

**ARTICLE 3: Updates to Sections 320, 330, and 340**

To see if the Town will vote to amend the Wareham Zoning Bylaw to update Section 320 **TABLE OF PRINCIPAL USE REGULATIONS**, Section 330 **TABLE OF ACCESSORY USE REGULATIONS**, and Section 340 **USE DEFINITIONS** as shown below; or take any other action related thereto.

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## ARTICLE 3: Use Regulations

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### 310 USE REGULATIONS

#### 311 PERMITTED USES

A use listed as an allowed use in Section 320 may be permitted by right in the district for which it is specified, subject to such requirements as may be set forth in said Section and other Sections of these By-Laws.

#### 312 SPECIAL PERMIT USES

A use listed as a Special Permit use in Section 320 may be permitted if the Special Permit Granting Authority designated herein so determines and issues a Special Permit therefore. Said permit shall be subject to such standards and conditions as may be specified in Section 320, and such further restrictions as said Special Permit Granting Authority may establish.

#### 313 PROHIBITED USES

A use listed as prohibited in Section 320 shall not be permitted in the district for which it is so specified. In addition, a use which is not specifically authorized in a district and which is inconsistent with the intent of that district shall be prohibited.

#### 314 APPLICABILITY OF OTHER REGULATIONS

In addition to use regulations, uses permitted by right or by Special Permit shall be subject to such supplemental regulations as are set forth in Article 5, to such density and dimensional regulations applicable to the district within which the use is proposed as set forth in Article 6 or elsewhere, and to such other provisions as are specified in other sections of this By-Law, in the Massachusetts General Laws, or in other governmental laws, codes and regulations.

### 320 TABLE OF PRINCIPAL USE REGULATIONS

#### 321 PROVISIONS FOR TABLES OF USES AND USE DEFINITIONS

No land, structure or building shall be used except for the purposes permitted in the district as set forth in this Section unless otherwise permitted in this By-Law. The words used to describe each principal and accessory use contained in Section 350 are intended to be definitions of such uses.

In the following table, the use regulations for each use and district are designated by the following abbreviations:

Y	The use is allowed by right in the district.
SPP	The use is allowed by Special Permit from the Planning Board.
SPZ	The use is allowed by Special Permit from the Board of Appeals.
SPR	This use is allowed by Site Plan Review from the Permit Granting Authority.
N	The use is prohibited in the district.
*	The use is subject to special conditions in certain districts, see Section <a href="#">390380</a> .
‡	Residential subdivisions on 30 acres or greater are subject to Site Plan Review <del>and</del> Special Permit (Article 15)

PRINCIPAL USE	R130	R60	R43	R30	MR30	WV1	WV2	WV1R
<b>Agricultural and Rural Uses</b>								
Agricultural uses upon tracts less than 5 acres	Y	Y	Y	Y	Y	Y	N	N
Agricultural uses upon tracts of 5 acres or more	N	N	Y	SPZ	SPZ	N	Y	N
Cider mill, ice house, temporary sawmill less 5 acres	Y	Y	Y	Y	Y	Y	Y	N
Cider mill, ice house, temporary sawmill more than 5 acres	N	SPZ	N	SPZ	SPZ	N	N	Y
Horticulture on less than 5 acres								
<b>Animal - Related Uses</b>								
Animal kennels less than 5 acres	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	N
Animal kennels more than 5 acres	Y	Y	Y	Y	Y	Y	Y	N
Riding stable less than 5 acres	SPZ	SPZ	N	SPZ	N	N	N	N
Riding stables more than 5 acres	Y	Y	Y	Y	Y	Y	Y	N
Piggeries for farms less than 5 acres	N	N	N	N	N	N	N	N
Piggeries for farms more than 5 acres	Y	Y	Y	SPZ	SPZ	N	Y	N
Veterinary hospital less than 5 acres	N	N	N	SPZ	SPZ	N	N	N
Veterinary hospital more than 5 acres	Y	Y	Y	Y	Y	Y	Y	N
<b>Recreational Uses</b>								
Campgrounds	N	SPZ	N	N	N	SPZ	N	N
Golf course or golf club	SPZ	SPZ	SPZ	SPZ	N	SPZ	N	N
Non-profit recreation	SPZ	Y	Y	Y	Y	Y	Y	Y
Health or athletic facility	N	N	N	N	N	N	N	Y
Tennis Club	SPZ	SPZ	SPZ	SPZ	N	SPZ	SPZ	SPP
Youth camp	SPZ	N	N	SPZ	N	SPZ	SPZ	N
<b>Residential uses</b>								
1-family detached dwelling	Y †	Y †	Y †	Y †	Y †	Y †	Y †	Y
2-family dwelling	N	N	N	Y †	Y †	Y †	Y †	Y
3 to 4 family dwelling in existing structure	N	N	N	Y †	SPP	SPZ	SPZ	Y
3 to 4 family dwelling in new structure	N	N	N	Y †	SPP	SPZ	N	Y
5 + family dwelling in existing structure	N	N	N	Y †	SPP	SPZ	SPZ	Y
5 + family dwelling in new structure	N	N	N	Y †	SPP	SPZ	N	Y
Apartments in mixed use building	N	N	N	N	N	SPP	N	N
Manufactured home park	N	N	N	N	N	SPP	N	N
Residential Cluster Development	SPP	SPP	SPP	SPP	SPP	SPP	SPP	N
Seasonal conversion	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPP

