

SECTION 2

DEFINITIONS

For the purpose of this ordinance, certain terms and words shall have the following meanings. Words used in the present tense include the future; the singular number includes the plural; the plural the singular. Terms and words not defined herein but defined in the Massachusetts State Building Code shall have the meaning given therein. Words defined in neither place shall have the meaning given in Webster's Unabridged Dictionary, Latest Edition.

ABANDONMENT: The visible or otherwise apparent intention of an owner to discontinue a non-conforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of the non-conforming use, without its replacement by similar equipment or furnishings, or the replacement of the non-conforming use or building by a conforming use or building.

ACCESSORY USE: The use of a structure or lot for the purpose incidental to a principal use permitted as a right or by Special Permit, customarily found in connection therewith, located on the same lot as the principal use, and which does not in effect constitute conversion of the principal use of the structure or lot to one not permitted.

ACCESSORY USES, IN CONJUNCTION WITH SCIENTIFIC RESEARCH: Activities accessory to activities otherwise permitted within the district as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right.

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31 as amended. For purposes here, "substantial or significant portion of stock" shall mean more than twenty-five percent (25%) of the subject establishment's inventory stock or more than twenty-five percent (25%) of the subject premise's gross floor area. (added 9/3/96)

ADULT CABARET: A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features:

- a. persons who appear in a state of nudity; or
- b. live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic regions, buttock and female breast below a point immediately above the top

- of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31; or
- c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of anatomical area specified as above, or relating to sexual excitement as defined in MGL Ch. 272, Sec. 31. (added 9/3/96)

ADULT DAY CARE CENTER: A nonresidential facility in which custodial care is provided for more than five persons older than eighteen years of age, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis during a part of the 12 hour period between 7:00 a.m. and 7:00 p.m., for not less than three and not more than 12 hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, health and housing. (added 9/8/2016)

ADULT MOTION PICTURE THEATER: An enclosed building used for presenting material (motion picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31. (added 9/3/96)

ADULT PARAPHERNALIA STORE: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31. (added 9/3/96)

ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade -- for sale or rent-- motion picture films, video cassettes and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31, as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than twenty-five percent (25%) of the subject establishment's inventory stock or more than twenty-five percent (25%) of the subject premise's gross floor area. (added 9/3/96)

ADVANCED MANUFACTURING: Production activities that integrate technology-based systems and processes in the manufacture of products to the highest level of quality and compliance with industry-specific certification standards. Products are often innovative, made from advanced materials and components, and produced on technology-driven equipment and/or with technology-driven processes. Raw material development is typically carbon footprint friendly and brought to market in the most technologically-advanced way; the final product has very little if any waste due to the reuse or recyclable potential of the product. Examples of advanced manufacturing include nanotechnology; computer aided design (CAD), reverse engineering, enhanced prototyping and

simulations; computer integrated manufacturing; and production that employs computer numerically controlled (CNC) equipment, robotics, laser, plasma, waterjet and other automated equipment. (added 9/8/2016)

AGRICULTURE: The use of land for production of crops, including horticulture, floraculture and vitaculture, but excluding raising of livestock for commercial purposes and excluding any other uses such as would create unduly offensive and noxious odors.

ALLEY: A way which is thirty (30) feet or less in right-of-way width and is used primarily for secondary vehicular service access to the back of a lot or lots which also abut on a street.

ALTERATION: Any construction resulting in a change in the structural parts or heights, number of stories, size, use, or location of a building or other structure.

ASSISTED LIVING: Residents require significant personal care/assistance with Activities of Daily Living (ADLs) such as bathing, dressing/undressing, using the restroom, eating, walking/wheeling, medication management, etc. [Added 9/4/2008]

ASSISTED LIVING /CONTINUING CARE: Non-profit and for profit residential developments providing housing for able bodied senior citizens and/ or housing with various degrees of medical and life support services to people over the age of 62years of age. (added 9/23/2009)

AUTOMATIC TELLER MACHINE (ATM), FREESTANDING: A pedestrian-oriented mechanical device, not in proximity to a bank or other financial institution, which is accessed by an individual for the purpose of receiving cash from accounts and/or allows patrons to transact minor financial activities. ATMs for use by patrons in vehicles are to be considered drive-up customer service facilities. (added 7/28/2003)

BASEMENT: A portion of a building, partly underground, which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground. A basement is not deemed a story unless its ceiling is 6 ft. 6 in. or more above the finished grade.

BIOMEDICAL FACILITY: Any facility engaged in the use of materials such as (but not limited to) Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material, including biomedical facilities defined by the National Institute of Health as a Biolevel-1 (BL-1) or Biolevel-2 (BL-2) facility. (added 5/26/2009; amended 9/8/2016)

BOARD: The Board of Appeals of the City of Woburn, Massachusetts.

