

ARTICLE 53 ~~53-~~

EAST BOSTON NEIGHBORHOOD DISTRICT^[1]

IN GENERAL

Section 53-1. Statement of Purpose, Goals, and Objectives.

The purpose of this Article is to establish the zoning regulations for the ~~comprehensive plan for the~~ East Boston Neighborhood District. ~~The commission hereby recognizes PLAN: East Boston, as adopted by the Boston Redevelopment Authority on [DATE when adopted] and amended from time to time, as the general plan for the East Boston Neighborhood District, and as the portion of the general plan for the City of Boston applicable to the East Boston Neighborhood District.~~ ~~as required by the provisions of the East Boston Interim Planning Overlay District, Article 27G of this Code. The goals and objectives of this Article are to preserve and enhance the East Boston neighborhood; to promote land uses that provide jobs for the City's residents; to maintain the City's maritime economy; to enhance the appearance of residential, commercial, and local industrial subdistricts; to protect existing residential uses from the adverse effects of industrial uses and airport uses; to maintain the stock of affordable housing; to preserve, enhance, and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.~~

~~Section 53-2. Recognition of the East Boston Neighborhood Plan.~~

~~In accordance with Section 27G-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the East Boston Neighborhood District, the Commission shall recognize the East Boston Neighborhood Plan, when adopted by the Boston Redevelopment Authority, as the general plan for the East Boston Neighborhood District. The East Boston Neighborhood Plan, when approved, also shall serve as the portion of the general plan for the City of Boston applicable to the East Boston Neighborhood District. This Article is an integral part of, and one of the means of implementing, the East Boston Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Chapter 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.~~

Section ~~53-3~~ 53-2. Physical Boundaries.

The provisions of this Article are applicable only in the East Boston Neighborhood District. The boundaries of the East Boston Neighborhood District and its subdistricts are as shown on the maps numbered 3A, 3B, and 3C and entitled "East Boston Neighborhood District" (~~replacing "Map 3 East Boston"~~), all of the series of maps entitled "Zoning Districts City of Boston," as amended.

Section ~~53-4~~ 53-3. Applicability.

This Article together with the rest of this Code constitutes the zoning regulation for the East Boston Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. ~~Application of the provisions of Article 27G to the East Boston Neighborhood District is rescinded, and the East Boston Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below.~~ Except where otherwise specified in this Code, where conflicts exist between the provisions of this Article and the remainder of this Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the East Boston Neighborhood District.

Proposed Projects, ~~however,~~ are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

Section 53-5. Prohibition of Planned Development Areas:

~~Within the East Boston Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 53-44.~~

Section 53-6. Community Participation:

~~This Article has been developed with the extensive participation of the East Boston Planning and Zoning Advisory Committee, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the East Boston Planning and Zoning Advisory Committee or its successor organization, if any, and the East Boston civic associations, residents, and business and trade groups, shall continue to play an ongoing role in advising the City on land use planning for East Boston.~~

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

Section ~~53-7~~ 53-4. Establishment of Residential Subdistricts.

This Section ~~53-7~~ 53-4 establishes the following Residential Subdistricts within the East Boston Neighborhood District. Residential Subdistricts are established to preserve low density residential areas, provide for new infill construction appropriate to the existing fabric, and to allow minor changes to residences to occur as of right. Additionally, Residential Subdistricts allow for limited commercial development on corner lots.

1. **East Boston Residential-2.5 ("EBR-2.5") Subdistricts.** EBR-1 Subdistricts allow a maximum of two (2) Dwelling Units and a maximum building height of two and a half (2.5) stories.
2. **East Boston Residential-3 ("EBR-3") Subdistricts.** EBR-2 Subdistricts allow a maximum of three (3) Dwelling Units and a maximum Building Height of three (3) stories.
3. **East Boston Residential-4 ("EBR-4") Subdistricts.** EBR-3 Subdistricts allow Multifamily Dwellings and a maximum Building Height of four (4) stories.

~~This Section 53-7 establishes Residential Subdistricts within the East Boston Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low and medium density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Residential Subdistricts while preventing overdevelopment.~~

The following Residential Subdistricts are established:

1. ~~**One-Family Residential ("1F") Subdistricts.** The One-Family Residential ("1F") Subdistricts are established to preserve, maintain, and promote low density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to~~

occur as of right. In a 1F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is one (1).

~~2. **Two-Family Residential ("2F") Subdistricts.** The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is two (2).~~

~~3. **Three-Family Residential ("3F") Subdistricts.** The Three-Family Residential ("3F") Subdistricts are established to preserve the low-density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family Dwellings, and to allow minor changes to occur as of right. In a 3F Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is three (3).~~

~~4. **Multifamily Residential ("MFR") Subdistricts.** The Multifamily Residential ("MFR") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, and multifamily Dwellings.~~

~~5. **Multifamily Residential/Local Services ("MFR/LS") Subdistricts.** The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings, as well as ground-floor commercial uses.~~

~~6. **Waterfront Residential ("WR") Subdistricts.** The Waterfront Residential ("WR") Subdistricts are established as residential waterfront subdistricts for the purposes described in subsection 5 of Section 53-14 (Establishment of Waterfront Subdistricts).~~

Section 53-8 53-5. Use Regulations Applicable in Residential Subdistricts.

1. **Use Regulations.** See Table A of this Article for use regulations in a Residential Subdistrict. Any use identified as conditional in Table A is subject to the provisions of Article 6.

2. **Additional Dwelling Units.** Within the East Boston Neighborhood District, an Additional Dwelling Unit shall be subject to the Use Regulations set forth in Table A of this Article; however said Additional Dwelling Unit shall be an Allowed Use where it may otherwise be Conditional or Forbidden provided that it is the addition of no more than one (1) dwelling unit to the existing structure; and shall be exempt from all requirements of this Code provided that the Additional Dwelling Unit does not involve any bump out, extension or construction to the existing envelope of

the structure which results in the addition of Gross Floor Area and that the residential structure to which the conversion is occurring is owner-occupied and registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion.

3. **Dimensional Regulations.** See Table F of this Article for dimensional regulations in a Residential Subdistrict.

4. **Location of Main Entrances.** Within Residential Subdistricts, if a Dwelling is located outside the Coastal Flood Resilience Overlay District (CFROD), the main entrance of a the Dwelling shall face the Front Lot Line. For a Dwelling within the CFROD, see Section 53-19 (Applicability of CFROD in East Boston) and Section 25A-6.2(e) (CFROD Use and Dimensional Regulations). ~~; provided that within the MFR/LS Subdistricts, any entrance to a Dwelling located above a ground floor nonresidential use may face the side or rear Lot Line.~~

~~Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.~~

~~**Additional Dwelling Unit.** Within the East Boston Neighborhood District, an Additional Dwelling Unit, as defined in Section 53-61, shall be subject to the Use Regulations set forth in Table A of this Article; however said Additional Dwelling Unit shall be an Allowed Use where it may otherwise be Conditional or Forbidden provided that it is the addition of no more than one (1) dwelling unit to the existing structure; and shall be exempt from all requirements of this Code provided that the Additional Dwelling Unit does not involve any bump-out, extension or construction to the existing envelope of the structure which results in the addition of Gross Floor Area and that the residential structure to which the conversion is occurring is owner-occupied and registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion. An Additional Dwelling Unit may be established in the East Boston Neighborhood District for a time period not to exceed eighteen (18) months from the effective date of this Section 53-8.~~

~~(Text Amd. No. 416, § 49a., 7-2-2015; Text Amd. No. 428, § 1A., 11-9-2017; Text Amd. No. 440, § 4A., 5-8-2019.)~~

Section 53-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. ~~**Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height, and FAR Requirements.** The minimum allowed Lot Area, Lot Width, Lot Frontage, Usable Open Space per~~

~~Dwelling Unit, Front Yard, Side Yard, and Rear Yard for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table F of this Article.~~

~~2. **Lot Frontage.** Within the One-Family Residential Subdistricts, Two-Family Residential Subdistricts, and Three-Family Residential Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table F of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width, provided that any Lot with more than one Detached Dwelling, with legal occupancy prior to the adoption of this Article, shall be exempt from this provision.~~

~~3. **Location of Main Entrance.** Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line; provided that within the MFR/LS Subdistricts, any entrance to a Dwelling located above a ground floor nonresidential use may face the side or rear Lot Line.~~

~~(As amended on August 22, 1996.)~~

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

Section ~~53-10~~ 53-6. Establishment of Neighborhood Business Subdistricts.

This Section ~~53-10~~ 53-6 establishes the following Neighborhood Business Subdistricts within the East Boston Neighborhood District. Neighborhood Business Subdistricts are established to encourage mixed-use development, which provides housing, job opportunities, and the delivery of essential goods and services to the larger neighborhood,

1. **Mixed-Use-4 ("MU-4") Subdistricts.** MU-4 Subdistricts allow a maximum building height of four (4) stories.
- 2.. **Mixed-Use-5 ("MU-5") Subdistricts.** MU-5 Subdistricts allow a maximum building height of five (5) stories.
3. **Mixed-Use-7 ("MU-7") Subdistricts.** MU-7 Subdistricts allow a maximum building height of seven (7) stories.

~~This Section 53-10 establishes Neighborhood Business Subdistricts within the East Boston Neighborhood District. There are two (2) types of Neighborhood Business Subdistricts:~~

~~Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the East Boston community.~~

~~The following Neighborhood Business Subdistricts are established:~~

- ~~1. ——— Maverick Square Neighborhood Shopping (NS) Subdistrict~~
- ~~2. ——— Day Square Neighborhood Shopping (NS) Subdistrict~~
- ~~3. ——— Orient Heights Neighborhood Shopping (NS) Subdistrict~~
- ~~4. ——— Central Square Community Commercial (CC) Subdistrict~~

Section ~~53-11~~ 53-7. Use Regulations Applicable in Neighborhood Business Subdistricts.

1. **Use Regulations.** See Table B of this Article for use regulations in a Neighborhood Business Subdistrict. Any use identified as conditional in Table B is subject to the provisions of Article 6.
2. **Dimensional Regulations.** See Table G of this Article for dimensional regulations in a Neighborhood Business Subdistrict.

~~Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location.~~

~~(Text Amd. No. 416, § 49b., 7-2-2015.)~~

Section ~~53-12~~ 53-12. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.

~~The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table G of this Article.~~

REGULATIONS APPLICABLE ON TIDELANDS AND IN WATERFRONT SUBDISTRICTS

Section ~~53-13~~ 53-8. Chapter 91 Tidelands Requirements.

In accordance with Chapter 91 of the General Laws of Massachusetts ("Chapter 91") and the regulations promulgated thereunder, certain projects located in Tidelands (as that term is defined in Chapter 91) require a license ("Chapter 91 License") from the Commonwealth's Department of Environmental Protection ("DEP"). Section 18 of Chapter 91 requires that the planning board of a municipality in which the project is located (in Boston, the Boston Redevelopment Authority) submit a written recommendation ("Section 18 Recommendation") stating whether the planning board believes the project would serve a proper public purpose and would not be detrimental to the public's rights in Tidelands (the "Section 18 Standard").

A Section 18 Recommendation with respect to a project requiring a Chapter 91 License and located in the East Boston Neighborhood District shall be made by the Boston Redevelopment Authority in accordance with the provisions of this Section ~~53-13~~ 53-8. For the purposes of this Section ~~53-13~~ 53-8 only, the term "Project" shall mean a development, activity, or change of use requiring a Chapter 91 License.

1. **Determination of Proper Public Purpose.** The Boston Redevelopment Authority, in making a Section 18 Recommendation regarding a Project located in the East Boston Neighborhood District, shall determine whether such Project serves a proper public purpose and would not be detrimental to the public's rights in Tidelands. The Boston Redevelopment Authority shall base such determination of the conformity of the Project to the provisions of subsections 2 through 7 of this Section ~~53-13~~ 53-8, and on the extent to which the Project reasonably and appropriately preserves and enhances the public's rights in Tidelands including, without limitation, the public's:

- (a) visual access to the water, whether such Project is for a Water-Dependent or non-Water-Dependent Use on Private or Commonwealth Tidelands;
- (b) rights to fishing, fowling, and navigation and the natural derivatives thereof, if such Project is for a Water-Dependent Use or non-Water-Dependent Use on Private or Commonwealth Tidelands;
- (c) physical access to and along the water's edge for recreation, commerce, and other lawful purposes, and interest in public recreational opportunities at the water's edge and open space for public use and enjoyment, if such Project is for a Water-Dependent Use or non-Water-Dependent Use on Commonwealth Tidelands;
- (d) interest in the preservation of the historic character of the Project's site;

- (e) interest in industrial and commercial waterborne transportation of goods and persons;
- (f) interest in repair and rehabilitation of dilapidated piers that blight the East Boston Neighborhood District and limit public access; and
- (g) interest in safe and convenient navigation in Boston Harbor, including without limitation:
 - (i) navigation by water transportation Vessels, such as ferries, water taxis, water shuttles, or commuter vessels, including, without limitation, appropriate and convenient navigation by such Vessels outside of the Main Shipping Channel and other established channels;
 - (ii) navigation by deep draft Vessels, including, without limitation, appropriate navigation in the Main Shipping Channel and other established channels and the requirements of turning, anchorage, and approaches to deep water piers and berths;
 - (iii) navigation by Recreational Vessels and small Commercial Vessels outside of the Main Shipping Channel and other established channels as necessary or convenient for such Vessels to avoid interference with water transportation Vessels and deep draft shipping and as otherwise required for the purposes of harbor traffic management; and
 - (iv) navigation, as appropriate to the site, by U.S. Coast Guard, U.S. Naval, police, fire, and other public safety Vessels.