PRINCIPAL USE	OV1	OV2	CS	CG	CP	CR	MAR	INS	IND
<b>Agricultural and Rural Uses</b>									
Agricultural uses upon tracts less than 5 acres	Y	Y	Y	N	N	Y	Y	N	N
Agricultural uses upon tracts of 5 acres or more	N	Y	Y	Y	Y	Y	Y	Y	N
Older mill, ice house, temporary sawmill (less 5 acres)	N	N	Y	N	N	N	N	N	N
Older mill, ice house, temporary sawmill more than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	N
Horticulture on less than 5 acres	N	N	N	Y	SPZ	SPZ	N	N	N
<b>Animal – Related Uses</b>									
Animal kennels less than 5 acres	SPZ	SPZ	SPZ	N	N	SPZ	SPZ	SPZ	SPZ
Animal kennels more than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	Y
Riding stable less than 5 acres	N	N	Y	N	N	SPZ	N	N	N
Riding stables more than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	Y
Piggeries, fur farms less than 5 acres	N	N	N	N	N	N	N	N	N
Piggeries, fur farms more than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	Y
Veterinary hospital less than 5 acres	N	N	Y	SPZ	SPZ	N	N	SPZ	N
Veterinary hospital more than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Recreational Uses</b>									
Campgrounds	N	N	Y	N	N	N	N	N	N
Golf course or golf club	N	N	Y	N	N	Y	N	N	N
Non-profit recreation	Y	Y	Y	Y	Y	Y	Y	N	N
Health or athletic facility	N	N	N	Y	Y	Y	N	N	N
Tennis Club	N	N	Y	Y	Y	Y	N	N	Y
Youth camp	N	N	Y	N	N	N	N	N	N
<b>Residential uses</b>									
1- family detached dwelling	Y†	Y†	Y†	N	N	N	Y†	Y†	N
2- family dwelling	Y†	Y†	SPZ	N	N	N	Y†	Y†	N
3 to 4 family dwelling in existing structure	SPZ	SPZ	SPZ	N	N	N	Y	Y†	N
3 to 4 family dwelling in new structure	N	N	SPZ	N	N	N	N	Y†	N
5 + family dwellings in existing structures	SPZ	SPZ	SPZ	N	SPZ	N	N	Y†	N
5 + family dwellings in new structure	N	N	SPZ	N	SPZ	N	N	Y†	N
Manufactured home park	N	N	N	Y	Y	N	N	N	N
Residential Cluster Development	N	N	N	N	N	N	N	N	N
Seasonal conversion	SPZ	SPZ	SPZ	N	N	SPZ	SPZ	SPZ	N

PRINCIPAL USE	R130	R60	R43	R30	MR30	WV1	WV2	WV1R
<b>Educational and Institutional Uses</b>								
Municipal use	N	N	N	Y	Y	Y	Y	Y
Hospital, medical related facility	N	N	N	SPZ	N	N	N	Y
Nursing home, intermediate care center	SPZ	SPZ	SPZ	SPZ	Y	Y	SPZ	Y
Day care center	Y	Y	Y	Y	Y	Y	Y	Y
Educational use, non-exempt	SPZ	Y	Y	Y	N	Y	Y	Y
Educational use, exempt	Y	Y	Y	Y	Y	Y	Y	Y
Oceanographic and engineering research	N	N	N	N	N	Y	N	Y
Membership club	N	N	N	N	N	Y	N	Y
Religious use	Y	Y	Y	Y	Y	SPZ	Y	Y
Other places of assembly	N	N	N	N	N	N	N	SPP
Cemetery	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	N
Medical Marijuana Treatment Center	N	N	N	N	N	N	N	N
Marijuana Establishments	N	N	N	N	N	N	N	N
<b>Commercial Uses</b>								
<b>Banks</b>	N	N	N	N	N	Y	Y	Y
<b>Offices</b>	N	N	N	N	N	Y	Y	Y
Laboratory / research office	N	N	N	N	N	Y	N	Y
Retail businesses	N	N	N	N	N	Y	N	Y
Service establishments not involving manufacture on premises	N	N	N	N	N	Y	N	Y
Motor vehicle service	N	N	N	N	N	Y	N	N
Motor vehicle sales	N	N	N	N	N	Y	N	N
Filling stations for gasoline, diesel fuel, liquid propane	N	N	N	N	N	Y	N	SPP
Dry cleaning, drop off / pick up only	N	N	N	N	N	Y	N	Y
Laundromat	N	N	N	N	N	Y	N	Y
Conference Center	N	N	N	N	N	N	N	Y
Motel, hotel	N	N	N	N	N	N	N	Y
Bed & Breakfast	N	N	N	N	N	Y	Y	Y
Guest house	N	N	N	N	N	Y	Y	Y
Neighborhood convenience store	SPZ	SPZ	N	SPZ	SPZ	Y	SPZ	Y
Wholesale business	N	N	N	N	N	Y	N	Y
Restaurant	N	N	N	N	N	Y	N	Y
Restaurant Drive through	N	N	N	N	N	N	N	N
Non-food Drive In/ Drive through establishment	N	N	N	N	N	N	N	N
Commercial recreational facilities	N	N	N	N	N	N	N	N
Other places of amusement	N	N	N	N	N	SPZ	N	SPP
<b>Brewery and Tap room, Distillery</b>	N	N	N	N	N	Y	N	Y
<b>Adult use</b>	N	N	N	N	N	N	N	N

