

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 *Section 2-1. Meaning of certain words and phrases.* create two new subsections:
  - Section 2-1a. Definitions.
  - Section 2-1b. Use Definitions.
- b. In *Section 2-1b. Use Definitions,* after the section heading, insert the following text:

The following definitions of uses and use groupings do not apply to any district listed in Article 8, Table A, unless otherwise indicated within Article 8.
- c. Move the following terms with their existing definitions to Section 2-1b:
  - Accessory Clinic or Office for Hospital
  - Accessory Drive-through Restaurant
  - Accessory Drive-through Retail
  - Accessory Dwelling Unit (non-Detached)
  - Accessory Dwelling Unit (Detached)
  - Accessory Home Occupation
  - Accessory Industrial Use
  - Accessory Keeping of Animals
  - Accessory Keeping of Laboratory Animals
  - Accessory Manufacture of Products
  - Accessory Office of University
  - Accessory Parking
  - Accessory Personnel Quarters
  - Accessory Professional Office
  - Accessory Research Laboratory
  - Accessory Services for Apartment and Hotel Residents

Accessory Services Incidental to Educational Uses  
Accessory Services Incidental to Hospitals  
Accessory Truck or Bus Servicing or Storage  
Additional Dwelling Unit  
Adult Bookstore  
Adult Entertainment  
Agency or Professional Office  
Airport-Related Remote Parking Facility  
Airport Use  
Amusement Game Machine  
Amusement Game Machines in Commercial Establishment  
Amusement Game Machines in Noncommercial Establishment  
Animal Hospital  
Apartment Hotel  
Art Use  
Artists' Mixed-Use  
Automatic Telephone Exchange  
Automatic Teller Machine  
Back Office  
Bakery  
Bank  
Bank, Drive-in  
Banking and Postal Uses  
Bar  
Barber Shop or Beauty Shop  
Bed and Breakfast  
Boat Rental Establishment  
Body Art  
Body Art Establishment  
Cannabis Establishment  
Check Cashing Business  
Child Care Center  
Cleaning Plant  
Clinic  
College or University Use  
Columbarium  
Community Center  
Community Uses  
Container Redemption Center  
Cultural Uses  
Custodial Care Facility  
Day Care Center, Elderly  
Dormitory

Dormitory and Fraternity Uses  
Dumpster  
Dwelling  
Dwelling, Detached  
Dwelling, Multifamily  
Dwelling, Semi-Attached  
Dwelling Unit  
Educational Uses  
Elderly Housing  
Entertainment Uses  
Executive Suites  
Family Child Care Home  
Fraternity  
Funerary Uses  
Garage with Dispatch  
Gasoline Station  
General Manufacturing  
General Office  
General Retail Business  
Grounds for Sport, Private  
Group Care Residence, General  
Group Residence, Limited  
Health Care Uses  
Homeless Shelter  
Hospital Use  
Hotel  
Hotel and Conference Center Uses  
Industrial Park  
Industrial Uses  
Institutional Uses  
Kennel  
Light Manufacturing  
Local Retail Business  
Lodging House  
Maritime-Dependent Industrial Uses  
Medical Marijuana Treatment Center  
Mobile Home  
Mobile Home Park  
Mortuary Chapel  
Motel  
Motor Freight Terminal  
Music store  
Nursing or Convalescent Home Use

Office Uses  
Open Space  
Open Space Recreational Building  
Open Space Uses  
Outdoor Storage of Damaged or Disabled Vehicles  
Outdoor Storage of Junk and Scrap  
Outdoor Storage of New Materials  
Pawnshop  
Penal Institution  
Private Club  
Professional School  
Public Assembly Uses  
Public Boat Ramp  
Public Open Space  
Public Service Uses  
Pumping station  
Recreational Marina  
Recycling Facility  
Research and Development Uses  
Research Laboratory  
Residential Uses  
Restaurant  
Restaurant Uses  
Restricted Industrial Use  
Retail Uses  
Row House Building or Row House  
School  
Seasonal Dry Storage  
Service Uses  
Storage (Outdoor or Enclosed) of Solid Fuel or Minerals  
Storage Uses, Major  
Studio, Arts  
Studio, Production  
Substation  
Take-out Restaurant  
Telephone Exchange  
Theatre  
Ticket Sales  
Town House Building or Town House  
Trade Uses  
Transitional Housing  
Transportation Uses  
Truck or Bus Servicing or Storage