2. **Public Access to the Waterfront and Open Space.** Public access to the waterfront and Open Space is a central policy of the City of Boston Municipal Harbor Plan and the East Boston Neighborhood Plan. Pursuant to this policy, the Boston Redevelopment Authority shall not make a positive Section 18 Recommendation with respect to a Project that the Boston Redevelopment Authority determines will significantly interfere with public rights to walk or otherwise pass freely on Commonwealth Tidelands for purposes of commerce, recreation, and all other lawful activities; or on Private Tidelands for purposes of fishing, fowling, navigation, and the natural derivatives thereof. The Boston Redevelopment Authority shall find that the Section 18 Standard is not met if the Project does not comply with the following public access conditions:

- (a) **Pedestrian Access to Flowed Private Tidelands.** To the extent that the Project site includes Flowed Private Tidelands, the Project shall allow continuous, on-foot, lateral passage by the public in the exercise of its rights therein, wherever feasible; and Pier, wharf, groin, jetty, or other structure on such Tidelands shall be designed to minimize interference with public passage, either by maintaining at least a five-foot clearance above the ground along the high water mark, or by providing a stairway for the public to pass laterally over such structures, or by providing other means of lateral access substantially consistent with the foregoing; where obstruction of continuous access below the high water mark is unavoidable, the Project shall provide free lateral passage to the public above said mark in order to mitigate interference with the public's right to pass freely on Flowed Private Tidelands.

(b) **Pedestrian Access to Commonwealth Tidelands and Filled Private Tidelands.** To the extent that the Project site includes Flowed or Filled Commonwealth Tidelands, or Filled Private Tidelands, the Project shall include reasonable measures to provide on-foot passage on such lands for the public in the exercise of its rights therein, in accordance with the following provisions:

(i) if the Project is not a Water-Dependent Use Project, said Project shall provide a public Pedestrian Access Network;

(ii) if the Project is a Water-Dependent Use Project, the Project shall provide for public passage by such means as are consistent with the need to avoid undue interference with the Water-Dependent Use or Uses in question and to avoid any safety hazard to people working on or visiting the Project site; measures which may be appropriate in this regard include, but are not limited to, allowing the public to pass laterally along portions of the Project shoreline, or transversely across the site to a point on the Project shoreline.

(c) **Accessibility, Maintenance, and Design of Open Space and Pedestrianways.** All Open Space areas established pursuant to Section ~~53-17~~ 53-10.3 located on Commonwealth Tidelands, and all public access facilities described in subsections (a) and (b) of this Section ~~53-13.2~~ 53-8.2 ("Public Access Facilities"), shall be open and accessible to the public twenty-four (24) hours a day. No gates, fences, or barriers may be placed on such Public Access Facilities or Open Space in a manner that would impede or discourage the free flow of pedestrian movement thereon. The foregoing shall not be deemed to prohibit the placing of temporary barriers as required in emergencies or in connection with construction, maintenance, or the like, provided that interference with pedestrian access and passage is minimized to the extent reasonably practicable and consistent with public safety and that such barriers are in place no longer than necessary. All such Public Access Facilities shall be Accessible to Physically Handicapped Persons. Active pedestrian use of such Open Space areas and Public Access Facilities shall be encouraged on a year-round basis, particularly for water-related activities, through such means as appropriate ground level uses of adjacent buildings and facilities and amenities designed to be attractive to pedestrians. Maintaining, cleaning, landscaping, and managing such Open Space areas and Public Access Facilities shall at all times be the responsibility of the Chapter 91 licensee of the Project. The Applicant for any Project subject to or electing to comply with Large Project Review shall include in the urban design component of its Draft Project Impact Report, submitted pursuant to Large Project Review, an Open Space and Public Access Plan, including plans, drawings, specifications, descriptions of proposed uses, and descriptions of proposed management measures and access-related rules and regulations, if any, sufficient to permit the Boston Redevelopment Authority to determine the conformity of the Project to this Section ~~53-13.2~~ 53-8.2 and to Section ~~53-17~~ 53-10.3 (Waterfront Open Space Requirements), and to make a Section 18 Recommendation.

(As amended on May 9, 1996.)

(d) **Signage for Public Access Facilities.** Any Project required to provide Public Access Facilities in accordance with subsection (b) of this Section ~~53-13.2~~ 53-8.2 shall encourage public patronage of such facilities by placing and maintaining adequate signage at all entryways and at other appropriate locations on the site. Such signage shall:

(i) conform to Section ~~53-55~~ 53-27 (Sign Regulations);

(ii) conform, as applicable, to design guidelines for Harborwalk signage to be issued as regulations by the Boston Redevelopment Authority; and

(iii) include at least one sign, conforming to such design guidelines and placed in a prominent location, that advises the public of its access rights and discloses whatever access-related rules and regulations are in effect, if any.

(e) **Public Access in Maritime Economy Reserve (MER) Subdistricts.** Within any Maritime Economy Reserve (MER) Subdistrict, public access shall be required as set forth above, but only to the extent to which it does not significantly interfere with or obstruct the operation of a Maritime-Dependent Industrial Use or pose a safety hazard to workers or visitors on the site of such use.

***3. Creation of Housing on Lots Containing Commonwealth Tidelands.**

(a) **Lots Not Owned by a Public Agency.** For a Project to construct ten (10) or more units of housing on a Lot not owned by a Public Agency, which Lot includes Commonwealth Tidelands, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless at least ten percent (10%) of the proposed Dwelling Units are Affordable.

(b) **Lots Owned by a Public Agency.** For a Project to construct four (4) or more units of housing on a Lot owned by a Public Agency, which Lot includes Commonwealth Tidelands, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless at least twenty-five percent (25%) of the proposed Dwelling Units are Affordable.

For purposes of this Section ~~53-13.3~~ 53-8.3, the date for determining ownership of a Lot is the date on which a Project Notification Form for the Project is filed pursuant to Large Project Review, or if no Project Notification Form is required, the date on which a building permit application for the Project is filed.

(*As amended on May 9, 1996.)

4. **Provision of Water Transportation Facilities.** To promote an effective water transportation system, and to ensure use of the waterfront and full access to recreational, commuting, and economic activities, the Boston Redevelopment Authority shall find that the Section

18 Standard for a Project is not met unless the Project conforms to the applicable requirements for water transportation facilities set forth below:

(a) **Water Transportation Facility Requirement.** In making a Section 18 Recommendation with respect to a Project, the Boston Redevelopment Authority shall consider the extent to which provision is made on the Project site for waterborne passenger transportation facilities, including, without limitation, terminals and landings for water ferries, water shuttles, or water taxis, and free public landings, as appropriate to the scale, use, and location of the Project.

(b) **Provision of Dockage at Seawalls and Bulkheads.** In order to provide adequate docking areas for both emergency use and routine harbor activities, any reconstruction of seawalls or bulkheads along those portions of the Project shoreline that line waters accessible by Vessels shall, to the extent reasonably practicable, accommodate dockage of Vessels alongside such seawalls or bulkheads.

5. **Additional Regulations Applicable to Tidelands Proposed to be Filled.** This Section ~~53-13.5~~ 53-8.5 governs Tidelands that are filled after the date of the first notice of hearing before the Zoning Commission on this Article. Piles are not considered "fill" for the purpose of this Article.

New fill is prohibited in any area where Pier construction or extension is prohibited by this Code.

No portion of a Project located on Tidelands that are subject to this Section ~~53-13.5~~ 53-8.5 shall be erected, used, or arranged or designed to be used except for a Water-Dependent Use otherwise allowed, or conditionally permitted subject to the provisions of Article 6, for such location, except as otherwise provided in this Section ~~53-13.5~~ 53-8.5. In making a Section 18 Recommendation with respect to a Project involving such new fill, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless such new fill is limited to the extent reasonably practicable by measures such as substituting pile-supported or floating structures for new fill or relocating the use to a position above the High Tide Line. The foregoing shall not, however, prohibit or limit the use of new fill the purpose of which is to eliminate irregularities in or to repair previously altered portions of the shoreline included in the Project, provided that such new fill replaces previously authorized fill elsewhere along such shoreline on a one-to-one square foot basis (new fill to removed fill). The foregoing also shall not prohibit or limit the use of new fill the purpose of which is to accommodate mechanical elements of the Project that enter the seabed, such as, without limitation, elevator shafts, ventilation shafts, utility conduits, or the like, and any associated structural elements, provided that such fill is limited to that reasonably required under the circumstances, and provided further that all such mechanical elements, structural elements, and fill are wholly contained within the edges of a Pier.

6. **Uses Allowed on Floating Structures.** No floating Structure, other than a Vessel, shall be used or arranged or designed to be used except for a Water-Dependent Use otherwise allowed for the location of such Structure, or conditionally permitted subject to the provisions of Article 6.

7. **Regulations Governing Piers.** No portion of any Pier shall extend beyond the Pierhead Line.
8. **Facilities of Public Accommodation.** In any Project that has a Gross Floor Area of ten thousand (10,000) or more square feet and involves new construction or a change of use on the First Story, the use of at least forty percent (40%) of the Gross Floor Area of the First Story shall be for indoor Facilities of Public Accommodation that are otherwise allowed for such Project or are conditional and permitted pursuant to Article 6; provided, however, that the provisions of this Section ~~53-13.8~~ 53-8.8 shall not apply to any Project located in a Maritime Economy Reserve Subdistrict or a Waterfront Manufacturing Subdistrict.

Section ~~53-14~~ 53-9. Establishment of Waterfront Subdistricts.

This Section ~~53-14~~ 53-9 establishes Waterfront Subdistricts within the East Boston Neighborhood District. ~~There are six (6) types of Waterfront Subdistricts: Waterfront Service ("WS") Subdistricts, Waterfront Manufacturing ("WM") Subdistricts, Maritime Economy Reserve ("MER") Subdistricts, Waterfront Commercial ("WC") Subdistricts, Waterfront Residential ("WR") Subdistricts, and Waterfront Community Facilities ("WCF") Subdistricts.~~

1. **Waterfront Mixed-Use ("WMU") Subdistricts.** WMU Subdistricts provide a mix of residential, commercial, and service establishments to the Neighborhood's waterfront.
2. **Waterfront Economy ("WE") Subdistricts.** WE Subdistricts provide a mix of commercial and water-dependent economic activity to the Neighborhood's waterfront.