\*East of Glen Charlie Road, Depot Street, and Great Neck Road, and otherwise not allowed

PRINCIPAL USE	OV1	OV2	CS	CG	CP	CNF	MAR	INS	IND
<b>Educational and Institutional Uses</b>									
Municipal use	Y	Y	Y	Y	Y	N	Y	Y	Y
Hospital, medical related facility	N	N	Y	Y	N	N	N	Y	N
Nursing home, intermediate care center	N	Y	Y	SPZ	SPZ	N	Y	Y	SPZ
Day care center	Y	Y	Y	Y	Y	Y	Y	Y	Y
Educational use, non-exempt	Y	Y	Y	Y	Y	N	Y	Y	Y
Educational use, exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y
Oceanographic and engineering research	N	N	N	Y	Y	N	Y	N	SPZ
Membership club	N	N	N	N	N	N	Y	N	N
Religious use	Y	Y	Y	Y	Y	Y	Y	Y	N
Other places of assembly	SPZ	N	Y	SPZ	SPZ	N	N	N	N
Cemetery	N	N	SPZ	N	N	N	N	N	N
Medical Marijuana Treatment Center	N	N	N	N	N	N	Y	Y	N
Marijuana Establishments	N	N	SPZ*	N	N	N	N	SPZ	SPZ
<b>Commercial Uses</b>									
Banks	Y	Y	Y	Y	Y	N	N	Y	Y
Offices	Y	Y	Y	Y	Y	N	N	Y	Y
Laboratory / research office	Y	Y	Y	Y	Y	N	N	N	N
Retail businesses	Y	N	Y	Y	Y	N	N	N	N
Service establishments not involving manufacture on premise	Y	N	N	Y	Y	N	N	N	N
Motor vehicle service	Y	N	SPZ	SPZ	N	N	N	Y	Y
Motor vehicle sales	Y	N	SPZ	SPZ	SPZ	N	N	N	N
Filling stations for gasoline, diesel fuel, liquid propane	N	N	N	N	N	N	N	N	N
Dry cleaning, drop off / pick up only	Y	N	N	Y	Y	N	N	N	N
Laundromat	Y	N	N	Y	Y	N	N	N	N
Conference Center	Y	Y	Y	Y	Y	Y	Y	N	N
Hotel, motel	Y	Y	Y	SPZ	Y	Y	Y	N	N
Bed & Breakfast	Y	Y	Y	Y	N	N	N	N	N
Guest house	Y	Y	N	Y	Y	N	N	N	N
Neighborhood convenience store	Y	N	Y	Y	Y	N	N	N	N
Wholesale business	Y	Y	Y	SPZ	SPZ	N	N	N	Y
Restaurant	Y	Y	Y	Y	Y	N	N	N	N
Restaurant Drive through	N	N	N	SPZ	N	N	N	N	N
Non-food Drive In Drive through establishment	N	N	N	SPZ	SPZ	N	N	N	N
Commercial recreational facilities	N	Y	Y	N	SPZ	N	N	N	N
Other places of amusement	SPZ	N	Y	N	SPZ	N	N	N	N
Brewery and Tap room, Distillery	Y	N	N	N	N	N	N	N	N
Adult use	N	N	N	N	N	N	N	N	SPZ

\*East of Glen Charlie Road, Depot Street, and Great Neck Road, and otherwise not allowed

PRINCIPAL USE	R130	R60	R43	R30	MIR30	WV1	WV2	WV1R
<b>Marine Uses</b>								
Marinas	N	N	N	N	N	Y	N	Y
Retail sale of marine equipment and supplies (not including fish products or food)	N	N	N	N	N	Y	N	Y
<b>Utility</b>								
Public utility	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	N
Public utility structures for public utility use not including repair stations or outside storage of supplies	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPP
Wireless communication facility, not exceeding 40 feet in height	Y	Y	Y	Y	Y	Y	Y	Y
Wireless communication facility, exceeding 40 feet in height	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPP
Large ground-mounted solar energy	SPR_SPP	SPR_SPP	N	N	N	N	N	N
BESS, Tier 1	Y	Y	Y	Y	Y	Y	Y	SPP
BESS, Tier 2	SPR_SPP	SPR_SPP	N	N	N	N	N	N
BESS, Tier 3	SPR_SPP	SPR_SPP	N	N	N	N	N	N
<b>Industrial Uses</b>								
Manufacturing of products produced on premises the major portion of which are sold on premises from producer to consumer	N	N	N	N	N	N	N	Y
Light manufacturing	N	N	N	N	N	N	N	Y
Manufacturing of marine vessels	N	N	N	N	N	Y	N	N
Industrial (except earth removal)	N	N	N	N	N	N	N	SPP
Gravel, loam, sand, stone, or earth removal	N*	SPZ	SPZ	SPZ	SPZ	N	N	N
Fish processing plants	N	N	N	N	N	N	N	N
Storage facilities	N	N	N	N	N	N	N	N
Junkyards and salvage yards	N	N	N	N	SPZ	N	N	N
Hazardous waste facility	N	N	N	N	N	N	N	N
Solid waste facility	N	N	N	N	N	N	N	N
<b>Transportation Uses</b>								
Aviation field	N	SPZ	N	SPZ	N	N	N	N
Public service or other passenger station	N	N	N	SPZ	N	N	N	SPP
Trucking and transportation terminals	N	N	N	N	N	N	N	SPP