Vacant Public Land  
Vehicular Uses  
Warehousing  
Water Terminal  
Wholesale Business or Wholesale Use  
Wrecking Yard

- d. Maintain all remaining existing terms and definitions in *Section 2-1a. Definitions.*
- e. In *Section 2-1a. Definitions.*
- i. In the definition of "Accessory Use," after the text "A use customarily incident to, and on the same Lot as, a main" insert "or principal"
  - ii. In the definition of "Story, First," at the end of the existing definition, insert "See also Ground Floor."
  - iii. In the definition of "Height of Building or Building Height," replace the text "Section 3-1C" with "Section 3-1B"
  - iv. In the definition of "Maximum Building Height," at end of the existing definition, insert "When both stories and feet are specified, both requirements must be met."
  - v. In the definition of "Motor Vehicle"
    1. strike the text "power scooters, electric skateboards"
    2. at the end of the existing definition, insert the following as a new line:  
"(c) Micromobility Vehicles such as electric-assist bicycles and electric scooters."
- f. In *Section 2-1b. Use Definitions.*
- i. In the definition of "Accessory Home Occupation"
    1. Replace the text "Article 10" with "Section 8-2.5 (Accessory Uses)"
    2. Replace the text "profit" with "compensation"
  - ii. In the definition of "Accessory Keeping of Animals," replace the text "Article 10" with "Section 8-2.5 (Accessory Uses) and Article 89 (Urban Agriculture)"
  - iii. In the definition of "College or University Use"
    1. In the first sentence of the definition, replace the text "College or university use" with "An institutional use which may be subject to the provisions of Article 80D"
    2. After the text "other similar uses." insert a new line break and bullet point

3. After the text "by reason of such ownership or occupancy." insert a new line break and bullet point
  4. After the text "investment purposes only." insert a new line break and bullet point
  5. Replace the text "Article 10" with "Section 8-2.5"
  6. After the text "or as independent uses." insert a new line break and bullet point
  7. After the text "The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project" insert "as described in Article 80D"
  8. After the text "A college or university subuse is a High Impact Subuse" insert "for the purpose of the review requirements described in Article 80D"
- iv. In the definition of "Hospital Use"
1. In the first sentence of the definition, replace the text "Hospital use" with "A healthcare use which may be subject to the provisions of Article 80D"
  2. After the text "other similar uses." insert a new line break and bullet point
  3. After the text "by reason of such ownership or occupancy." insert a new line break and bullet point
  4. After the text "investment purposes only." insert a new line break and bullet point
  5. Replace the text "Article 10" with "Section 8-2.5"
  6. After the text "or as independent uses." insert a new line break and bullet point
  7. After the text "The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project" insert "as described in Article 80D"
  8. After the text "A hospital subuse is a High Impact Subuse" insert "for the purpose of the review requirements described in Article 80D"
- v. In the definition of "Nursing or Convalescent Home Use."
1. In the name of the term, strike the text "or Convalescent"
  2. In the first sentence of the definition, replace the text "Nursing or convalescent home use" with "A healthcare use which may be subject to the provisions of Article 80D"

3. After the text "other similar uses." *insert* a new line break and bullet point
  4. After the text "by reason of such ownership or occupancy." *insert* a new line break and bullet point
  5. After the text "Nursing" *strike* "or Convalescent"
  6. After the text "investment purposes only." *insert* a new line break and bullet point
  7. After the text "Nursing" *strike* "or Convalescent"
  8. *Replace* the text "Article 10" with "Section 8-2.5"
  9. After the text "or as independent uses." *insert* a new line break and bullet point
  10. After the text "The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project" *insert* "as described in Article 80D"
  11. After the text "A nursing" *strike* "or Convalescent"
  12. After the text "subuse is a High Impact Subuse" *insert* "for the purpose of the review requirements described in Article 80D"
- g. *In Section 2-1a. Definitions, insert* the following new the definitions in the appropriate positions alphabetically:
- i. **Abutting.** To be next to or share a common boundary with a building or an area of land such as a lot, street, or zoning district.
  - ii. **Blank Wall of Facade.** On the Ground Floor of a building, the width of the facade that does not have windows or a pedestrian entrance facing the Primary Lot Frontage.
  - iii. **Building Width.** The greatest distance between the right most and left most 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.
  - iv. **Ground Floor.** The lowest story of which sixty-five percent (65%) or more of the height is above grade. See also Story, First.
  - v. **Ground Floor Active Use Depth.** The depth of the Ground Floor interior space devoted to an Active Use, as defined in Article 8, Table A. The Ground Floor Active Use Depth is measured as the distance from the building facade towards the interior of the building.
  - vi. **Outdoor Amenity Space.** A space open to the outdoor air directly accessed from the ground floor of a building, the upper stories of a building, or from a pedestrian accessway, that is designed for active or