BOARDING, ROOMING OR LODGING HOUSE: A building or structure or portion thereof arranged or used for lodging with or without meals for compensation by three (3) or more lodgers or boarders. This definition shall not include Hotels, Motels or Inns.

BODY ART - means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited. This definition shall not include the piercing of ear lobes

BODY ART ESTABLISHMENT - or establishment means a location, place, or business that has been granted a permit by the Woburn Board of Health, whether public or private, where the practices of body art are performed, whether or not for profit.

BODY ART PRACTITIONER - or practitioner means a specifically identified individual who has been granted a permit by the Woburn Board of Health to perform body art in an establishment that has been granted a permit by the Board.

BUFFER ZONE: An area along the boundary line between a residential district in the City of Woburn and a mixed-use, business, office park or industrial district, extending into the aforementioned non-residential districts, except as provided for in Section 6.2.6.4 of this ordinance, which is limited in use, as provided in Section 6.2.6.5, and is subject to special requirements as provided in Section 6.2.6.6 in order to reduce adverse development impacts on neighboring residential districts.

BUILDING: An independent structure resting on its foundations and designed for the shelter or housing of persons, animals, chattels, or property of any kind.

BUILDING GROUND COVERAGE: The percentage of total lot area covered by buildings.

BUILDING COMMISSIONER, also known as the COMMISSIONER OF BUILDINGS: The Commissioner of buildings of City of Woburn, charged with the enforcement of this zoning ordinance.

BUSINESS OR TRADE SCHOOL: A school providing education in dance, art, music, business, trade or similar subjects.

BUSINESS SALES OR SERVICES: A commercial enterprise that sells only to and services other business. (added 9/23/2009)

CANOPY SIGN: A sign located at a drive-up customer facility affixed directly to the canopy within the stacking or transaction area of the drive-up customer facility. Canopy

signs shall be limited to directional, informational, company name, and/or logo. (added 8/22/2006)

CELLAR: A portion of a building, partly underground, which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground. A cellar is not deemed a story.

CEMETERY: An area set apart for or containing graves, tombs, crypt or funeral urns; a burial ground/graveyard. (added 6/2/92)

CHECK CASHING FACILITY: Any business as defined in Massachusetts General Laws Chapter 169A that cashes checks for a fee, excluding financial institutions. (added 7/28/2003)

CHILD CARE CENTER: Any facility for the commercial day care of four or more children.

CITY COUNCIL: City Council of the City of Woburn.

CLUSTER DEVELOPMENT: A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property by open land, and in which provision has been made by conveyance or restriction that the land be kept in an open or natural state.

COMMERCIAL PARKING LOT: Any open air parking lot or parking garage used in whole or in part for parking fifty (50) or more motor vehicles and where a fee/payment for parking is charged to individuals, businesses or organizations. A license is required under Woburn's Municipal Code Section 5-87 and 5-88 for all commercial parking lots of three (3) or more parking spaces. (Added 4/25/2007)

COMMUNITY CENTER: Recreation-oriented center or facility such as drop-in center, or recreation facilities open to a broad public, and excluding private membership clubs, to include club houses or community centers associated with multi-family developments. (amended 9/23/2009)

CONGREGATE ELDERLY APARTMENTS: A dwelling which contains three or more dwelling units arranged, intended or designed to create a residential environment for the elderly which includes services such as meals, housekeeping, transportation and organized recreation programs. It is neither a care home or medical facility, but a facility commonly known as "congregate housing".

CONSERVATION COMMISSION: Conservation Commission of the City of Woburn.

DEPOT: A warehouse. (added 11/20/90).

DIAGNOSTIC IMAGING TRAILER: A trailer offering diagnostic imaging services to patients and/or animals. The imaging modalities may include, MRI (Magnetic Resonance Imaging), CT (Computerized Tomography), PET (Positron Emission Tomography), PET/CT (Positron Emission Tomography/Computerized Tomography), Digital Mammography, and Veterinary Medicine-MRI and any other generally recognized imaging methods. (added 4/8/2004)

DRIVE-UP CUSTOMER SERVICE FACILITY: A fast food restaurant, bank, retail, commercial, or service use which allows customers to access sales or services directly from a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline station, self service gasoline station, or the accessory functions of a car wash facility such as vacuum cleaning stations. (added 7/28/2003)

DRIVEWAY: An open space, located on a private lot, providing for access to a private garage or off-street parking space.

DWELLING: Any structure used in whole or in part for human habitation, exclusive of a trailer or mobile home, however mounted.

DWELLING, SINGLE FAMILY: A dwelling containing a single dwelling unit.

DWELLING, TWO FAMILY: A dwelling containing two dwelling units.

DWELLING UNIT: One (1) or more rooms arranged, intended or designed to be occupied by one (1) family and to provide complete facilities for living, sleeping and eating.

DWELLING, MULTI-FAMILY: A dwelling which contains three or more dwelling units attached or located in a single structure.

ELEVATION: Height relative to mean sea level.