PRINCIPAL USE	OV1	OV2	CS	CG	CP	CNF	MAR	INS	IND
<b>Marine Uses</b>									
Marinas	Y	N	N	N	N	N	Y	N	Y
Retail sale of marine equipment and supplies (not including fish products or food)	Y	N	Y	Y	Y	N	Y	N	Y
<b>Utility</b>									
Public utility	Y	N	N	Y	Y	N	N	N	Y
Public utility structures for public utility use not including repair stations or outside storage of supplies	SPZ	SPZ	Y	Y	Y	SPZ	SPZ	SPZ	Y
Wireless communication facility, not exceeding 40 feet in height	Y	Y	Y	Y	Y	Y	Y	Y	Y
Wireless communication facility, exceeding 40 feet in height	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ
<b>Large ground-mounted solar energy</b>									
RESR_Tier 1	N	N	SPR_SPP	SPR_SPP	SPR_SPP	SPR_SPP	N	N	N
RESR_Tier 1	N	N	SPR_SPP	SPR_SPP	SPR_SPP	SPR_SPP	N	N	SPR_SPP
RESR_Tier 2	N	N	SPR_SPP	SPR_SPP	SPR_SPP	SPR_SPP	N	N	SPR_SPP
RESR_Tier 3	N	N	SPR_SPP	SPR_SPP	SPR_SPP	SPR_SPP	N	N	SPR_SPP
<b>Industrial Uses</b>									
Manufacturing of products produced on premises the major portion of which are sold on premises from producer to consumer	N	N	SPZ	SPZ	SPZ	N	N	N	Y
<b>Light manufacturing</b>									
Manufacturing of marine vessels	N	N	N	N	N	N	N	N	Y
Industrial (except earth removal)	N	N	N	N	N	N	Y	N	Y
Gravel, loam, sand, stone, or earth removal	N	N	SPZ	N	N	N	N	N	SPZ
Fish processing plants	N	N	SPZ	N	N	N	N	N	N
Storage facilities	N	N	N	N	N	N	N	N	N
Junkyards and salvage yards	N	N	SPZ	N	N	N	N	N	N
Hazardous waste facility	N	N	N	N	N	N	N	N	Y
Solid waste facility	N	N	N	N	N	N	N	N	Y
<b>Transportation Uses</b>									
Aviation field	N	N	N	N	N	N	N	N	N
Public service or other passenger station	N	N	Y	SPZ	SPZ	N	N	N	Y
Trucking and transportation terminals	N	N	N	N	N	N	N	N	SPZ



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330 TABLE OF ACCESSORY USE REGULATIONS:

ACCESSORY USE	R130	R60	R43	R30	MR30	WV1	WV2	WV1R
<b>AGRICULTURAL and Rural Uses</b>								
Farm stand or Roadside Stand	Y	Y	Y	Y	Y	Y	Y	Y
<b>Recreational Uses</b>								
Food and Beverage services and accessory uses related to permitted recreational activities	N	N	N	N	N	N	Y	Y
Food and Beverage services and accessory uses related to permitted motels, hotels, and Conference centers	N	N	N	N	N	N	Y	Y
<b>Residential Uses</b>								
Accessory apartment	N	N	N	N	N	N	N	Y
Home occupation	SPZ	Y*	N	Y	Y*	Y	Y	Y
Home Office of profession or trade conducted by a resident of the premise	SPZ*	Y*	Y	Y*	Y*	Y	Y	Y
Taking of boarders or lodgers	SPZ	Y	N	Y	Y	Y	Y	Y
Storage Container for construction	Y	Y	Y	Y	Y	Y	Y	Y
Storage Container, Accessory	SPZ	SPZ	N	N	N	N	N	N
<b>Educational and Institutional Uses</b>								
Accessory uses for scientific research, Scientific development, or related production activities	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPP
<b>Commercial Uses</b>								
Outdoor advertising	N	N	N	N	N	N	N	N
<b>Marine Uses</b>								
Filling Stations for marine vessels	N	N	N	N	N	Y	N	Y
Marine connected use	N	N	N	N	N	Y	N	Y
<b>Utilities</b>								
Direct antenna 5 feet or more in diameter	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPP
Direct broadcast antenna under 5 feet in diameter	Y	Y	Y	Y	Y	Y	Y	Y
Wireless communications facility enclosed	N	N	N	N	N	Y	Y	Y
Wireless communications facility attached to existing structure not exceeding 40 feet in height	N	N	N	N	N	Y	Y	Y
On-site Solar Energy	Y	Y	Y	Y	Y	Y	Y	Y

