

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority, d/b/a/ Boston Planning and Development Agency hereby petitions the City of Boston Zoning Commission to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

**1. Insert the following new zoning article:**

**ARTICLE 26 - SQUARES + STREETS DISTRICTS**

**Section 26-1 Purpose of Squares + Streets Districts**

Squares + Streets Districts are areas characterized by a mix of uses, significant transit service, and high levels of pedestrian activity. The purpose of these districts is to support and increase the mix of uses, support walkability, encourage adaptive reuse, and designate areas as appropriate for infill development and housing supply growth, to be delivered as the result of coordinated City planning and investment. Squares + Streets districts and their purposes are listed in this Section 26-1 in order of increasing intensity:

- A. The S0 Transition Residential district is a primarily residential mixed use district that provides a transition from mixed-use and high-activity Squares + Streets to lower-activity residential areas. S0 also provides some flexibility for other active, commercial, and community serving uses, such as small retail spaces, on the ground floor of buildings. Residential uses are limited to no more than 14 dwelling units. Of the Squares + Streets districts, S0 has the smallest building footprint and lot coverage requirements and the largest yards and Permeable Area of Lot.
- B. The S1 Main Street Living district is a mixed-use district where buildings generally have principally residential uses. S1 also provides more opportunity for active and commercial uses, such as banks, museums, restaurants, and retail spaces. S1 requires small-scale side and front yards and minimum Permeable Area of Lot.
- C. The S2 Main Street Mixed Use district is a small- to medium-scale mixed-use district that allows more active and many commercial uses, especially on the ground floor. S2 buildings can fill the width of the lot to help create a continuous and active main street. S2 includes requirements for Outdoor Amenity Space and a maximum for the blank wall of a facade.
- D. The S3 Active Main Street district is a mixed-use district of medium-scale buildings. In addition to residential, the S3 district allows more commercial and active uses on

upper floors, such as hotels and offices. S3 requires Active Uses on the ground floor and prohibits dwelling units on the ground floor primary lot frontage. The district also introduces a more restrictive building lot coverage for large lots.

- E. The S4 Active Squares district is a mixed-use district characterized by medium to large-scale mixed-use buildings with the widest range of allowed uses among the Squares + Street districts. Commercial, hospitality, and entertainment uses are allowed throughout the building, and Active Uses are required on the ground floor.
- F. The S5 Placemaker Squares is a mixed use district intended for areas in the heart of high activity squares, closest to transit, with high street frontage, and surrounding density. It is characterized by the largest-scale mixed-use buildings of Squares + Streets districts. S5 allows the same wide range of uses as S4, with ground floor Active Use and higher Outdoor Amenity Space requirements.

## **Section 26-2. - Establishment of Squares + Streets Districts**

- A. This Section 26-2, together with Section 3-1 (Establishment of Zoning Districts) establishes six Squares + Streets Districts (S0, S1, S2, S3, S4, and S5).** A Squares + Streets District is indicated by the designation "S0", "S1", "S2", "S3", "S4", or "S5" on any official zoning map of the City of Boston. The provisions of Article 26 and the remainder of this Code constitute the zoning regulations in a Squares + Streets District. Unless otherwise specified in this Article, where conflicts exist between a provision of this Article and the remainder of this Code, the provision of this Article shall govern.
- B. Use Regulations Applicable in Squares + Streets Districts**  
Use regulations for Squares + Streets districts are set forth in Article 8 (Regulation of Uses) and in Table A of this Article.
- C. Dimensional Regulations Applicable in Squares + Streets Districts**  
Dimensional Regulations for Squares + Streets districts are set forth in Table B of this Article. The illustrations included in Figure 1 of this Article depict the dimensional standards set forth in Table B. Where conflicts exist between an illustration or other graphic and the text of any provision of this Code, the text shall govern.
- D. Parking and Loading Regulations Applicable in Squares + Streets Districts**  
Parking regulations for Squares + Streets districts are set forth in Article 23 (Off-Street Parking). Loading regulations for Squares + Streets are set forth in Article 24 (Off-Street Loading).
- E. Within a Squares + Streets District, no Planned Development Area shall be permitted.**

**FIGURE 1: ILLUSTRATED LOT AND BUILDING ENVELOPE STANDARDS**

<b>Illustrated Lot Standards</b>	
	<b>A</b> Building Lot Coverage
	<b>B</b> Permeable Area of Lot
	<b>C</b> Front Yard
	<b>D</b> Side Yard
	<b>E</b> Rear Yard

<b>Illustrated Building Envelope Standards</b>	
	<b>A</b> Building Floor Plate
	<b>B</b> Building Width
	<b>C</b> Building Height
	<b>D</b> Highest Story Rear Setback
	<b>E</b> Ground Floor Ceiling Height
	<b>F</b> Ground Floor Active Use Requirement

**TABLE A: ADDITIONAL USE AND PERFORMANCE STANDARDS**

Uses and use categories have the meanings set forth in Article 8 Table A.

USE AND PERFORMANCE STANDARDS	S0	S1	S2	S3	S4	S5
<b>STANDARDS FOR USES THAT ARE NOT ACTIVE USES</b>						
Ground Floor Active Use Requirement	No	No	No	Yes <sup>1,2</sup>	Yes <sup>1,2</sup>	Yes <sup>1,2</sup>
Percentage of Building Width of Ground Floor Active Use (min)	-	-	-	50% <sup>1,2</sup>	50% <sup>1,2</sup>	50% <sup>1,2</sup>
Depth (min) of Ground Floor Active Use	-	-	-	20' <sup>1,2</sup>	25' <sup>1,2</sup>	25' <sup>1,2</sup>

USE AND PERFORMANCE STANDARDS	S0	S1	S2	S3	S4	S5
<b>STANDARDS FOR RESIDENTIAL USES</b>						
Ground Floor Dwelling Units Allowed	Yes	Yes	Allowed with 4' Front Yard (min)	Forbidden on Primary Lot Frontage; Allowed on non-Primary Lot Frontage with 4' Front Yard (min)		
Dwelling Units (max)	14	-	-	-	-	-
<b>STANDARDS FOR TRANSPORTATION USES</b>						
Standalone Parking Garage	-	-	-	Another allowed use, that is not a Transportation Use, must be located on the ground floor of the building along any lot frontage that abuts a public sidewalk, street, or park to a minimum depth of 25'		
<b>STANDARDS FOR INDUSTRIAL AND STORAGE USES</b>						
Food and Beverage Production	-	-	-	Must include a minimum of 500 sf of accessory or associated Restaurant or Retail use	Must include a minimum of 1,000 sf of accessory or associated Restaurant or Retail use	

**Footnotes to Table A (Additional Use and Performance Standards)**

- Active Use(s), as defined in Article 8 Table A, are required to occupy a minimum of the ground floor building width at the minimum depth along primary lot frontage specified in Article 26 Table A, except when the principal use(s) is a Civic Use or Open Space Use, as defined in Article 8 Table A; or when a Proposed Project is an affordable housing development project in which at least 60% of units income restricted at 100% or below of AMI and reviewed under Article 80 Small or Large Project Review.
- For any project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the required Ground Floor Active Use width and depth may be located along any Building Facade through such review process.

**TABLE B: DIMENSIONAL REGULATIONS**

LOT STANDARDS	S0	S1	S2	S3	S4	S5
Building Lot Coverage (max) for Lots smaller than 11,000 sf	60%	70%	70%	90%	90%	80%
Building Lot Coverage (max) for Lots greater than or equal to 11,000 sf	60%	70%	70%	70%	70%	70%
Permeable Area of Lot (min) for Lots smaller than 11,000 sf	20%	15%	15%	-	-	-
Permeable Area of Lot (min) for Lots greater than or equal to 11,000 sf	20%	15%	15%	15%	15%	15%
Front Yard (min)	8'	6'	2' <sup>1</sup>	2' <sup>1</sup>	2'	2'
Rear Yard (min)						
Abutting non-residential zoning district	15'	10'	10'	5'	5'	5'
Abutting residential zoning district	15'	15'	15'	15'	20'	20'
Side Yard (min)						
With a party wall, abutting non-residential zoning district	-	-	0'	0'	0'	0'
Without a party wall, abutting non-residential zoning district	14' cumulative (3' min)	10' cumulative (3' min)	5'	5'	5'	5'
Abutting a residential zoning district	14' cumulative (3' min)	14' cumulative (3' min)	15'	15'	15'	15'
BUILDING FORM STANDARDS	S0	S1	S2	S3	S4	S5
Building Floor Plate (max sf)	4,000	8,000	15,000	20,000	25,000	25,000
Building Width (max)	-	120'	150'	150'	200'	250'
Maximum Building Height (in feet) <sup>2</sup>	50'	50'	65'	85'	85'	145'
Maximum Building Height (in stories) <sup>2</sup>	4	4	5	7	7	-
Outdoor Amenity Space (min)	-	-	20%	20%	25%	30%

Rear Stepback of Highest Story (min) where the rear yard abuts a residential zoning district	-	-	-	7'	7'	7'
Blank Wall of Facade (max) <sup>3</sup>	-	-	15'	15'	15'	15'
Active and Commercial Uses Ground Floor Height (min)	-	-	14'	14'	14'	14'
Multiple buildings (detached) allowed on lot <sup>4</sup>	No	No	Yes	Yes	Yes	Yes

**Footnotes to Table B**

1. If a dwelling unit is located on the ground floor abutting a Front Yard, as defined in Article 2 and Section 18-4, the Front Yard must have a minimum depth of 4 feet.
2. As defined in Article 2, when maximum building height is specified in both stories and feet, both requirements must be met.
3. For any project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the maximum Blank Wall of Facade may be established on any lot frontage through such review process.
4. In the case of attached buildings, yards are to be measured from the exterior building facade as if it was one structure.

2. In Article 8 (Regulation of Uses): *replace* the existing article with the following:

## **ARTICLE 8**

### **REGULATION OF USES**

#### **Section 8-1. Uses Regulated by Districts.**

In each district the use of land and structures is hereby regulated as provided in the following sections.

Unless otherwise specified in this Code, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with this Article 8.

#### **Section 8-2. General Use Provisions.**

1. **Allowed Uses.** In any applicable district, land or structures may be used for specific purposes where such use is allowed and designated "A," "A-G | C," "A-G | F," "A\*," "A-G | C\*," or "A-G | F\*" in Table A or Table B of Article 8.

2. **Conditional Uses.** In any applicable district, land or structures may be used for specific purposes where such use is conditional and designated "C," "C-G | F," "C\*," or "C-G | F\*" in Table A or Table B of Article 8, upon receipt of a conditional use permit from the Board of Appeal. The procedures and conditions required for receiving such permit can be found in Article 6. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.

3. **Forbidden Uses.** In any applicable district, no land or structure may be used for specific purposes where such use is forbidden and designated "F" in Table A and Table B of Article 8, unless such land or structure is allowed as a nonconforming use under the provisions of Article 9.

4. **Uses Subject to Other Regulations.** Allowed and conditional uses shall be subject to dimensional regulations, provisions for off-street parking and loading, and to such other provisions as are specified in other sections of this code. Uses designated in Table A of this Article 8 as "A\*," "A-G | C\*," "A-G | F\*," "C\*," or "C-G | F\*" are subject to any applicable Use and Performance Standards provisions identified in the corresponding district article

5. **Accessory Uses.** The following provisions apply to any Accessory Use.

a) **General Accessory Use Provisions.** An accessory use is a use customarily incident to, and on the same lot as a lawful principal use(s).

Unless otherwise designated as a distinct accessory use in Table A or Table B, any use is allowed as an accessory use customarily incident to, and on the same lot as a lawful principal use(s). Any allowed use is also permitted as an accessory use.

