permitted uses shall be amended as follows:

- Remove D-A column throughout the table.
- Remove Residential Development in the Downtown Arts Overlay District from the table.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

SECTION IV

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, Section 4, shall be amended as follows:

- Remove Section 4.320 Downtown Arts Overlay District (D-A) in its entirety.
- Add a new Section 4.324 Downtown Creative District, as follows:

Section 4.324 Downtown Creative District

- A. PURPOSE. This district is established to enhance vitality in downtown by fostering a mix of uses through increasing downtown housing opportunities and fostering artsrelated development and activities by creating a core of arts, cultural, and residential activities; encouraging greater pedestrian activity as part of entertainment and residential uses mixed with traditional retail and business activities; encouraging economic revitalization and active evening uses; contributing to public safety; and nurturing artistic contributions to the city and region. The reduction of urban sprawl and efficient use of city infrastructure by concentrating a compatible mix of uses is an important component of this district.
- B. DISTRICT DELINEATION AND APPLICATION. The boundaries of the Downtown Creative District are as shown on the Downtown Creative District Zoning Map hereby adopted and attached to the Official Zoning Map on file in the Office of the Building Commissioner.
- C. PERMITTED USES. Permitted Uses are governed by Street Type and are shown in the Table below. Any uses not explicitly allowed are not permitted within this district, with the exception of those that fall under Article 23-8, as noted in *E. Application Requirements* below. Where the uses of this section are in conflict other sections of this Ordinance, the requirements of this section take precedence within this district.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

Street Types	General Description
Primary Street	Active ground floor uses with highest transparency requirement; highest building height; no front yard setback unless for public spaces (outdoor eating, activated plaza, etc.).
Secondary Street	Principal cross streets: mix of ground floor uses but must be active on corner with Primary Street; building height may step down.
Transitional Street	Mix of setbacks depending on relationship to other streets; active ground floor uses required/encouraged at corners with Primary Streets and Secondary Streets; landscape and pedestrian-scaled lighting treatments required to separate public sidewalk from parking; heights step down from Secondary Streets.
Residential Street	Mix of setbacks depending on relationship to existing buildings; active ground floor uses required/encouraged at corners with Primary Streets and Secondary Streets; heights consistent with single-family/ two-family/three-family development.

On Primary, Secondary, and Transitional Streets, Arts and arts-related uses are allowed By Right (BR) on all floors. These include, but are not limited to:

- a. Art centers (community educational arts-related activities)
- b. Art galleries
- c. Art schools and studios (including dance, photography, film-making, music, writing, painting, sculpturing, or printmaking)
- d. Arts services, including set design and restoration of artworks
- e. Concert halls or other performing arts spaces
- f. Cabarets
- g. Creative Services
- h. Dinner theaters
- i. Musician rehearsal space
- j. Museums
- k. Performing arts ticket offices or booking agencies
- 1. Picture framing shops
- m. Record or musical instruments stores

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- n. Restaurants, brewpubs, bars, nightclubs, or cocktail lounges
- o. Stage and screen theaters (excluding adult entertainment)
- p. Specialty Artistic Manufacturing establishments
- q. Television and radio broadcast studios

The remaining permitted uses are described in the table below:

	Primary	Secondary	Transitional	Residential
Residence Uses			N. W. W. W. W.	
One-family	Not allowed	Not allowed	Not allowed	BR
Two-family	Not allowed	Not allowed	Not allowed	BR
Three-family	Not allowed	Not allowed	BR	BR
Multi-Family	BR - Ground Floor, not on a Primar		or, not on a Primary	BR – Ground Floor with Frontage on Secondary Street
	BR – Upper Floors	Street; Upper Floo	ors	BR – Upper Floors with Frontage on Primary or Secondary Street
Garden Apartments	Not allowed	BR – Ground Floor, not on a Primary Street; Upper Floors		BR – Ground Floor with Frontage on Secondary Street
Accessory Dwelling Unit Attached	BR – Upper Floors	BR – Ground Floor, not on a Primary Street; Upper Floors		BR
Accessory Dwelling Unit Detached	Not allowed	Not allowed	BR	BR
Assisted Living Residences	BR – Upper Floors	BR	BR	BR
Artist housing or Artist live/ work units	BR – Upper Floors	BR	BR	BR
Hotels	BR	BR	BR	Not allowed
Rooming Lodging House	Not allowed	BR	BR	BR
Bed-and-Breakfast	Not allowed	BR	BR	BR
Institutional, Recreational,	and Educational Uso	s	生成 法正常 化生物	
Charitable, Welfare or Health Centers or Institutions, or Day Care Services for Children		BR – Ground Floor, not on a Primary Street; Upper Floors		BR