~~1. **Waterfront Service ("WS") Subdistricts.** The Waterfront Service ("WS") Subdistricts in the East Boston Neighborhood District are governed by the provisions of this Article, rather than by Article 42C (Waterfront Service District) of this Code. The purposes of the Waterfront Service Subdistricts include preserving for Water-Dependent Commercial Use adequate Piers, docks, and land necessary for the repair, maintenance, and sale of Commercial and Recreational Vessels, and protecting against the encroachment of uses that threaten the continued economic viability of water-dependent commercial operations in the East Boston Neighborhood District. The following Waterfront Service Subdistricts are established:~~

- ~~(a) **Orient Heights Waterfront Service (WS) Subdistrict**~~
- ~~(b) **Jeffries Point Waterfront Service (WS) Subdistrict**~~
- ~~(c) **Maverick Waterfront Service (WS) Subdistrict**~~
- ~~(d) **Saratoga Street Waterfront Service (WS) Subdistrict**~~

2. ~~**Waterfront Manufacturing ("WM") Subdistricts.** The Waterfront Manufacturing ("WM") Subdistricts in the East Boston Neighborhood District are governed by the provisions of this Article, rather than by Article 42D (Waterfront Manufacturing District) of this Code. The purposes of the Waterfront Manufacturing Subdistricts include protecting the working waterfront and supporting maritime industrial uses through promotion of related manufacturing uses. The following Waterfront Manufacturing Subdistricts are established:~~

- ~~(a) Meridian Street Waterfront Manufacturing (WM) Subdistrict~~
- ~~(b) Chelsea Creek Waterfront Manufacturing (WM) Subdistrict~~
- ~~(c) Condor Street Waterfront Manufacturing (WM) Subdistrict~~
- ~~(d) Eagle Square Waterfront Manufacturing (WM) Subdistrict~~
- ~~(e) Upper Chelsea Creek Waterfront Manufacturing (WM) Subdistrict~~

3. ~~**Maritime Economy Reserve ("MER") Subdistricts.** The purposes of the Maritime Economy Reserve ("MER") Subdistricts are to provide for Light Manufacturing Water-Dependent Uses, and to preserve sites for Maritime-Dependent Industrial Uses along the waterfront consistent with applicable state policy and the needs of the maritime industry.~~

~~The areas designated as MER Subdistricts consist of those areas that were previously designated as MER Districts on "Map 3 East Boston." These areas remain subject to all the provisions of this Code applicable to MER Districts, except that (1) the maximum Building Height and Floor Area Ratio (FAR) for the MER Subdistricts are as set forth on Table H of this Article, and (2) all the provisions of this Article that apply to the Waterfront Subdistricts apply to the MER Subdistricts, except where otherwise specified in those provisions.~~

~~The following Maritime Economy Reserve Subdistricts are located as designated on Maps 3A, 3B, and 3C, all entitled "East Boston Neighborhood District":~~

- ~~(a) Marginal Street Maritime Economy Reserve (MER) Subdistrict~~
- ~~(b) New Street Maritime Economy Reserve (MER) Subdistrict~~
- ~~(c) Border Street Maritime Economy Reserve (MER) Subdistrict~~
- ~~(d) Nay Street Maritime Economy Reserve (MER) Subdistrict~~
- ~~(e) Condor Street Maritime Economy Reserve (MER) Subdistrict~~
- ~~(f) Chelsea Street Maritime Economy Reserve (MER) Subdistrict~~

~~4. — **Waterfront Commercial ("WC") Subdistricts.** The purposes of the Waterfront Commercial ("WC") Subdistrict are to ensure that the commercial areas located near the waterfront develop in a manner that is sensitive to and compatible with the goals for the waterfront expressed in the East Boston Neighborhood Plan and applicable state policy. The following Waterfront Commercial Subdistrict is established:~~

~~(a) — Central Square Waterfront Commercial (WC) Subdistrict~~

~~(b) — New Street Waterfront Commercial (WC) Subdistrict~~

~~(c) — Sumner Street Waterfront Commercial (WC) Subdistrict~~

~~5. — **Waterfront Residential ("WR") Subdistricts.** The purpose of the Waterfront Residential ("WR") Subdistricts is to provide for residential uses in areas on the waterfront where they can be accommodated without conflicting with commercial and industrial maritime uses. Providing certain areas for residential uses will enhance the balance of uses on the waterfront and allow this important area of the East Boston Neighborhood District to accommodate more fully all the activities of the residents of East Boston. The following Waterfront Residential Subdistricts are established:~~

~~(a) — South Ferry Waterfront Residential (WR) Subdistrict~~

~~(b) — Shore Plaza Waterfront Residential (WR) Subdistrict~~

~~6. — **Waterfront Community Facilities ("WCF") Subdistricts.** The purpose of the Waterfront Community Facilities ("WCF") Subdistrict is to ensure that the community facilities located near the waterfront develop in a manner that is sensitive to and compatible with the goals for the waterfront expressed in the East Boston Neighborhood Plan and applicable state policy. The following Waterfront Community Facilities Subdistrict is established:~~

~~(a) — Mario Umana Harbor School of Science and Technology Waterfront Community Facilities (WCF) Subdistrict~~

~~(As amended on October 18, 2006 and September 10, 2008.)~~

Section 53-15 53-10. Use Regulations Applicable in Waterfront Subdistricts.

1. **Use Regulations.** See Table C of this Article for use regulations in Waterfront Subdistricts. Any use identified as conditional in Table C is subject to the provisions of Article 6.

2. **Dimensional Regulations.** See Table H of this Article for dimensional regulations in a Waterfront Subdistrict.

3. **Waterfront Open Space Requirements.** Notwithstanding any contrary provisions of this Article, the Open Space requirements of this Section ~~45-17~~ 53-10 apply to any Proposed Project involving new construction at grade and located on Tidelands subject to Chapter 91 or in a Waterfront Service, Waterfront Commercial, Waterfront Residential, or Waterfront Community Facilities Subdistrict, except for any Proposed Project with a Gross Floor Area of 2,500 square feet or less used exclusively for one or more Water-Dependent Uses.

Any Proposed Project to which the Open Space requirements of this Section ~~53-17~~ 53-10.3 apply shall devote to Open Space at least fifty percent (50%) of the Lot Area of such Proposed Project.

For the purposes of those regulations in this Article governing Waterfront Subdistricts and Tidelands, the term "Open Space" shall mean land areas and areas on Piers excluding (a) any area occupied by a building or roofed structure; (b) any parking lot or parking area; (c) any street; (d) any private road or area devoted to motor vehicle use; (e) any salt-water area below the mean High Tide Line, other than areas on Piers; (f) any fresh water area more than ten (10) feet from the shoreline; (g) marina slips or floats or other floating structures; (h) swimming pools, and (i) tennis courts.

The foregoing notwithstanding, the following areas shall be deemed "Open Space":

- a. any area occupied by a building not exceeding a Building Height of fifteen (15) feet and a Gross Floor Area of four hundred (400) square feet and reserved exclusively for use as a Water-Dependent Use or a recreational use allowed, or permitted as a conditional use, pursuant to the table of uses of this Article applicable to the location of such use;
- b. any area occupied by a street or private way open only to pedestrians and emergency vehicles; and
- c. any area, at Grade, otherwise meeting the definition of Open Space, as set forth in this Section ~~53-17~~ 53-10.3, but covered by a pedestrian skywalk or skybridge, provided that an exception allowing the designation of such area as Open Space is granted by the Board of Appeal, subject to the requirements of Article 6A.

All Open Space areas shall be Accessible to Physically Handicapped Persons, as ~~those terms are~~ defined in Article 2.

The Open Space requirements of this Section ~~53-17~~ 53-10.3 shall not prohibit occasional access to or over Open Space by service vehicles reasonably required to construct or maintain the structures on the Lot or by emergency vehicles. However, routine access to or over Open Space areas by vehicles transporting, loading, or unloading passengers or supplies for the normal operation of buildings and uses is not consistent with the foregoing definition.

4. **Waterfront Yard Area Requirements.** Except as otherwise expressly provided in this Article, the Waterfront Yard Area requirements of this Section ~~53-18~~ 53-10.4 apply to any Lot located

on Tidelands subject to Chapter 91, or in a Waterfront Subdistrict, if such Lot is adjacent to or includes the High Tide Line. Any such Lot shall include a Waterfront Yard Area adjacent to and landward of such High Tide Line, excluding portions of the High Tide Line occupied by Piers. A Waterfront Yard Area also shall be required along the edges of any Pier. The required Waterfront Yard Area landward of the High Tide Line and the required Waterfront Yard Area on Piers shall be connected so as to provide a continuous path along the waterfront, with a minimum width at the places of connection of no less than twelve (12) feet. The dimensions of the required Waterfront Yard Areas are set forth in Table 1, below:

TABLE 1 Required Depth of Waterfront Yard Area

	Required Setback (Shoreline, excluding Piers)	Required Setback (Sides of Piers)	Required Setback (Ends of Piers)
	35'	12'	35'

The following additional provisions shall apply to the Waterfront Yard Area requirement:

a. **Waterfront Yard Area Measurements.** The depth of the Waterfront Yard Area shall be measured perpendicularly from the High Tide Line in the case of bulkheads, rip rap, fill, or shoreline and from the Ends and Sides of Piers. In locating the Waterfront Yard Area, the actual High Tide Line may be smoothed with such curves and chords as may be accessory to achieve a reasonably regular landward boundary. However, in no instance shall the Waterfront Yard Area be narrower than the required dimension measured perpendicularly from the actual High Tide Line. For the limited purpose of applying the Waterfront Yard Area requirements of this Article, a filled area or a structure consisting of both fill and Pier, projecting seaward of the prevailing shoreline, and having the form of a wharf or Pier, shall be treated as Pier.

b. **Setback Requirements.** No portion of any building or structure (including, without limitation, mechanical facilities associated with a building) shall be located in any Waterfront Yard Area, except walkways, landscape furniture, guardrails, cleats, bollards, pilings, boat ramps, and other structures that do not materially interfere with pedestrian use of the Waterfront Yard Area or that are required for operational or safety reasons to be located at the water's edge, provided that any resulting interference with pedestrian use of the Waterfront Yard Area is minimized to the extent economically practicable.

c. **Exception to Waterfront Yard Area Setback Requirement.** Any building or structure used for a Water Dependent Use, including, without limitation, drydocks, enclosed or covered wet dock sheds, davits, hoists, mast markers, and the structures listed in Section ~~53-18.2~~ 53-10.4(b), shall be permitted within the Waterfront Yard Area as necessary to avoid interference with any direct access to the water required for such Water-Dependent Use.

d. **Floating Structures.** No portion of any Waterfront Yard Area shall be located on any floating structure.

5. **Urban Design Guidelines.** Review and analysis of a Proposed Project pursuant to the Urban Design Component of either Small Project Review or Large Project Review shall include review and analysis of such Proposed Project in accordance with the urban design guidelines set forth in this Section ~~53-19.2~~ 53-10.5. The issuance of an Adequacy Determination by the Boston Redevelopment Authority approving the Applicant's Final Project Impact Report pursuant to Large Project Review, or the certification by the Boston Redevelopment Authority's director that the Proposed Project is consistent with the standards of Section 80E-4 (Small Project Review), shall constitute the Boston Redevelopment Authority's determination of compliance with this Section ~~53-19.2~~ 53-10.5 and the guidelines in Sections 7 and 8 of the East Boston Municipal Harbor Plan ~~dated March, 2002~~ (approved July 15, 2002 and amended December 17, 2008 and March 4, 2009), as it may be amended from time to time, subject to any conditions as may expressly be set forth in said Adequacy Determination or certification.

(a) Buildings and spaces shall direct views and pedestrian movements toward the water.

(b) Open areas and buildings at or near the Ends of Piers shall offer opportunities for public views of the water and public amenities that attract the public to the water's edge.

(c) A Proposed Project should promote and enhance the quality of the pedestrian environment, by means such as: (a) pedestrian pathways connecting to the waterfront and, where appropriate, linking the waterfront and mass transit stations; (b) spaces accommodating pedestrian activities and public art; (c) use of materials, landscaping, public art, lighting, and furniture that enhance the pedestrian and waterfront environment; (d) pedestrian systems that encourage more trips on foot to replace vehicular trips; (e) other attributes that improve the pedestrian environment and pedestrian access to the waterfront and Boston Harbor; and (f) appropriate management and maintenance of pedestrian access within the Proposed Project.

(d) Inland buildings shall ~~reinforce the City's street pattern and~~ avoid continuous walls parallel to the water's edge. ~~by maintaining view and access corridors, especially at cross streets.~~

(e) Blank walls, without windows or entrances facing onto pedestrian areas, shall be avoided to the extent practicable in building designs.

(f) New development and rehabilitation shall reinforce the ~~traditional~~ contextual patterns, heights, and massings of the urban waterfront.

~~Within the Waterfront Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is~~

identified as "A" (allowed) or as "C" (conditional) in the table of uses of this Article applicable to that location. Any use identified in the applicable table of uses as conditional for the proposed location of such use is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in the applicable table of uses for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 49c., 7-2-2015.)

Section 53-16. Dimensional Regulations Applicable in Waterfront Subdistricts.

The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Waterfront Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in the dimensional requirements table of this Article applicable to the Waterfront Subdistrict in which such Lot is located.

Section 53-17. Waterfront Open Space Requirements.

Notwithstanding any contrary provisions of this Article, the Open Space requirements of this Section 53-17 apply to any Proposed Project involving new construction at grade and located on Tidelands subject to Chapter 91 or in a Waterfront Service, Waterfront Commercial, Waterfront Residential, or Waterfront Community Facilities Subdistrict, except for any Proposed Project with a Gross Floor Area of 2,500 square feet or less used exclusively for one or more Water-Dependent Uses:

Any Proposed Project to which the Open Space requirements of this Section 53-17 apply shall devote to Open Space at least fifty percent (50%) of the Lot Area of such Proposed Project.