<b>ACCESSORY USE</b>	<b>OV1</b>	<b>OV2</b>	<b>CS</b>	<b>CG</b>	<b>CP</b>	<b>CNF</b>	<b>MAR</b>	<b>INS</b>	<b>IND</b>
<b>Agricultural and Rural Uses</b>									
Farm stand or Roadside Stand	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Recreational Uses</b>									
Food and Beverage services and accessory uses related to permitted recreational activities	N	N	N	Y	Y	Y	N	N	Y
Food and Beverage services and accessory uses related to permitted motels, hotels, and Conference centers	N	N	N	Y	Y	Y	N	N	Y
<b>Residential Uses</b>									
Accessory apartment	N	N	N	Y	N	N	N	N	N
Home occupation	Y	Y*	N	SPZ	SPZ	N	N	Y	N
Home Office of profession or trade conducted by a resident of the premise	Y	Y*	N	Y	Y	N	N	N	N
Taking of boarders or lodgers	Y	Y*	N	N	N	N	N	N	N
Storage Container for construction	N	N	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ
Storage Container, Accessory	N	N	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ
<b>Educational and Institutional Uses</b>									
Accessory uses for scientific research, Scientific development, or related production activities	SPZ	SPZ	SPZ	Y	Y	SPZ	SPZ	SPZ	SPZ
<b>Commercial Uses</b>									
Outdoor advertising	N	N	Y	N	N	N	N	N	N
<b>Marine Uses</b>									
Filling Stations for marine vessels	N	N	N	N	N	N	SPZ	N	N
Marine connected use	N	N	N	N	N	N	Y	Y	Y
<b>Utilities</b>									
Direct antenna 5 feet or more in diameter	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ
Direct broadcast antenna under 5 feet in diameter	Y	Y	Y	Y	Y	Y	Y	Y	Y
Wireless communications facility enclosed	Y	Y	Y	SPZ	SPZ	Y	Y	Y	Y
Wireless communications facility attached to existing structure not exceeding 40 feet in height	Y	Y	Y	SPZ	SPZ	Y	Y	Y	Y
On-site Solar Energy	Y	Y	Y	Y	Y	Y	Y	Y	Y

## 340 USE DEFINITIONS

### 340.1 AGRICULTURAL AND RURAL USES

#### **Agricultural uses**

Includes the use of land for agriculture, horticulture, floriculture, or viticulture; and, the use, expansion, or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture, floriculture, or viticulture.

#### **Horticulture**

Includes greenhouses and the growing and keeping of nursery stock and the sale thereof.

#### **Farm stand or roadside stand**

Structure erected and used exclusively for the display or sale of products the majority of which are raised on the farms or produced in the homes of the Town. The structure may be located within the minimum required front yard, but at least twelve (12) feet from the nearest street line, if built of wood and other readily movable materials, without a foundation, integral heating, or permanent utility connections, and not over three hundred fifty (350) square feet gross floor area.

### 340.2 ANIMAL RELATED USES

#### **Animal Kennels**

~~Harboring and/or care of more than three dogs for three or more months per year. Animal Kennel commercial – a commercial establishment in which (3) three or more dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold.~~

#### **Piggeries**

Includes the use of land for keeping or raising of pigs and all facilities and structures associated with such use.

#### **Fur Farms**

The keeping or raising of fur bearing animals for commercial purposes.

#### **Veterinary hospital**

A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

#### **Riding stable**

Any structure and/or land used for a stable where horses, ponies, mules, or donkeys are maintained or kept for hire. This shall include the renting of horses, ponies, mules, or donkeys for rides, drives, or trail rides including their use as part of camp or ranch activities, and the use of these animals for hay rides or pony rides.

### 340.3 RECREATIONAL USES

#### **Campground**

Any place of camp character as the term is commonly understood, used wholly or in part for recreational camping or group activity purposes or for accommodations for overnight or longer periods and which accommodated for profit or under philanthropic or charitable auspices three or more families or camping grounds. The family type camp ground may accommodate tents, mobile camping units, expandable trailer camping units, and such other devices as may be developed and marketed for the camping trade. The campground may be so arranged that individual plots or sites properly allocated, designated and furnished, are available for such groups for their convenience during their temporary occupation. The plots or sites may or may not be equipped with auxiliary tents, tent platforms, tables and fireplaces. The campground may contain temporary or permanent buildings for common usages and may be operated as an overnight camp, a resident camp, or a picnic area.

The term family type campground does not include a children's day camp, recreational camp for children, or a Mobile Home Park.

**Golf course**

An area or tract of land used for the practice and enjoyment of golf, and associated buildings and structures.

**Golf Club**

A membership club for the practice and enjoyment of golf, which is used exclusively by members and their guests and is not conducted as a gainful business.

**Non-profit recreation**

Any non-profit establishment whose main purpose is to provide the general public with access to indoor or outdoor recreation.

**Health or Athletic Facility**

An indoor or outdoor facility including game courts, exercise equipment, locker rooms, swimming pool(s) used primarily for athletic practice or competition, fitness classes or lessons, or related activities. Membership club is used exclusively by members and their guests and is not conducted as a gainful business.

**Tennis club**

Indoor and outdoor facilities used for tennis practice, competition, and lessons including locker rooms and pro shop. Membership club is used exclusively by members and their guests and is not conducted as a gainful business.

**Youth camp**

The use of a site for provision of indoor or outdoor activities for groups of young people such as YMCA camps, Boy and Girl Scout camps or similar organizations.

340.4 RESIDENTIAL USES

**1-family dwelling**

A detached dwelling intended and designed to be occupied by a single family.

**2-family dwelling**

A building containing two dwelling units, sharing a common demising wall, floor or ceiling, constructed on a single lot. Also known as a duplex.

**3 to 4 family dwelling**

A dwelling containing at least three but no more than four separate dwelling units, each unit sharing a common demising wall, floor or ceiling, with its neighbors.