ELEVATOR APARTMENTS: A multi-family dwelling having more than two and one-half (2½) stories or thirty-five (35) feet in height, except in the Business Downtown (B-D) zoning district, whereby a structure having more than three (3) stories and containing multi-family dwelling units above the first floor of a commercial use(s), shall be classified as an elevator apartment. (Added 2/14/2001)

ERECTED: The word erected shall include the word attached, built, constructed, reconstructed, altered, enlarged, moved, painted and posted.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or government agencies, of underground or overhead gas, electrical, steam, or

water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings necessary for the furnishing of adequate service by such public utilities or governmental agencies for the public health or safety or general welfare.

FAMILY: One or more persons, including domestic employees, occupying a dwelling unit and living as a single, non-profit housekeeping unit, except that six (6) or more persons who are not within the second degree of kinship to each other, as defined by the law of the Commonwealth of Massachusetts, shall not constitute a family.

FINANCIAL INSTITUTION: A state or federally chartered bank, savings association, credit union, or industrial land company located in a building or portion thereof which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan businesses or check cashing facilities. (added 7/28/2003)

FLOOR AREA, GROSS: The sum of all areas of a building within the inside perimeter of the exterior faces of the walls. It includes all floors of a building, basements, cellars, attics, penthouses, unenclosed and closed-in porches, closets, ramps, floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, and any floor space intended and designated for the operation and maintenance of the building, i.e., heating, air conditioning, ventilation, mechanical and electrical equipment, elevator machinery, elevator shafts, corridors, hallways, columns and stairwells. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. (Amended 8/11/92; 11/21/2018)

FLOOR AREA, NET: The sum of all the floors of a building used for human occupancy, including basements, cellars attics, and floor area of interior courts designed for human occupancy and used for such purpose, and as measured from the interior faces of the walls. It does not include cellars, basements, attics and unenclosed and closed-in porches not designed and/or used for human occupancy, closets, ramps, or any floor intended and designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance, or any floor space intended and designated for operation and maintenance of the building such as heating, ventilation, air conditioning, mechanical and electrical equipment, elevator machinery, elevator shafts, corridors, hallways, columns and stairwells. (Amended 8/11/92; 11/21/2018)

FLOOR AREA RATIO (FAR): The ratio of the net floor area of the structure to the lot area. (Amended 9/22/92).

FRONTAGE: The length of continuous linear feet of a lot which runs along a street. See also "LOT LINE FRONT".

GARDEN APARTMENT: A dwelling, not more than two and one half stories or thirty five (35) ft. in height, containing three or more dwelling units.

GARAGE: A structure for the storage of motor vehicles.

GARAGE, AUTOMOBILE AND TRUCK REPAIR: An establishment for the storage, repair, rental, servicing, adjusting and/or equipping of automobiles or other motor vehicles, body works and/or supplying fuel and oil to motor vehicles, but excluding repair of heavy motorized equipment and dismantling and storage of vehicles and parts.

GASOLINE STATION: An establishment which provides for the sale of gasoline and accessory items, servicing and minor repairs of motor vehicles.

GOLF COURSE-COUNTRY CLUB: Establishments consisting of golf courses and related facilities, usually known as "country clubs", consisting of restaurants, function rooms, accessory buildings, tennis courts, and other recreational facilities.

GOLF DRIVING RANGE: A facility used for the instruction and practice of the game of golf by striking golf balls from fixed locations into an open field together with incidental uses thereto including but not limited to golf putting greens and rental of equipment. Each golf driving range shall be constructed according to nationally recognized safe practice standards for such amusements to protect patrons, passers-by and the surrounding area. Sufficient off-street parking for patrons shall be furnished and maintained. The premises shall be maintained in an orderly manner and grass and weeds kept down. (Added 5/8/2001)

GRADE: The rate of change in elevation of the surface of the land as measured in feet of vertical change per one hundred (100) feet horizontal, or percent. (One foot vertical change per one hundred feet horizontal is equal to a one percent (1%) grade).

HEIGHT OF A BUILDING: The vertical distance measured from the average ground elevation around the exterior walls of the building, determined without regard to any attached accessory building or attached parking structure, or the underside of the floor slab of the building above any parking facilities contained within the structure, to the highest point of the roof surface in the case of a flat roof, and to the mean height between eaves and ridge in the case of a pitched roof except that the measurement of height shall not include appurtenant roof structures such as chimneys, service equipment and penthouses or spires, smokestacks, flag poles, aerials, roof-mounted energy systems, and the like, nor shall it include any parking facilities contained within the building. (Amended 3/29/2016)

HOME OCCUPATION OR OFFICE: The use of a portion of a dwelling as an office, studio, or workroom for occupation at home by a person residing on the premises and in connection with which there is kept no stock in trade nor commodity sold on the premises and which

- is clearly incidental to and secondary to the use as a residence;
- is a customary home occupation such as dressmaking, millinery, or preparing food for sale; or
- is an office of a resident physician, dentist, attorney at law, architect, engineer, real estate broker, insurance broker, teacher of not more than three (3) students, or member of other recognized professions;
- shall have no exterior evidence of the home occupation or display or storage of materials other than permitted by this ordinance, i.e., signs as permitted in Sec. 13.6. (Amended 10/20/92).
- provided the equipment, facilities or conduct associated with the home occupation do not create undue or harmful noise, smoke, dust, odor, vibration, electrical interference, customer traffic, or unsightliness discernable from adjacent properties or such other interferences with the peaceable enjoyment of neighboring residents.