When an accessory use is designated as a distinct accessory use in Table A or Table B with a designation of:

- (i) "A" it is allowed in any applicable district subject to the provisions of Section 8-2.1
- (ii) "C" it is conditional in any applicable district subject to the provisions of Section 8-2.2
- (iii) "F" it is forbidden in any applicable district subject to the provisions of Section 8-2.3

In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

**b) Limitation of Area.** Any such accessory use on a lot shall be limited to no more than twenty-five percent of the floor area of principal or main use(s) to which such use is accessory, unless such accessory use is Accessory Parking, Accessory Electric Vehicle Charging, Accessory Dwelling Unit (non-Detached), Accessory Dwelling Unit (Detached), Accessory Smoking Area, Shared Parking.

**c) Temporary Accessory Uses.** If upon application for a permit under this section, the Building Commissioner is of the opinion that a use not conforming to this code is incidental to, and reasonably required for, the development of a lawful use, the Building Commissioner may grant for an initial period of not more than two years, and may extend from time to time but not for more than one year at a time, a permit for such nonconforming use; provided that the Building Commissioner has on file:

- (1) an instrument wherein the applicant for such permit covenants with the city to terminate such use at the expiration of such permit and to remove within three months after such expiration all nonconforming structures erected under such permit, and
- (2) to secure the faithful performances of such covenant, either a bond of an insurance company authorized to do business in Massachusetts or bonds, notes or certificates of indebtedness of the City, the Commonwealth of Massachusetts or the United States, the former in a penal sum, and the latter in the amount, not less than whichever of the following is the greater:
  - (a) twice the amount which the Building Commissioner estimates it will cost the City to remove such nonconforming structures or
  - (b) one thousand dollars; and provided, further, no such permit shall be extended or renewed to permit such nonconforming use more than seven years after the inception thereof.

## Section 8-3. Use Regulations.

### TABLE A: USE REGULATIONS

#### Key:

**Districts.** S = Squares + Streets

**Status.**



A\*, A-G | C\*, A-G | F\*, C\*, or C-G | F\* = Subject to district Use and Performance Standards

**ALLOWED**

A = Allowed

A-G | C = Allowed only on basement or ground floor (Conditional on upper stories)

A-G | F = Allowed only on basement or ground floor (Forbidden on upper stories)

**CONDITIONAL**

C = Conditional

C-G | F = Conditional only on basement or ground floor (Forbidden on upper stories)

**FORBIDDEN**

F = Forbidden

See Section 3-1 (Division of the City into Districts) for listing of districts.

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
<b>OPEN SPACE USES</b>						
Cemetery	F	F	F	F	F	F
Private Open Space	C	C	C	C	C	C
Publicly Accessible Open Space	A	A	A	A	A	A
<b>CIVIC USES</b>						
Child Care/Adult Day Health Center	A	A	A	A	A	A
Municipal Use	A	A	A	A	A	A
Place of Worship	A	A	A	A	A	A
School, K through 12	A	A	A	A	A	A
<b>RESIDENTIAL USES</b>						
Artists' Live-Work	A*	A	A*	A*	A*	A*
Fraternity or Sorority	F	F	F	F	F	F

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Household Living - 1-4 units	A	A	A*	A*	A*	C*
Household Living - 5-8 units	A	A	A*	A*	A*	A*
Household Living - 9-14 units	A	A	A*	A*	A*	A*
Household Living - 15+ units	F	A	A*	A*	A*	A*
Lodging House	F	C	C*	C*	A*	A*
Mobile Home Establishment	F	F	F	F	F	F
Shelter Facility	F	F	F	F	F	F
Supportive Housing	A*	A	A*	A*	A*	A*
<b>ACTIVE USES</b>						
Community Center	C	A	A	A	A	A
Grocery Store - Small	C	A	A	A	A	A
Grocery Store - Large	F	F	C	C	A	A
Entertainment/Events - Extra Small	C-G   F	A-G   F	A-G   F	A-G   C	A	A
Entertainment/Events - Small	F	C-G   F	A-G   F	A-G   C	A	A
Entertainment/Events - Medium	F	F	C-G   F	A-G   C	A	A
Entertainment/Events - Large	F	F	F	C	C	C

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Entertainment/Events - Extra Large	F	F	F	F	F	F
Makerspace	F	A	A	A	A	A
Museum	F	A	A	A	A	A
Restaurant - Small	C-G   F	A-G   F	A-G   F	A	A	A
Restaurant - Large	F	C-G   F	A	A	A	A
Retail Cannabis Establishment	F	C-G   F	C-G   F	C-G   F	C	C
Retail Store - Small	C-G   F	A-G   F	A-G   C	A	A	A
Retail Store - Medium	F	C-G   F	A-G   C	A	A	A
Retail Store - Large	F	F	C	A-G   C	A-G   C	A-G
Retail Store - Extra Large	F	F	F	F	C	C
Indoor Recreation	F	F	F	A-G   C	A	A
Service Establishment - Small	C-G   F	A	A	A	A	A
Service Establishment - Large	F	F	C	A	A	A
Social Club	C	A	A	A	A	A
<b>COMMERCIAL USES</b>						
Adult Entertainment	F	F	F	F	F	F

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Art Studios	F	A	A	A*	A*	A*
Bank	F	C-G   F	C-G   F	C*	C*	C*
Check Casher	F	F	F	F	F	F
Drive-in	F	F	F	F	F	F
Funeral Home	F	C	C	C*	C*	C*
Hotel - Small	F	F	C	A*	A*	A*
Hotel - Large	F	F	F	C*	C*	C*
Office - Small	C-G   F	A-G   F	A-G   C	A*	A*	A*
Office - Medium	F	A-G   F	A-G   C	A*	A*	A*
Office - Large	F	F	F	C*	C*	C*
Research Laboratory	F	F	F	F	F	F*
Standalone ATM	F	C	C	C*	C*	C*
<b>HIGHER EDUCATION USES</b>						
College or University Use	F	F	C	C*	C*	C*
School, Trade or Professional	F	F	C	C*	A*	A*
<b>HEALTH CARE USES</b>						
Clinic	F	A-G   C	A-G   C	A*	A*	A*
Hospital Use	F	F	F	F	C*	C*

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Nursing Home Use	C	C	C	A*	A*	A*
<b>TRANSPORTATION USES</b>						
Airport-Related Remote Parking Facility	F	F	F	F	F	F
Gasoline Station	F	F	F	F	F	F
Major Transportation Facility	F	C	C	C*	C*	C*
Motor Vehicle Rentals	F	F	F	C*	C*	C*
Motor Vehicle Sales	F	F	F	F	F	F
Standalone Parking Garage	F	F	F	C*	C*	C*
Standalone Parking Lot	F	F	C	C*	C*	C*
Vehicular Services	F	F	F	F	F	F
<b>INDUSTRIAL AND STORAGE USES</b>						
Crematory	F	F	F	F	F	F
Food and Beverage Production	F	F	F	C*	A*	A*
General Industrial	F	F	F	F	F	F
Light Manufacturing or Trade Establishment	F	F	F	F	C*	C*

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Non-retail Cannabis Establishment	F	F	F	F	F	F
Restricted Industrial	F	F	F	F	F	F
Self-Storage	F	F	F	F	F	F
Storage of Fuel or Minerals	F	F	F	F	F	F
Storage of Supplies and Scrap	F	F	F	F	F	F
Urban Agriculture	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89
Warehouse or Distribution Center	F	F	F	F	F	F
<i>Accessory uses must comply with the provisions of Section 8-2.5</i>						
<b>ACCESSORY USES</b>						
Accessory Drive-Through	F	F	F	F	F	F
Accessory Dwelling Unit (Detached)	C	C	F	F	F	F
Accessory Dwelling Unit (non-Detached)	C	C	F	F	F	F
Accessory Electrical Vehicle Charging	A	A	A	A	A	A
Accessory Entertainment/Events	C	A	A	A	A	A
Accessory Family Day Care Home	A	A	A	A	A	A

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Accessory Helicopter Landing Facility	F	F	F	F	F	F
Accessory Home Occupation	A	A	A	A	A	A
Accessory Keeping of Animals	C	C	C	C	C	C
Accessory Keeping of Laboratory Animals	F	F	F	F	F	F
Accessory Motor Vehicle Rental	A	A	A	A	A	A
Accessory Office	F	A	A	A	A	A
Accessory Parking	A	A	A	A	A	A
Accessory Personnel Quarters	F	C	C	C	C	C
Accessory Smoking	F	F	F	C	C	C
Shared Parking	A	A	A	A	A	A

**Table A Definitions**

The following definitions and size categories shall apply only for Districts in Table A of this Article 8 or where otherwise specified in the Code. For the purposes of determining size categories, total square footage shall mean the total internal area dedicated to a use including storage, mechanicals, and all other occupied and non-occupied space.

OPEN SPACE USES

**Cemetery.** A facility used for the interment of human remains.

**Private Open Space.** As a principal use, open space on a lot in private ownership which is dedicated to or appropriated for active or passive recreational use and which is not accessible to the general public because of exclusive membership requirements, fees (excluding nominal parking or entrance fees), or physical barriers (excluding those needed for safety). Private Open Space includes, but is not limited to, private sports fields and complexes such as golf courses. Private Open Space does not include open spaces in private ownership that is accessory to another use of the lot, such as yards.

**Publicly Accessible Open Space.** Open space in public or private ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources and which is intended and designed to be accessible to the general public including having no exclusive membership requirements, fees (excluding nominal parking or entrance fees), or physical barriers (excluding those needed for safety), including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds. See Article 33 (Establishment of Open Space Districts) for categories of Open Space Subdistricts and the uses of open space within them.

#### CIVIC USES

**Child Care/Adult Day Health Center.** A facility for day-time care of children or adults.

Child Care Center - Any facility operated on a regular basis, whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven (7) years of age, or under sixteen (16) years of age if those children have special needs as defined in Massachusetts General Laws, for nonresidential custody and care during part or all of the day separate from their parents. Any facility of this type shall comply with the standards, inspectional requirements, and dimensional regulations as established by the Massachusetts Department of Early Education and Care (or a successor agency responsible for the state licensing of home-based child care facilities).

Adult Day Health Center - A non-residential facility where nursing care, supervision, and health related support services are provided in a structured group setting to persons 18 years of age or older who have physical, cognitive, or behavioral health impairments. Adult day health programs must subsequently receive a Massachusetts Adult Day Health program license for operation.

**Municipal Use.** A facility owned, operated, or administered by the City or its designee for the purpose of operating and providing government services, including a fire station, police station, courthouse, municipal office, library, community center, or similar use.

**Place of Worship.** A facility used for religious or spiritual services or observances, as well as the gathering of a religious or spiritual community.

**School, K through 12.** A facility in which a regular course of public or private educational instruction is given for grades including kindergarten through twelfth grades. For a School offering kindergarten and no higher grades, see Child Care Center.

#### RESIDENTIAL USES

**Artists' Live-Work.** A facility that is used for both habitation and Art Studio. When such use is subject to the provisions of Article 80 Large or Small Project Review, any portion of a Building devoted to such use shall be:

- (a) Occupied by persons certified as artists pursuant to the Boston Redevelopment Authority's Artist Certification Process,



- (b) Designed in accordance with Boston Redevelopment Authority standards and guidelines for artists' mixed-use space, and
- (c) Subject to an agreement for artists' housing with the Boston Redevelopment Authority.

**Fraternity or Sorority.** A housing facility affiliated with a specific educational institution or institutions for which residency is based on membership in an organization with shared social, service, or cultural affinity. Such use may subsequently require a license granted by the Boston Licensing Board for operation.

**Household Living.** A dwelling that contains one or more dwelling units and that is not any other residential use defined in this Section 8-3. The number of units is further established in Table A of this Section 8-3, unless otherwise specified in the Code.

**Lodging House.** A dwelling (other than Fraternity, Sorority, or Hotel) containing 4 or more single rooming units or sleeping accommodations which are rented individually, with or without common kitchen facilities, where persons residing within do not have equal rights to the entire dwelling. Such use shall subsequently require a Lodging House License granted by the Boston Licensing Board for operation.