For the purposes of those regulations in this Article governing Waterfront Subdistricts and Tidelands, the term "Open Space" shall mean land areas and areas on Piers excluding (a) any area occupied by a building or roofed structure; (b) any parking lot or parking area; (c) any street; (d) any private road or area devoted to motor vehicle use; (e) any salt water area below the mean High Tide Line, other than areas on Piers; (f) any fresh water area more than ten (10) feet from the shoreline; (g) marina slips or floats or other floating structures; (h) swimming pools, and (i) tennis courts.

The foregoing notwithstanding, the following areas shall be deemed "Open Space":

1. any area occupied by a building not exceeding a Building Height of fifteen (15) feet and a Gross Floor Area of four hundred (400) square feet and reserved exclusively for use as a Water-Dependent Use or a recreational use allowed, or permitted as a conditional use, pursuant to the table of uses of this Article applicable to the location of such use;

2. ~~any area occupied by a street or private way open only to pedestrians and emergency vehicles; and~~

3. ~~any area, at Grade, otherwise meeting the definition of Open Space, as set forth in this Section 53-17, but covered by a pedestrian skywalk or skybridge, provided that an exception allowing the designation of such area as Open Space is granted by the Board of Appeal, subject to the requirements of Article 6A.~~

All Open Space areas shall be Accessible to Physically Handicapped Persons, as those terms are defined in Article 2.

The Open Space requirements of this Section 53-17 shall not prohibit occasional access to or over Open Space by service vehicles reasonably required to construct or maintain the structures on the Lot or by emergency vehicles. However, routine access to or over Open Space areas by vehicles transporting, loading, or unloading passengers or supplies for the normal operation of buildings and uses is not consistent with the foregoing definition.

(Text Amd. No. 461, § 2, 6-22-2023)

Section 53-18. Waterfront Yard Area Requirements:

Except as otherwise expressly provided in this Article, the Waterfront Yard Area requirements of this Section 53-18 apply to any Lot located on Tidelands subject to Chapter 91, or in a Waterfront Subdistrict, if such Lot is adjacent to or includes the High Tide Line. Any such Lot shall include a Waterfront Yard Area adjacent to and landward of such High Tide Line, excluding portions of the High Tide Line occupied by Piers. A Waterfront Yard Area also shall be required along the edges of any Pier. The required Waterfront Yard Area landward of the High Tide Line and the required Waterfront Yard Area on Piers shall be connected so as to provide a continuous path along the waterfront, with a minimum width at the places of connection of no less than twelve (12) feet. The dimensions of the required Waterfront Yard Areas are set forth in Table 1, below:

TABLE 1 Required Depth of Waterfront Yard Area

	Required Setback (Shoreline, excluding Piers)	Required Setback (Sides of Piers)	Required Setback (Ends of Piers)
	35'	42'	35'

The following additional provisions shall apply to the Waterfront Yard Area requirement:

1. ~~**Waterfront Yard Area Measurements.**~~ The depth of the Waterfront Yard Area shall be measured perpendicularly from the High Tide Line in the case of bulkheads, rip rap, fill, or shoreline and from the Ends and Sides of Piers. In locating the Waterfront Yard Area, the actual High Tide Line may be smoothed with such curves and chords as may be accessory to achieve a reasonably regular landward boundary. However, in no instance shall the Waterfront Yard Area be narrower than the required dimension measured perpendicularly from the actual High Tide Line. For the limited purpose of applying the Waterfront Yard Area requirements of this Article, a filled area or a structure consisting of both fill and Pier, projecting seaward of the prevailing shoreline, and having the form of a wharf or Pier, shall be treated as Pier.

2. ~~**Setback Requirements.**~~ No portion of any building or structure (including, without limitation, mechanical facilities associated with a building) shall be located in any Waterfront Yard Area, except walkways, landscape furniture, guardrails, cleats, bollards, pilings, boat ramps, and other structures that do not materially interfere with pedestrian use of the Waterfront Yard Area or that are required for operational or safety reasons to be located at the water's edge, provided that any resulting interference with pedestrian use of the Waterfront Yard Area is minimized to the extent economically practicable.

3. ~~**Exception to Waterfront Yard Area Setback Requirement.**~~ Any building or structure used for a Water-Dependent Use, including, without limitation, drydocks, enclosed or covered wet dock sheds, davits, hoists, mast markers, and the structures listed in Section 53-18.2, shall be permitted within the Waterfront Yard Area as necessary to avoid interference with any direct access to the water required for such Water-Dependent Use.

4. ~~**Floating Structures.**~~ No portion of any Waterfront Yard Area shall be located on any floating structure.

Section 53-19. Waterfront Development Review.

1. ~~**Applicability of Review.**~~ See Article 80 concerning the applicability of Large Project Review.

2. ~~**Urban Design Guidelines.**~~ Review and analysis of a Proposed Project pursuant to the Urban Design Component of Large Project Review shall include review and analysis of such Proposed Project in accordance with the urban design guidelines set forth in this Section 53-19.2. The issuance of an Adequacy Determination by the Boston Redevelopment Authority approving the Applicant's Final Project Impact Report pursuant to Large Project Review shall constitute the Boston Redevelopment Authority's determination of compliance with this Section 53-19.2 and the guidelines in Sections 7 and 8 of the East Boston Municipal Harbor Plan, dated March, 2002, subject to any conditions as may expressly be set forth in said Adequacy Determination.

- (a) — ~~New development and rehabilitation shall reinforce the traditional pattern, height, and massing of the urban waterfront.~~
- (b) — ~~Buildings and spaces shall direct views and pedestrian movements toward the water.~~
- (c) — ~~Buildings on Piers shall be sited so as to reinforce the geometry of the Pier, and buildings near the water's edge shall not be massed so as to create a continuous wall along the water's edge.~~
- (d) — ~~Inland buildings shall reinforce the City's street pattern and avoid continuous walls parallel to the water's edge by maintaining view and access corridors, especially at cross-streets.~~
- (e) — ~~Buildings shall be sited to provide view and access corridors toward the open water and to preserve views from Public Access Facilities and Open Space areas at the Ends of Piers.~~
- (f) — ~~Building elements on a site shall generally step down in height toward the water's edge.~~
- (g) — ~~Open areas and buildings at or near the Ends of Piers shall offer opportunities for public views of the water and public amenities that attract the public to the water's edge.~~
- (h) — ~~Building massing shall enhance the air flow channels created by sea breezes that are beneficial to air quality in the City.~~
- (i) — ~~Open spaces, building entrances, shopfronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements shall be designed to enhance pedestrian activity, access to, and enjoyment of the waterfront. Blank walls, without windows or entrances facing onto pedestrian areas, shall be avoided to the extent practicable in building designs.~~
- (j) — ~~Facade treatment, building materials, and design details shall complement the traditional character of Boston's historic waterfront development patterns.~~
- (k) — ~~Setbacks, corner treatments, and other design details shall be used to minimize the sense of bulk of structures. Ornamental and decorative elements appropriate to the urban and historical waterfront context are encouraged.~~
- (l) — ~~Roofs of buildings shall be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy.~~
- (m) — ~~A Proposed Project should promote and enhance the quality of the pedestrian environment, by means such as: (a) pedestrian pathways connecting to the waterfront and, where appropriate, linking the waterfront and mass transit stations; (b) spaces accommodating pedestrian activities and public art; (c) use of materials, landscaping, public art, lighting, and furniture that enhance the pedestrian and waterfront environment; (d) pedestrian systems that encourage more trips on foot to replace vehicular trips; (e) other attributes that improve the pedestrian environment and~~

pedestrian access to the waterfront and Boston Harbor; and (f) appropriate management and maintenance of pedestrian access within the Proposed Project.

(n) — In addition to the foregoing, design features of a Proposed Project shall take into consideration the characteristics of the site and its location in the East Boston Neighborhood District and provide opportunities for special amenities, such as panoramic views of the Harbor, and shall enhance and reinforce any historic qualities of existing structures.

(As amended on May 9, 1996 and October 18, 2006.)

Section 53-20. Waterfront Environmental Protection and Safety Standards.

Any Proposed Project located on Tidelands subject to Chapter 91, or in a Waterfront Subdistrict, shall conform to the environmental protection and safety standards established in this Section 53-20, to the extent economically practicable, as determined in Large Project Review:

1. — **Trash Disposal Standards.** Any such Proposed Project with a Gross Floor Area of fifty thousand (50,000) or more square feet shall include a trash compactor in an interior location for garbage and trash disposal, and shall provide for the maintenance and cleanliness of such compactor.

2. — **Area for Recyclable Materials.** Any such Proposed Project with a Gross Floor Area of fifty thousand (50,000) or more square feet shall include an interior area for the separation, temporary storage, and collection of recyclable materials. Such area shall be located in the vicinity of any off-street loading facility.

3. — **Provision of Safety Ladders.** Any such Proposed Project, if adjacent to the water, shall provide a safety ladder or ladders extending from the water to an accessible area above the high water mark such that there shall be one safety ladder located approximately every one hundred (100) feet along those portions of the waterfront occupied by seawalls, piers, wharves, or other structures otherwise inaccessible to a person in the water. The foregoing notwithstanding, a safety ladder shall not be required in a location that would unreasonably interfere with docking facilities or other Water Dependent Use, provided that safety ladders are placed at intervals most closely approximately one hundred (100) feet and not so interfering.

(As amended on May 9, 1996.)

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

Section 53-21. Establishment of Local Industrial Subdistricts:

This Section 53-21 establishes Local Industrial ("LI") Subdistricts within the East Boston Neighborhood District. The purpose of the Local Industrial Subdistricts is to encourage the preservation of the existing local manufacturing and industrial uses in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the East Boston Neighborhood District.

The following Local Industrial Subdistrict is established:

1. — Eagle Hill Local Industrial (LI) Subdistrict

Section 53-22. Use Regulations Applicable in Local Industrial Subdistricts:

Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 49d., 7-2-2015.)

Section 53-23. Dimensional Regulations Applicable in Local Industrial Subdistricts:

The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table K of this Article.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

Section ~~53-24~~ 53-11. Establishment of Economic Development Areas.

This Section ~~53-24~~ 53-11 establishes the following Economic Development Areas ("EDAs") within the East Boston Neighborhood District. Economic Development Areas are established to support essential economic activity to create opportunities for employment-focused development and, where applicable, the development of housing. ~~The purposes of establishing the EDAs are to encourage economic growth, including light manufacturing and commercial activity, in a manner that is sensitive to the needs and interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhoods; and to encourage the diversification and expansion of Boston's and East Boston's economy, with special emphasis on the creation and retention of job opportunities.~~

The following EDAs are established:

1. **McClellan Highway EDA.** The McClellan Highway EDA is shown on Map C. It is located between the William F McClellan Highway, Addison Street, and Boardman Street, and borders the Brandywyne Village. ~~The McClellan Highway EDA is intended as a focal point for environmentally sound economic growth and development of retail, office, research and development, and light industrial and manufacturing uses which benefit from the area's close proximity to the City, the international airport, and major highway access.~~
2. **Saratoga Street EDA.** The Saratoga Street EDA is shown on Map 3C. It is located between the Orient Heights MBTA Station and the Suffolk Downs MBTA Station and borders the MDC's Belle Isle Marsh Reservation and Saratoga Street. Where indicated in Table D (EDA Use Regulations), certain residential uses are permitted in the Saratoga Street EDA. ~~The purpose of this EDA is to foster research and development activities and office uses. The proximity of the Belle Isle Marsh Reservation and the two MBTA stations offers opportunities to benefit economic activities and adjacent residential uses by improving the area's access to open space and transportation.~~
3. **Suffolk Downs EDA.** The Suffolk Downs EDA is shown on Map 3C. It is located between McClellan Highway, Bennington Street, Waldemar Avenue, and the City of Revere boundary. ~~The purpose of this EDA is to encourage sound development and growth that will expand the City's economic base and afford broad employment opportunities.~~
4. **Porter Street EDA.** The Porter Street EDA is shown on Map 3A/3B. It is located between Bremen Street, Gove Street, Orleans Street, Porter Street, and Thompson Drive. Where indicated in Table D (EDA Use Regulations), certain residential uses are permitted in the Porter Street EDA.
5. **Bremen Street EDA.** The Bremen Street EDA is shown on Map 3A/3B. It is located between the William F McClellan Highway, Bremen Street, and Bennington Street, and borders the East Boston Greenway. Where indicated in Table D (EDA Use Regulations), certain residential uses are permitted in the Bremen Street EDA.

Section ~~53-25~~ 53-12. Use Regulations Applicable in EDAs.

