

Article 1 – General Provisions

1.1 Authority

The Town of Ware hereby enacts this Zoning Bylaw pursuant to and under the authority of the Zoning Act, Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended.

1.2 Purpose

The purposes of this Bylaw are:

- To promote the health, safety, convenience and general welfare of the present and future inhabitants of the Town of Ware;
- To protect the community and the town's natural resources, clean air, views and environment;
- To secure safety from fire, flood, pollution, overcrowding and other dangers by regulating the location and use of structures and the open spaces around them;
- To lessen congestion in the streets;
- To prevent overcrowding of land;
- To avoid undue concentration of population;
- To permit and promote planned, orderly growth;
- To conserve the value of land and buildings;
- To facilitate the adequate provision of public services;
- To preserve and increase the town's amenities;
- To reconcile the need and desire of Ware's diverse and growing population for adequate housing with the preservation of natural resources and the preventing of overcrowding of land and undue concentration of population;
- To encourage compatible development and the most appropriate use of the town's land and resources;
- To provide for the expansion of suitable, economically and environmentally sound business and industry within the town in order to diversify the local economy and the tax base;
- To establish a fair and reasonable set of standards for evaluating each development proposal impartially, on its own merit;
- To develop rational land development alternatives through an equitable and prescribed negotiation process so as to establish a balanced land use pattern that is responsive to the needs of property owners while minimizing the adverse effects of development; and
- To provide the town with the full protection authorized by Chapter 40A of the General Laws as amended.

1.3 Title

This bylaw, together with all maps referred to herein and all amendments hereto, shall be known as the "Town of Ware Zoning Bylaw."

1.4 Applicability

The construction, alteration, enlargement, relocation, height, size, and use of buildings and other structures; the size, frontage, and setback areas of newly created parcels; and the use of land within the Town of Ware is hereby regulated as provided in this Zoning Bylaw. For properties that are partially within the Town of Ware and partially within an abutting town, this Zoning Bylaw shall govern that portion within the Town of Ware.

1.5 **Amendments**

This Bylaw may be amended as provided in MGL c 40A §5.

1.6 **Effective Date**

This bylaw and any amendments thereto become effective upon passage by Town Meeting. The first Zoning Bylaw adopted by the Town of Ware was enacted on June 14, 1971. That bylaw was replaced in its entirety on May 12, 1980, that bylaw was replaced in its entirety on April 13, 1987, and that bylaw was replaced on May 14, 2012. Amendments thereto became effective upon passing by the Town Meeting March 27, 2021.

1.7 **Severability**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

1.8 **Relationship to Other Town Bylaws**

Where this Bylaw imposes a greater restriction upon the use of land or the use or erection of buildings or other structures in the Town than is imposed by other bylaws of the Town, the provisions of this Bylaw shall control.

1.9 **Adoption of Rules and Regulations**

The Town of Ware shall allow the Planning Board and the Zoning Board of Appeals to adopt rules and regulations for procedural and substance matters directly, provided they are not inconsistent with the Town's current Bylaws. They shall be made and adopted by majority vote and filed with the Town Clerk. Rules and regulations with penalties attached must be filed with the Town Clerk within ten(10) business days from the date of adoption.