**Mobile Home Establishment.** A collection of dwellings, other than recreational vehicles, that are transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

**Shelter Facility.** A public or non-profit facility in which short-term residential accommodations and social services, on site or off site, are provided to individuals or families who are experiencing homelessness or at risk of experiencing homelessness.

**Supportive Housing.** A residence for 4 or more people receiving long-term (monthly or annual) housing accommodations and physical health, mental health, or social services. Such use may include living quarters for staff providing services. Supportive Housing does not include Institutional Uses, as defined in Article 2 and subject to Article 80D.

#### ACTIVE USES

**Community Center.** A facility, other than a Municipal Use, that provides recreational, educational, or social services to a community, including but not limited to a recreation or social center or similar use.

**Grocery Store.** A store selling groceries as the primary merchandise, where groceries include fresh produce and other perishable foods and ingredients for preparing food. At least twenty-five (25) percent the total square footage of a Grocery Store shall be devoted to the sale, display or storage of fresh or fresh frozen foods such as fresh meat, poultry, seafood, or produce. No more than twenty-five (25) percent of the total square footage of a Grocery Store may be devoted to the sale, display or storage of alcoholic beverages. A food pantry which sells or otherwise distributes perishable or nonperishable foods to households with limited resources is a Grocery Store.

Small - Total square footage less than 15,000 square feet.

Large - Total square footage greater than or equal to 15,000 square feet.

**Entertainment/Events.** A facility which is primarily devoted to hosting live entertainment events, including but not limited to event centers, theaters, cinemas, night clubs, concert halls, arenas, and stadiums, or similar use. Such use may receive a Live Entertainment License.

Extra Small - Capacity less than 250 persons.

Small - Capacity of 251-500 persons.

Medium - Capacity of 501-2,000 persons.

Large - Capacity of 2,001-9,999 persons.

Extra Large - Capacity greater than or equal to 10,000 persons.

**Makerspace.** A facility for artisans, craftspeople, or small scale manufacturers to work in a communal setting, where the activities produce little to no vibration, fumes, or other nuisances more typical in industrial or manufacturing uses.

**Museum.** A facility in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

**Restaurant.** An establishment devoted to the preparation, sale, and consumption on premises of food or alcoholic beverages. Such use may include take-out. Drive-through access for a restaurant constitutes a district accessory use (see Accessory Drive Through).

Small - Total square footage less than 2,500 square feet.

Large - Total square footage greater than or equal to 2,500 square feet.

**Retail Cannabis Establishment.** An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, dispenses, possesses, or administers cannabis and products containing cannabis to be sold on the lot and consumed off-site, including a medical use cannabis establishment.

**Retail Store.** A store for sale of goods, commodities, or merchandise, including but not limited to food, clothing, art, homegoods, hardware, pharmaceuticals, alcohol, tobacco products, and tickets for events. Such use may also include consignment stores or pawnshops. Retail Store does not include Adult Entertainment, Grocery Store, or Retail Cannabis Establishment.

Small - Total square footage less than 2,500 square feet.

Medium - Total square footage of 2,501-10,000 square feet.

Large - Total square footage of 10,001-49,999 square feet.

Extra-Large - Total square footage greater than or equal to 50,000 square feet.

**Indoor Recreation.** A facility devoted primarily to indoor large-scale sports or recreation, including but not limited to laser tag, bowling, arcade, ice rinks, or similar use. Indoor Recreation does not include Entertainment/Events. Such use may receive a Live Entertainment License.

**Service Establishment.** An establishment, open to customers, that provides services, with or without the exchange of goods. Examples of a Service Establishment include, but are not limited to:

Barber, beauty, or body art establishment.

Tailor, laundry or location for dry-cleaning drop-off;

Post office or parcel pickup/dropoff location;

Fitness center or yoga studio;  
Animal daycare, grooming, kennel;  
or similar use.

Small - Total square footage less than 10,000 square feet.

Large - Total square footage greater than or equal to 10,000 square feet.

**Social Club.** A facility used or operated by a non-profit membership association that operates for charitable, philanthropic, civic, social, benevolent, educational or similar purposes. The use of such premises is restricted to the members of these organizations and their guests.

## COMMERCIAL USES

**Adult Entertainment.** Any establishment used for activities, facilities, performances, or exhibitions, or for the rental or sale of printed or audiovisual entertainment, in which the principal feature or characteristic is an emphasis on matters or conduct depicting, describing or relating to sexual conduct and which is not open to persons under 18 years old by reason of age. Adult entertainment includes but is not limited to bookstores, motion picture theaters, paraphernalia stores, video stores, and establishments which display live nudity for its patrons.

**Art Studios.** A facility for the creation of physical art or audiovisual content, where the activities produce little to no vibration, fumes, or other nuisances more typical in industrial or manufacturing uses, including but not limited to arts production space and studios, dance and music rehearsal space, or similar use. Such use may include the sale of art which does not require any permanent and dedicated space and is incidental to the Art Studio use. Any space permanently dedicated to sales shall constitute a Retail Store.

**Bank.** A licensed financial institution dedicated to the extension of credit and the custody, loan, or exchange of money. Such use may include an Automatic Teller Machine in a dedicated vestibule which is accessible directly from a sidewalk or public right of way.

**Check Casher.** A facility devoted to the cashing of checks or remittance payments for a fee. Check Casher does not include Bank or Automatic Teller Machine.

**Drive-in.** A facility for which the principle use involves customers receiving services or viewing entertainment, or both, exclusively while seated in a vehicle, including but not limited to a drive-in movie theater, drive-in restaurant, or similar use. Parking spots designated as pick-up locations for retail uses shall not constitute a Drive-in; Drive-through access for a Restaurant does not constitute a Drive-in. .

**Funeral Home.** A facility used for the care and preparation of human remains. Such use may include facilities to host ceremonies for people to pay their respects.

**Hotel.** An establishment containing four or more rooms or suites affording transient sleeping accommodations to the general public. Hotel may include space for hosting events. Such use shall subsequently require an Innholder License granted by the Boston Licensing Board for operation.

Small - Fewer than 50 guest rooms and total square footage of less than 50,000 square feet.

Large - At least 50 guest rooms or total square footage greater than or equal to 50,000 square feet.

**Office.** A facility where one or more persons do professional, administrative, or similar work, including but not limited to coworking spaces and businesses which may meet with clients on an appointment basis, such as insurance brokers and real estate offices. Office does not include a medical office for a medical professional practicing under a medical license.

Small - Total square footage less than 10,000 square feet.

Medium - Total square footage of 10,001-49,999 square feet.

Large - Total square footage greater than or equal to 50,000 square feet.

**Research Laboratory.** A facility used for the development, conduct, or observation of scientific experimentation or research, including but not limited to the medical, chemical, physical, or biological disciplines, in which all or a portion is dedicated to uses that require specialized facilities and/or built accommodations designed for the development, conduct, or observation of scientific experimentation or research, including but not limited to wet laboratory facilities, clean rooms, controlled environment rooms, and facilities with high-frequency ventilation. May include areas dedicated to other uses that are directly related and accessory to the scientific experimentation and research being conducted, including but not limited to office, storage, and prototype manufacturing.

**Standalone ATM.** Automatic Teller Machine which is accessible directly from a sidewalk, public right of way, or outdoor pedestrian accessway or in a dedicated vestibule which is accessible directly from a sidewalk, public right of way or outdoor pedestrian accessway. An Automatic Teller Machine which is inside of a building and not in a dedicated vestibule which is accessible directly from a sidewalk, public right of way, or outdoor pedestrian accessway does not constitute a Standalone ATM and is allowed as an accessory use.

## HIGHER EDUCATION USES

**College or University Use.** An institutional use which may be subject to the provisions of Article 80D, including subuses such as classrooms, dormitories, student housing, eating facilities, research laboratories, athletic facilities, libraries, faculty and other offices, museums, auditoria and other facilities of public assembly, parking, and other similar uses. Additional provisions for College or University Use include:

- Property owned or occupied by a college or university not having a use that is substantially related to education at the post-secondary level, research, scholarship, or student life shall not be deemed to be a college or university use merely by reason of such ownership or occupancy.
- College or university use shall not include property held by a college or university for investment purposes only.
- College or university subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.5 or as independent uses.
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A college or university subuse is a High Impact Subuse for the purpose of the review requirements described in Article 80D if it is a dormitory, student housing, athletic

facility, facility of public assembly, parking facility, power plant, or centralized heating or cooling plant.

**School, Trade or Professional.** A facility in which regular course of public or private instruction is given in one or more professions or occupations. School, Trade or Professional does not include any subuse of a College or University Use.

## HEALTH CARE USES

**Clinic.** A facility, including any medical office for a medical professional practicing under medical license, with a gross floor area no greater than 50,000 square feet for the medical, dental, mental health or similar examination and treatment of persons or animals as outpatients or laboratory space dedicated to health care diagnostic procedures and routine testing. Ad hoc health promotion and screening programs shall not by themselves constitute a Clinic.

**Hospital Use.** A healthcare use which may be subject to the provisions of Article 80D, including subuses such as patient rooms, eating facilities, offices, out-patient clinics, research and clinical laboratories, libraries, auditoria and other facilities of public assembly, nursing schools, nursing residences, parking, and other similar uses. Additional provisions for Hospital use include:

- Property owned or occupied by a hospital not having a use that is substantially related to the provision of in-patient or out-patient health care, including care for those with acute illnesses or injuries, shall not be deemed to be a hospital use merely by reason of such ownership or occupancy.
- Hospital use shall not include property held by a hospital for investment purposes only.
- Hospital subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.5 or as independent uses.
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A hospital subuse is a High impact Subuse for the purpose of the review requirements described in Article 80D if it is a facility of public assembly, nursing residence, parking facility, power plant, centralized heating or cooling plant, or ambulatory clinical care facility.

**Nursing Home Use.** A healthcare use which may be subject to the provisions of Article 80D, including subuses such as patient rooms, health care facilities, nursing residences, eating facilities, mechanical facilities, and other similar uses. Additional provisions for Nursing Use include:

- Property owned or occupied by a nursing or convalescent home not having a use that is substantially related to the provision, by a facility licensed by the state as a nursing, convalescent, or rest home, of care and minor medical treatment for patients in order that they may recover from a medical infirmity, or of long-term care of the elderly or infirm, shall not be deemed to be a nursing or convalescent home use merely by reason of such ownership or occupancy.
- Nursing home use shall not include property held by a nursing or convalescent home for investment purposes only.

- Nursing home subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.5 or as independent uses.
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A nursing home subuse is a High Impact Subuse for the purpose of the review requirements described in Article 80D if it is a facility of public assembly, nursing residence, parking facility, power plant, or centralized heating or cooling plant.

## TRANSPORTATION USES

**Airport-Related Remote Parking Facility.** A parking lot or parking garage from which transportation service is offered to airport premises.

**Gasoline Station.** A facility used for the retail sale of motor fuel and lubricants, not including a car wash, repair garage, or other vehicular services.

**Major Transportation Facility.** A station or terminal for freight or passenger transportation including train and bus stations and airports. Airport shall include all subuses located on airport premises and generally associated with and related to the operation of an airport, such as access roads; vehicle maintenance, storage, parking, and rental facilities; passenger terminals; offices; restaurants, retail stores; and hotels.

**Motor Vehicle Rentals.** A facility for the rental of motor vehicles.

**Motor Vehicle Sales.** A showroom or facility for the sale of motor vehicles which is the principal use of the lot.

**Standalone Parking Garage.** A structure wherein motor vehicles are parked or stored, either for private vehicular use or for the dispatch and storage of taxicabs, ambulances, or similar use.

**Standalone Parking Lot.** A lot and used for parking of motor vehicles.

**Vehicular Services.** Facilities for servicing and repair of motor vehicles, including the installation and sale of automotive parts and supplies. Includes bus and truck servicing, carwash, or similar use.