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Be it ordained by the City Council of the City of Pittsfield, as follows:

	Primary	Secondary	Transitional	Residential
Churches, Temples, or Other Places of Worship	BR	BR	BR	BR
Commercial Recreation (General)	BR	BR	BR	Not allowed
Community Centers – Senior Citizen and Other Neighborhood Centers	BR	BR	BR	BR
Fraternal, Social, Recreational, Youth, or Veterans Organizations Not Conducted for Profit	BR – Upper Floors	BR – Ground Floor, Street; Upper Floors		
Governmental Archives	BR – Upper Floors	BR – Ground Floor, Street; Upper Floors		Not allowed
Hospital	Not allowed	SR	SR	SR
Libraries, Public or Private	BR	BR	BR	BR
Nursing Homes	BR – Upper Floors	BR	BR	BR
Parks and Playgrounds	BR	BR	BR	BR
Schools				
Educational Uses	BR	BR	BR	BR
Office Uses			- Annalise of the	
Banking, Governmental, Real Estate, or Insurance	BR – Upper Floors or Ground Floor not on principal façade	BR – Ground Floor, Street; Upper Floors		Not allowed
Co-Working	BR	BR	BR	Not allowed
General Business, Medical, or Professional	BR – Upper Floors	BR – Ground Floor, Street; Upper Floors	not on a Primary	Not allowed
Research & Development, Laboratories, and Life Sciences	BR – Upper Floors	BR – Ground Floor, Street; Upper Floors		Not allowed
Automotive Sales and Serv	ices Uses		和創作業	
Parking Garages and Structures	Not allowed	SR	SR	Not allowed
Parking Lots, Commercial	Not allowed	SR	SR	Not allowed
Retail and Consumer Servi	ices Uses			

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	Primary	Secondary	Transitional	Residential
Maker Space	BR	BR	BR	Not allowed
Marijuana Retail	SP (Section 7.850)	SP (Section 7.850)	SP)Section 7.850)	Not allowed
Retail Sales and Services	BR	BR	BR	BR – Ground Floor with Frontage on Primary or Secondary Street
Veterinary Hospital or Kennels	Not allowed	Not allowed	SP	Not allowed
Utilities, Communication,	and Transportation			
Bus Terminals	SP	SP	SP	Not allowed
Rooftop Solar Energy Systems	SP	SP	SP	Per Section 9.207
Wireless Communication Infrastructure	Per Section 4.322	Per Section 4.322	Per Section 4.322	Per Section 4.322
Industrial, Manufacturing	, and Storage Uses			
Marijuana Cultivation/ Manufacturing	Not allowed	SP Per (Section 7.853)	SP Per (Section 7.853)	Not allowed
Manufacturing, Food and Beverage	BR – Upper Floors or Ground Floor not on principal façade unless use includes a sales component	BR	BR	Not allowed
Manufacturing, General	BR – Upper Floors or Ground Floor not on principal façade	BR	BR	Not allowed
Storage and Warehousing, Accessory to Manufacturing	BR – Upper Floors or Ground Floor not on principal façade	BR– Ground Floor not on principal façade	BR	Not allowed
Retail or food service Accessory to Manufacturing Uses	BR	BR	BR	Not allowed
Storage Warehouse and Yard	Not allowed	Not allowed	SP	Not allowed

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Be it ordained by the City Council of the City of Pittsfield, as follows:

	Primary	Secondary	Transiti	onal
Governmental Uses a	and Services	司制定地的公司 的大小小	the stand of the line	
Fire Station	BR	BR	BR	BR
Police Station	BR	BR	BR	BR
Other Principal Uses			N tot	20 Charles I
Crematoriums	Not allowed	BR	BR	Not allowed
Funeral Homes	Not allowed	BR	BR	BR

D. DEVELOPMENT AND REDEVELOPMENT STANDARDS.

Certain Standards are governed by Frontage Type, as shown in the tables below. The Frontage Types are complementary to the Street Types.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

Primary Frontage

Buildings with principal frontage on a **Primary Street** are required to have active ground floor uses; no residential units or offices are allowed on the ground floor. The buildings range from 3-6 stories in height and have no front yard setback unless the setback is used for public activities (outdoor eating, activated plaza, etc.).

Ground floor windows must meet the highest requirement for transparency to create an active relationship between storefront and sidewalk.

Parking is not allowed in the front yard setback, but is allowed on the side yard setback. A landscape buffer is required to separate the public sidewalk from the parking areas.

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Height	
Minimum (stories)	3
Maximum (stories)	6
Maximum (feet)	90
Setback	
Front Yard	
Minimum (feet)	0
Maximum (feet)	5
Side Yard	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	0
Rear Yard (feet)	10
Transparency	
Ground Hoor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	75%

Parking	
Location	
In front of the primary façade	N
Front yard	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	N
Rear yard	BR

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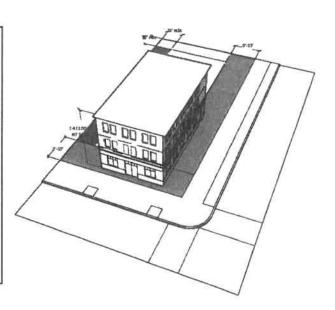
Be it ordained by the City Council of the City of Pittsfield, as follows:

Secondary Frontage

Buildings with principal frontage on a **Secondary Street** will have a mix of uses on the ground floor, but active ground floor uses are required on any corner with a Primary Street. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from two to four stories.

Transparency requirements for ground floor windows are less than those of a Primary Street.

Parking is not allowed in the front yard setback, but is allowed on the side yard setback. A landscape buffer is required to separate the public sidewalk from the parking areas.



Height	
Minimum (stories)	2
Maximum (stories)	4
Maximum (feet)	60
Setback	
Front Yard	
Minimum (feet)	0
Maximum (feet)	15
Side Yard	
Minimum (feet)	0
Minimum from adjacent residential lot (feet)	10
Rear Yard (feet)	10
Transparency	
Ground Hoor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	50%

Parking	
Location	
In front of the primary façade	N
Front yard	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	N
Rear yard	BR

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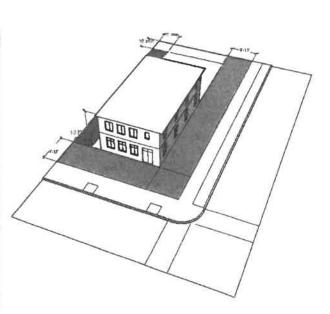
Be it ordained by the City Council of the City of Pittsfield, as follows:

Transitional Frontage

The setbacks for buildings with principal frontage on a Transitional Street will depend on the building's relationship to other streets. Active ground floor uses are required at corners with Primary Streets. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from one to three stories.

Transparency requirements for ground floor windows are less than those of a Secondary Street.

Parking is only prohibited from the front yard setback in front of a building. Larger parking areas visible from a public way require landscape and pedestrian-scaled lighting treatments to separate the public sidewalk from parking.



