

## SECTION 3.0 USE REGULATIONS

### 3.1 PRINCIPAL USES

Except as provided by law or in these By-Laws in each district, no building or structure shall be constructed, used or occupied, nor shall land be used or occupied, except for the purposes permitted as set forth in the Table of Use Regulations.

**3.1.1 By Right.** A use listed in the Table of Use Regulations is permitted as of right in any district under which it is denoted by the letter "Y" subject to such restrictions as may be specified elsewhere in these By-Laws.

**3.1.2 Not Permitted.** A use listed in the Tale of Use Regulations is prohibited in any district under which it is denoted by the letter "N".

**3.1.3 Special Permit; Board of Appeals.** A use designated in the Table by the letters "BA" may be permitted as a Special Permit only if the Board of Appeals so determines and grants a Special Permit as provided in Section 10.4 of these By-Laws subject to such restrictions as are set forth elsewhere in these By-Laws, and such restrictions as said Board may establish.

**3.1.4 Special Permit; Planning Board.** A use designated in the Table by the letters "PB" may be permitted as a Special Permit only if the Planning Board so determines and grants a Special Permit as provided in Section 10.4 of these By-Laws subject to such restrictions as are set forth elsewhere in these By-Laws, and such restrictions as said Board may establish

**3.1.5 Special Permit; Board of Selectmen.** A use designated in the Table by the letters "SB" may be permitted as a Special Permit only if the Board of Selectmen so determines and grants a Special Permit as provided in Section 10.4 of these By-Laws subject to such restrictions as are set forth elsewhere in these By-Laws, and such restrictions as said Board may establish.

**3.1.6 Uses.** Land uses are only allowed as noted below. Any use not noted herein, is prohibited. The abbreviations used are as follows:

Y = Permitted

N = Not Permitted

BA = Permitted by Special Permit from the Board of Appeals

PB = Permitted by Special Permit from the Planning Board

SB = Permitted by Special Permit from the Board of Selectmen

**Table 3-1 TABLE OF USES**

<b>USE GROUP</b>								
<b>A. High Hazard Uses</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. All land and buildings which are used for the sale, storage, fabricating, assembly, manufacture or processing of combustible products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes after explosions	N	N	N	N	BA	Y	N	N
2. Processing, storage, or reclamation of waste materials	N	N	N	N	N	N	N	N
3. Motor vehicle fuel facility	N	N	BA	N	BA	BA	N	N
<b>B. Low Hazard Uses</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. All land and buildings which are used for the storage, manufacture or processing of non-combustible materials, and low hazard wares that do not ordinarily burn rapidly and which are not High Hazard Uses	N	N	N	N	BA	Y	Y	PB
2. Processing, storage, or reclamation of waste materials	N	N	N	N	N	N	N	N
3. Parking lots constructed to the standards found in Section 6.1	N	N	Y	Y	Y	Y	Y	Y
4. Temporary parking lots, whether paved or unpaved, serving uses with seating capacities of over 7,500 people within the Special Use (S-1) District	PB	N	PB	PB	PB	PB	PB	PB
<b>C. Mercantile/Retail</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Retail establishment	N	N	Y	Y	Y	Y	Y	Y
2. Restaurant	N	N	Y	Y	Y	Y	Y	Y
3. Mercantile/retail uses, except restaurants with seating which use more than twenty-five (25) percent of the gross area of a building.	N	N	Y	Y	Y	Y	N	N
4. Drive-in restaurant	N	N	N	N	N	N	N	N
5. Vending machines, entertainment devices, or arcade uses, except that vending machines shall be allowed in all districts on property owned or leased by the Town of Foxborough, or any board, committee or department thereof and where such property is used for municipal purposes	N	N	N	N	N	N	N	N
6. Commercial storage garages and motor vehicle repair shops	N	N	Y	N	BA	Y	Y	PB
7. Adult entertainment or uses (see Section 7.3)	N	N	N	N	N	N	N	PB
8. Kennels - commercial	N	N	N	N	N	N	PB	PB