## INDUSTRIAL AND STORAGE USES

**Crematory.** A facility used for the cremation of human remains.

**Food and Beverage Production.** A facility for the production of food and beverages including but not limited to commercial kitchens, breweries, and distilleries. Such use may include associated Restaurant or Retail Store. If the total square footage of the use, excluding the square footage of associated or accessory Restaurant or Retail Store, is greater than 20,000 square feet, such use shall be considered Light Manufacturing rather than Food and Beverage Production.

**General Industrial.** Facilities including plants, factories, mills, or other facilities engaged in the mechanical or chemical transformation of materials or substances (which may also include the blending of materials or the assembling of component parts of manufactured products), where such processes do not consist entirely of a Light Manufacturing use or a Food and Beverage Production use and do not include a Restricted Industrial use. The following effects shall not be allowed from any General Industrial use:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.
2. Any emission beyond the boundaries of the lot that is known to or can be shown to endanger human health or cause significant damage to property or vegetation.
3. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.
4. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, that emanates:
  - (a) Beyond any boundary of the lot that abuts a Residential Subdistrict or a Conservation Protection Subdistrict; or
  - (b) More than twenty (20) feet beyond any boundary of the lot that abuts any subdistrict (other than a Residential Subdistrict or a Conservation Protection Subdistrict) where a General Manufacturing use is not designated "A" (allowed) in the applicable table of uses; or
  - (c) More than fifty (50) feet beyond any boundary of the lot that abuts a subdistrict where a General Manufacturing use is designated "A" (allowed) in the applicable table of uses; if any such effect is detectable at such distances by human senses without aid of instruments and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

**Light Manufacturing or Trade Establishment.** Facilities that process or manufacture materials or goods and typically have low impacts on the surrounding environment. Includes, but not limited to, the design, development, compounding, processing, fabrication, altering, assembly, finishing, packaging, repairing, servicing, renting, testing, handling, or transfer of products such as apparel, food, metal, ceramic, textile, and wood products, electronic machinery, pharmaceutical or diagnostic products.

The following effects shall not be allowed from any Light Manufacturing or Trade Establishment use:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.
2. Any emission beyond the boundaries of the lot that is known to or can be shown to endanger human health or cause significant damage to property or vegetation.
3. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting that emanates beyond the boundaries of the lot on which the use is located, is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

**Non-Retail Cannabis Establishment.** An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, cultivates, possesses, processes (including development of related products such as edibles, MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, or distributes cannabis and products containing cannabis neither to be sold on the lot nor consumed on-site. Non-Retail Cannabis

Establishment includes, but is not limited to, a marijuana product manufacturer or a marijuana cultivator.

**Restricted Industrial.** Restricted industrial uses typically have substantial impacts on the environment in which articles are usually mass produced from raw materials or materials or chemicals, toxic materials, or sewage are stored or transported. Examples of restricted industrial uses include, but are not limited to: Chemical Manufacturing; Electrical Equipment, Appliance, & Component Manufacturing; Fabricated Metal Product Manufacturing; Machinery Manufacturing; Plastics & Rubber Products Manufacturing; Transportation Equipment Manufacturing. Restricted Industrial uses shall not include: Heavy & Civil Engineering Construction; Mining and Extraction: incl: oil, gas, mining, support activities; Petroleum & Coal Products Manufacturing; Waste Management & Remediation Services. The following effects shall not be allowed from any such use:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.
2. Any emission beyond the boundaries of the lot that is known to or can be shown to endanger human health or cause significant damage to property or vegetation.
3. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.
4. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting that emanates beyond the boundaries of the subdistrict in which the use is located, is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

**Self-Storage.** A facility where indoor areas for the storage of non-hazardous goods or personal property are available for rent or sale to the general public.

**Storage of Fuel or Minerals.** The storage, outdoors or in silos, hoppers, and tanks, of solid or liquid fuel or minerals, including, but not limited to, flammable liquids and gasses, coal, crushed stone, sand, or similar materials.

**Storage of Supplies and Scrap.** The storage of dumpsters, equipment and machinery for construction, junk and scrap, damaged or disabled vehicles, or similar materials.

**Urban Agriculture.** See Article 89 (Urban Agriculture).

**Warehouse or Distribution Center.** The holding, storing, and/or distribution of goods, wares, or merchandise. Warehousing shall include wholesale businesses. Such use shall not include Self-Storage.

#### ACCESSORY AND ANCILLARY USES

**Accessory Drive-Through.** Subject to the provisions of Section 8-2.5 (Accessory Uses), a vehicular queuing lane where patrons place orders or receive goods or services, or both, while seated in a vehicle. Accessory parking designated as pick-up locations for retail uses shall not constitute Accessory Drive-Through.



**Accessory Dwelling Unit (Detached).** A self-contained, non-transient dwelling unit contained within a separate structure, with its own separate entrance but on the same lot where the Owner is also a resident. The following regulations apply to all Detached ADUs:

1. The Detached ADU has a building floor plate less than or equal to 900 sf or the building floor plate of the primary structure, whichever is less.
2. The Detached ADU has a height no greater than 1 and ½ stories or no greater than the height of primary structure, whichever is smaller.
3. A lot may contain up to one (1) Detached ADU.
4. The Detached ADU must be at least 5 feet from any other structure on the lot.

A Detached Accessory Dwelling Unit shall not be subject to the provisions of Section 8-2.5b. The residential structure to which the conversion is occurring must be registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion.

**Accessory Dwelling Unit (non-Detached).** A self-contained, non-transient dwelling unit with its own separate entrance, incorporated within the footprint of the principal residential structure where the Owner is also a principal resident. ADUs may be constructed through the incorporation of exterior changes to the existing structure, such as a bump-out, extension, or similar addition to the existing envelope of the structure that result in an increase in overall building footprint. The following regulations apply to all non-detached ADUs:

1. The additional gross square footage created by the non-detached ADU shall add no more than 75% of the gross square footage of the principal unit or 1250 square feet, whichever is smaller.
2. The extension, addition, or bump-out of the primary structure to create a non-detached ADU shall be no taller than the height of the primary structure.
3. A lot shall only contain one (1) non-Detached ADU, however a lot may contain one (1) non-Detached ADU and one (1) Detached ADU.

An non-Detached Accessory Dwelling Unit shall not be subject to the provisions of Section 8-2.5b. The residential structure to which the conversion is occurring must be registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion.

**Accessory Electrical Vehicle Charging.** Vehicle charging infrastructure accessory to a lawful parking use and including no more than four Direct Current Fast Charging (DCFC) stations or any number of level 1 and level 2 electrical vehicle charging stations as defined by the US Department of Energy. For charging stations associated with non-residential uses or residential uses with three or more units, at least one charger must be provided on a space which meets the size requirements for accessible spaces outlined in the Americans with Disabilities Act (ADA) including an access aisle. This space would be in addition to any fully accessible (non-charger) spaces required by the ADA. For facilities with more than one EV charger, the accessible EV charger space shall follow a "use last" model, including signage, as defined by the U.S. Access Board's Design Recommendations for Accessible Electric Vehicle Charging Stations. Such use shall not be subject to the provisions of Section 8-2.5b.

**Accessory Entertainment/Event.** Subject to the provisions of Section 8-2.5 (Accessory Uses), a facility which regularly hosts live entertainment events which are incidental the main use. The Boston License Board may require an Entertainment License for this use.

**Accessory Family Day Care Home.** Subject to the provisions of Section 8-2.5 (Accessory Uses), the use of a dwelling unit for receiving, on a regular basis, temporary custody and care during part or all of the day, children under seven (7) years of age, or children under sixteen (16) years of age if those children have special needs, and receiving for temporary custody and care for a limited number of hours children of school age under regulations adopted by the Board of Early Education and Care as defined in Massachusetts General Laws; provided, however, in either case that:

- (1) The unit is licensed by the Massachusetts Department of Early Education and Care (or a successor agency responsible for the state licensing of home-based child care facilities) for the number of participating children per the agency's standards, inspectional requirements, and dimensional regulations, and
- (2) The total number of children under sixteen (16) in a family child care home shall not exceed ten (10), including participating children living in the dwelling unit.

**Accessory Helicopter Landing Facility.** An area of land, structure, or associated facilities used for landing and takeoff of helicopters.

**Accessory Home Occupation.** Subject to the provisions of Section 8-2.5 (Accessory Uses), an occupation for compensation customarily carried on in a dwelling unit by a person residing therein which involves receiving clients or customers. Such occupation shall require only equipment ordinarily incident to a dwelling unit, not involve the on-site employment of more than 3 persons not resident in a dwelling unit on the lot, and not involve trading in merchandise. Home occupations include, but shall not be limited to piano lessons, tutoring, therapy, and similar uses which are clearly incidental to the dwelling for dwelling purposes and do not change the character thereof.

**Accessory Keeping of Animals.** Subject to the provisions of Section 8-2.5 (Accessory Uses) and Article 89 (Urban Agriculture), the keeping of horses, cows, goats, poultry, pigeons, rabbits, bees, or similar animals other than pigs.

**Accessory Keeping of Laboratory Animals.** Subject to the provisions of Section 8-2.5 (Accessory Uses), the keeping of laboratory animals incidental to an educational, institutional, or research and development use.

**Accessory Motor Vehicle Rentals.** An area accessory to a lawful parking use dedicated to the storing of motor vehicles which can be rented on an hourly or daily basis, including car share rentals that may require a membership. Such use shall not be subject to the provisions of Section 8-2.5b.

**Accessory Office.** Subject to the provisions of Section 8-2.5 (Accessory Uses), a facility used for office space which is accessory to another use.

**Accessory Parking.** Subject to the provisions of Article 23 (Off-street Parking), a garage or parking space for occupants, employees, customers, students, and visitors of a lawful use, provided that, in the case of a lot lying in two or more districts or subdistricts, such parking is accessory to a use that is lawful in the district or subdistrict in which such parking is located. For parking accessory to a residential use, such parking may include up to two electrical vehicle chargers. Three or more chargers shall constitute Accessory Electrical Vehicle Charging.

**Accessory Personnel Quarters.** Subject to the provisions of Section 8-2.5 (Accessory Uses), permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot.

**Accessory Smoking Area.** A facility for consumption of tobacco products on the premises and accessory to a lawful Social Club, Entertainment/Events, Retail Store, or Restaurant. Such use shall not be subject to the provisions of Section 8-2.5b.

**Shared Parking.** A parking space for the occupants, employees, customers, students, and visitors of one or more lawful uses on other lots which would be lawful accessory parking if it were for only the main use of the lot. Such use shall not be subject to the provisions of Section 8-2.5b.

## **TABLE B: USE REGULATIONS FOR RESIDENTIAL (R, H), BUSINESS (L, B), INDUSTRIAL (M,I) and Open Space (OS) DISTRICTS**

### **Key:**

**Residential.** R = General, H = Apartment

**Business.** L = Local, B = General

**Industrial.** M = Restricted, I = General, MER = Maritime Economy Reserve

\* **Open Space.** OS = Open Space

**Status.** A = Allowed, C = Conditional, F = Forbidden

See Section 3-1 (Division of the City into Districts) for listing of districts.

For a district or subdistrict with the letter "N" added to its designation, see the article of this code pertaining to the neighborhood district within which such district or subdistrict lies.

For a downtown district, as established under Section 3-1B, see the article of this code pertaining to such downtown district.

For the Harborpark District, see Articles 42A, 42B, 42E, and 42F and other provisions of this code expressly referenced therein.

ID = Institutional District. See Section 3-1A for specific regulations.

\*OS districts are not included in the table below. All uses except Use Items No. 27 and 27A are forbidden in OS districts. Use Item No. 27 is allowed and Use Item No. 27A is conditional in OS districts, subject to the provisions of Article 33 of this code and of St. 1956, c. 665, s. 2, as amended.