1. **Uses.** See Table D of this Article for use regulations in EDAs. Any use identified as conditional in Table D is subject to the provisions of Article 6.
2. **Dimensions.** See Table ~~L~~ J of this Article for dimensional regulations in an EDA.

~~Within the EDAs, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location.~~

~~(Text Amd. No. 416, § 49e., 7-2-2015.)~~

Section 53-26. Dimensional Regulations Applicable in EDAs:

~~The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in an EDA, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table L of this Article.~~

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

Section ~~53-27~~ 53-13. Establishment of Conservation Protection Subdistricts.

This Section ~~53-27~~ 53-13 establishes Conservation Protection Subdistricts ("CPS") in the East Boston Neighborhood District. CPS Subdistricts promote proper siting of development in areas with special natural or scenic features. ~~Conservation Protection Subdistricts are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of East Boston.~~

~~The following Conservation Protection Subdistrict is established:~~

1. ~~Orient Heights Conservation Protection (CP) Subdistrict~~

Section ~~53-28~~ 53-14. Use Regulations Applicable in Conservation Protection Subdistricts.

1. **Uses.** See Table D of this Article for use regulations in Conservation Protection Subdistricts. Any use identified as conditional in Table D is subject to the provisions of Article 6.
2. **Dimensions.** See Table I of this Article for dimensional regulations in a Conservation Protection Subdistrict.
3. **Site Plan Approval.** Requirements for Boston Redevelopment Authority review of site plans for Proposed Projects in Conservation Protection Subdistricts apply as provided in Article 80 for the Site Plan components of Large Project Review and Small Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review), respectively.

~~Within a Conservation Protection Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location.~~

~~(Text Amd. No. 416, § 49f., 7-2-2015.)~~

Section ~~53-29~~. Dimensional Regulations Applicable in Conservation Protection Subdistricts.

~~The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table I of this Article.~~

Section ~~53-30~~. Site Plan Approval Requirement.

~~In order to assure that any significant new development within a Conservation Protection Subdistrict occurs in a manner that is protective of the special natural and scenic features of the subdistrict in accordance with a plan considering the most desirable land uses for such an area, requirements for Boston Redevelopment Authority review of site plans for Proposed Projects in Conservation Protection Subdistricts apply as provided in Article 80 for the Site Plan components of Large Project Review and Small Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review), respectively.~~

(As amended on May 9, 1996.)

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

Section 53-31. Establishment of Community Facilities Subdistricts:

This Section 53-31 establishes Community Facilities ("CF") Subdistricts within the East Boston Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the East Boston Neighborhood District that provide health, educational, and cultural services to the community and are an important part of the fabric of the East Boston community. The following Community Facilities Subdistrict is established:

1. — East Boston High School Community Facilities (CF) Subdistrict

Section 53-32. Use Regulations Applicable in Community Facilities Subdistricts:

Within a Community Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 49g., 7-2-2015.)

Section 53-33. Dimensional Regulations Applicable in Community Facilities Subdistricts:

The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table J of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

Section ~~53-34~~ 53-15. Establishment of Open Space Subdistricts.

This Section ~~53-34~~ 53-15 establishes Open Space ("OS") Subdistricts in the East Boston Neighborhood District. Lots within Open Space Subdistricts are subject to the provisions of Article 33 (Open Space Subdistricts), as indicated in Table 2, below. The purpose of the Open Space Subdistricts is to enhance the quality of life for East Boston's residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts):

1. **Cemetery Open Space (OS-CM) Subdistrict.** ~~Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.~~
2. **Community Garden Open Space (OS-G) Subdistrict.** ~~Community Garden Open Space Subdistricts shall consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, and are subject to the provisions of Section 33-8.~~
3. **Parkland Open Space (OS-P) Subdistrict.** ~~Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.~~
4. **Recreation Open Space (OS-RC) Subdistrict.** ~~Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.~~
5. **Shoreland Open Space (OS-SL) Subdistrict.** ~~Shoreland Open Space Subdistricts shall consist of land appropriate for and limited to that which borders on tidewater or the ocean, including land over which the tide ebbs and flows, or any bank, marsh, beach, dune, swamp, salt meadow, tidal flat, or other low land subject to tidal action or coastal storm flowage, and are subject to the provisions of Section 33-11.~~
6. **Urban Plaza Open Space (OS-UP) Subdistrict.** ~~Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses, and are subject to the provisions of Section 33-15.~~

7. **Urban Wild Open Space (OS-UW) Subdistricts.** ~~Urban Wild Open Space Subdistricts shall consist of land not in the City's park system which includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild Open Space Subdistricts are subject to the provisions of Section 33-12.~~

8. **Waterfront Access Area Open Space (OS-WA) Subdistrict.** ~~Waterfront Access Area Open Space Subdistricts shall consist of land that abuts or lies under the waters of the Commonwealth within the jurisdiction of the City, and are subject to the provisions of Section 33-13. Notwithstanding any contrary provision of Section 33-13, such land within the East Boston Neighborhood District may be used for the operation of a lobster facility in accordance with Chapter 349 of the Acts of 1986, as amended.~~

TABLE 2 Open Space Subdistricts in the East Boston Neighborhood District

Designation	Location/Name
Cemetery	
	Bennington Street Cemetery
	Ohabei Shalome Cemetery
Community Garden	
	Marginal Street Community Garden
Parkland	
	Brophy Park
	Golden Stairs Terrace
	London and Decater Streets
	Decater and Meridian Streets
	Prescott Square
	Putnam Square
	East Boston Greenway
Recreation	
	North Ferry Park
	Joe Porzio Park
	Lamson Street Playground
	Noyes Park
	American Legion Field
	East Boston Memorial Stadium
	Paris Street Playground
	McLean Playground
	Saratoga Street Playground
Shoreland	

	Orient Heights Beach (Constitution Beach)
Urban Plaza	
	Maverick Square
	Central Square
Urban Wild	
	The Rockies
	Belle Isle Marsh
	Condor Street Crescent
	Eagle Hill Park
Waterfront Access Area	
	Harborside Park

(As amended on March 15, 2006.)

REGULATIONS APPLICABLE IN CORRIDOR ENHANCEMENT SUBDISTRICT

Section 53-35. Establishment of Corridor Enhancement Subdistricts.

This Section 53-35 establishes Corridor Enhancement ("CE") Subdistricts in the East Boston Neighborhood District. The Corridor Enhancement Subdistrict is established along the north-south spine of East Boston, a land corridor that has the potential to serve as a buffer area separating residential areas from industrial and commercial areas and as a corridor connecting residential neighborhoods to open space areas and the waterfront in the East Boston Neighborhood District. The purpose of the Corridor Enhancement Subdistrict is to promote the siting and design of any new development in a manner that is sensitive to the adjacent residential and open space areas.

The following Corridor Enhancement Subdistrict is established:

1. ~~Central Corridor CE Subdistrict.~~

Section 53-36. Use Regulations Applicable in Corridor Enhancement Subdistricts.

~~Within the Corridor Enhancement Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location.~~

~~(Text Amd. No. 416, § 49g., 7-2-2015.)~~

~~**Section 53-37. Dimensional Regulations Applicable in Corridor Enhancement Subdistrict.**~~

~~The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in the Corridor Enhancement Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table J of this Article.~~

REGULATIONS APPLICABLE IN THE LOGAN INTERNATIONAL AIRPORT SUBDISTRICT

~~**Section 53-38 53-16. Establishment of Logan International Airport Subdistrict.**~~

~~This Section 53-38 53-16 establishes the Logan International Airport ("LIA") Subdistrict within the East Boston Neighborhood District. The purpose of this Subdistrict is to accommodate those uses necessary to the operation of an international airport while ensuring that such uses do not impose adverse impacts on traffic and parking in the residential, commercial, and waterfront areas of the East Boston Neighborhood District.~~

~~**Section 53-39 53-17. Use Regulations Applicable in the Logan International Airport Subdistrict.**~~

- ~~1. **Use Regulations.** See Table E of this Article for use regulations in the Logan International Airport Subdistrict. Any use identified as conditional in Table E is subject to the provisions of Article 6.~~
- ~~2. **Dimensional Regulations.** See Table ~~M~~ K of this Article for dimensional regulations for any Lot in the Logan International Airport Subdistrict.~~

3. **Screening and Buffering Requirements.** In order to ensure that airport uses are appropriately separated from adjacent areas, the screening and buffering requirements of this Section ~~53-41~~ 53-17.3 shall apply to all Proposed Projects for an airport use, except where provisions for adequate screening and buffering have been established for such Proposed Project through Large Project Review, pursuant to Article 80, or where a screening and buffering plan for such Proposed Project has been submitted to the Boston Redevelopment Authority for approval. The provisions of Article 6A shall apply to the provisions of this Section ~~53-41~~ 53-17.3.

Where any Lot line of a Proposed Project abuts another subdistrict, other than an Economic Development Area or Waterfront Subdistrict, ~~Waterfront Manufacturing Subdistrict, or Waterfront Service Subdistrict,~~ the portion of such Lot located within twenty-five (25) feet of such Lot line shall be devoted to open space, and such Proposed Project shall provide and maintain, within such open space, a strip of shrubs and trees of sufficient thickness and height to provide an appropriate noise buffer and visual screen, together with a fence or wall of appropriate size and materials to protect passersby and surrounding property from the airport use.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, and the selection of species shall be designed to provide adequate screening and buffering throughout all seasons. Landscaping required by this Section ~~53-41~~ 53-17.3 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic.

There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section ~~53-41~~ 53-17.3.

~~Within the Logan International Airport Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table E of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table E is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table E for the proposed location of such use is forbidden in such location.~~

~~(Text Amd. No. 416, § 49i., 7-2-2015.)~~

Section 53-40. Dimensional Regulations Applicable in the Logan International Airport Subdistrict.

~~The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in the Logan International Airport Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table M of this Article.~~

Section 53-41. Screening and Buffering Requirements Applicable in Logan International Airport Subdistrict.

~~In order to ensure that airport uses are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 53-41 shall apply to all Proposed Projects for an airport use, except where provisions for adequate screening and buffering have been established for such Proposed Project through Large Project Review, pursuant to Article 80, or where a screening and buffering plan for such Proposed Project has been submitted to the Boston Redevelopment Authority for approval. The provisions of Article 6A shall apply to the provisions of this Section 53-41.~~

~~Where any Lot line of a Proposed Project abuts another subdistrict, other than an Economic Development Area, Waterfront Manufacturing Subdistrict, or Waterfront Service Subdistrict, the portion of such Lot located within twenty five (25) feet of such Lot line shall be devoted to open space, and such Proposed Project shall provide and maintain, within such open space, a strip of shrubs and trees of sufficient thickness and height to provide an appropriate noise buffer and visual screen, together with a fence or wall of appropriate size and materials to protect passersby and surrounding property from the airport use.~~

~~The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, and the selection of species shall be designed to provide adequate screening and buffering throughout all seasons. Landscaping required by this Section 53-41 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic.~~

~~There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 53-41.~~

~~(As amended on May 9, 1996.)~~

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

Section ~~53-42~~ 53-18. Establishment of Neighborhood Design Overlay Districts.

This Section ~~53-42~~ 53-18 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain Subdistricts within the East Boston Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment,

character of the residential neighborhoods, and concentration of historic buildings within the Neighborhood Design Overlay Districts.

For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Overlay Districts, see Article 80. All use, dimensional and other provisions applicable to the underlying Subdistricts are applicable within ~~the~~ a Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay Districts are established:

~~1. ——— **Belmont Square Neighborhood Design Overlay District.** This district includes the largest concentration of intact historic buildings in the Belmont Square area and some of the first lots sold by the East Boston Company. Developed largely between 1840 and 1890, Belmont Square includes several architecturally notable examples of the Greek Revival style dating from the 1840s. The district also includes a number of ca. 1880 mansard double houses in the Victorian Gothic mode, as well as the Romanesque Revival Our Lady of the Assumption Catholic church (1869-1873).~~

~~2. ——— **Gove Street Neighborhood Design Overlay District.** This self-contained residential district, comprising the largest concentration of brick residential buildings in East Boston, reflects the neighborhood's major population growth in the early 20th century. Encompassing roughly six blocks of three- and four-story brick apartment buildings, some with ground floor commercial space, the district is striking in its uniformity of design and scale. Beginning in 1905, many of the buildings in the district were constructed on speculation and designed in the Classical Revival style, with concrete or stone trim, arched doorways, and elaborate pressed metal cornices.~~

~~3. ——— **Putnam Square Neighborhood Design Overlay District.** The Putnam Square Neighborhood Design Overlay District contains a significant concentration of architectural styles ranging from Greek Revival to Colonial Revival. The district, centered on Putnam Square, illustrates the major periods of growth in the Eagle Hill neighborhood of East Boston.~~

~~4. ——— **St. Andrew and Bayswater Neighborhood Design Overlay District.** This three-block district along St. Andrew Street is characterized by one- and two-family houses constructed in the early 20th century in the Colonial Revival style. The district exhibits a high degree of architectural integrity and unity of scale.~~

~~(As amended on May 9, 1996.)~~

Section 53-19. Applicability of Coastal Flood Resilience Overlay District (CFROD) in East Boston.