passive recreational use such as playing, gathering, and seating by building occupants or the public. Outdoor Amenity Space may include overhead structures that provide shade or protection from the elements, but are otherwise open to the outdoor air, such as pergolas and canopies.

When the Code requires a Proposed Project to provide Outdoor Amenity Space, the following types of spaces qualify as outdoor amenity space:

- Publicly Accessible Open Space, as defined in Article 8; or
- Publicly accessible sidewalk provided on the lot; or
- Outdoor space for tenants or customers, including restaurant seating or outdoor event and performance areas; or
- Publicly accessible through-block pedestrian connections of a width not less than ten (10) feet; or
- Private amenity space designed for use primarily by the building occupants, 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
- 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
- Roofdecks, occupiable vegetative roofs, and other programmed recreational spaces on rooftops that are accessible by building occupants or the public through common circulation.

Outdoor Amenity Space requirement calculation:

- When specified, the Outdoor Amenity Space requirement is calculated by dividing the total area of all outdoor amenity space by the lot area.
- Every 1 square foot of Publicly Accessible Open Space counts as 1.25 square feet toward the total required Outdoor Amenity Space.
- On a lot larger than 11,000 square feet, outdoor amenity space located on the roof may provide no more than fifty percent (50%) of the required Outdoor Amenity Space.



- vii. **Party Wall.** Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings.
- viii. **Primary Lot Frontage.** The lot line along a Street that is the primary focus of pedestrian activity and building orientation, as generally evidenced by having the greatest volume of pedestrian traffic, the presence of pedestrian entrances, and the greatest number of building facades facing that Street. For a Proposed Project that is subject to or has elected to comply with Small or Large Project Review under Article 80 (Development Review and Approval), the Primary Lot Frontage shall be designated through that review.
- ix. **Principal Structure.** The structure designed, used, or occupied for the main or principal uses(s) of the lot.
- x. **Stepback.** The distance by which an upper story facade is recessed from the facade of the story below.

2. **In Article 3 (Establishment of Zoning Districts):** *replace* the existing article with the following:

# ARTICLE 3 ESTABLISHMENT OF ZONING DISTRICTS

## Section 3-1. Division of City Into Districts.

For the purposes of this code, the City is hereby divided into districts as follows:

one class of mixed use district: S (squares and streets)

two classes of residential districts: R (general); H (apartment)

two classes of business districts: L (local); B (general)

three classes of industrial districts: M (restricted manufacturing); I (general); MER (maritime economy reserve)

one class of open space district: OS (open space)

downtown districts (established pursuant to Section 3-1B), as listed in Subsection (f) of this Section;

neighborhood districts (established pursuant to Section 3-1C), as listed in Subsection (g) of this Section;

the Harborpark District (established pursuant to Section 3-1D), as listed in Subsection (h) of this Section; and

special districts (established pursuant to Section 3-1E), as listed in Subsection (i) of this Section.

Land in private ownership shall not be included in the open space class of district without the written consent of the owner.

Each of the residential, business, and industrial classes is further subdivided into subdistricts, which are identified by a number specifying the maximum allowed floor area ratio and some of which have a second number specifying a height limit. The open space district may be divided into open space subdistricts in accordance with the provisions of Article 33. Mixed Use Districts, downtown districts, neighborhood districts, special districts, and the Harborpark District are divided into variously titled subdistricts and subareas, as set forth in the applicable articles of this code.