<b>D. Business, Service, or Office</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. All land and buildings which are used for the transaction of business, for the rendering of professional or tradesman services or for the other services that involve stocks of goods, wares, or merchandise in limited quantities for use incidental to business office uses or similar purposes, except for other uses specified in this Use Group D	N	N	Y	Y	Y	Y	Y	Y
2. Research and development facilities	N	N	PB	PB	PB	PB	PB	PB
3. Laundry or dry cleaning facilities	N	N	Y	N	N	Y	Y	Y
4. Junk yard, auto graveyard	N	N	N	N	N	N	N	N
5. Funeral establishments	N	N	Y	Y	Y	Y	Y	N
6. Massage parlors	N	N	N	N	N	N	N	N
7. Self storage mini-warehouse, rail storage or switching yards	N	N	Y	N	BA	Y	Y	N
8. Truck terminal/general commodity/public warehouse	N	N	PB	N	PB	PB	PB	PB
9. Automobile storage or automobile auction facilities	N	N	PB	N	PB	PB	PB	PB
10. Tattoo parlors	N	N	N	N	N	N	N	PB
11. All land and buildings which are primarily used for the sale of used or previously owned vehicles	N	N	N	N	N	N	N	N
<b>E. Assembly</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Theatres	N	N	Y	N	Y	Y	Y	Y
2. Nightclubs without theatrical stage accessories, designed for the use as dance halls, nightclubs, and for similar purposes	N	N	Y	N	Y	Y	Y	Y
3. Drive-in theaters	N	N	N	N	BA	N	N	N
4. Museums, with or without an auditorium in which persons assemble for amusement, entertainment or recreation, and incidental motion picture, dramatic or educational presentations, lectures or similar purposes	N	N	Y	Y	Y	Y	Y	Y
5. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y
6. Stadiums, coliseums or similar structures for indoor/outdoor assembly use	N	N	N	N	N	BA	BA	PB
7. Educational use, nonexempt	BA	BA	BA	N	BA	BA	BA	PB
8. Use of land or structures 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	Y	Y	Y	Y	Y	Y	Y	Y
9. Child care center	Y	Y	Y	Y	Y	Y	Y	Y
10. Tractor trailer schools using public roads	N	N	N	N	N	N	N	N
11. Adult Entertainment Establishment	N	N	N	N	N	N	N	PB

<b>F. Institutional</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. All land and buildings for housing people suffering from physical limitations including among others hospitals, sanitariums, infirmaries, orphanages, and institutions licensed by the Commonwealth of Massachusetts	BA	BA	BA	BA	N	N	N	PB
<b>G. Residential</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Lodging, boarding house but not including group homes or halfway houses	BA	N	BA	N	N	N	N	N
2. Hotels, motels but not including group homes or halfway houses	N	N	N	N	PB	N	PB	PB
3. Dormitories	BA	BA	BA	N	N	N	N	N
4. Multi-family dwellings	PB	N	PB	N	N	N	N	N
5. Two (2) family dwelling	Y	N	Y	N	N	N	N	N
6. Single family dwellings	Y	Y	Y	Y	N	N	N	N
7. Mobile homes/travel trailers park	BA	BA	N	N	N	N	N	N
8. Open Space Residential Developments	N	PB	N	N	N	N	N	N
9. Residential Compounds	N	PB	N	N	N	N	N	N
10. Planned Development Housing	N	PB	N	N	N	N	N	N
11. Accessory Apartment	Y	PB	Y	PB	N	N	N	N
12. Assisted Living Facility	PB	PB	PB	PB	N	N	N	N
13. Bed and Breakfast	BA	BA	BA	BA	N	N	N	N
14. Nursing or Convalescent Home	PB	N	PB	PB	N	N	N	N
<b>H. Agricultural Uses</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y
2. Farm stand, nonexempt	N	BA	PB	BA	N	Y	Y	N
3. Commercial slaughtering; nonexempt	N	N	N	N	N	N	N	N
4. Cider mill or lumber mill	N	BA	N	BA	N	Y	Y	N
5. Fur farms; nonexempt	N	N	N	N	N	N	N	N
<b>I. Public and Quasi-Public Facilities</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Cemeteries	BA	BA	N	BA	N	Y	Y	N
2. Essential services	Y	Y	Y	Y	Y	Y	Y	Y
3. Municipal facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water, filter plants, sewage treatment plants and refuse facilities.	Y	Y	Y	Y	Y	Y	Y	Y
4. Telecommunications/Wireless Communication Facilities as a primary use	N	N	BA	BA	BA	BA	BA	BA
5. Telecommunications/Wireless Communication Facilities as an accessory use	BA	BA	BA	BA	BA	BA	BA	BA