### **SINGLE FAMILY DWELLINGS**

#### **Use Item No. 1**

Detached dwelling, occupied by not more than one family

DISTRICT
----------

R	H	L	B	M	I	MER
A	A	A	A	F	F	F

**Use Item No. 1A**

Mobile home on a permanent foundation and occupied by not more than one family

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C*	C*	F	F	F

\*Except F in a flood hazard district.

(As inserted on June 29, 1984)

**Use Item No. 2**

Semi-detached dwelling occupied by not more than one family on each side of a party wall

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	F	F	F

**Use Item No. 3**

Attached or row house occupied by not more than one family in each structure between fire walls

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	F	F	F

**TWO-FAMILY DWELLINGS**

**Use Item No. 4**

Detached dwelling occupied by not more than two families

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	F	F	F

**Use Item No. 5**

Semi-detached dwelling occupied by not more than two families on each side of a party wall

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	F	F	F

**Use Item No. 6**

Attached or row house occupied by not more than two families in each structure between fire walls

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	F	F	F

**Use Item No. 6A**

Dwelling occupied by not more than three families.

DISTRICT						
R	H	L	B	M	I	MER
*	A	A	A	C	F	F

\*F om R-.5; A in R-.8.

( Text Amd. No. 463 , § 5, 8-16-2023)

**MULTI-FAMILY DWELLINGS**

**Use Item No. 7**

Building or group of buildings for occupancy by four or more families in separate dwelling units including apartment hotel without accessory uses specified in Use Item No. 78

DISTRICT						
R	H	L	B	M	I	MER
*	A	A	A	C	F	F

\*F in R-5; A in R-8.

( Text Amd. No. 463 , § 6, 8-16-2023)

**GROUP CARE RESIDENCES**

**Use Item No. 7A**

Group care residence, general, as defined in Section 2-1, "**Group care residence, general**"

DISTRICT						
R	H	L	B	M	I	MER
C	C	C	C	C	F	F

(As inserted on November 9, 1978)

**Use Item No. 7B**

Group residence, limited, as defined in "**Group residence, limited**" of Section 2-1

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	C	F	F

(As inserted on August 10, 1979 and amended on February 22, 1991)

## CONVERSION OF DWELLING STRUCTURES

### **Use Item No. 8**

Any dwelling converted for more families in separate dwelling units

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A*	A*	C†	F	F
C†	C†	C†	C†			

\*Where structures after conversion will conform to this code; provided that, in a density limitation district, the maximum number of dwelling units with usable interior living area of

- (1) less than 750 square feet, in a building having a gross floor area of 2,000 or more square feet, or
- (2) less than 525 square feet, in a building having a gross floor area of less than 2,000 square feet, is as follows, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission for a larger number: one such unit, if the number of stories containing dwelling units is one to five inclusive; two such units, if the number of stories containing dwelling units is six or seven; and such units not limited if the number of stories containing dwelling units is eight or more.

†Provided that after conversion, the lot area per dwelling unit, the open space, and the off-street parking each meet not less than one-half the requirements of this code and that after conversion any nonconformity as to floor area ratio and yard dimension is no greater than prior to conversion.

(As amended on April 14, 1967, April 11, 1979, and September 23, 1987)

### **Use Item No. 8A**

Any lodging or boarding house converted for three or more families in separate dwelling units

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A*	A*	F	F	F
C†	C†	C†	C†			

\*Where structures after conversion will conform to this code; provided that, in a density limitation district, the maximum number of dwelling units with usable interior living area of

(1) less than 750 square feet, in a building having a gross floor area of 2,000 or more square feet, or

(2) less than 525 square feet, in a building having a gross floor area of less than 2,000 square feet, is as follows, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission for a larger number: one such unit, if the number of stories containing dwelling units is one to five inclusive; two such units, if the number of stories containing dwelling units is six or seven; and such units not limited if the number of stories containing dwelling units is eight or more.

†Provided that after conversion the lot area per dwelling unit, the open space, and the off-street parking each meet not less than one-half the requirements of this code and that after conversion any non-conformity as to floor area ratio and yard dimension is no greater than prior to conversion.

(As inserted on September 23, 1987)

**TEMPORARY DWELLINGS**

**Use Item No. 9**

Temporary dwelling structure

DISTRICT						
R	H	L	B	M	I	MER
C	C	C	C	C	C	F

**LODGING HOUSES, DORMITORIES, HOTELS, etc.**

**Use Item No. 10**

Lodging or boarding house

DISTRICT						
R	H	L	B	M	I	MER
C	C	A*	A*	F	F	F

\*Except C in L-2-65 and B-3-65.

(As amended on September 16, 1965, February 17, 1971, March 20, 1972, March 28, 1975, October 19, 1978, and October 31, 1980)



**Use Item No. 11**

Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of three acres or more

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

\*Except F in H-2-65.

(As amended on September 16, 1965, December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, and February 28, 1979)

**Use Item No. 12**

Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of less than three acres

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

\*Except F in H-2-65.

(As amended on December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, and February 28, 1979)

**Use Item No. 13**

Dormitory not upon the same lot as, but accessory to, a use specified in Use Item No. 16A or Use Item No. 18

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

\*Except F in H-2-65.

(As amended on December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, and February 28, 1979)

**Use Item No. 13A**

Dormitory not accessory to a use specified in Use Item No. 16A or Use Item No. 18

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

\*Except F in H-2-65 and H-3-65.

(As inserted on February 3, 1966, and amended on December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, October 19, 1978, and October 31, 1980)

**Use Item No. 14**

Fraternity or sorority house

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

\*Except F in H-2-65, H-3-65 and H-5.

(As amended on September 16, 1965, December 5, 1966, May 26, 1970, February 17, 1971, March 20, 1972, February 28, 1979, and October 31, 1980)

**Use Item No. 15**

Hotel; motel; apartment hotel

DISTRICT						
R	H	L	B	M	I	MER
F	C*	†	A	F	F	F

\*Except F in H-2-65 and H-3-65.

†F in L-.5 and L-1; A in L-2; C in L-2-65.

(As amended on October 22, 1974, October 19, 1978, and October 31, 1980)

**Use Item No. 15A**

Executive Suites

DISTRICT						
R	H	L	B	M	I	MER
F	C*	C†	C	F	F	F

\*Except F in H-2-65 and H-3-65.

†Except F in L-5 and L-1.

(Text Amd. No. 444, § 2, 2020)

## **EDUCATIONAL INSTITUTIONS**

### **Use Item No. 16 ID**

Elementary or secondary school attendance at which satisfies the requirements of the compulsory education laws of the Commonwealth of Massachusetts

DISTRICT						
R	H	L	B	M	I	MER
A*	†	A*	A‡	C	F	F

\*Provided that no play space or parking area is nearer any lot line than the front yard depth required by this code for the lot, and that the requirements of St. 1956, c.665, s.2, where apt, are met.

†A\* except C\* in H-2-65 and except C\* in H-3-65 if an elementary school and F in H-3-65 if a secondary school.

‡Subject to St. 1956, c.665, s.2.

(As amended on September 7, 1967, May 26, 1970, October 19, 1978, April 11, 1979, and October 31, 1980)

### **Use Item No. 16A**

College or university granting degrees by authority of the Commonwealth of Massachusetts

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C	C	C	C	F

\*Except F in H-2-65 and H-3-65; provided, however, that the use shall be C in these districts if it will occupy space being used by the same educational institution for Use Item No. 11, 12, 13, 20, 24, or 79 at the time that such change in use is proposed.

(As amended on September 7, 1967, May 26, 1970, November 23, 1979, and October 31, 1980)

**Use Item No. 17 ID**

Day care center; nursery school; kindergarten

DISTRICT						
R	H	L	B	M	I	MER
C*	A*	A	A	A	A	F

\*Except A in an R-8 district, provided that the facility accommodates no more than 60 children and the use is accessory to Use Item 16, 16A, 20, 21, 27, 28, or 29; otherwise C.

†Provided that the facility accommodates no more than 60 children; otherwise conditional; and except C in H-2-65 and H-3-65 regardless of the number of children accommodated.

(As amended on March 20, 1972, June 7 and October 22, 1974, October 19, 1978, April 11, 1979, and October 31, 1980)

**Use Item No. 18**

Trade, professional or other school

DISTRICT						
R	H	L	B	M	I	MER
F	C*	C	C	C	C	F

\*Except F in H-2-65 and H-3-65.

(As amended on May 26, 1970, October 19, 1978, and October 31, 1980)

**Use Item No. 19**

Machine shop or other noisy activity accessory to a school, college or university

DISTRICT						
R	H	L	B	M	I	MER
C*	C*†	C*	C*	C	C	F

\*Provided that it is located at least one hundred feet from all lot lines and in the opinion of the Board of Appeal is adequately sound-insulated to protect the neighborhood from unnecessary noise.

†Except F in H-2-65 and H-3-65.

(As amended on May 26, 1970, October 19, 1978, and October 31, 1980)

**OTHER INSTITUTIONAL USES**

**Use Item No. 20 ID**

Library or museum, not conducted for profit and not accessory to a use listed under Use Item No. 16A, 18, 22, 23, or 24

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	A	A	F

(As amended on July 9, 1973, October 19, 1978, April 11, 1979, October 31, 1980, and January 8, 1982)

**Use Item No. 20A**

Library or museum not conducted for profit, and accessory to a use listed under Use Item No. 16A, 18, 22, 23, or 24, whether or not in the same lot

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C*	C*	C*	C*	F

\*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item 22 is met.

(As inserted on January 8, 1982)

**Use Item No. 21**

Place of worship; monastery; convent; parish house

DISTRICT						
R	H	L	B	M	I	MER
A	A*	A*	A	A	A	F

\*Except C in H-2-65, H-3-65 and L-2-65.

(As amended on April 14, 1967, October 19, 1978, and October 31, 1980)

**Use Item No. 22**

Hospital or sanatorium not providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons; clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot

DISTRICT						
R	H	L	B	M	I	MER
F	C*	C*	C*	F	F	F

\*Except A provided that

- (1) the land or structure occupied by such use is located in an urban renewal area (U) overlay district or planned development area (D) overlay district as those areas are defined in Section 3-1A; or
- (2) such use is the subject of an application for determination of need filed on or before October 22, 1981, with the Department of Public Health of the Commonwealth under Section 25C of Chapter 111 of the General Laws, and such application, as it may be amended or modified, has been granted either prior or subsequent to October 22, 1981, or
- (3) an extension of a pre-existing structure contains no more than 2,500 square feet of gross floor area or a free standing building contains no more than 500 square feet of gross floor area and, in either case, occupies land in medical institutional use prior to October 22, 1981, or
- (4) such use will occupy interior space being used by the same institution for Use Item No. 20A, 22, 24, 29, 77 or 79 at the time such change is proposed.

(As amended on April 14, 1967, June 8, 1977, October 19, 1978, July 11, 1979, October 31, 1980, and January 8, 1982)

**Use Item No. 22A ID**

Convalescent, nursing or rest home; home for the aged; orphanage; or similar institution not for correctional purposes

DISTRICT						
R	H	L	B	M	I	MER
F	A*	A*	A*	F	F	F

\*Provided that custodial care is not provided for drug addicts, alcoholics or mentally ill or mentally deficient persons.

(As amended on April 14, 1967, June 8, 1977, and April 11, 1979)

**Use Item No. 23**

Any use listed under Use Item No. 22 or 22A providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	C	C	C	F

(As amended on October 19, 1978)

**Use Item No. 24**

Accessory Research Laboratory. ( Text Amd. No. 459 , § A.14., 4-14-2023)

DISTRICT						
R	H	L	B	M	I	MER
F	C*	C*	C*	C*	C*	F

\*Except A if accessory to Use Item No. 16 and also A if accessory to Use Item No. 22 and at least one of the provisos in the footnote of Use Item No. 22 is met.