Height	
Minimum (stories)	2
Maximum (stories)	3
Maximum (feet)	45
Setback	
Front Yard	
Minimum (feet)	C
Maximum (feet)	15
Side Yard	
Minimum (feet)	C
Minimum from adjacent residential lot (feet)	10
Rear Yard (feet)	10
Transparency	
Ground Floor: minimum as percentage of a 4'x4' visibility zone between 4' and 8' in height above sidewalk and extending 4' from the surface of the window glass inside the building. Signs may occupy no more than one-third of the window in which they are placed.	40%

Parking	
Location	
In front of the primary façade	N
Front yard	BR if no building on site
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	BR
Rear yard	BR

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Be it ordained by the City Council of the City of Pittsfield, as follows:

Residential Frontage

The setbacks for buildings with principal frontage on a Residential Street will vary depending on the existing neighborhood standards. Neighborhood retail and services uses are encouraged at corners with Primary Streets. Residential and office uses are allowed on the ground floor after the first parcel depth from a Primary Street. Building heights will range from one to three stories.

Transparency requirements for ground floor windows are consistent with those of a residential building.

Parking is prohibited from the front yard setback in front of a building. However, encroachments such as porches, stoops, bays, and window boxes are allowed within the front yard setback.

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Minimum (stories)	1	
Maximum (stories)	3	
Maximum (feet)	35	
Setback		
Front Yard		
Minimum (feet)	10	
Maximum (feet)	20	
Side Yard		
Minimum (feet)		
Minimum from adjacent residential	10	
lot (feet)		
Rear Yard (feet)	20	
Between Buildings on same lot (feet)		
Encroachments: Porches, stoops, awning allowed within front setback		
Transparency		
Consistent with standards for single- family, two-family, or three-family.		

Location	
In front of the primary façade	N
Side yard, not within the front yard setback	BR
Side yard, within the front yard setback	BR
Rear yard	BR

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Be it ordained by the City Council of the City of Pittsfield, as follows:

Additional standards are as follows:

- 1. Uses and dimensional standards along corner lots are governed as follows:
 - a. For corner lots on Primary and Secondary Streets, the Primary Frontage governs for 80'-100' feet along the Secondary Street.
 - b. For corner lots on Secondary and Transitional Streets, the Secondary Frontage governs for 80'-100' feet along the Transitional Street.
 - c. For corner lots on Residential Streets and any other Street Type, the non-Residential Frontage governs for 80'-100' feet along the Residential Street.
- 2. The minimum required building height, lot area, lot coverage percent, and yard requirements for multifamily development as cited in Section 7.715 of this Ordinance do not apply.
- 3. Off-street parking, as required by Section 10.1 of this Ordinance or as otherwise provided for in this section, may be provided through one or a combination of the following means:
 - a. On site, but not located between the street and the principal façade of the building;
 - b. Off site, with a Parking Management Plan approved by the Director of the Department of Community Development or his or her designee. Parking management plans shall include one or more of the following components: shared parking and shared curb cuts among adjacent owners; bicycle racks close to building entries and/or indoor bicycle storage; electric vehicle charging stations; and/or spaces for shared vehicle services.
- 4. No parking is required for the adaptive reuse of buildings listed or eligible for listing on the National or State Register of Historic Places.
- 5. No parking is required for ground floor uses on a Principal or Secondary Street.
- 6. All parking areas (except for driveways on Residential Street designations) must have a buffer between the parking and the public right-of-way and between the parking and any adjacent residential use.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- a. A buffer with a fence of no more than three (3) feet high and planted with small native or non-native, non-invasive shrubs or perennials must be no less than five (5) feet in depth. Soil or other planting medium and substrate must be appropriate for the proposed plantings. The fence may not be of wire and must not be a solid fence.
- b. A buffer with native or non-native, non-invasive trees, shrubs and perennials must be no less than ten (10) feet in depth. Soil or other planting medium and substrate must be appropriate for the proposed plantings.
- c. Plants that are defined as invasive or likely invasive by the Massachusetts Invasive Plant Advisory Group are not permitted.
- 7. Building and site lighting will be shielded so as to prevent light from being directed upward, overspill onto adjacent properties or the public right-of-way, and glare visible from nearby properties or the public right-of-way. A light fixture with a 90-degree cut- off is preferred.
- 8. Pedestrian and vehicular Access Ways to the site and building(s) on the site must be designed for public safety, convenience, and so as to not cause congestion within and about the site. Access ways shall have adequate construction and be approved by the Commissioner of Public Services.
- 9. Residential development is required to provide one (1) space per dwelling unit in accordance with the above referenced means for providing access to parking.
- 10. Drive up or drive-through windows are prohibited in this district, except for buildings with principal frontage on a Secondary Street that contain a banking use, which buildings may be permitted to have a drive-up or drive-through window or windows in accordance with Section 7.841 of the Zoning Ordinance. Existing drive-through services will operate per the requirements of Section 8 of the Zoning Ordinance.
- 11. Residential development of five (5) units or more, including phased developments, shall provide no less than twenty (20) percent of the total number of dwelling units (up to the maximum allowed as of right) as Affordable Units, with the remaining units being market rate. Where the application of that formula results in a fractional dwelling unit, a fraction of one half (1/2) of a dwelling unit or more shall be considered as one (1) Affordable Unit. Affordable Units shall be distributed evenly throughout the site and be indistinguishable for market rate units. The Affordable Units shall remain thus for a period of thirty (30) years from the date of issuance of the certificate of occupancy for the unit(s),