	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
6. Commuter rail stations, bus stations, and related or accessory structures and improvements	N	N	N	N	PB	PB	PB	PB
7. Municipal Recreation Facility	Y	Y	Y	Y	Y	Y	Y	Y
<b>J. Recreational Use</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Clubs such as golf clubs, country clubs, private club or lodge	BA	BA	BA	BA	BA	BA	BA	PB
2. Passive outdoor recreational uses such as beaches, parks, picnic groves, and other similar uses, but not including amusement parks	N	BA	N	BA	BA	Y	Y	PB
3. Low density recreational uses which predominantly occur within a building such as swimming, tennis, skating and other similar uses	N	N	BA	BA	BA	Y	Y	Y
4. Boat storage facility provided no construction or major repair shall be allowed other than necessary for the maintenance of boats owned by a proprietor or lessee	N	BA	N	BA	BA	Y	Y	PB
5. Commercial campgrounds	N	BA	N	N	N	N	N	N
6. Outdoor/Indoor recreational uses including, golf driving range, miniature golf course, batting cages, go-carts and bumper boats (except in Water Resource Protection Overlay District, where such uses shall be prohibited) but not including amusement parks	N	N	N	N	N	N	N	PB
7. Wellness and Recreation Center	PB	PB	PB	PB	PB	PB	PB	PB
<b>K. Planned Development</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Planned Development – See Section 9.1.8	N	N	N	N	N	N	N	PB
<b>L. Accessory Uses</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. The storage (temporary or otherwise), sale or processing of any combustible or waste materials	N	N	BA	BA	BA	BA	BA	PB
2. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to permitted Agricultural and Industrial uses	Y	Y	Y	Y	Y	Y	Y	Y
3. Residential accessory uses and structures. Gross area of residential storage structures shall not exceed 400 square feet or 1.5 stories; the gross area of temporary wayside stands shall not exceed 400 square feet	Y	Y	Y	Y	N	N	N	N
4. Residential garages which do not exceed one and a half stories in height and a "footprint" not to exceed one and a half stories in height and a "footprint" not to exceed 625 square feet.	Y	Y	Y	Y	N	N	N	N
5. Residential Garages which exceed one and a half stories in height or have a "footprint" larger than 625 square feet	BA	BA	BA	BA	N	N	N	N

	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
6. Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross Vehicle Weight (GVW) as determined by Mass Registry of Motor Vehicles exceeds 10,000 pounds	N	N	Y	N	Y	Y	Y	Y
7. Accessory uses to multifamily dwellings which are located within the principal building and are limited to eating establishments, personal service establishments; retail sales establishments selling convenience merchandise	Y	Y	Y	N	Y	Y	Y	Y
8. Accessory structures to multifamily structures	BA	N	BA	N	BA	BA	BA	BA
9. Nonresidential accessory uses and structures which do not exceed fifteen percent (15%) of the gross area of the principal building or buildings	N	N	Y	Y	Y	Y	Y	Y
10. Home occupation	BA	BA	Y	Y	N	N	N	N
11. Home occupation, non-intensive	Y	Y	Y	Y	N	N	N	N
12. Keeping of livestock or horses on a parcel of land which is not greater than two (2) acres in area	BA	BA	BA	BA	BA	BA	BA	BA
13. Keeping of livestock or horses on a parcel of land which is greater than two (2) acres in area	Y	Y	Y	Y	Y	Y	Y	Y
14. Adult Day Care Facility	BA	BA	BA	BA	BA	N	N	N
15. Family Day Care, Large or Small	BA	BA	BA	BA	BA	BA	BA	N
<b>M. Other Uses</b>	<b>R-15</b>	<b>R-40</b>	<b>GB</b>	<b>NB</b>	<b>HB</b>	<b>GI</b>	<b>LI</b>	<b>S-1</b>
1. Electronic video or mechanical gambling machines or devices or similar games of chance involving the betting or wagering of money	N	N	N	N	N	N	N	N
2. Access ways (including no more than one limited access way through residential districts) and associated infrastructure including, but not limited to, drainage, sewer lines and utilities serving events licensed but the Board of Selectmen at stadium within the Economic Development Area Overlay District	N	Y	N	N	N	N	N	Y
3. Parking spaces beyond the requirements of the primary use(s) on the lot provided the spaces are constructed to the standards found in Article 7 of these By-Laws	PB	PB	Y	Y	Y	Y	Y	Y
4. Arcades	N	N	N	N	N	N	N	PB
5. All lands and buildings which are used for the sale of previously owned vehicles	N	N	N	N	PB	PB	PB	PB