**5 or more family dwelling**

A dwelling containing five or more separate family dwelling units, each unit containing a minimum of 650 square feet of livable floor space, exclusive of closets and bathrooms, each unit sharing a common demising wall, floor or ceiling, with its neighbors.

**Apartment in mixed-use building**

A dwelling unit located on the upper floors of a building of which the ground floors are devoted to nonresidential uses.

**Manufactured Home Park**

A parcel of land under one ownership that has been planned and improved for the placement of two or more manufactured homes for rental purposes or non-transient uses.

**Residential Cluster Development**

A residential development meeting the use requirements outlined in Article 8, Section 810.

**Seasonal Conversion**

A structural alteration designed or intended to extend the length of the occupancy of a seasonally occupied dwelling or guest unit, including, but not limited to, winterization, installation of a kitchen, or installation of a heating system. A dwelling or guest unit shall be considered to be seasonal if it is occupied for 180 days or less in any 12-month period.

**Accessory Apartment**

An accessory apartment is a second dwelling unit located within or attached to a structure originally designed, constructed and occupied as a detached single-family dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home.

**Home Occupation**

A home occupation is a commercial activity, which customarily is carried on entirely within a dwelling unit, and is incidental and subordinate to the use of the dwelling as a residence. Such use shall meet the use requirements outlined in Article 5, Section 510.

**Storage Container for Construction**

Temporary storage of materials for construction, related to an open building permit at the property in containers of no more than 40 feet long, for no more than 6 months.

**Storage Container, Accessory**

Moveable, metal storage container of no more than 20 feet in length and screened from neighborhood and public view.

340.5 EDUCATIONAL AND INSTITUTIONAL USES

**Municipal Use!**

Use of any building, facilities and/or area owned or operated by the Town of Wareham (Town) for the (1) general use and welfare of the Town, its inhabitants or businesses located in the Town or (2) emergency vehicular or pedestrian access over land owned by the Town.

**Hospital**

A facility where the sick or injured are given medical and surgical care.

**Nursing Home**

A facility maintained for the purpose of providing skilled long-term nursing care and medical supervision at a lower level than a hospital.

**Intermediate Care Center**

A facility providing accommodations and needed medical care and supervision at a lower level than a nursing home. Intermediate Care Home shall have the same meaning as Convalescent Home.

**Day Care Center**

A childcare arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age.

**Educational Uses, Nonexempt**

Educational facilities not exempt from regulation by Ch. 40A, section 3 of the General Laws.

**Educational Uses, Exempt**

Land or structures used for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions, or bodies politic or by a religious sect or denomination, or by

a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

**Membership Club**

Buildings, structures and premises used by a nonprofit social or civic organization or by an organization catering exclusively to members and their guests for social, civic recreational or athletic purposes which are not conducted primarily for gain and provided that there are no vending stands, merchandising or commercial activities except as may be require4d for membership purposes for such organization.

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**Religious Uses**

Uses of buildings, structures, and land for religious purposes where what is religious requires a system of belief, concerning more than the earthly and temporal, to which the adherent is faithful.

**Place of Assembly**

A structure for groups of people to gather for an event or regularly scheduled program. Places of assembly include, but are not limited to, arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

**Cemetery**

Land used for the burial of the dead, and dedicated for cemetery purposes.

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**Accessory Uses to Scientific Research, Development, or Related Production Activities**

Those uses that are necessary in connection with scientific research, scientific development, or related production activities as permitted as a matter of right.

**340.6 COMMERCIAL USES**

**Banks**

A freestanding building, with or without a drive-up window and/or Automated Teller Machine (ATM); for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

**Office**

A room or group of rooms used for conducting the affairs of a business or profession such as law firm, medical services, financial, real estate, etc., not to be confused with Service Establishments and/or Service-Related Shopping.

**Retail Business**

A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**Service Establishments and/or Service-Related Shopping**

Those shops that primarily sell services on site, like hairdressing, manicure/pedicure services, dog grooming, etc.

**Motor Vehicle Service**

Establishments engaged in providing structural or mechanical motor vehicle (including automobile or boat) repair, washing, or towing for service, or service.

**Motor Vehicle Sales**

Establishments engaged in sale of motor vehicles.

**Filling Stations**

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles.

**Dry Cleaning Establishments or Laundromats**

An establishment or business maintained for cleaning articles of any sort by immersion and agitation in volatile solvents, and the processes incidental thereto.

**Conference Center**

A facility used for service organizations, business, and professional conferences and seminars with or without accommodations.

**Motel or Hotel**

A building or complex of buildings or suites of room with sleeping and sanitary facilities but no kitchen facilities; and which may have kitchen facilities only in connection with a common dining room and related function rooms. Rooms may have either a common or individual entrance. Included in this definition are inn, motel, hotel, motor inn, and tourist court. Excluded from this definition are apartment house, boarding house, lodging house or rooming house.

**Bed & Breakfast**

A small, owner-operated business with 1 to 10 guest rooms where the owner or manager lives on the premises. Breakfast is the only meal served to overnight guests. Parking for each room should be provided on-site or in close proximity to the establishment.

**Guesthouse**

A group of detached buildings containing individual sleeping units designed or used temporarily by tourists or transients on a seasonal basis.