A portion of the East Boston Neighborhood District is covered by the Coastal Flood Resilience Overlay District (CFROD), as shown on Map 3A/3B and Map 3C. Within this East Boston portion of the CFROD, the following regulations apply:

1. Proposed Projects Subject to CFROD. See Article 25A (CFROD) for regulations applicable to a Proposed Project that is subject to or elects to comply with the CFROD regulations, under Section 25A-4 (Applicability).

2. Certain Small Projects for Residential Uses and Additional Dwelling Units. If a Proposed Project for the addition or extension of a Residential Use or Additional Dwelling Unit is not subject to (and has not elected to comply with) the CFROD under Section 25A-4 (CFROD Applicability), the following regulations apply:

(a) the Proposed Project shall comply with the provisions of Section 25A-6.1 (CFROD: Use and Dimensional Regulations for All Uses and Structures);

(b) the provisions of Section 25A-6.2 (Regulations Applicable to Proposed Projects Subject to Resilience Review) apply, but Resilience Review is not required; and

(c) the provisions of Section 25A-6.3 (Special Provisions for Historic Structures) apply to structures described in that subsection.

Section 53-43. Establishment of Special Study Overlay Areas:

~~This Section 53-43 establishes Special Study Overlay Areas ("SSOA") within the East Boston Neighborhood District. The purpose of the Special Study Overlay Areas is to identify those areas where further comprehensive planning studies may be appropriate. Such studies are appropriate in areas that at present are largely vacant or underutilized or that are devoted principally to a single large use, because such areas lack established patterns for coordinating a mix of land uses and for integrating streets, buildings, and open space. As planning studies are undertaken, further land use regulations may be proposed to implement their recommendations.~~

~~The following Special Study Overlay Areas are established:~~

~~1. — **Bremen Street/Orleans Street Rail Alignment Corridor.** This Special Study Overlay Area overlays the Corridor Enhancement Subdistrict established in Section 53-35. This area is occupied principally by railway lines in partial use.~~

~~2. — **Central Square/Old Boston East.** This Special Study Overlay Area overlays the Central Square Community Commercial Subdistrict established in Section 53-10 and the Central Square Waterfront Commercial Subdistrict established in Section 53-14. This area, located on the waterfront, is largely vacant and underutilized.~~

~~3. — **Suffolk Downs.** This Special Study Overlay Area overlays the Suffolk Downs Economic Development Area established in Section 53-24, and includes the site of the Suffolk Downs Racetrack.~~

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

Section ~~53-44~~ 53-20. Establishment of Areas Within Which Planned Development Areas May be Permitted.

Within the East Boston Neighborhood District, no Planned Development Area shall be permitted, except within Conservation Protection Subdistricts, Economic Development Areas, and Waterfront Mixed-Use Subdistricts.

~~Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within Conservation Protection Subdistricts, Economic Development Areas, Corridor Enhancement Subdistrict, and Waterfront Commercial Subdistricts. PDAs are not permitted elsewhere in the East Boston Neighborhood District.~~

~~The purposes for establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the East Boston community, including the creation of new job opportunities and affordable housing; to allow for the diversification and expansion of Boston's and East Boston's economy through manufacturing, commercial, and scientific research and development uses; to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict; to encourage economic development in the Economic Development Areas, Corridor Enhancement Subdistrict, and the Waterfront Commercial Subdistricts while ensuring public benefits and quality urban design by providing planning and design controls; to encourage economic development and commercial, manufacturing and industrial expansion; and to allow for the creation of affordable housing.~~

~~(As amended on November 22, 1999 and September 10, 2008.)~~

Section ~~53-45~~ 53-21. Regulations Applicable in Planned Development Areas: ~~Use and Dimensional Regulations.~~

1. **Use Regulations.** A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.

2. **Dimensional Regulations.** The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 3.2, below of this Section 53-21.2:

TABLE 3.2 East Boston Neighborhood District Planned Development Areas Dimensional Regulations

	Maximum Building Height (Stories)	Maximum Building Height (Feet)	FAR
McClellan Highway EDA	7 stories	(1) 95'	2 3.0
Saratoga Street EDA	7 stories	45' (2) 95'	2 3.0
Porter Street EDA	7 stories	85'	3.0
Bremen Street EDA	7 stories	85'	3.0
Suffolk Downs EDA	See footnote (1)	See footnote (1)	2.0 2.3
Conservation Protection Subdistricts	45'	45'	0.5
Waterfront Commercial Subdistricts Waterfront Mixed-Use Subdistricts	(3) 7 stories ⁽²⁾	(3) 95'	(3) 3.0 ⁽²⁾

Footnotes to Table 2

(1) ~~Within 250 feet of a Street or Subdistrict boundary in the East Boston Neighborhood District, the Building Height shall not exceed fifty five (55) feet.~~ As used in this footnote (1), concerning the Suffolk Downs EDA:

- The "Special Restricted Height Area" is the area of the Suffolk Downs EDA located within one hundred twenty-five (125) feet of the EDA's southern boundary.
- The western boundary of the Suffolk Downs EDA is the centerline of McClellan Highway.

- "FAA Height Limits" are the height limits set forth in the MassPort Boston-Logan International Airport Composite Critical Airspace Surfaces Map, Version 2.0, dated December 2011.

Suffolk Downs EDA: Maximum Building Height Within the Special Restricted Height Area. Within the Special Restricted Height Area, the Maximum Building Heights are as follows:

- (a) for a Building located more than 1,250 feet from the western boundary of the Suffolk Downs EDA, the Maximum Building Height is forty (40) feet; and
- (b) for a Building located within 1,250 feet of the western boundary of the Suffolk Downs EDA, the Maximum Building Height is eighty-five (85) feet.

Suffolk Downs EDA: Maximum Building Height Outside the Special Restricted Height Area. Outside the Special Restricted Height area, the Maximum Building Height within the Suffolk Downs EDA is the lower of: (a) two hundred twenty (220) feet, or (b) "FAA Height Limits." A Proposed Project issued a Determination of No Hazard to Air Navigation (or similar determination) by the Federal Aviation Administration ("FAA") shall be deemed consistent with the FAA Height Limits, although such a determination shall not be a zoning requirement.

~~(2) Within 50 feet of a Street or Subdistrict boundary in the East Boston Neighborhood District, the Building Height shall not exceed thirty five (35) feet.~~

~~(2) See subsection 53-21.3 for regulations for PDAs in Waterfront Mixed-Use Subdistricts. Proposed Projects within a Waterfront Commercial Subdistrict, subject to Chapter 91, must be consistent with the dimensional regulations of an approved Municipal Harbor Plan.; provided that after any Proposed Project in the New Street WC, not subject to Chapter 91 or governed by an approved Municipal Harbor Plan, the maximum building height shall not exceed 200 feet and the maximum FAR shall not exceed 3.3.~~

3. Regulations for PDAs in Waterfront Mixed-Use Subdistricts. In a Waterfront Mixed-Use Subdistrict, a Proposed Project within a PDA must be consistent with the use and dimensional regulations of any approved Municipal Harbor Plan applicable to its location. Consistency with the Municipal Harbor Plan shall be determined through Large Project Review.

Section ~~53-46~~ 53-22. Planned Development Area Review Requirement.

See Article 80 concerning the applicability of Planned Development Area Review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

(As amended on May 9, 1996.)

~~Section 53-47. [Applicability of Future Amendments.] Deleted on May 9, 1996 by Text Amendment No. 230.~~

~~Section 53-48. [Planned Development Areas: Standards for Development Plan Approval.]~~

~~Deleted on May 9, 1996 by Text Amendment No. 230. (For approval standards for Planned Development Area Development Plans, see Section 80C-4, Standards for Planned Development Area Review Approval.)~~

Section ~~53-49~~ 53-23. Planned Development Areas: Public Benefits.

The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits that advance the goals and recommendations of the plan recognized in Section 53-1 as PLAN: East Boston. Such benefits shall include ~~one~~ two or more of the following: (a) diversification and expansion of East Boston's economy and job opportunities through ~~economic activity, such as~~ private investment in ~~manufacturing,~~ commercial and cultural uses, ~~or~~ research and development, and professional or technical training programs for such fields; ~~or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c)~~ (b) provision of Affordable Housing, available to East Boston and Boston residents, exceeding that which is required by City policy; ~~or (d)~~ (c) improvements to ~~the aesthetic character of the development site and its surroundings, which may include the provision of~~ existing open space and creation of new open space, especially that which supports and furthers connections to the waterfront, ~~the provision~~ and the planting of street trees and other improvements that enhance open space to the public realm; ~~the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.~~ (d) preservation of historically significant buildings through adaptive reuse; (e) significant mobility improvements through the addition or enhancement of items such as streets, sidewalks, and bike lanes.

(As amended on May 9, 1996.)

~~REGULATIONS GOVERNING DESIGN~~

MISCELLANEOUS PROVISIONS

~~Section 53-50. [Applicability of Article 31 Development Review.]~~

~~Deleted on May 9, 1996 by Text Amendment No. 230.~~

Section ~~53-51~~ 53-24. Design Review and Design Guidelines.

1. **Applicability of Design Review.** Design Review is required in the East Boston Neighborhood District for a Proposed Project that is subject to Small Project Review or Large Project Review under Article 80. ~~To ensure that growth in the East Boston Neighborhood District is compatible with the character of the buildings and urban design features of the neighborhood, design~~ Design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to ~~Article 80 of this Code.~~

To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review). To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2.1 (Applicability of Small Project Review: Design Component) and this Section ~~53-51.1~~ 53-24.1. ~~In addition to those Proposed Projects described in Section 80E-2.1, the following Proposed Projects are subject to the Design Component of Small Project Review, pursuant to paragraph (b)(iv) (Design Review Required by Underlying Zoning) of said Section 80E-2.1:~~

~~(a) — **Certain Projects in Neighborhood Business Subdistricts and Corridor Enhancement Subdistrict.** Within the Neighborhood Business Subdistricts and Corridor Enhancement Subdistrict, any Proposed Project for the erection or extension of a Building with a Gross Floor Area of three hundred (300) or more square feet, or for an exterior alteration affecting three hundred (300) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space.~~

2. **Design Guidelines.** The Design Guidelines for the East Boston Neighborhood District are set forth in the plan recognized in Section 53-1 as PLAN: East Boston. Design Guidelines for Proposed Projects in Waterfront Subdistricts are set forth in Section 53-10.5 of this Article. ~~This Section 53-51.2 establishes the following design guidelines for the East Boston Neighborhood District.~~

~~(a) — Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.~~

~~(b) — Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.~~

~~(c) — Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage,~~

and disposal areas should be adequately screened from public view by suitable fencing and vegetation.

(d) — New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature should be held to a minimum.

(e) — New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.

(f) — For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Accordingly, an adequate landscaped buffer should be located along the frontage between the sidewalk edge and the Street Wall. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged.

(g) — In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.

(h) — Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.

(i) — New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of the buildings should respect significant landscape features on the site.

(j) — New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.

(k) — Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows, facing onto pedestrian areas, should be avoided to the extent practicable in building designs.

~~(l) — Storefronts and display windows should be open and welcoming to the shopper and stroller. façade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.~~

~~(m) — Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.~~

~~(n) — Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy.~~

~~(o) — A zone for signs on the building façade should be established, clearly defined by a change in façade color and/or materials or by an articulation of the facade, and all permanent signs mounted on the building façade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building façade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.~~

~~(p) — Landscaping and screening should be used to make the business and industrial subdistricts more attractive and to provide screening between business, industrial, and residential uses.~~

~~(q) — In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location and should enhance and reinforce any historic qualities of existing structures.~~

~~(As amended on May 9, 1996 and July 31, 1997.)~~

Section 53-52 53-25. Roof Structure Restrictions.