(As amended on July 9, 1973, October 19, 1978, October 31, 1980, and January 8, 1982)

**Use Item No. 25**

Penal or correctional institution; detention home

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C	C	C	F

**Use Item No. 26**

- a. New cemetery

DISTRICT						
R	H	L	B	M	I	MER
C	C	C	C	C	C	F

b. Extension of a cemetery existing on the effective date of this code

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	A	A	F

c. Mortuary chapel in a cemetery

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A*	A*	A*	A*	F

d. Crematory in a cemetery

DISTRICT						
R	H	L	B	M	I	MER
A†	A†	A†	A†	A†	A†	F

e. Columbarium in a cemetery

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	A	A	F

\*Provided that such chapel is located more than one hundred and fifty feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.

†Provided that such crematory is located more than three hundred feet from every lot line of the cemetery that abuts land in a S, R or H district that is not part of a cemetery.

(As amended on April 11, 1979)



## **RECREATIONAL USES**

### **Use Item No. 27**

Open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or, open space in private ownership for active or passive recreational use or for the conservation of natural resources. In an OS district there shall be no structures except those accessory to open space uses, in accordance with Use Item No. 27A

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A*	A*	A	A	F

\*Subject to St. 1956, c. 665, s.2, as amended.

(As amended on January 4 and October 12, 1988)

### **Use Item No. 27A**

Open space recreational building, a structure on an open space area that is necessary and/or appropriate to the enhanced enjoyment of the particular open space area.

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C*	C*	C	C	F

In an OS district, such structure is C and, further, is subject to the provisions of Article 33.

\*Subject to St. 1956, c. 665, s.2, as amended.

(As inserted on January 4, 1988 and amended on October 12, 1988)

### **Use Item No. 28 ID**

Private grounds for games and sports not conducted for profit

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A	A	C	C	F

\*Provided

- (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and
- (2) that, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.

(As amended on April 11, 1979)

**Use Item No. 29 ID**

Adult education center building; community center building; settlement house

DISTRICT						
R	H	L	B	M	I	MER
A*	A*†	A†	A	C	C	F

\*Provided

- (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and
- (2) that, unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission therefor, there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.

†Except C in H-2-65, H-3-65 and L-2-65.

(As amended on October 19, 1978, April 11, 1979, and October 31, 1980)

**Use Item No. 30 ID**

Private club (including quarters of fraternal organizations) operated for members only

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C	A†	C	C	F

\*Provided

- (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and

(2) that there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.

†Except C in B-3-65.

(As amended on April 17, 1974, October 19, 1978, April 11, 1979, and October 31, 1980)

**PUBLIC SERVICE USES**

**Use Item No. 31**

Public service pumping station; public service sub-station, automatic telephone exchange; telecommunications data distribution center; outdoor payphone

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C*	C*	C*	C*	F*

\*Provided that the structure is essential to service in the residential area in which it is located, that no business office nor any storage building or yard is maintained in connection with it, and that the requirements of St. 1956, c. 665, s.2, where apt, are met.

\*Subject to St. 1956, c. 665, s.2.

(As Amended October 20, 2000 and March 15, 2006.)

**Use Item No. 32**

Telephone exchange (other than automatic)

DISTRICT						
R	H	L	B	M	I	MER
F	F	A*	A	A	A	F

\*Provided that it is essential to service in the area in which it is located.

**Use Item No. 33**

Fire station; police station

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A*	A*	A	A	F

\*Subject to St. 1956, c. 665, s.2.

(As amended on April 14, 1967)

### **RETAIL BUSINESS**

#### **Use Item No. 34**

Store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting a business as described in Use Item No. 34A, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances

DISTRICT						
R	H	L	B	M	I	MER
F	F	A	A	A	A	F

(As amended on May 26, 1972, June 7, 1978, and October 14, 1981, and July 15, 1988; Text Amd. No. 416, § 1a., 7-2-2015 )

#### **Use Item No. 34A**

A shop for the barter, rental or sale of printed matter, pictures or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age; or if such shop keeps a part of such stock segregated as available to only one or more classes of the public excluding any minor by reason of age; or shop for the barter, rental or sale of printed matter, pictures or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding any minor by reason of age

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F*	F	F	F

\*Except A in an adult entertainment district.

(As inserted on May 26, 1972, and amended on April 11, 1973, September 27, 1973, and November 27, 1974)

#### **Use Item No. 34B**

Pawnshop

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	C	C	C	F

(As inserted on February 16, 2001, and amended on April 9, 2001)

**Use Item No. 35**

Department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage

DISTRICT						
R	H	L	B	M	I	MER
F	F	C*	A†‡	A‡	A‡	F

\*The sale or display of merchandise out of doors on the premises of such store shall require a supplementary or separate conditional use permit granted by the Board of Appeal under Sections 6-2, 6-3, and 6-4.

†Except C if merchandise is sold or displayed out of doors on the premises of such store.

‡Except C if such use will occupy a gross floor area of seventy-five thousand (75,000) or more square feet after it is established or enlarged; provided, however, that this footnote shall not apply in an I-2 district within the area bounded on the northeast by Interstate 93, on the northwest by the Midland Division railroad right-of-way, and on the southwest by Massachusetts Avenue.

(As amended on October 14, 1981 and December 19, 1994.)

**Use Item No. 35A**

Sale within a building of automotive parts, including, but not limited to, batteries, seat covers, tires, alternators, generators, carburetors, headlamps, fanbelts, motor oil, and similar automotive parts and accessories and supplies

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	C	A	A	*

\*C if a maritime-dependent use; otherwise F.

(As inserted on November 7, 1996.)

**Use Item No. 36**

Indoor sale of motor vehicles

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C	A	A	F

(As amended on March 15, 2006)

**RETAIL CATERING**

**Use Item No. 36A**

Sale over the counter, not wholly incidental to a use listed under Use Item No. 34 or Use Item No. 37 or Use Item No. 50, of on-premises prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	C	A	A	F

(As inserted on August 12, 1971)

**EATING PLACES AND ENTERTAINMENT**

**Use Item No. 37**

Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles

DISTRICT						
R	H	L	B	M	I	MER
F	F	A*	A*	A	A	F

\*Except C in L-2-65, B-3-65, B-6-90a, and B-8-120a.

(As amended on August 12, 1971, February 10, 1972, June 7 and October 22, 1974, October 31, 1980, and April 2, 1987)

**Use Item No. 37A**

The maintenance and operation of any amusement game machine in a private club, dormitory, fraternity or sorority house, or similar noncommercial establishment (other than as an accessory use described in Use Item No. 86a)

DISTRICT						
R	H	L	B	M	I	MER
C	C	C	A*	A*	A	F

\*Except C in B-3-65, B-6-90a, B-8-120a, B-8-120b, and M-8.

(As inserted on June 2, 1983 and amended on April 2, 1987)

**Use Item No. 38**

Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both; theater (including motion picture theater but not drive-in theater); concert hall; dance hall; skating rink; bowling alley; pool room; billiard parlor; other social, recreational or sports center conducted for profit; or any commercial establishment maintaining and operating any amusement game machine (other than as an accessory use described in Use Item No. 86b or 86c); provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	A*	†	A	F

\*A in B-1, B-2, B-4, B-8 and B-10; C in B-3-65, B-6-90a, B-8-120a, and B-8-120b.

†A in M-1, M-2, M-4; C in M-8.

(As amended on April 14, 1967, April 11 and September 27, 1973, November 27, 1974, October 31, 1980, June 2, 1983, and April 2, 1987)

**Use Item No. 38A**

Any of the uses enumerated in Use Items 38 and 52 if such establishment is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age

DISTRICT						
R	H	L	B	M	I	MER

F	F	F	F*	F	F	F
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\*Except A in an adult entertainment district.

(As inserted on November 27, 1974)

**OFFICE USES**

**Use Item No. 39**

Office of accountant, architect, attorney, dentist, physician, or other professional person, not accessory to a main use

DISTRICT						
R	H	L	B	M	I	MER
F	C*	A <sup>#</sup>	A	A†	A†	F

\*Except F in H-2-65 and H-3-65; C in H-1, H-1-40, H-1-50, H-2, H-2-45 or H-3 only if it is within two hundred feet of an H-4, H-5, L, B, M, I or W district.

<sup>#</sup> Except C in L-2-65 if the use is in the basement or first floor.

†Except subject to Article 34, for a period of three years from its effective date.

The effective date of Article 34 was April 29, 1988.

(As amended on February 17, 1971, March 20, 1972, July 9, 1973, October 19, 1978, February 28, 1979, October 31, 1980, June 16, 1982, April 29, 1988, June 23, 1989, and May 3, 1990; Text Amd. No. 410, §§ 1, 2, 12-5-14)

**Use Item No. 39A**

Clinic not accessory to a main use

DISTRICT						
R	H	L	B	M	I	MER
F	C*	C	C	C	A	F

\*Provided that if in an H-1, H-1-40, H-1-50, H-2, H-2-45, H-2-65 or H-3 district, it is within two hundred feet of an H-3-65, H-4, H-5, L, B, M, I or W district.

(As amended on October 19, 1978, February 28, 1979, October 31, 1980, June 16, 1982, and September 20, 1996.)



**Use Item No. 39B**

Cannabis Establishment

DISTRICT						
R	H	L	B	M	I	MER
F*	F*	C*	C*	C*	C*	C*

\*Cannabis Establishment-provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

( Text Amd. No. 387, § 2, 1-26-13 ; Text Amd. No. 421, § 1, 11-18-16 ; Text Amd. No. 432 , § 2, 4-13-2018)

**Use Item No. 40**

Real estate, insurance or other agency office

DISTRICT						
R	H	L	B	M	I	MER
F	F	A <sup>#</sup>	A	A*	A*	F

\*Except subject to Article 34, for a period of three years from its effective date.

# Except C in L-2-65 if the use is in the basement or first floor.

The effective date of Article 34 was April 29, 1988.

(As amended on April 29, 1988, June 23, 1989, and May 3, 1990; Text Amd. No. 410 , §§ 1, 2, 12-5-14)

**Use Item No. 41**

Office building, post office, bank (other than drive-in bank) or similar establishment

DISTRICT						
R	H	L	B	M	I	MER
F	F	A <sup>#</sup>	A	A*	A*	F

\*Except subject to Article 34, for a period of three years from its effective date.

# Except C in L-2-65 if the use is in the basement or first floor.

The effective date of Article 34 was April 29, 1988.

(As amended on November 30, 1973, April 29, 1988, June 23, 1989, and May 3, 1990; Text Amd. No. 410, §§ 1, 2, 12-5-14)

**Use Item No. 42**

Office or display or sales space of a wholesale, jobbing or distributing house

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	A*	A	A	F

\*Provided that not more than twenty- five percent of gross floor area devoted to this use is used for assembling, packaging and storing merchandise unless after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a greater percentage to be so used.

(As amended on April 14, 1967)

**SERVICE ESTABLISHMENTS**

**Use Item No. 43**

Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; or similar use

DISTRICT						
R	H	L	B	M	I	MER
F	F	A*	A	A	A	F

\*Except C if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight.

(As amended on April 14, 1967, and June 7, 1978)

**Use Item No. 43A**

Body Art Establishment

DISTRICT						
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R	H	L	B	M	I	MER
F	F	C	C	C	A	F

(As inserted on April 9, 2001)

**Use Item No. 44**

Tailor shop; hand laundry; dry- cleaning shop

DISTRICT						
R	H	L	B	M	I	MER
F	F	A*	A*	A	A	F

\*Provided that only nonflammable solvents are used for cleaning; and in L districts, provided also that not more than five persons at a time work in the establishment.

**Use Item No. 45**

Laundry plant; dry-cleaning plant; rug cleaning plant

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	A	A	F

(As amended on April 14, 1967)

**Use Item No. 46**

Caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop; radio or television studio ( Text Amd. No. 459 , § A.15., 4-14-2023)

DISTRICT						
R	H	L	B	M	I	MER
F	F	A*	A	A	A	F

\*Provided that not more than five persons at a time work in such establishment, studio, plant or shop.