HOSPITAL :

EXTENDED CARE FACILITY: a building used primarily for the long term residence of persons who, on account of (1) age or (2) physical infirmity, are unable to live by, or care for, themselves; included within this term are facilities which are commonly known as nursing homes, convalescent homes and rest homes and Assisted Living residences. (amended 12/19/2013)

GENERAL HOSPITAL: a facility or building used primarily for providing to members of the public, or members of designated groups of the public, medical care and services of every kind, nature or description, excepting those services hereinafter described and listed within the definition of:

SPECIAL HOSPITAL: a facility or building used primarily for providing to members of the public, or members of designated groups or the public, either as residents of, or as periodic visitors thereto, psychiatric, psychological, mental health or emotional care, counseling and/or treatment; including herein, a facility or building which is used for the care, counseling and/or treatment of persons suffering from substance abuse, including drugs and/or alcohol. (added 2/6/90)

HOTEL COMPLEX: A hotel development with related commercial or office uses where the hotel component is at least 50% of the gross building area of the initial construction project. (added 9/23/2009)

HOTEL OR INN: A business activity where rooms for temporary lodging are rented on a nightly or longer basis and whose facilities may or may not include restaurants, pools, recreation amenities, conference and meeting rooms and similar types of accessory uses. Further a Hotel or Inn shall be a business activity where at least 90% of the lodging rooms are accessed from internal hallways. (amended 9/23/2009)

HOUSE OF WORSHIP: A building which was built and used for the primary purpose of assembly for religious worship. For purposes of this ordinance the term “house of worship” shall not include any other building, structure, or use now or formerly associated with religious practice such as, but not limited to, convents, rectories, schools and cemeteries. (added 1/22/2015)

KENNEL: Premises maintained for breeding, boarding, sale or training of dogs for hunting or other purposes and including any shop where dogs are on sale, and also including premises where more than three (3) dogs three months old or over are owned or kept irrespective of the purpose for which they are maintained.

LANDSCAPING: The planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climactic conditions of the area. In addition, the term landscape may include some natural or manufactured materials including, but not limited to, reflecting pools, works of art, walkways, screens, walls, fences, benches and other types of street furniture.

Landscaping material may also include, but is not limited to, other non-living durable materials such as rocks, pebbles, sand, brick pavers, and earthen mounds, but excluding pavement for vehicular use.

LARGE WIND ENERGY FACILITY: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity except small wind energy facilities and roof top wind energy facilities. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines. (Added 11/24/2009)

LEGAL STREET FRONTAGE: The length of continuous linear feet of a lot which runs along a street or a way shown on a plan approved by the Planning Board under the Subdivision Control Law, or a private way in existence when the subdivision law became effective in the city which, in the opinion of the Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic and the installation of municipal services. On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction. (Added 8/24/2000)

LOT: A single area of land in one ownership with definite boundaries, ascertainable by deed or recorded plan.

LOT AREA: Lot area shall be determined by an area within a lot including any area within said lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. (amended 12/5/89).

LOT, CORNER: A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, INTERIOR: A lot, other than a corner lot, with only one (1) frontage on a street.

LOT LINE: A line which separates one (1) or more lots or a lot and a street.

- a) LOT LINE, FRONT: The lines separating a lot from the right-of-way of a street. On a corner lot, the shorter street frontage shall be considered the front lot line unless otherwise specified by deed restriction.
- b) LOT LINE, REAR: Any lot line which is not a front or side lot line.
- c) LOT LINE, SIDE: Any line which separates a lot from another lot and which intersects a front lot line or which, if extended to a front lot line or its extension, would form an angle of greater than 45 degrees with the front lot line when measured on the side of the angle closest to the center of the lot.

LOT, THROUGH: A lot, other than a corner lot, the front and rear lot lines of which abut streets.