1. General Rule. Except as allowed in Section 53-25.2, no roofed structure designed or used for human occupancy, access ~~(except as allowed in the following paragraph)~~, or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing residential Building, or on the roof of a Building not in residential use but originally built as a residential Building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

2. Allowed Roof Structures. The following roof structures are Allowed and shall not be included in the calculation of Building Height:

- (a) ~~AN~~ Open roof decks, provided that,
 - (i) The deck is be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees;
 - (ii) ~~such~~ the deck is less than one (1) foot above the highest point of such roof;
 - (iii) access is: (a) by a roof hatch or bulkhead no more than thirty (30) inches in height above ~~such~~ the deck; or (b) by a stairway headhouse no greater than ten (10) feet in height, eight (8) feet in width, and ten (10) feet in length, setback horizontally at least ten (10) feet from the roof edge(s) facing the public right of way, ~~unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse;~~ and
 - (iv) any appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally at least five (5) feet from all roof edges ~~two (2) feet for each foot of height of such appurtenant structure, from a roof edge that faces a Street more than twenty (20) feet wide.~~
- (b) Solar Energy Systems, provided that,
 - (i) they do not extend more than 48 inches above the top of the highest point of the roof beams of a flat roof, and
 - (ii) all elements are set back at least five (5) feet from all roof edges.

~~Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.~~

Section 53-53. Specific Design Requirements:

~~Except as otherwise expressly provided in this Article or Code, all Proposed Projects within those subdistricts specified in this Section 53-53 shall comply with the following design requirements, except to the extent that Street Wall and display window requirements have been addressed~~

through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 53-53.

1. ~~Street Wall Continuity in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts.~~ This Section 53-53.1 shall apply within the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new Structure or the extension of an existing Structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 53-53.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 53-53.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

2. ~~Display Window Area Regulations in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts.~~ This Section 53-53.2 shall apply in the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 53-53.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

(a) ~~Display Window Area Transparency.~~ That portion of the Display Window Area required by this Section 53-53.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.

(i) ~~For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display~~

~~Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.~~

~~(ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.~~

~~(iii) For Industrial Uses, and for Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.~~

~~(b) **Display Window Area Usage.** For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.~~

~~(c) **Display Window Security Grates.** That portion of the Display Window Area required by Section 53-53.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.~~

~~(As amended on May 9, 1996.)~~

Section ~~53-54~~ 53-26. Screening and Buffering Requirements.

~~In order to enhance the appearance of East Boston's commercial and industrial subdistricts and to ensure that these subdistricts are appropriately separated from adjacent areas, the~~ The screening and buffering requirements of this Section ~~53-54~~ 53-26 shall apply to those Proposed Projects described in this Section ~~53-54~~ 53-26, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section ~~53-54~~ 53-26.

1. **Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses.** ~~Where any Lot line of a~~ The requirements of this Section 53-26.1 apply to a Proposed Project in a location specified in this Section 53-26.1:

~~located in a;~~ (a) a Neighborhood Business Subdistrict or a Waterfront Mixed-Use Commercial Subdistrict, where the Proposed Project abuts: ~~(a)~~ (i) a public park, or ~~(b)~~ (ii) a Residential Subdistrict; ~~Waterfront Residential Subdistrict;~~ or Residential Use, or,

(b) an Economic Development Area; ~~Corridor Enhancement Subdistrict, Waterfront Service Subdistrict,~~ or Waterfront Economy Manufacturing Subdistrict, where the Proposed Project abuts: ~~(a)~~ (i) a public street, ~~(b)~~ (ii) a public park, ~~(c)~~ (iii) a Residential Subdistrict; ~~Waterfront Residential Subdistrict;~~ or Residential Use, or ~~(d)~~ (iv) a Neighborhood Business Subdistrict or Waterfront Mixed-Use Commercial Subdistrict, ~~such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, or subdistrict, a strip of densely planted shrubs and trees. planted along the inside edge of a wall or heavy duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board type wooden fence that is constructed to be at least sixty percent (60%) opaque.~~

The Proposed Project shall provide and maintain a strip of densely planted shrubs and trees along each Lot line abutting ~~such~~ the applicable street, park, or subdistrict. The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide.

~~Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Waterfront Residential Subdistrict, Residential Use, Neighborhood Business Subdistrict, or Waterfront Commercial Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.~~

2. **Screening and Buffering of Parking, Loading, and Storage Areas.** Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict; ~~Waterfront Residential Subdistrict;~~ or Residential Use, or (d) a Neighborhood Business Subdistrict or Waterfront Mixed-Use Commercial Subdistrict, shall be screened from view as provided in this Section ~~53-54.2~~ 53-26.2. ~~Such~~ Screening shall consist of fencing no lower than three (3) feet and no higher than six (6) feet. Buffering shall consist of a strip of densely planted trees and shrubs no less than five (5) feet wide. ~~densely planted in a strip at least five (5) feet wide on the inside edge of a steel picket or stockade or board type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.~~

~~Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.~~

3. **Screening of Disposal Areas and Certain Equipment.** Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict, ~~Waterfront Residential Subdistrict,~~ or Residential Use, or (d) a Neighborhood Business Subdistrict or Waterfront ~~Mixed-Use Commercial~~ Subdistrict, shall be screened from view as provided in this Section ~~53-54.3~~ 53-26.3. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.

4. **Roof-Mounted Mechanical Equipment.** Roof-mounted mechanical equipment shall be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy. ~~Painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.~~

~~5. **Materials for Walls and Fences.** Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing major public streets. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.~~

~~6. **Specifications for Plantings.** Shrubs required by this Section 53-54 53-25 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 53-54 53-25 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted at least fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted at least twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) three (3) inches of pine bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. Any mature trees and shrubs that are removed shall be replaced. The use of bulbs, perennials, and annuals also is encouraged.~~

~~7. **Maintenance of Landscaped Areas.** Landscaping required by this Section 53-54 53-25 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no~~

~~parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 53-54 53-25.~~

~~(As amended on May 9 and August 22, 1996.)~~

MISCELLANEOUS PROVISIONS

Section ~~53-55~~ 53-27. Sign Regulations.

The provisions of this Section ~~53-55~~ 53-27 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. **Sign Regulations Applicable in Residential Subdistricts, ~~Waterfront Residential Subdistricts~~, Conservation Protection Subdistricts and Open Space Subdistricts.** In all Residential ~~and Waterfront Residential Subdistricts~~, Conservation Protection Subdistricts, and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.

2. **Sign Regulations Applicable in All ~~Other~~ Subdistricts ~~Other than Residential Subdistricts, Waterfront Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts~~.** In all subdistricts ~~not subject to subsection 1 of this Section 53-27 other than Residential and Waterfront Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts~~, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section ~~53-55~~ 53-27. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:

(a) **Signs Parallel to Building Wall.** For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

(b) **Signs Attached at Right Angles to Building.** A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

(c) **Free-standing Signs.** Free-standing Signs shall be permitted only for (a) uses located in a Community Commercial Subdistrict, Local Industrial Subdistrict, or Economic Development Area, and (b) Gasoline Stations. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.

(d) **Billboards.** Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence on the effective date of this Article, is forbidden in the East Boston Neighborhood District.

(e) **Total Sign Area.** The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).

(f) **Display of Permit Number and Posting Date.** Each permanent Sign, including any Sign painted on or affixed to an awning, a canopy, or a marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

(As amended on August 22, 1996.)

Section ~~53-56~~ 53-28. Off-Street Parking and Loading.

For any Proposed Project that is subject to or has elected to comply with Large Project Review or Small Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces are set forth in Table ~~N~~ L, and the minimum required off-street loading facilities are set forth in Table ~~O~~ M.

1. **Outdoor Uses.** For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
2. **Pre-Code Structures.** If a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.
3. **Mixed Uses.** If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. **Location.**
 - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section ~~53-56~~ 53-28. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section ~~53-56~~ 53-28 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

(d) The off-street parking spaces required by this Article for a Dwelling Unit should be used by the vehicles for which such parking spaces are required.

5. **Design.** All off-street parking facilities provided to comply with this Article shall meet the following specifications:

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

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

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

(d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the ~~required~~ provided spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-½) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.

(e) The width of a curb cut for a driveway in a Residential Subdistrict shall not exceed twelve (12) feet.

(f) The width of a curb cut for a driveway in all other Subdistricts shall not exceed twenty-four (24) feet.

6. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

(As amended on May 9 and August 22, 1996.)

Section ~~53-57~~ 53-29. Application of Dimensional Requirements.

~~1. **Exceptions to Minimum Lot Size Requirements.** If the requirements of this Article with respect to Open Space and to Front, Rear, and Side Yards are met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction,~~

~~or alteration of a single family Dwelling, two family Dwelling, or three family Dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect; provided that three-fourths (3/4) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.~~

2. 1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.

3. 2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-½) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines ~~thirty (30)~~ **twenty (20)** feet distant from their point of intersection.

4. 3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.

5. 4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section ~~53-57~~ **53-27**. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.

6. 5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (½) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.

~~7.~~ **6. Side Yards of Certain Narrow Lots.** For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-½) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than five (5) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.

~~8.~~ **7. Accessory Buildings in Rear Yards.** Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.

~~9.~~ **8. Rear Wall of Building Not Parallel to Rear Lot Line.** If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.

~~10.~~ **9. Rear Yards of Through Lots.** The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.

~~11.~~ **10. Rear Yards of Certain Shallow Lots.** For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.

~~12.~~ **11. Underground Encroachments in Yards.** Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.

~~13.~~ **12. Two or More Dwellings on Same Lot.** Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section ~~53-57.13~~ 53-29.13 if it finds that open space for all occupants, and light

and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section ~~53-57.13~~ 53-29.13 were met.

14. 13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings or Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

14. Measurement of Lot Frontage on Corner Lot. The Lot Frontage on a Corner Lot shall be measured along one Lot line abutting a public right of way. Where more than one Lot line abuts a public right of way, the Lot Frontage shall be measured along the Lot line on which the Building's main entrance front.

Section ~~53-58~~ 53-30. Nonconformity as to Dimensional Requirements.

1. General Rule. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that any such dimensional nonconformity is not increased, and that, unless otherwise provided in Section 53-30.2, ~~and that any enlargement itself conforms to such dimensional requirements.~~ any alteration, enlargement, or extension of a nonconforming Building shall conform to the dimensional requirements of this Article.

2. Exceptions. The following circumstances shall not be deemed to increase a nonconforming dimension:

(a) Horizontal Extensions.

- (i) The proposed extension of a nonconforming Side Yard or Rear Yard dimension follows in line with the existing nonconforming Building, without further encroaching from the existing nonconformity into a required Side Yard or Rear Yard.
- (ii) The proposed extension does not encroach any further forward into a required Front Yard.

(b) Vertical Extensions.

- (i) The proposed extension of a nonconforming Building Height dimension is constructed within the existing Building Floor Plate.
- (ii) The proposed extension of a nonconforming Building Height dimension does not exceed the greater of: (i) the Building's maximum existing Building Height or (ii) the maximum Building Height allowed by zoning.
- (iii) The proposed extension does not encroach any further forward into a required Front Yard.

Section ~~53-59~~ 53-31. Regulations.

The Boston Redevelopment Authority may promulgate regulations to administer this Article.

Section ~~53-60~~ 53-32. Severability.

The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

Section 53-33. Definitions.

Words and phrases in this Article have the meanings set forth in Appendix A to this Article and in Article 2 (Definitions). Where a term is defined in both articles, the definition in Appendix A to this Article governs.

Section ~~53-61~~. Reserved.

~~Text Amd. No. 440, § 4B., effective May 8, 2019, repealed § 53-61, which pertained to definition of Additional Dwelling Unit and derived from Ord. No. 428, § 1B., 11-9-2017.~~

Section ~~53-62~~ 53-33. Tables and Appendix.

The following tables and appendix are hereby made part of this Article:

Tables A—E Use Regulations

- A Residential Subdistricts
 - ~~Waterfront Residential Subdistricts~~
- B Neighborhood Business Subdistricts
- C Waterfront Subdistricts
 - ~~Waterfront Manufacturing Subdistricts~~
 - ~~Waterfront Service Subdistricts~~
 - ~~Waterfront Commercial Subdistricts~~

~~Maritime Economy Reserve Subdistricts~~

D Conservation Protection Subdistricts

Economic Development Areas

~~Corridor Enhancement Subdistrict~~

~~Community Facilities Subdistricts~~

~~Waterfront Community Facilities Subdistricts~~

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Appendix A ~~Water-Dependent Uses and Facilities of Public Accommodation~~

APPENDIX A TO ARTICLE 53 - Definitions Applicable to Article 53, East Boston Neighborhood District
~~**Water-Dependent Uses and Facilities of Public Accommodation**~~

Definitions Applicable to East Boston Neighborhood on Tidelands and in Waterfront Subdistricts

Facilities of Public Accommodation. A "Facility of Public Accommodation" means a facility, including a commercial facility, at which goods or services are made available directly to the general public. Facilities of Public Accommodation include, but are not limited to:

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;

Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both, 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;

Theater;

Lobbies and public areas of a hotel or motel;

Library, museum, aquarium, educational, historical, or cultural institution open to the public;

Adult education center, community center, or other interior space dedicated to the programming of community meetings, informational displays, special recreational events, or other public activities;

Store primarily serving the local retail business needs of the residents of the neighborhood, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware, and minor household appliances, but not including packaged alcoholic beverages;

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

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

Tailor shop or hand laundry;

Caterer's establishment, photographer's studio, upholsterer's shop, carpenter's shop, or electrician's shop;

Day care facility;

Sports or physical fitness facility open to the public; and

Interior facility for waterborne public transportation facilities, recreational marina, boat rental establishment, recreational sailing or boating school, or other recreational boating facility or establishment.