**Neighborhood Grocery Store**

Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

**Wholesale Business**

An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Restaurant**

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building.

**Drive-in/Drive-through Establishment**

A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in", includes drive-in eating establishments where the food is purchased from a building on the lot but is consumed in the vehicles; drive-in service stations, gasoline stations, or the like. Drive-in movies are excluded from this definition.

**Commercial Recreation Facilities**

Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where fees are collected for the activity. Includes, but not limited to, go-carts, bowling alleys, waterslide, mini-golf, batting cages, or sports complexes.

**Adult Use**

An adult store, adult motion picture theater, adult cabaret or similar establishment.



**Outdoor advertising**

A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, erected upon the ground, on the wall of a building, or above the roof of a building, and used and erected for the public display of pictorial or reading matter for commercial advertisement of a business, professional trade, or home occupation located on the lot or in the building where such appliance, structure or surface is erected.

**340.7 MARINE USES**

**Marinas**

Premises used for wharves, docking, boat liveryes, boat yards, boat storage, yacht clubs, sale of boats and other marine equipment but not including the processing or sale of fish. Indoor marina facilities shall include restaurants, social clubs, and other membership organizations, whether including or not including the serving of alcoholic beverages.

**Marine Connected Uses**

Premises used for activities connected to marinas, including marine railways.

**340.8 UTILITY**

**Public Utility**

Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation or water.

**Wireless Communications Facility**

A facility for the provision of wireless communications services, including antennas and enclosing structures, but not including direct broadcast antennas.

**Direct Broadcast Antenna**

A dish or other antenna for receiving multi-channel multi-point distribution services or direct broadcast satellite services.

**Wireless Communications Facility, Enclosed**

A wireless communications facility located entirely within an existing structure which conforms to the dimensional regulations of the applicable zoning district, and whose principal use is allowed by right or by Special Permit in the zoning district. This term does not apply to any wireless communications facility that is the sole or principal use of the structure within which it is located.

**Large-Scale Solar Ground-Mounted Solar Photovoltaic Installation**

A solar photovoltaic system that is structurally mounted on the ground and has a minimum Rated-Nameplate Capacity of 250 kW DC.

**Tier 1 Battery Energy Storage Systems**

Have an aggregate energy capacity less than 0.5MWh and if in a room or enclosed area, consist of only a single energy storage system technology.

**Tier 2 Battery Energy Storage Systems**

Have an aggregate energy capacity equal to or greater than 0.5 MWh but less than 1 MWh or are comprised of more than one storage battery technology in a room or enclosed area.

**Tier 3 Battery Energy Storage Systems**

Have an aggregate energy capacity greater than 1 MWh or are comprised of more than one storage-battery technology in a room or enclosed area.

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## 340.9 INDUSTRIAL USES

### **Manufacturing**

The mechanical or chemical transformation of materials or substances into new products, including assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins or liquors.

### **Light Manufacturing**

The manufacturing, predominantly from previously prepared materials, of finished products or parts including processing, assembling, treatment, packaging, incidental storage, and distribution of such products; provided that all operations shall be such as to confine disturbing smoke, fumes, dust and noise to the premises so as not to create a nuisance or hazard. Also includes printing, publishing, research & development.

### **Industrial**

Activity including resource extraction, manufacturing, warehousing, storage, distribution, shipping, and other related uses.

### **Gravel, Loam, Sand, Stone, or Earth Removal**

An open land area where sand, loam, and rock fragments are mined or excavated. The earth removal industry is regulated separately by Section 7 of Article I of Division IV of the Town By-Laws.

### **Fish Processing Plants**

A building of commercial fish packing, processing, canning or freezing of fin fish and shellfish.

### **Storage Facilities**

Any structure that is used for storage of inanimate objects or organic objects. Storage containers used for temporary construction activities shall be limited to 40 foot long containers and for a period up to 6 months, and must be associated with an open building permit at this property.

### **Junkyards**

A building, structure, or parcel of land used for collecting, storage, or sale of junk.

### **Salvage Yards**

A facility or area for storing, keeping, selling, dismantling, or salvaging scrap metal or discarded material or equipment.

### **Hazardous Waste Facility**

Defined in MGL c21 d, s2. These facilities are granted a partial exemption from local zoning laws for any Industrial Zone for facilities that have received a site assignment pursuant to the statute.

### **Solid Waste Facility**

Sanitary landfills, refuse transfer stations, refuse incinerators, refuse composting plants, resource recovery plants, and dumping grounds for refuse. These facilities are granted a partial exemption from local zoning laws for any industrial zone for facilities that have received a site assignment pursuant to the statute.

## 340.10 TRANSPORTATION USES

### **Aviation Field**

An area of land designed and set aside for the landing and take-off of aircraft.

### **Public Service or Other Passenger Stations**

A building, structure, or area designed and used for the boarding or discharging of passengers for bus, rail or ferry and related ticketing sales and offices.

### **Trucking Terminals**

A building or area in which freight brought by truck is assembled and /or stored for routing or reshipment or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked and stored.

**Transportation Terminal**

A facility for the transfer, pick-up, or discharge of people or goods by truck, bus, train or ferry without long-term storage of such items.

**350 MULTIPLE PRINCIPAL USES AND STRUCTURES**

**351 MULTIPLE PRINCIPAL USES**

Except in the R-130, more than one principal use may be established on a lot, pursuant to a Special Permit issued by the Board of Appeals. More than one principal use and/or structure may be established in nonresidential districts.