LOT, WIDTH, MINIMUM: No lot shall be created which does not have an area in which a circle may be located tangent to the lot frontage and within all lot lines - the lot must also allow the passage of said circle from its frontage position to the developable portion while remaining within all lot lines. The circle diameter shall not be less than the minimum dimension for the appropriate district as listed in Section 6.1 Dimensional Table column labeled LOT WIDTH . An illustration depicting the foregoing definition for lot width can be found in the Addendum section of this ordinance, as Attachment "A". (added 5/6/97)

MANUFACTURING: Fabrication, processing, packaging, or assembly operation, predominantly from previously prepared materials, to produce durable and/or non-durable finished goods or component parts, free from agents disturbing to the neighborhood, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electro-magnetic radiation, heat, vibration or other adverse environmental effect, provided there is no outside storage of materials or finished goods, unless authorized by Section 5.1.60, Table of Use Regulations, but excluding heavy industrial operations such as asphalt, block, concrete, steel or fertilizer manufacturing, heavy forging processes, scrap metal processing, garbage and refuse incineration or the disposal of other material not originating on the premises, except as produced by the City of Woburn. All manufacturing shall be in compliance with Title 9, section 9-2, Noise Control, of the Woburn Municipal Code. (Amended 11/4/2014)

MANUFACTURING, LIGHT: Manufacturing as defined above, employing only electric or other generally noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes. (Amended 11/4/2014)

MANUFACTURING, HEAVY: Manufacturing other than light manufacturing. (Amended 11/4/2014)

MESSAGE THERAPIST: Any person who has a certificate of Massage Therapy that has been recognized by the Board of Health and who has conformed to all other requirements deemed necessary by the Board of Health. (added 6/7/94)

MARIJUANA ACCESSORIES: equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body. (added 3/21/2017)

MARIJUANA ESTABLISHMENT: a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business that is not a Medical Marijuana Treatment Center. (added 3/21/2017)

MEDICAL MARIJUANA TREATMENT CENTER: A building or structure used by a not for profit entity licensed by the Massachusetts Department of Public Health pursuant to 105 C.M.R. 725.000 that acquires, cultivates, possesses, processes (including development of related products such as marijuana infused food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for medical purposes. (added 7/16/2015)

MENU BOARD/ORDER BOARD: A sign incorporated into a drive-up customer service facility where products or services are offered directly to the occupant of the vehicle. A menu/order board shall identify only the products or services available at the drive-up customer facility. (added 8/22/2006)

MIXED USE HOTEL/RESTAURANT: A mix of hotel and restaurant uses in one building or in separate buildings on one development lot. (added 10/9/2014)

MIXED USE RETAIL: A mix of retail, office, research or other permitted business and commercial activities in one building or in separate buildings on one development lot. (added 9/23/2009)

MIXED USE RESIDENTIAL: A mix of retail and/or office and residential uses in one building or in separate buildings on one development lot where the residential use

comprises less than fifty percent (50%) of the total gross floor area of all buildings and provided residential uses are located in a mixed-use building. Residential dwelling units shall not be permitted in a stand-alone building in the overlay district. (added 9/23/2009; amended 1/23/2020)

MOBILE HOME: Any structure or object which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or reconstructed or added to by means of accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks or other bases. It shall include the type of object containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters. This facility shall be used as a temporary facility only, as spelled out in Sec. 5.1, Table of Use Regulations.

MULTI-FAMILY: TBD (added 9/23/2009)

MUNICIPAL USE: Use of land and structures by the city of Woburn for public administrative, health and safety services, maintenance operations of public roadways, easements and utilities, and other public services as required by MGL. Said uses of land and structures shall include, but not be limited to, public administrative buildings, police and fire stations, public maintenance facilities, sewer and water stations, public utilities, roadways, easements and conservation lands. (Added 11/17/92)

MUSCULAR THERAPY: Any establishment created for the purpose of providing Massage Therapy by duly licensed Massage Therapists. (Added 6/7/94)

NACELLE: The frame and housing at the top of the wind turbine tower that encloses the gearbox and generator and protects them from the weather. (Added 11/24/2009)

NET METERING: The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period. (Added 11/24/2009)

NON-CONFORMING LOT: A recorded lot which does not conform to the dimensional requirements for the use of a building, structure or land in the district in which it is located, but which lot existed at the time of the adoption of the dimensional requirement with which it does not conform.

NON-CONFORMING STRUCTURE: A structure which does not conform to the use and/or dimensional requirements in the district in which it is located, but which structure existed at the time of the adoption of the use and/or dimensional requirements with which it does not conform.

NON-CONFORMING USE: A use of a building, structure or land in a district where such use is not permitted either by right or by special permit by the zoning ordinance, and which use was in existence at the time of the adoption of the ordinance provision with which it does not conform.