Water-Dependent Uses.

Water-Dependent industrial uses;

Facilities for fishing, swimming, diving, and other water-based recreational activities;

Parks, esplanades, boardwalks, and other pedestrian facilities that promote public use and enjoyment of the water and are located at or near the water's edge;

Aquariums and other cultural, educational, research, or training facilities dedicated primarily to marine purposes;

Aquaculture facilities;

Navigation aids, marine police and fire stations, and other waterways public safety and law enforcement facilities;

Shore protection structures, such as seawalls, bulkheads, revetments, dikes, breakwaters, rip rap, water deflectors, and the like;

Waterborne passenger transportation facilities, such as those serving ferries, cruise ships, commuter and excursion boats, and water shuttles and taxis;

Marinas, boat basins, Boat Rental Establishments, boating or sailing school, channels, storage areas, and other facilities and establishments for commercial or recreational boating.

Definitions Applicable to East Boston Neighborhood Dimensional Regulations

Blank Wall of Facade. The continuous width of a portion of the ground floor building facade that fronts a Primary Lot Frontage which does not have windows or entrances that pedestrians can pass through.

Story, First. The lowest story of which sixty-five percent (65%) or more of the height is above grade. See also Ground Floor.

Ground Floor. The lowest story of which sixty-five percent (65%) or more of the height is above grade. See also Story, First.

Outdoor Amenity Space. A designed, accessible, unenclosed space directly accessed from the ground floor or upper stories of a building and/or a pedestrian accessway, that is intended to be used for active or passive recreational use such as playing, gathering, and seating by building occupants and/or the public.

Types of spaces that shall count towards outdoor amenity space include:

1. Publicly Accessible Open Space, as defined in Article 8; or
2. New portions of public sidewalks created within the lot line, or through-block pedestrian connections of a width not less than ten (10) feet; or
3. Private amenity space intended to be used primarily by the building residents, such as porches, interior courtyards, shared gardens, playgrounds, shared terraces, and/or programmed or landscaped yards, provided that such spaces have an unobstructed length of not less than ten (10) feet and an unobstructed depth of not less than ten (10) feet; or
4. Private amenity space dedicated for use by a single dwelling unit, and that is directly accessible from that dwelling unit, such as fenced/walled patios, private terraces, and balconies, provided that such a space has an unobstructed length of not less than five (5) feet, an unobstructed depth of not less than five (5) feet, and an overall area of not less than thirty (30) square feet; or
5. Roofdecks, occupiable vegetative roofs, and other programmed recreational spaces on rooftops that are accessible by building residents through common circulation.

Outdoor Amenity Space requirement calculation

1. When specified, the Outdoor Amenity Space requirement is calculated by dividing the cumulative area of all outdoor amenity space by the lot area.
2. Every 1 square foot of Publicly Accessible Open Space may count as 1.25 square feet toward the total required Outdoor Amenity Space.
3. For lots over 11,000 sf rooftop amenity space may be used to count for no more than fifty percent (50%) of the required Outdoor Amenity Space.

Party Wall. A wall that separates two buildings that are attached but located on two separate lots.

Stepback. A recess of an upper story façade a set distance behind the façade of the story below.

Definitions Applicable to East Boston Neighborhood Use Regulations

OPEN SPACE USES

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

Private Open Space. Open space in private ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources 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), including but not limited to private sports fields and complexes such as golf courses.

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.

CIVIC USES

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

Place of Worship. A facility used for religious or spiritual services.

School, K through 12. A facility in which a regular course of public or private instruction is given for any kindergarten through twelfth grades. A School containing kindergarten and no other grades from first through twelfth is a Child Care Center.

RESIDENTIAL USES

Artists' Live-Work. A facility that is used for both habitation and Art Studio. Such use shall be approved by the Mayor's Office of Arts and Culture.

Fraternity or Sorority. A housing facility affiliated with a specific educational institution which does not necessarily require on-site staff supervision, including a fraternity, sorority, or similar use. Such use shall require a Dormitory License from the Boston Licensing Board and be subject to the rulemaking, supervisory and disciplinary powers of the affiliated educational institution.

Group Living. A community residence for 4 or more people receiving monthly, annual, or long-term housing accommodation and, physical health, mental health, or social services. Such use may include living quarters for necessary staff people. Such use shall not include any Institutional Use subject to Article 80D.

Small - A group living facility for 4-16 people receiving services.

Large - A group living facility for over 16 people receiving services.

Household Living. A dwelling containing one or more dwelling units which is not any other residential use described in this Section 8-3.

Lodging House. A dwelling which can be let to 4 or more persons on a temporary basis (no more 30 day lease terms). Such use shall require a Lodging House License from the Boston Licensing Board.

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.

Student Housing. A housing facility affiliated with a specific educational institution which requires on-site staff supervision, including a dormitory or other similar use. Such use shall require a Dormitory License from the Boston Licensing Board and be subject to the rulemaking, supervisory and disciplinary powers of the affiliated educational institution.

Temporary Shelter Facility. A public or non-profit facility in which temporary residential accommodations and social services, on site or off site, are provided to individuals or families who are without resources and access to shelter.

ACTIVE 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 receive a Massachusetts Adult Day Health program license.

Community Center. A facility providing recreational, educational, and/or social services to a community, including but not limited to a library, recreation or social center, or similar use.

Grocery Store. A store which sells primarily groceries which must include fresh produce and other perishable foods along with ingredients for preparing food. A convenience store or department stores which sell primarily packaged food and other items shall not constitute a Grocery Store. No more than twenty-five (25) percent of the total square footage of a Grocery Store shall be devoted to the sale, display or storage of any alcoholic beverage.

Small - Total square footage less than 15,000 SF

Large - Total square footage greater or equal to 15,000 SF

Entertainment/Events. A facility which regularly hosts 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.

Small - An entertainment facility with a capacity of up to 500 persons.

Medium - An entertainment facility with a capacity of 501-2,000 persons.

Large - An entertainment facility with a capacity of 2,001-10,000 persons.

Extra Large - An entertainment facility with a capacity of greater than 10,000 persons.

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

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

Restaurant. An establishment devoted primarily to the preparing, retailing, and on- and/or off-premises consumption of food and/or alcoholic beverages. Such use may include take-out.

Small - Total square footage less than 2,500 SF

Large - Total square footage greater or equal to 2,500 SF

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, transfers, transports, sells, distributes, 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, homegoods, hardware, pharmaceuticals, alcohol, tobacco products, and tickets for events. Such use may also include consignment stores or pawnshops. Such use shall not include adult entertainment or grocery stores.

Small - Total square footage not more than 2,500 square feet per use.

Medium - Total square footage between 2,501-10,000 square feet per use.

Large - Total square footage between 10,001 - 50,000 square feet per use.

Extra-Large - Total square footage exceeding 50,000 square feet use.

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. Commercial stadiums, arenas, or casinos shall not constitute Indoor Activities. Such use may receive a Live Entertainment License.

Service Establishment. An establishment open to customers providing services, with or without the exchange of goods, including 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 gymnasium;
- Animal hospital, daycare, grooming, and kennel;
- or similar use.

Small - Total square footage less than 10,000 SF

Large - Total square footage greater or equal to 10,000 SF

Social Club. A facility used or operated by a non-profit association for meeting, recreational, or social 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 the nudity or partial nudity of any person.

Arts studios. A facility for the creation of physical art or audiovisual content, where the activities produce little to no vibration, noise, 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.

Bank. A facility for the extension of credit and the custody, loan, or exchange of money.

Check Cashier. A facility for cashing of checks.

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 drive-ins.

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. A building containing four or more rooms or suites affording transient sleeping accommodations to the general public. Such use may include space for hosting events. Such use shall require an Innholder License from the Boston Licensing Board.

Small - Total square footage less than 50,000 sq ft

Large - Total square footage greater or equal to 50,000 sq ft

Office. A facility used for office space. Such use shall not include manufacturing, repair, or warehousing materials, goods, or products for the retail or wholesale market.

Small - Total square footage less than 50,000 sq ft

Large - Total square footage equal to or greater than 50,000 sq ft

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, dean 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.

HIGHER EDUCATION USES

College or University Use. An institutional use 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:

- If the combined gross floor area of a College or University Use and all of the other Institutional Uses of the same Institution is at least hundred fifty thousand (150,000) square feet, the provisions of Article 80 requiring Institutional Master Plan Review shall apply, notwithstanding any contrary provision of Section 80D-2 or the underlying zoning.
- 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 8-2.3](#) 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. An institution which offers courses of instruction in any profession or occupation, and which is not part of a college or university.

HEALTH CARE USES

Clinic. A facility 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 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 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:

- If the combined gross floor area of a Hospital Use and all of the other Institutional Uses of the same Institution is at least hundred fifty thousand (150,000) square feet, the provisions of Article 80 requiring Institutional Master Plan Review shall apply, notwithstanding any contrary provision of Section 80D-2 or the underlying zoning.
- 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 8-2.3 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 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:

- If the combined gross floor area of a Nursing Home Use and all of the other Institutional Uses of the same Institution is at least hundred fifty thousand (150,000) square feet, the provisions of Article 80 requiring Institutional Master Plan Review shall apply, notwithstanding any contrary provision of Section 80D-2 or the underlying zoning.
- 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 8-2.3 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 major 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 Vehicles Rentals. A facility for the rental of motor vehicles.

Motor Vehicles Sales. A showroom or facility for the sale of motor vehicles.

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. An area used for parking of motor vehicles.

Vehicular Services. Facilities for servicing and repair of motor vehicles, including automotive parts and supplies. Includes bus and truck servicing, parts installation, 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 catering companies and commercial kitchens, breweries, and distilleries. Such use may include associated Restaurant or Retail Store. If the total square footage 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 manufacturing use and do not include a restricted industrial use. 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:
 - (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 and/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 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 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, sells, or distributes cannabis and products containing cannabis neither to be sold on the lot nor consumed on-site. Including, but 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. The indoor holding or storing of goods made available to the 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.

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 ATM. Subject to the provisions of Section 8-2.3, an Automatic Teller Machine which is accessible directly from the public right of way or in a dedicated vestibule which is accessible directly from the public right of way.

Accessory Car Share. Subject to the provisions of Section 8-2.3, an area dedicated to the storing of motor vehicles which can be rented on an hourly basis.

Accessory Drive-through. Subject to the provisions of Section 8-2.3, a vehicular queuing lane where patrons place orders or receive services, or both, while seated in a vehicle.

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 8-2.3. 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 8-2.3. 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. Subject to the provisions of Section 8-2.3, vehicle charging infrastructure accessory to a lawful parking use and including no more than 4 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 projects that require ADA accessible spaces, at least one charging station must be provided on such accessible space. Charging stations accessory to a residential use with only one or two units shall be allowed.

Accessory Entertainment/Event. Subject to the provisions of Section 8-2.3, a facility which regularly hosts live entertainment events which are incidental the main use. Such use may receive a Live Entertainment License.

Accessory Family Day Care Home. Subject to the provisions of Section 8-2.3, 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 8-2.3, 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 8-2.3 and Article 89, 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 8-2.3, the keeping of laboratory animals incidental to an educational, institutional, or research and development use.

Accessory Office. Subject to the provisions of Section 8-2.3, a facility used for office space which is accessory to another use.

Accessory Parking. Subject to the provisions of Section 8-2.3, 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.

Accessory Personnel Quarters. Subject to the provisions of Section 8-2.3, 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. A commercial 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 8-2.3.

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.

ARTICLE 2 DEFINITIONS

Building Width. The greatest distance between the rightmost and leftmost parts of a Building, measured from the Building faces most closely aligned to the right and left Lot lines. The measurement of Building Width includes Bay Windows and permanently covered porches and balconies.

Building Depth. The greatest distance between the frontmost and rearmost parts of a building, measured from the Building faces most closely aligned to the Front and Rear Lot lines. The measurement of Building Depth includes Bay Windows and permanently covered porches and balconies.

Solar Energy System. A renewable energy generating system that employs solar photovoltaic or solar thermal energy, and associated mounting systems.