

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

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

**1. In Article 2 (Definitions):**

- a. In the definition of the use item "Community Uses," **delete** "day care center" and **replace** it with "child care center."
- b. **Delete** the use item and definition for "Day Care Center."
- c. **Insert** the following new use item and definition for "Child Care Center" in the appropriate position alphabetically:

**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).

- d. **Delete** the use item and definition for "Family Day Care Home."
- e. **Insert** the following new use item and definition for "Family Child Care Home" in the appropriate position alphabetically.

**Family Child Care Home.** Any dwelling unit which, on a regular basis, receives for 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 receives 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.

**2. In Article 8 (Regulation of Uses):**

- a. **In Section 8-7 (Table A: Use Regulations),** under Use Item No. 17 ID,
  - i. After "Day care center; nursery school; kindergarten" **insert** "– that satisfy the requirements of the compulsory child care and education laws of the Commonwealth of Massachusetts."
  - ii. **Delete** the designations of "C" and "F" from the use table under the headers "S" and "R" and **replace** them with the designation of "A."
  - iii. **Delete** the footnotes from the use table.
  - iv. **Delete** the phrase "Day care center" and **replace** it with "Child care center."
- b. **In Section 8-7 (Table A: Use Regulations),** under Use Item No. 88,
  - i. After "As an accessory use not subject to Article 10, family day care home" **insert** "that satisfies the requirements of the compulsory child care and education laws of the Commonwealth of Massachusetts for home-based child care facilities."
  - ii. **Delete** the designation of "C" from the use table under the headers "M" and "I" and **replace** it with the designation of "A."
  - iii. **Delete** the phrase "family day care home" and **replace** it with "family child care home."

**3. In the following articles:**

**Article 38** (Midtown Cultural District)  
**Article 39** (North Station Economic Development Area)  
**Article 40** (South Station Economic Development Area)  
**Article 41** (Huntington Avenue/Prudential Center District)  
**Article 42A** (Harborpark District, North End/Downtown Waterfront and, Dorchester Bay/Neponset River Waterfront)  
**Article 42B** (Harborpark District - Charlestown Waterfront)  
**Article 42D** (Waterfront Manufacturing District)  
**Article 42E** (Harborpark District - Fort Point Waterfront)  
**Article 42F** (Harborpark District - Charlestown Navy Yard)  
**Article 43** (Chinatown District)  
**Article 44** (Leather District)  
**Article 45** (Government Center/Markets District)  
**Article 46** (Bulfinch Triangle District)  
**Article 47A** (Cambridge Street-North District)  
**Article 48** (Stuart Street District)  
**Article 50** (Roxbury Neighborhood District)  
**Article 51** (Allston-Brighton Neighborhood District)  
**Article 52** (Dorchester Avenue Neighborhood District)  
**Article 53** (East Boston Neighborhood District)  
**Article 54** (North End Neighborhood District)  
**Article 55** (Jamaica Plain Neighborhood District)  
**Article 56** (West Roxbury Neighborhood District)  
**Article 57** (Saint Vincent Neighborhood District)  
**Article 58** (City Square Neighborhood District)  
**Article 59** (Mission Hill Neighborhood District)  
**Article 60** (Greater Mattapan Neighborhood District)  
**Article 61** (Audubon Circle Neighborhood District)  
**Article 62** (Charlestown Neighborhood District)  
**Article 63** (Bay Village Neighborhood District)  
**Article 64** (South End Neighborhood District)  
**Article 65** (Dorchester Neighborhood District)  
**Article 66** (Fenway Neighborhood District)  
**Article 67** (Roslindale Neighborhood District)  
**Article 68** (South Boston Neighborhood District)  
**Article 69** (Hyde Park Neighborhood District)

**Article 70** (Beth Israel Hospital Institutional District)

**Article 71** (Massachusetts College of Pharmacy Institutional District)

**Article 72** (New England Deaconess Hospital Institutional District)

**Article 73** (Dana-Farber Cancer Institute Institutional District)

**Article 90** (New Market Industrial-Commercial Neighborhood District)

- a. In each of the relevant appendices of Articles 38, 41, 44, 45, 46, 47A, and 48 related to ground level uses, **delete** all instances of “day care centers” and **replace** them with “child care centers.”
- b. In each of the relevant sections of Articles 38 through 42F and Articles 44 through 48 related to use regulations, **insert** “child care center” as a list item immediately after all instances of “day care center.”
- c. In each of the relevant appendices of Articles 42A, 42E, 42F, and 53 related to water-dependent uses and facilities of public accommodation, **insert** “child care center” as a list item immediately after all instances of “day care facility.”
- d. In Appendix B to Article 43 (Chinatown - Use Categories),
  - i. **Delete** “child care” from the definition for “Community Uses.”
  - ii. **Insert** “Child care center; accessory family child care home” as list items after “Day care facility” in the definition for “Day Care Uses.”
- e. In Table F of Appendix D to Article 43 (Chinatown - General Use Restrictions - Chinatown District Subdistricts/Areas Uses Not Regulated by Floor),
  - i. **Delete** “Day Care” and **replace** it with “Day Care Uses” in the use table.
  - ii. **Insert** “Day Care Center, Elderly” as a use item
- f. In each of the relevant appendices of Articles 38, 41, 44, 45, 46, 47A, and 48 related to ground level uses, **insert** “accessory family child care home” as a list item immediately after all instances of “child care centers.”
- g. In each of the relevant sections of Articles 39, 40, 42A, 42D, and 42E, related to use regulations, **insert** “accessory family child care home” as a list item immediately after all instances of “child care center.”