OPEN SPACE: Any parcel or area of land or water, owned by the City of Woburn or a public entity of the City of Woburn, essentially unimproved and set aside, dedicated, designated or reserved for public use and/or enjoyment. The following regulations are established in order to provide for the public interest by designation and preservation of open space in public ownership as greenspaces in perpetuity: 1. To promote the maximum possible protection of open space and to encourage the safe and efficient use of such land and space; 2. To provide and promote outdoor recreation, both passive and organized; 3. To preserve and protect natural resources, specifically, drinking water, wetlands i.e.: pond, stream, brook, bank, and land bordering, as well as marsh and swamp; 4. To preserve and protect outstanding landscape, topography and historic features; 5. To preserve and protect the habitats of native plants, animals and other wildlife. (added 2/4/97)

OUTDOOR DINING: The use of adjacent, outside area(s) by a Restaurant, Full-Service establishment for the same eating and drinking activities that occur within that establishment, operating in the same manner thereof including hours of operation, and which is continuously supervised by management or employees of the establishment. Outdoor Dining use shall not be permitted at a Restaurant, Fast Food establishment. (added 11/12/2021)

PARKING SPACE: Areas for parking of individual cars which measure, at a minimum, nine (9) feet by eighteen (18) feet for standard cars and eight (8) feet by sixteen (16) feet for small cars. Retail parking shall be, at a minimum, ten (10) feet by eighteen (18) feet, and handicap parking shall be at a minimum ten (12) feet by eighteen (18) feet.

PASSENGER TRANSPORTATION TERMINAL: A building or structure intended solely for the shelter and services necessary for passengers of mass transportation.

PAWNBROKER - Pawnbroker means a person engaged in the business of lending money upon the security of goods deposited with it or left in pawn, with or without a fixed period of redemption, whether or not a fixed place of business is maintained for such purposes. Pawnbroker shall not mean or include any bank, savings and loan, credit union or financial institution subject to financial regulations by the federal or state government, nor does it include lending of money on deposit or pledge of title to property. (added 4/21/2017)

PAWN SHOP - The location at which or premises in which a pawnbroker conducts business. (added 4/21/2017)

PERSONS: An individual, corporation, society, association, partnership, trust or other entity, public or private.

PET RECREATION OR PET DAY CARE FACILITY: A building, or part thereof, in which persons are employed in providing services related to the indoor recreation, obedience training, and/or day care of pets on an hourly or daily, but not overnight, basis. There shall be no sale of animals on the premises. Such use shall not be considered a kennel as such term is used in these zoning ordinances. (added 3/4/2021)

PHOTOVOLTAIC SYSTEM (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity. (added 3/29/2016)

PLANNING BOARD: Planning Board of the City of Woburn.

PREMISES: A lot, together with all buildings, structures, and uses thereon.

PRINCIPAL USE: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this ordinance. The use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this ordinance shall be considered as accessory use.

PRIVATE MEMBERSHIP CLUB: A facility used to house a non-profit social, sports, or fraternal association or organization if used exclusively by members and their guests. (Chapter 180).

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC). (Added 11/24/2009; amended 3/29/2016)

REAR - The minimum horizontal distance between the rear yard line and the building nearest the rear yard line.

RECORDED: Recorded or registered in the Middlesex County Southern District Registry of Deeds or registered in the Land Court or the record title to a parcel of land disclosed by all pertinent public records.

RECREATION GAINFUL BUSINESS: For profit business enterprises providing various indoor recreation activities or game activities, but not including gambling of any type. (added 9/23/2009)

REFUSE: All garbage, waste paper and paper boxes, tree brush and vine cuttings, floral decorations, tin cans, metalware bottles, glassware, plasticware, ashes, newspapers,

paper cartons, wooden crates and discarded metal objects, or any combination of the above materials.

REPAIR ESTABLISHMENTS: Commercial enterprises that repair or service mechanical and/ or electronic products including computers for consumers or businesses; but not including repair to industrial production equipment, auto body work, or automobile engine repair. (added 9/23/2009)

RESEARCH AND TESTING LABORATORY: A laboratory which engages in research, experimental and testing activities, including but not limited to the fields of chemistry, electronics, engineering, geology, physics, and advanced manufacturing, robotics, laser technology, biotechnology, medical, pharmaceutical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative support facilities related to any of the foregoing activities but not including biomedical facilities. Some prototype development may be included, but the primary function is research. (added 5/26/2009; amended 9/8/2016)

RESTAURANT, FULL-SERVICE: Any building, room, space (including outdoor dining and rooftop dining) or portion thereof where food is sold for consumption on premises, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed. A restaurant, full-service may provide “accessory” delivery service, takeout service (except drive-up customer service) and related retail sales items. (added 7/28/2003; amended 11/12/2021)

RESTAURANT, FAST FOOD: Any building, room, space or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment for food or beverage is made prior to consumption, and the packaging of food is done in disposable containers, or is not a “Restaurant, full-service”. A fast food restaurant may provide “accessory” related retail sales items and delivery service. (added 7/28/2003)

RETAIL USE AREA: All areas of a retail sales facility which are routinely used or accessed by customers while shopping or making a purchase, i.e., cash register area, customer pick-up area, inside and outside merchandise display areas, self-serve merchandise storage area, etc. (Added 9/1/92).