**360 CONDITIONS APPLICABLE TO SPECIAL PERMIT USES**

**361 JUNK YARDS**

Such use shall be set back a minimum of 500 feet from any lot line or any public or private way.

**362 ANIMAL KENNELS**

Permits for such use shall be issued for a minimum of one year, and may be renewed without public hearing by the Zoning Board of Appeals.

**363 SEASONAL CONVERSIONS**

Special permits for such conversion from seasonal to year-round use shall be granted only upon the Board of Health's recommendation that on-site sewage disposal facilities are deemed to be adequate.

**370 USES PROHIBITED IN ALL DISTRICTS**

No use shall be permitted which would be offensive because of injurious or obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features or be hazardous to the community on account of fire or explosion or any other cause. No building permit shall be granted for any use which would prove injurious to the safety or welfare of the neighborhood into which it proposes to go, and destructive of property values, because of any excessive nuisance qualities.

**371 OPEN LOT STORAGE OF JUNK**

Open lot storage of junk shall be prohibited in all districts.

**380 SPECIAL CONDITIONS APPLICABLE TO USES IN CERTAIN DISTRICTS**

**381 RESIDENCE - 130 DISTRICT**

1. Gravel, loam, sand, stone or earth removal  
These activities are prohibited except as incidental to a permitted use.
2. Home office of profession or trade conducted by a resident of the premises.  
This activity may be permitted by Special Permit provided there is no external evidence of any business other than permitted by signs and for uses incidental thereto.

**382 RESIDENCE 60 (R - 60)**

1. Home office of profession or trade conducted by a resident of the premises.  
This activity shall be permitted by right provided there is no external evidence of any business other than permitted signs.

**383 RESIDENCE 30 (R - 30)**

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1. Two or More Unit Family Dwellings.  
Multiple family residential uses are permitted only as provided in Section 810 Residential Cluster Development
2. Home office of profession or trade conducted by a resident of the premises.  
This activity shall be permitted by right provided there is no external evidence of any business other than permitted signs.

384 MULTIPLE RESIDENCE 30 (MR - 30)

1. Home occupation.  
In multiple family dwellings, this activity shall be prohibited.
2. Home office of profession or trade conducted by a resident of the premises.  
In single family dwellings, this activity shall be permitted by right provided there is no external evidence of any business other than permitted signs.  
In multiple family dwellings, this activity shall be prohibited.

385 ONSET VILLAGE 2 (OV - 2)

1. Office or Bank.  
This use shall be permitted by right, provided the lot area is 5 times the total floor area of the building
2. Home-based businesses.  
This use shall be permitted by right provided not more than four persons not also resident in the premises are employed; there is not retailing of goods not produced on the premises; there is no outside use, display, or storage of equipment or materials visible from any abutting premises or public way; and, there is no parking for more than two vehicles within a required front yard.

386 DRIVE-THROUGH RESTAURANT

A Drive-through Restaurant shall only be permitted in the General Commercial district by Special Permit issued after the following conditions are met:

1. Internal site circulation is found to be safe for cars and pedestrians, with well-defined lanes and minimal crossing of lanes.
2. Site access provides enough space for vehicles to enter and queue and for vehicles exiting to pause and queue for exit.
3. Trash receptacles are available for disposal from a vehicle.
4. There is no direct entrance or egress onto or from a State highway, arterial or collector road.

390 MARIJUANA FACILITIES

391. Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary, as defined, and to the extent that such facilities are permitted under state laws and regulations, shall be allowed in the Institutional (INS) zoning district.
392. Other Marijuana Establishments, to the extent that such facilities are permitted under state laws and regulations, shall be allowed by Special Permit in the Strip Commercial (CS) district east of Glen Charlie Road, Depot Street, and Great Neck Road, Institutional (INS) and Industrial (IND) zoning districts.
  1. An exception shall be made for an existing laboratory adding independent marijuana product testing to its services. This use may be authorized by Special Permit in the district in which it is located.
393. The number of Marijuana Retailers shall be limited to a total of three [3] separate establishments within the town of Wareham.

1. The number of Marijuana Delivery Establishments shall be limited to a total of three (3) separate establishments within the town of Wareham.
394. A minimum separation of 1,500 feet is required between Marijuana Retailers, but not including Marijuana Treatment Centers.
395. All Marijuana Establishments shall be in conformance with State regulations and licensing requirements for such establishments regarding buffers, access, and security.
1. As allowed by 935 CMR 500.110. 3 Buffer Zone, there shall be a zero-foot setback from a public or private school, where the proposed marijuana establishment is an independent marijuana testing laboratory.
396. All Marijuana Establishments shall be in conformance with the dimensional, intensity and setback requirements of the underlying zoning.
397. Signage for all Marijuana Establishments shall be in conformance with State regulations and licensing requirements for such establishments, and in conformance with Wareham Zoning By-Laws Article 11: Signs.
398. Use variances are not allowed for any Marijuana Establishment or Medical Marijuana Treatment Center.
399. *Because State program development for cannabis businesses is on-going and State regulations have not been finalized, a one-year moratorium on issuance of any permits for Social Consumption marijuana establishments shall be in force from the date of Town Meeting vote. [amended Fall, 2022 Town Meeting]*

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