### **3.1.7 Notes to Table of Use Regulations.**

1. See Section 9.0 for further regulations applicable in all overlay districts. To the extent that the provisions of this Section 3.0 are in conflict, the provisions of Section 9.0 shall govern.
2. There shall be allowed no more than one such access way through a Residential District to serve such a stadium use, except that this limitation shall not apply to any emergency access way serving such stadium that is required by public safety officials of the Town of Foxborough. For (i) all National Football League (or successor) football games, (ii) soccer games, and (iii) six (6) other events, for which tickets will be made available for 50,000 or more attendees (the "Permitted Events"), the one limited access way through residential districts may be used pursuant to Site Plan approval granted by the Planning Board and shall be subject to limitations as to the time, and number and type of vehicles using said access way, pursuant to Section 9.5.10.5. For any other stadium event for which greater than 50,000 tickets will be made available, the Planning Board may allow the use of said limited access way through residential districts subject to the issuance of a Special Permit. When reviewing a request for a Special Permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these By-Laws. Among these and other concerns, the Board shall also review the day(s) of the week the access way is proposed to be open, the proposed hours of operation, the proposed number and types of vehicles to use it, and the general impacts on the neighborhood.
3. The Arcade must be located in separate room from the primary use and must be staffed by a dedicated employee of the business of the primary use when open. There must be at a minimum thirty (30) square feet net of floor space per machine in the arcade room. There shall be at least one (1) dedicated employee for every thirty (30) machines.
4. Considering a request for a Special Permit for the sale of used or previously owned vehicles, the Board shall employ the criteria found in Section 10.4 of these By-Laws. Among other concerns, it shall also consider the proximity of the use to residential dwellings, the proposed location relative to similar uses, the number of vehicles proposed for sale and the proposed landscaping, screening and buffering.
5. Any use that would be offensive, hazardous, or harmful to the neighborhood or to property in the vicinity by reason of blight, air, water or noise pollution, debris, salvage materials, junk, solid or liquid waste, danger of explosion or fire, electric or electronic interference, or conditions conducive to the breeding of insects and rodents is prohibited whether or not enumerated around the uses otherwise permitted in any district.

## 3.2 ACCESSORY USES

**3.2.1 General.** Accessory uses and structures shall be permitted or permitted by Special Permit as set forth in the Table of Use Regulations.

**3.2.2 Home Occupation; Intensive.** An intensive home occupation is permitted by Special Permit as set forth in the Table of Use Regulations in the principal residence or in an accessory building, subject to the following standards:

1. The business must not produce noise or other objectionable characteristics beyond the limits of the lot; and
2. The area devoted to the home occupation shall not exceed forty (40) percent of the habitable floor area of the principal dwelling; and
3. Necessary off street parking shall be provided; and
4. Not more than (2) persons may be employed, other than the family members; and
5. Storage of material or products outside of a principal building is prohibited; and
6. The making of external structural alterations which are not customary in residential buildings is prohibited.

**3.2.3 Home Occupation; Non-intensive.** A non-intensive home occupation is permitted as of right as set forth in the Table of Use Regulations in the principal residence or in an accessory building, subject to the following standards:

1. The business must not produce noise or other objectionable characteristics beyond the limits of the lot; and
2. The area devoted to home occupation may not exceed four hundred (400) square feet total in the habitable area of the principal dwelling and the accessory building and shall not exceed twenty (20%) percent of the habitable area of the dwelling; and
3. Not more than one (1) vehicle dedicated or used in conjunction with the occupation may be parked on the property and said vehicle shall be registered and routinely driven on public streets and lawful to any other requirements of these By-Laws; and
4. No employees are permitted in conjunction with this employment; and
5. No customers or business associates are permitted to regularly visit said dwelling or in any manner transact any business from the dwelling; and
6. Routine deliveries of packages shall be less than seventy (70) pounds; and
7. Storage of materials or products outside of a principal building is prohibited; and
8. The making of external structural alterations which is not customary in residential

buildings is prohibited; and

9. No signage concerning the home occupation is permitted; and

10. Not more than two (2) residents may be engaged in the same or related home occupation.

### **3.3 TEMPORARY USES**

**3.3.1 Amusement or Recreation.** Temporary uses for amusement and recreation shall require the issuance of a Special Permit from the Board of Selectmen, and may be subject to appropriate conditions.

**3.3.2 Other.** Except as provided for in Section 3.3.1, when the Board of Appeals finds that the general health, safety or welfare of the Town will be served by allowing as a temporary use one that is not otherwise permitted, and where such use will not be in conflict with the purposes permitted in the district in which such use is situated and such temporary use may be permitted for a period of not more than one (1) year, without recourse of an extension of time, a Special Permit may be granted for same.