- (a) **Mixed Use Districts:** S0, S1, S2, S3, S4, S5
- (b) **Residential Districts:** R-8 General, H-1-50, H-1, H-2-65, H-2 Apartment, H-3-65, H-3, H-4, H-5
- (c) **Business Districts:** L-.5, L-1, L-2-65, L-2, B-1, B-2, B-3-65, B-4, B-6-90a General, B-6-90b, B-8-120a, B-8-120b, B-8-120c, B-8, B-10
- (d) **Industrial Districts:** M-1, M-2 Restricted Manufacturing, M-4, M-8, I-2 General Industrial, MER-2, Maritime Economy Reserve

(e) **Open Space Districts:** OS (Open Space), OS-A (Air-Right), OS-CM (Cemetery), OS-G (Community Garden), OS-P (Parkland), OS-RC (Recreation), OS-SL (Shoreland), OS-UP (Urban Plaza), OS-UW (Urban Wild), OS-WA (Waterfront Access Area).

(f) **Downtown Districts**

|  |   |
|--|---|
| Cambridge Street North District              | Leather District                        |
| Bulfinch Triangle District                   | Midtown Cultural District               |
| Chinatown District                           | North Station Economic Development Area |
| Government Center/Markets District           | South Station Economic Development Area |
| Huntington Avenue/Prudential Center District | Stuart Street District                  |

(g) **Neighborhood Districts**

|   |  |
|---|--|
| Allston-Brighton Neighborhood District              | Jamaica Plain Neighborhood District                      |
| Audubon Circle Neighborhood District                | Massachusetts College of Pharmacy Institutional District |
| Bay Village Neighborhood District                   | Mission Hill Neighborhood District                       |
| Beth Israel Hospital Institutional District         | New England Deaconess Hospital Institutional District    |
| Charlestown Neighborhood District                   | Newmarket 21st Century Industrial District               |
| Dana-Farber Cancer Institute Institutional District | North End Neighborhood District                          |
| Dorchester Avenue Neighborhood District             | Roslindale Neighborhood District                         |
| Dorchester Neighborhood District                    | Roxbury Neighborhood District                            |

|  |                                     |
|--|-------------------------------------|
| East Boston Neighborhood District      | Saint Vincent Neighborhood District |
| Fenway Neighborhood District           | South Boston Neighborhood District  |
| Greater Mattapan Neighborhood District | South End Neighborhood District     |
| Hyde Park Neighborhood District        | West Roxbury Neighborhood District  |

(h) **Harborpark District**

(i) **Special District**

Central Artery Special District

The boundaries of the above districts are established as shown on a series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, on file in the office of the City Clerk, which maps, with all explanatory matter thereon, and all maps which, by amendment of this code, may be substituted therefor or made supplemental thereto shall be deemed to be, and are hereby made, a part of this code.

The locations of open space districts shall be identified and designated by map or text amendment of this code. Notwithstanding that the site of a designated open space district appears to be in a residential, business, industrial, or other district on any map in the series of maps entitled "Zoning Districts City of Boston," such site is in an open space district.

(As amended on February 17, 1971, March 20 and May 26, 1972, July 9 and September 27, 1973, October 22, 1974, February 28, 1979, October 22, 1974, February 28, 1979, October 31, 1980, June 16, 1982, June 24, 1985, April 2, 1987, January 4, March 8, August 30, and October 12, 1988, February 1, March 20, and September 13, 1989, March 20, April 27, and June 14, 1990, January 28, April 1, April 22, June 7, and November 13, 1991, March 19 and October 28, 1992, February 16, May 17, and September 7, 1993, and July 31, 1997.)