ROOFTOP DINING: The use of a structure’s roof, by a Full-Service Restaurant, for assembly or the consumption of food or beverages. (added 2/8/2018)

ROOF TOP WIND ENERGY FACILITY: Roof-mounted systems designed to supplement other electricity sources as an accessory use to existing principle buildings or facilities,

wherein the power generated is used primarily for on-site consumption having a total rated capacity of 10 kW or less. (Added 11/24/2009)

ROTOR: The blades and hub of the wind turbine that rotates during the energy conversion operation. (Added 11/24/2009)

SCHOOL: A public or private establishment including elementary, secondary, and high schools, giving general educational instruction, but not including a school giving special or limited instruction such as a business, trade, art, music, dancing or riding school.

SELF SERVICE GASOLINE STATION: Any building or premises wherein or upon which gasoline or other motor fuel is sold at retail and wherein the licensed motor vehicle operator dispenses his or her own motor fuel at any of all of the pumps.

SELF-STORAGE WAREHOUSE FACILITY: A building or structure divided into multiple storage cubicles, leased to private individuals, for storing of goods, products, materials or objects. No storage of high hazard materials, trailers, motor vehicles or any outside storage. (amended 2/4/97)

SETBACK: FRONT - The minimum horizontal distance between the front lot line and the building nearest the front lot line such distance measured at a right angle to the front lot line.

SHADOW FLICKER: The visible flicker effect of the rotating blades of the wind turbine casting shadows on the ground and nearby structures causing a repeating pattern of light and shadow. (Added 11/24/2009)

SIDE - The -minimum horizontal distance between the side yard line and the building nearest the side yard line.

SHOPPING CENTER: A complex of retail stores, service establishments, and other consumer oriented commercial facilities, usually attached, located on one or more contiguous lots under common management and sharing parking and other facilities.

SIGN: Any permanent or temporary device, letter, word, billboard, placard, painting, drawing, poster, banner, pennant, insignia, trade flag, streamer, display, emblem, helium balloon larger than ten (10) feet in diameter which is attached to a building or structure, or representation used as or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye.

SIGN, ACCESSORY: Any sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained, or the businesses transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

SIGN, AREA OF: The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the advertising message, announcement or wording together with any frame, trim or other integral part of the display. The area of a freestanding or perpendicular wall sign is the entire area of one side of such sign.

SIGN, AWNING: A sign on a temporary retractable shelter which is supported entirely from the exterior wall of a building.

SIGN, DIRECTORY: A sign that, with respect to the premises on which it is erected and/or an adjacent premises for which the sign is a single common identifier, or with respect to a single integrated development consisting of two (2) or more lots, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.

SIGN ERECTED: Attached, built, constructed, reconstructed, altered, enlarged, moved, painted and posted.

SIGN, FREESTANDING: A sign erected on or affixed to the land by post, pole, pylon, or framing device or stand not affixed to a building.

SIGN, MARQUEE: A sign on or attached to a permanent overhanging shelter which projects from the face of a building, is entirely supported by said building, and may have a changeable letter panel.

SIGN, PORTABLE: A free-standing sign not permanently secured to the ground or a structure on the lot it occupies, including trailored signs, and including signs on permanently parked vehicles.

SIGN, ROOF: Any sign which is erected, constructed, and maintained upon or over the roof of any building.

SIGN, TEMPORARY: Any exterior sign maintained for a limited period as specified in this ordinance.

SIGN, WALL: A sign affixed to the wall of a building either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line.

SIGN, WINDOW: A sign painted or posted on or within six (6) inches of an interior transparent surface including windows and doors.

SOLAR ACCESS: The access of a solar energy system to direct sunlight. (Added 3/29/2016)

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 3/29/2016)

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. (Added 3/29/2016)

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.

- a) 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.
- b) SOLAR ENERGY SYSTEM, CARPORT/CANOPY: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
- c) SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.
- d) 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).
- e) SOLAR ENERGY SYSTEM, LARGE-SCALE: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
- f) SOLAR ENERGY SYSTEM, MEDIUM-SCALE: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
- g) SOLAR ENERGY SYSTEM, OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
- h) SOLAR ENERGY SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- i) 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).
- j) SOLAR ENERGY SYSTEM, SMALL-SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

(Added 3/29/2016)

SOLAR THERMAL SYSTEM: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling. (Added 3/29/2016)

SPORTS OR FITNESS CLUBS: A commercial enterprise offering athletic activities or exercise/fitness activities to the general public for a fee; said facilities may have accessory restaurants and retail sales open to patrons of the establishment and further said facilities may be used for social or business gatherings. (added 9/23/2009)

STORAGE: The keeping of goods, products, materials or objects securely and safely when not in use or in transit. (added 11/20/90).

STORAGE CONTAINER AND STORAGE TRAILER: A metal container or trailer on or off wheels used for the keeping of goods, materials or objects securely and safely when not in use or in transit. (added 6/27/2005)

STORY: A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including a cellar.