- h. In Section 42B-14 of Article 42B (Harborpark District - Charlestown Waterfront - Use Regulations Applicable in the Charlestown Gateway Subdistrict), **insert** "accessory family child care home" as a list item immediately after "child care center" under subsection (c) for "Community Uses and Cultural Facilities" and subsection (n) for "Accessory and Ancillary Uses."
- i. In Section 42F-14 of Article 42F (Harborpark District - Charlestown Navy Yard - Use Regulations Applicable in the Charlestown Navy Yard), **insert** "accessory family child care home" as a list item immediately after "child care center" under subsection (c) for "Community Uses and Cultural Facilities" and subsection (n) for "Accessory and Ancillary Uses."
- j. In each of the relevant appendices of Articles 42A, 42E, and 42F related to water-dependent uses and facilities of public accommodation, **insert** "accessory family child care home" as a list item immediately after all instances of "child care center."
- k. In each use table of Articles 50 through 73, under the subcategory heading "Community Uses," **delete** "Day care center" as a use item and **replace** it with the use item "Child care center." (*This action **does not** delete or replace the use item "Day care center, elderly" from these tables.*)
- l. In each use table of Articles 50 through 73, under the subcategory heading "Community Uses," in the row for the use item "Child care center," **delete** all instances of the designations "C" and "F" and the numerical citations next to those letters, and **replace** them with the designation of "A."
- m. In the use table of Article 90, under the subcategory heading "Compatible Supportive Non-Industrial Uses," **insert** "Child Care Center" as a use item and **insert** the designation of "A" for that use item.
- n. In each use table of Articles 50 through 73, under the subcategory heading "Accessory and Ancillary Uses," **delete** all instances of "Accessory family day care home" as a use item and **replace** it with the use item "Accessory family child care home."

- o. In each use table of Articles 50 through 73, under the subcategory heading “Accessory and Ancillary Uses,” in the row for the use item “Accessory family child care home,”
  - i. **Delete** all instances of the designations “C” and “F” and the numerical citations next to those letters, and **replace** them with the designation of “A.”

4. In the following articles:

**Article 50** (Roxbury Neighborhood District)

**Article 51** (Allston-Brighton Neighborhood District)

**Article 52** (Dorchester Avenue Neighborhood District)

**Article 53** (East Boston Neighborhood District)

**Article 54** (North End Neighborhood District)

**Article 55** (Jamaica Plain Neighborhood District)

**Article 56** (West Roxbury Neighborhood District)

**Article 58** (City Square Neighborhood District)

**Article 59** (Mission Hill Neighborhood District)

**Article 60** (Greater Mattapan Neighborhood District)

**Article 61** (Audubon Circle Neighborhood District)

**Article 62** (Charlestown Neighborhood District)

**Article 63** (Bay Village Neighborhood District)

**Article 64** (South End Neighborhood District)

**Article 65** (Dorchester Neighborhood District)

**Article 67** (Roslindale Neighborhood District)

**Article 68** (South Boston Neighborhood District)

**Article 69** (Hyde Park Neighborhood District)

**Article 90** (New Market Industrial-Commercial Neighborhood District)

- a. In each table related to off-street parking regulations, **delete** “day care center” as a use item from the table.

5. In the following articles:

**Article 38** (Midtown Cultural District)

**Article 39** (North Station Economic Development Area)

**Article 40** (South Station Economic Development Area)

**Article 41** (Huntington Avenue/Prudential Center District)  
**Article 42A** (Harborpark District, North End/Downtown Waterfront and, Dorchester Bay/Neponset River Waterfront)  
**Article 42B** (Harborpark District - Charlestown Waterfront)  
**Article 42E** (Harborpark District - Fort Point Waterfront)  
**Article 42F** (Harborpark District - Charlestown Navy Yard)  
**Article 43** (Chinatown District)  
**Article 44** (Leather District)  
**Article 45** (Government Center/Markets District)  
**Article 46** (Bulfinch Triangle District)  
**Article 47A** (Cambridge Street-North District)  
**Article 48** (Stuart Street District)  
**Article 49** (Central Artery Special District)  
**Article 49A** (Greenway Overlay District)  
**Article 50** (Roxbury Neighborhood District)  
**Article 51** (Allston-Brighton Neighborhood District)  
**Article 52** (Dorchester Avenue Neighborhood District)  
**Article 53** (East Boston Neighborhood District)  
**Article 54** (North End Neighborhood District)  
**Article 55** (Jamaica Plain Neighborhood District)  
**Article 56** (West Roxbury Neighborhood District)  
**Article 57** (Saint Vincent Neighborhood District)  
**Article 58** (City Square Neighborhood District)  
**Article 59** (Mission Hill Neighborhood District)  
**Article 60** (Greater Mattapan Neighborhood District)  
**Article 61** (Audubon Circle Neighborhood District)  
**Article 62** (Charlestown Neighborhood District)  
**Article 63** (Bay Village Neighborhood District)  
**Article 64** (South End Neighborhood District)  
**Article 65** (Dorchester Neighborhood District)  
**Article 67** (Roslindale Neighborhood District)  
**Article 68** (South Boston Neighborhood District)  
**Article 69** (Hyde Park Neighborhood District)  
**Article 70** (Beth Israel Hospital Institutional District)  
**Article 71** (Massachusetts College of Pharmacy Institutional District)  
**Article 72** (New England Deaconess Hospital Institutional District)  
**Article 73** (Dana-Farber Cancer Institute Institutional District)

**Article 87A** (Olmsted Green Smart Growth Overlay District)

**Article 90** (New Market Industrial-Commercial Neighborhood District)

- a. **Delete** all remaining instances of the phrases “day care” and “daycare” and **replace** them with “child care” **except** when those phrases are specifically associated with the use item “day care center, elderly.”