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Be it ordained by the City Council of the City of Pittsfield, as follows: regardless of any modifications or sale of said units.

- a. A waiver from this provision requires a Special Permit from the Community Development Board. In granting such approval, the Community Development Board must find that the property owner has demonstrated that providing the Affordable Units as required would create a significant hardship. To have such a request considered, the burden of proof shall be on the Applicant, who must make full disclosure to the Community Development Board of all relevant information.
- b. The Community Development Board reserves the right to require reasonable contributions to an affordable housing trust or alternative in exchange for the waiver of affordable units.
- 12. The Community Development Board shall adopt Design Guidelines that correspond to development with the Downtown Creative District. These Design Guidelines shall help guide new development and redevelopment with best practices consistent with the character of the downtown area.
- 13. Where the requirements of this section are in conflict other sections of this Ordinance, the requirements of this section take precedence within this district.

E. APPLICATION REQUIREMENTS.

- 1. All projects within this district are subject to site plan review by the Director of the Department of Community Development or his or her designee. Applicants shall submit applications for building permits in accordance with Section 12.201 of this Ordinance. Applicants found not to be consistent with the parameters of this ordinance or the Community Development Board Design Guidelines may be required to seek approval through a Site Plan Review application through the Community Development Board.
- 2 Applicants that request a waiver from one or more provisions of this Section shall require a Special Permit from the Community Development Board, in accordance with Section 13.2 of this Ordinance. Applicants may request a waiver from the dimensional standards shown in the Frontage Types and/or where the use is allowed within the building. Applicants must show good cause for such waiver and that the granting of one or more waivers is consistent with the purpose of this District, the intent of the Street Type and Frontage Type, and does not pose a detriment to the public good.
- 3. Non-conformities as defined under Article 23-8 must follow the requirements of Sections 8.3 through 8.4 with the exception that the Special Permit Granting

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Be it ordained by the City Council of the City of Pittsfield, as follows:

Authority under Sections 8.3 and 8.4 in relation to buildings, uses or property within this district is the Community Development Board.

SECTION V

That the Official Zoning Map, in accordance with the provisions of Chapter 23, Article 23-3 Zoning Districts, Section 3.302, "Amendment, Official Map," shall be amended by removing the Downtown Arts Overlay District and B-D Downtown Business District in their entirety, as well as the balance of the underlying zoning districts that encompass the area within the boundary of the Downtown Creative District: Street Types map.

The Official Zoning map shall be further amended by creating the Downtown Creative District, governed by a Primary, Secondary, Transitional, and Residential frontage street type, as signified on the enclosed maps.

SECTION VI

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Section 7, shall be amended as follows:

 Remove Section 7.831 (Residential Development in the Downtown Arts Overlay District) in its entirety.

SECTION VII

This Ordinance shall take effect upon its enactment.

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Stephen Pagnotta

City Solicitor

In City Council Read and passed to be ordained April 13, 2021 9 Yeas - 1 Nays /s/ Peter Marchettil, Council President /s/Michele M. Benjamin, City Clerk

Approved by the Mayor April 20, 2021 /s/Linda M. Tyer, Mayor

ity Clerk