(As amended on April 14, 1967)

**Use Item No. 47**

Funeral home; undertaker's establishment; mortuary

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	A	A	A	F

**Use Item No. 48**

Research laboratory ( Text Amd. No. 459 , § A.16., 4-14-2023)

DISTRICT						
R	H	L	B	M	I	MER
F	F	A	A	A	A	F

**Use Item No. 48A**

Check cashing business

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C	C	C	*

\*C if a maritime-dependent use; otherwise F.

(As inserted on October 6, 1994 and amended on July 31, 1997)

**Use Item No. 49**

Animal hospital or clinic; kennel; pound

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	A	A	A	F

**Use Item No. 49A**

Container redemption center

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C*	A*	A*	†*

All storage of beverage containers shall be located entirely within a building.

\*Except F within fifty (50) feet of a residential district or sub- district, Open Space district or subdistrict, or Conservation Protection subdistrict.

†A if a maritime-dependent use; otherwise F.

(As inserted on September 30, 1993 and amended on October 6, 1994)

**OPEN AIR AND DRIVE-IN USES**

**Use Item No. 50**

Drive-in bank; drive-in restaurant; drive-in cafeteria; or other place for the service or sale of on-premises prepared food or drink for on-premises or off-premises consumption, providing off-street parking facilities for its customers while doing business on the premises; outdoor sale or display for sale of garden supplies, agricultural produce, flowers and the like

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	C	A	A	F

(As amended on August 12, 1971, and November 30, 1973)

**Use Item No. 51**

Outdoor sale or display for sale of new or used motor vehicles

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C	A	A	F

(As amended on December 9, 1975)

**Use Item No. 52**

Drive-in theater; stadium, or other outdoor place of assembly, operated for profit; golf driving range; other outdoor place of recreation operated for profit, Provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C	A	A	F

(As amended on November 27, 1974)

**Use Item No. 53**

Mobile home park

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C*	A*	A*	F

\*Except F in a flood hazard district.

(As amended on March 26, 1982)

**WHOLESALE BUSINESS AND STORAGE**

**Use Item No. 54**

Wholesale business, including accessory storage (other than of flammable liquids, gases and explosives) in roofed structures

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C	A	A	F

**Use Item No. 55**

Outdoor storage of: new building materials, contractor's equipment, machinery, metals (other than scrap and junk), and the like

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	A*	A	F

\*Provided that any material or equipment stored to a height greater than four feet above grade level is surrounded by a wall or tight fence not less than seven feet high.

**Use Item No. 56**

Warehouse; storage, outdoors or in silos or hoppers, of coal, coke or other solid fuel or of crushed stone, sand or similar material; storage of fifteen thousand gallons or less of flammable liquids or of ten thousand cubic feet or less of gases

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	A*	A*	F

\*Provided that all dust and dirt incident to storage or handling is effectively confined to the lot; and in M districts, provided also that any material stored to a height greater than four feet above grade level is surrounded by a wall or tight fence not less than seven feet high.

**Use Item No. 56A**

Storage of dumpsters not accessory or ancillary to a Main Use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	C	C	C	F

(As inserted on September 18, 2000)

**Use Item No. 57**

Outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles; storage of more than fifteen thousand gallons of flammable liquids and of more than ten thousand cubic feet of gases; wrecking and dismantling of motor vehicles

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	F	C*	F

\*Provided the use is screened by a wall or tight fence not less than seven feet high.

**Use Item No. 57A**

Outdoor storage of damaged or disabled motor vehicles

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	C*	A*	F

\*Provided there is no dismantling of motor vehicles or sale of used parts on the lot.

(As inserted on June 16, 1982)

**VEHICULAR STORAGE AND SERVICE**

**Use Item No. 58**

Parking lot

DISTRICT						
R	H	L	B	M	I	MER
C*	C‡	C†	#	A†	A†	F

\*Provided that the parking lot abuts or is across the street from an L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and with- out charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in an S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots, and that the parking lot is adequately screened from all streets and adjoining lots.

‡Except F in H-2-65 and H-3-65; also F unless the parking lot either is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood, or abuts or is across the street from a L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and with- out charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in



the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in a S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots and that the parking lot is adequately screened from all streets and adjoining lots.

#A† in B-1 and B-2; C† in other B districts.

†Except C in a restricted parking district and except F in a limited parking district.

(As amended on May 30, 1969, February 17, 1971, September 27, 1973, October 19, 1978, October 31, 1980, and December 30, 1983)

**Use Item No. 59**

Parking garage

DISTRICT						
R	H	L	B	M	I	MER
F	C*	C†	A†	A†	A†	F

\*Provided that the parking garage is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood except that gasoline and oil may be sold if sales thereof are limited to tenants of the garage and are completely consummated entirely within the garage.

†Except C in a restricted parking district and except F in a limited parking district.

(As amended on September 27, 1973, and December 30, 1983)

**Use Item No. 59A**

Airport-related remote parking facility

DISTRICT						
R	H	L	B	M	I	MER
F	F	C*	C*	A*	A*	F

\*Except F in:

- (a) a restricted parking district;
- (b) a limited parking district; (c) the area of North Dorchester bounded on the north by Southampton Street, on the west and east by the Roxbury and Dorchester Avenue Neighborhood Districts, respectively, and on the south by Dudley, Stoughton, and Thornley Streets.

†C if a maritime-dependent use; otherwise F.

(As inserted on November 21, 1996.)

**Use Item No. 60**

Repair garage; gasoline service station; car wash

DISTRICT						
R	H	L	B	M	I	MER
F	F	C*	C*	A	A	F

\*Provided that all washing, painting, lubricating, and making of repairs is carried on inside a building and that any auto body shop, car wash, repair shop and paint shop is sufficiently sound- insulated to confine all noise to the lot and that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and further provided that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month.

(As amended on April 14, 1967, and June 16, 1982)

**Use Item No. 60A**

Sale and installation within a building of batteries, seat covers, tires and similar automotive parts and accessories

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	A	A	A	F

(As inserted on April 14, 1967)

**Use Item No. 61**

Rental agency, storing, servicing, and/or washing rental motor vehicles and trailers

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C*	C*	A*	F

\*Provided that no rental vehicles or trailers are parked on the street and that exterior lighting shall be arranged to shine downward and away from residences.

(As amended December 9, 1975)

**TRANSPORTATION USES**

**Use Item No. 62**

Bus terminal; bus station

DISTRICT						
R	H	L	B	M	I	MER
F	F	A	A	A	A	F

**Use Item No. 63**

Railroad passenger station

DISTRICT						
R	H	L	B	M	I	MER
F	F	A	A	A	A	F

**Use Item No. 64**

Motor freight terminal; yard for storing or servicing trucks or buses; rail freight terminal; storage yard accessory to rail- road operation

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	C*	A*	F

\*Provided that the terminal or yard is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.

**Use Item No. 65**

Water freight or passenger terminal facility, including docks, piers, wharves, storage sheds for waterborne commodities, and rail and truck facilities accessory to a waterborne freight terminal

DISTRICT						
----------	--	--	--	--	--	--

R	H	L	B	M	I	MER
F	F	F	F	C*	A*	†

\*Provided that the facility is at least one hundred and fifty feet from every S, R and H district; and provided further, that the roadway of every street upon which a truck entrance or exit thereof abuts is at least forty feet wide and that every loading platform facing such an entrance or exit is at least eighty feet from the centerline of the street and at least fifty feet from the nearest sideline of the street.

†A if a maritime-dependent industrial use; otherwise F.

(As amended on April 14, 1967)

**Use Item No. 66**

Helicopter landing facility

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	C	C	C	F

**Use Item No. 67**

Airport or other aircraft landing or servicing facility

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	F	C	F

**INDUSTRIAL USES**

**Use Item No. 68**

Any of the following uses:

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	‡	A	A	†

\*A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.

†A if a maritime-dependent industrial use; otherwise F.

‡F in B-1, B-2, B-4; C in B-8, B-10.

Any industrial use, other than a use described in Use Item No. 70, which does not result in noise or vibration perceptible without instruments more than fifty feet outside the perimeter of the lot.

Bottling works for beverages.

Cotton ginning.

Manufacture or repair of

Advertising displays (including billboards).

Apparel or other products (including hat bodies and like) from textiles or similar materials.

Beverages containing less than 0.5% of alcohol by volume at 60 degrees F.

Boats less than one hundred feet long.

Brooms or brushes.

Cameras or other photographic equipment, except flammable film.

Carpets.

Canvas or canvas products. Ceramic products, including pottery, small glazed tile and the like.

Cosmetics or toiletries.

Cotton wadding or linters.

Electric lamp bulbs.

Electric lighting fixtures, electric irons, electric fans, electric toasters, electric toys or similar electric appliances.

Electric wiring supplies, dry cell batteries and the like. Electronic components and supplies.

Food products except the curing, smoking or drying of meat or fish.

Fur goods (exclusive of curing, dyeing and tanning).

Gases in amounts not exceeding two thousand cubic feet a day.

Glass products from previously manufactured glass.

Hair, felt or feather products (exclusive of curing, dyeing and washing).

Hosiery.

Ice (dry or natural).

Ink or inked ribbon.

Leather products, including shoes, machine belting and the like.

Luggage.

Mattresses (including rebuilding and renovating).

Metal furniture, cabinets, doors, fencing and the like. Metal products made by stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils and the like.

Musical instruments, including pianos and organs.

Novelty products.

Optical equipment, clocks, or similar precision instruments.

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers and similar appliances.

Paper products, including envelopes, stationery, bags, boxes, shipping containers, wallpaper printing and similar products.

Pharmaceutical products.

Plastic products, including tableware, phonograph records, buttons, and the like.

Rubber products (exclusive of rubber and synthetic processing), including washers, gloves, footwear, bathing caps, atomizers and the like.

Shoddy.

Silverware (plate or sterling).

Sporting goods or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods and the like.

Statuary, mannequins, figurines, or religious or church art goods, exclusive of foundry operations.

Textiles, knit goods, yarn goods, thread or cordage, including spinning, weaving, dyeing and printing.

Tobacco products, including curing tobacco.

Tools or hardware, including hand tools, drills, cutlery, bolts, nuts, screws, doorknobs, hinges, house hardware, locks, nonferrous metal castings, plumbing appliances, and the like.

Toys.

Umbrellas.

Vehicles for children, including baby carriages, scooters, wagons, bicycles, and the like.

Venetian blinds, window shades, and awnings.

Wax products.

Wood products, including furniture, boxes, crates, barrels, baskets, pencils, and the like.

Packaging chemicals, detergents or soap.

Poultry or rabbit slaughtering or packing. Printing or newspaper publishing, including engraving, or photo- engraving. Scenery construction. Stone cutting or lettering. Storage of gases in amounts not exceeding ten thousand cubic feet. Upholstering.

(As amended on April 14, 1967, and July 9, 1973)

**Use Item No. 69**

Any industrial use other than a use described in Use Item No. 70

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	F	A	†

\*A if waterfront access required for receipt or dispatch of goods or for any other reason; otherwise C.

†A if a maritime-dependent industrial use; otherwise F.

(As amended on July 9, 1973)

**Use Item No. 70**

Any of the following uses:

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	F	C	*

\*C if a maritime-dependent industrial use; otherwise F.

Any use which is objectionable or offensive because of special danger or hazard, or because of cinders, dust, smoke, refuse matter, flashing, fumes, gases, vapor or odor not effectively confined to the lot, or because of noise or vibration perceptible without instruments more than two hundred and fifty feet outside the perimeter of the lot or, if a residential district is within two hundred and fifty feet of the lot, at any point inside such residential district.

Batching or casting of concrete including handling and/or storage of cement, lime, sand, stone or other aggregates.

Curing, dyeing, washing or bulk processing feathers, felt or hair.

Curing, dyeing, finishing or tanning fur or leather.