STREET: A public way, or a way shown on a plan approved by the Planning Board under the subdivision control law, or a private way in existence when the subdivision law became effective in the City which, in the opinion of the Planning Board has sufficient width, suitable grades and adequate construction to provide for the needs of a vehicular traffic and the installation of municipal services.

STRUCTURE: Any combination of materials assembled, constructed, erected or maintained at a fixed location and place permanently or temporarily in or on the ground.

SUPERMARKET: A business activity selling a wide range of fresh or processed foods and household items as an accessory sales item. (added 9/23/2009)

SWIMMING POOL: Every artificial pool of water having a depth of two feet or more at any point and used for swimming or bathing, located indoors or outdoors, together with the bathhouses, equipment and appurtenances used in connection therewith. (Adapted from State Sanitary Code, Chapter V, Section 435-01). (Added 5/2/89).

SWIMMING POOL, RESIDENTIAL: a swimming pool established or maintained by an individual for his or her own family's use, or for the use of personal guests of his or her household. (Adapted from State Sanitary Code, Chapter V, Section 435-01). (Added 5/2/89).

TOWER: The monopole, guyed monopole or lattice structure that supports the rotor and nacelle. (Added 11/24/2009)

TOWNHOUSE: A multi-family dwelling in which all dwelling units are separated by side or party walls.

TRADE CENTER: Mixed use facilities, primarily for the conduct of wholesale trade, including but not limited to offices, showrooms, exhibit hall and other facilities to support trade shows.

TRAILER: A vehicular, portable unit designed for travel, camping or recreational use, excluding mobile homes, but including campers, tent trailers, and boat trailers.

USE: The manner in which land or a structure is to be occupied or utilized.

USABLE OPEN SPACE: Space in a yard that is unoccupied by buildings, and not devoted to service driveways, off-street loading or parking spaces and ways.

VETERINARIAN SPECIALIZED SERVICES: A veterinarian hospital facility providing 24 hour, 7 day a week emergency and critical care services to referring general practices, including, overnight care for treated animals and monitoring by highly skilled nurses and doctors. Specialized animal services shall include, but not limited to: veterinary ophthalmology services, i.e. cataract surgery, surgical services, including total hip replacement and oncology, using state of the art cancer drugs and ultra-sonography. (Added 1/24/2000)

WAREHOUSE: A building or structure for storing goods, products, materials or objects to be distributed. (Added 11/20/90)

WIND MONITORING OR METEOROLOGICAL ("TEST" OR "MET") TOWER: A temporary tower used for supporting anemometer, wind vane, and other equipment to assess the wind resource at a predetermined height above the ground, erected as part of a wind-energy facility feasibility process. (Added 11/24/2009)

WIND TURBINE: A device that converts kinetic energy of the wind into rotational energy used to generate electrical power. A wind energy conversion device typically consists of a rotor, nacelle, and tower. (Added 11/24/2009)

WIND TURBINE HEIGHT: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height. (Added 11/24/2009)

WIRELESS COMMUNICATION LINK: A facility consisting exclusively of fixtures and equipment used by a public utility or FCC licensed commercial entity for the wireless transmission and reception of radio signals including:

1. Antenna Elements: reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices.
2. Antenna Support Structures: structures that are erected and used primarily to support such reception and transmission equipment including, without limitation, monopoles.
3. Equipment Shelters: any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate such wireless communication equipment.

A wireless communications link is a transmission and reception substation, not a principal facility for conducting a communications business. Wireless communications link shall not include television and radio station transmission antennae. (added 6/25/97)

WIRELESS COMMUNICATIONS LINK, FREE-STANDING EXTERIOR: Any out-of-door wireless communications link mounted on, erected, or supported by any free-standing monopole, excluding lattice style towers requiring three (3) or more legs or guywires. (added 6/25/97)

WIRELESS COMMUNICATIONS LINK, BUILDING-MOUNTED: Any out-of-door wireless communication link mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks and the like) occupied and/or used primarily for other purposes. (added 6/25/97)

WIRELESS COMMUNICATIONS LINK, INDOOR: Any indoor wireless communications link mounted inside, erected inside or supported within an existing building or structure including, without limitation, buildings, cupolas, church spires, inactive smoke stacks and the like occupied and/or used primarily for other purposes. (added 6/25/97)

YARD, FRONT: An open space extending for the full width of the lot between the front line of the structure wall and the front lot line. On corner lots having frontage on two or more streets, each such street shall have a front yard. (Added 3/29/2016)

YARD, REAR: An open space extending the full width of the lot between the rear line of the structure wall and the rear lot line. (Added 3/29/2016)

YARD, SIDE: An open space extending for the full length of a structure between the structure wall and the side lot line. On triangular-shaped lots, each side yard setback shall be paralleled and extended to a rear point of intersection within the lot. (Added 3/29/2016)