Curing, drying or smoking of fish or meat.

Disposal, handling or storage of radioactive waste.

Distillation of wood or bones.

Incineration or reduction of garbage, offal or dead animals.

Manufacture of

Asphalt or asphalt products.

Charcoal, fuel briquettes, or lampblack.

Chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, disinfectants, exterminating agents, fungicides, hydrogen or oxygen, industrial alcohol, insecticides, potash, plastic materials or synthetic rosins, or hydrochloric, picric or sulfuric acids or derivatives.

Coal, coke, or tar products, including gas.

Fertilizers.

Gases in amounts exceeding two thousand cubic feet a day.

Gelatin, glue or size.

Gypsum.

Linoleum or oil cloth.

Matches.

Paint, turpentine or varnish.

Plastic (raw).

Rubber (natural or synthetic) including tires, tubes, or similar products.

Soaps or detergents, including fat rendering.

Reduction, refining or smelting metal or metal ores.

Refining petroleum or petroleum products.

Removal of gravel, loam, sand or stone except for re-use on the same lot or incident to the erection of a building on such lot.

Sewage disposal plant.

Solvent extracting.

Storage of gases in amounts exceeding ten thousand cubic feet.

Wool scouring or pulling.

(As amended on April 14, 1967, and July 17, 1981)

## **ANCILLARY USES**

### **Use Item No. 71**

Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were



on the same lot; any such use on such a lot in another district unless such use is a use specifically forbidden in such other district

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C*	C*	C*	C*	C*

\*Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

**ACCESSORY USES**

**Use Item No. 72 ID**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, a garage or parking space for occupants, employees, customers, students and visitors; provided that, in the case of a lot lying in two or more districts, such parking is accessory to a use that is lawful in the district in which such parking is located

DISTRICT						
R	H	L	B	M	I	MER
A†*	A†*	A‡	A‡	A‡	A‡	†

\*Provided that where a garage or parking space is accessory to a dwelling use in an S, R, or H district, there is space for no more than three vehicles for each dwelling unit, none of which shall be a commercial vehicle with a maximum load capacity of more than 1-½ tons and not more than one of which shall be a commercial vehicle with a maximum load capacity of 1-½ tons or less.

†A if accessory to a maritime-dependent industrial use; otherwise F.

‡Except C in a restricted parking district if accessory to any use other than Use Items numbered 1 through 15.

(As amended on April 14, 1967, September 27, 1973, September 2, 1976, April 11, 1979, and June 18, 1981)

**Use Item No. 72A**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, a swimming pool or tennis court not within a required front yard

DISTRICT						
R	H	L	B	M	I	MER

A*	A*	A*	A*	A*	A*	F
----	----	----	----	----	----	---

\*Provided that it is more than four feet from every lot line, and in the case of a swimming pool, that it is protected by a six-foot-high fence with a gate which is locked from the outside, and that if the pool is within ten feet of a lot line, the fence is concealing to a height of at least six feet.

(As inserted on April 14, 1967, and amended on September 23, 1987)

**Use Item No. 73**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, an office, within a main building, of an accountant, architect, attorney, dentist, physician or other professional person who resides in such building

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A	A	A	A	F

\*Provided that nonresident assistants do not exceed: one in a S district, two in a R district, and three in an H district.

**Use Item No. 74**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, an occupation for profit customarily carried on in a dwelling unit by a person residing therein

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A	A	A	A	F

\*Provided that such occupation is carried on in a main building and requires only equipment ordinarily incident to a dwelling unit, that no non-resident help is employed and that there is no trading in merchandise.

**Use Item No. 75**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, the keeping of horses, cows, goats or similar animals other than pigs

DISTRICT						
R	H	L	B	M	I	MER

C*	C*	C*	C*	C*	C*	F
----	----	----	----	----	----	---

\*Provided that every stable and enclosure is at least one hundred feet from every residential building on another lot; and provided further that every stable and enclosure sheltering more than four such animals is at least one hundred feet from every lot on which there is a church, school playground, library, or public or eleemosynary institution unless that distance is intersected by a street at least sixty feet wide; and provided also in a S, R or H district, that no more than twenty-five animals at a time are kept on the lot and that every stable and enclosure is more than one hundred feet from the nearest street.

A condition of this use shall be that if on another lot a residential building is erected within one hundred feet of a stable or enclosure, the use of such stable or enclosure shall cease, and such stable or enclosure shall be removed.

**Use Item No. 76**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, the keeping of poultry, pigeons, rabbits or bees

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C*	C*	C*	C*	F

\*Provided that every enclosure therefor is at least fifty feet from every residential building on another lot; and provided further in a S, R or H district, that not more than twenty-five birds and rabbits in the aggregate or more than three colonies of bees are kept on the lot at one time, and that every enclosure is more than fifty feet from the nearest street. A condition of this use shall be that if on another lot a residential building is erected within fifty feet of an enclosure, the use of such enclosure shall cease, and such enclosure shall be removed.

**Use Item No. 77**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, the keeping of laboratory animals incidental to an educational or institutional use, provided that all resulting noise, dust, fumes, gases, odors and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C*	C*	C	C	F

\*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item No. 22 is met.

(As amended on October 19, 1978, October 31, 1980, and January 8, 1982)

**Use Item No. 78**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, in buildings with more than fifty dwelling units, and in hotels with more than fifty sleeping rooms, newsstand, barber shop, dining room and similar services primarily for the occupants thereof, when conducted wholly within the building and entered solely from within the building

DISTRICT						
R	H	L	B	M	I	MER
F	A	A	A	C	C	F

**Use Item No. 79**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, in hospitals with more than fifty beds, and in educational institutions with more than four hundred full time students, incidental uses and services ordinarily found in connection therewith and primarily for the patients and staff or students and faculty, when conducted wholly within a building and entered solely from within the building where there is but one building on the lot or from an entrance not directly facing a street or lot line where there is more than one building on a lot

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C*	C*	F	F	F

\*Except A if accessory to Use Item No. 22 and if at least one of the provisos in the footnote of Use Item 22 is met.

(As amended on October 19, 1978, October 31, 1980, and January 8, 1982)

**Use Item No. 80**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, the storage of flammable liquids and gases incidental to a lawful use

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	A	A	*

\*A if accessory to a maritime-dependent industrial use; otherwise F.

**Use Item No. 81**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, the manufacture, assembly or packaging of products sold on the lot

DISTRICT						
R	H	L	B	M	I	MER
F	F	A*	A	A	A	C

\*Provided that no products are processed for sale elsewhere than on the lot and that at any one time no more than five persons are employed in such manufacture, assembly and packaging.

**Use Item No. 82**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, a repair garage incident to auto sales

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	A*	A*	A*	F

\*Providing that all washing, lubricating and making of repairs is carried on inside a building, and that all noise, flashing, dust, fumes, gases, smoke and vapor are effectively confined to the lot.

**Use Item No. 82A**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, sale within a building of automotive parts, including, but not limited to, batteries, seat covers tires, alternators, generators, carburetors, headlamps, fanbelts, motor oil, and similar automotive parts and accessories and supplies

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	C	A	A	*

\*C if a maritime-dependent use; otherwise F.

(As inserted on November 7, 1996.)

**Use Item No. 83**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	C	C	C

**Use Item No. 84**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, any non-residential use lawful in an I district

DISTRICT						
R	H	L	B	M	I	MER
F	F	F	F	C*†		F

\*Provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance.

†Subject, in the case of an accessory office, to Article 34, for a period of three years from its effective date.

(The effective date of Article 34 was April 29, 1988. As amended on April 29, 1988, June 23, 1989, and May 3, 1990)

**Use Item No. 85**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, any use ancillary to, and ordinarily incident to, a lawful main use

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A*	A*	A*†	A*†	A*

\*Provided that such use is not a use specifically forbidden in such district; and provided further that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

†Except, in the case of an accessory office, subject to Article 34, for a period of three years from its effective date.

[The effective date of Article 34 was April 29, 1988.] (As amended on April 29, 1988, June 23, 1989, and May 3, 1990)

**Use Item No. 86**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, the maintenance and operation of not more than four amusement game machines:

- a. in a private club, dormitory, fraternity or sorority house, or similar noncommercial use

DISTRICT						
R	H	L	B	M	I	MER
A	A*	A*	A*	A	A	F

\*Except C in H-2-65, H-3-65, L-2-65, B-3-65, B-6-90a, and B-8-120a.

- b. in a bar, tavern, or other commercial establishment where alcoholic beverages are sold and consumed

DISTRICT						
R	H	L	B	M	I	MER
F	F	A*	A*	A	A	F

\*Except C in L-2-65, B-3-65, B-6-90a, and B-8-120a.

- c. in a store, self-service laundry, restaurant, or other commercial establishment (other than a commercial establishment where alcoholic beverages are sold and consumed)

DISTRICT						
R	H	L	B	M	I	MER
F	F	C	A*	A*	A	F

\*Except C in B-3-65, B-6-90a, B-8-120a, B-8-120b, and M-8.

(As inserted on June 2, 1983, and amended on April 2, 1987)

**Use Item No. 87**

As an accessory use subject to the limitations and restrictions of Section 8-2.5, facilities for the temporary berthing on shore of personnel of vessels under repair

DISTRICT						
R	H	L	B	M	I	MER
*	*	*	*	†	†	A

\*Not applicable.

†A if accessory to a maritime-dependent industrial use; otherwise F.

(As inserted on August 30, 1988)

**Use Item No. 88**

As an accessory use not subject to Section 8-2.5, family day care home

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	C	C	C

(As inserted on October 12, 1988)

**Section 8-4. Use Regulations of Urban Renewal Subdistricts.**

The use regulations of Table B shall apply to each of the Urban Renewal Subdistricts, with the following additions:

- (a)As an accessory use to housing developments, and subject to limitations and restrictions of Section 8-2.5.b, business uses such as a food store, drug store, physician or dentist office, barber shop or restaurant shall be permitted within the H-1U through H-5U districts, when such uses are intended primarily for the convenience of residents of such housing.



### 3. In Article 23 (Off-Street Parking):

a. In *Section 23-6. Off-Street Parking Not Required in Certain Cases*, after the existing text insert the following:

(d) When a use occurs on a lot located in a Squares + Streets District specified in Article 26 and designated on any official Boston Zoning Map, off-street parking facilities are not required for such lot and such use.

b. In *Section 23-9. Design*, replace the existing text with the following:

All off-street parking facilities shall meet the following specifications:

(a) Locations of Accessory Parking. Accessory off-street parking in a residential or mixed use district shall not occupy any part of the front yard required by this code and may only occupy side yards required by this code if located more than five feet from the side lot line.

(b) Off-street parking in a mixed use district shall not immediately abut the street.

(c) For parking facilities accessory to residential main uses, curb cuts for access to such parking facilities shall not exceed 12 feet in width for facilities with fewer than 50 spaces; and shall not exceed 24 feet in width for facilities with 50 or greater spaces.

(d) For parking facilities accessory to non-residential main uses, curb cuts for access to such parking facilities shall not exceed 12 feet in width for one-way driveways; and shall not exceed 24 feet in width for two-way driveways.

(e) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic, bicyclists and pedestrians; and all lighting shall be so arranged as to shine downward and away from streets and residences.

(f) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.

(g) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.

c. At the end of the existing Article, insert the following as a new section:

Section 23-11. Required Accessible Parking Spaces.

Off-street parking facilities are required to provide accessible parking spaces designed in accordance with the state standards as set forth in Title 521 CMR 23 in the Massachusetts Code. For residential uses, accessible parking shall be provided in sufficient numbers to meet the needs of the dwelling unit occupants, and if parking spaces are assigned to individual units, those spaces designated for accessible units shall have signage reserving said space. The required minimum number of accessible parking spaces must be provided as follows:

<i>Total Spaces in Parking Facility</i>	<i>Required Minimum Number of Accessible Spaces</i>
15-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000