### **Section 3-1A. Special Purpose Overlay Districts.**

A subdistrict or part thereof or a contiguous group of subdistricts or parts thereof may be designated as a special purpose overlay district as follows:

- (a) planned development area (distinguished by the addition of the letter "D" to the designation of the subdistrict or subdistricts);
- (b) urban renewal area (distinguished by the addition of the letter "U" to the designation of the subdistrict or subdistricts);
- (c) restricted and limited parking districts;

- (d) adult entertainment district (distinguished by the addition of the letter "E" to the designation of the subdistrict or subdistricts);
- (e) flood hazard district;
- (f) institutional district;
- (g) restricted roof structure district (distinguished by the addition of an asterisk to the designation of the subdistrict or subdistricts);
- (h) interim planning overlay district;
- (i) limited height district (distinguished by the addition of a second numerical suffix added to the basic district designation);
- (j) greenbelt protection overlay district;
- (k) density limitation district;
- (l) groundwater conservation overlay district;
- (m) smart growth overlay district. Other special purpose overlay districts may be designated in downtown districts, neighborhood districts, and the Harborpark District, as provided in the articles governing such districts. In an overlay district the regulations specified for the base subdistrict or subdistricts shall apply, insofar as they are not in conflict with special regulations specified for a particular overlay district;
- (n) urban agriculture overlay district;
- (o) greenway overlay district;
- (p) resilience overlay district

( Text Amd. No. 375 , § 1A., 11-16-11; Text Amd. No. 452 , §§ 1A., B., 10-26-2021)

Editor's note(s)—(This section, inserted March 24, 1977, incorporates districts formerly described in Section 3-1. The first paragraph was subsequently amended on June 8, 1977, August 20, 1981, December 30, 1983, November 23, 1984, June 24, 1985, June 1 and September 23, 1987, October 12, 1988, April 22, 1991, February 15, 2006, and January 9, 2008.)

- a. **Planned Development Areas.** The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority, and has approved, a development plan or, if the area contains not less than five acres and is not located in a residential zoning district, a master plan for the development of the planned development area. Before transmittal to the commission, such development plan or master plan shall have been approved by said Authority after a public hearing, provided, however, that no development plan or master plan shall be approved by said Authority unless said Authority

finds that such plan conforms to the general plan for the city as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area.<sup>1</sup>

If the area contains not less than 5 acres and is not located in a residential zoning district, a master plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development and such of the other items set forth above as said Authority may request in order to make its required finding. No work shall proceed in any planned development area established by the commission on the basis of an approved master plan until a development plan for the area, or portion thereof in which work is to proceed, conforming to the foregoing requirements has been approved by the Authority and the commission, in each case after a public hearing.

To insure that no work proceeds other than in accordance with an approved development plan, no structure shall be erected, reconstructed, or structurally changed or extended in a planned development area, whether or not a master plan has been approved for such area, unless all drawings and specifications therefor shall have been subjected to design review and approved by said Authority. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Director of said Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area or the portion thereof to which said permit relates. Except as otherwise provided in Article 6A or Article 80, planned development areas shall be subject to all the provisions of this code applicable to the subdistrict in which the area is located.

---

<sup>1</sup>None of the changes to this code adopted in Text Amendment No. 94, effective September 23, 1987, shall apply to any site or project for which application for approval of a development plan or master plan has been submitted to the Boston Redevelopment Authority pursuant to Section 3-1A.a prior to July 22, 1987, provided that a development plan or master plan has been or is hereafter approved by the Boston Redevelopment Authority pursuant to such application, whether or not such application or such development plan or master plan is thereafter modified or amended.

(As inserted on July 2, 1968, and amended on December 29, 1982, September 23, 1987, and May 9, 1996)

b. **Urban Renewal Areas.** Upon application from the Boston Redevelopment Authority, the whole or any part of a subdistrict may be established as an urban renewal area if all land within such urban renewal area is the site of or for a low rent housing project, or a housing project for elderly persons of low income, or consists solely of land, including land under water, with respect to which an agreement has been entered into with said Authority establishing use and dimensional controls as specified in a land assembly and redevelopment, or urban renewal plan, as defined in Chapter 121 of the General Laws. Articles 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and the provisions of this code establishing use, dimensional, parking, and loading requirements for any Neighborhood District established under Section 3-1C or for any Downtown District established under Section 3-1B or for any Harborpark District established under Section 3-1D shall not apply to urban renewal areas; but except as otherwise provided in Article 6A, urban renewal areas shall be subject to all other provisions of this code applicable to the subdistrict in which the area is located.

(As inserted on September 7, 1967, and amended on July 2, 1968, November 23, 1984, September 2, 1993, and October 26, 1995; Text Amd. No. 429 , § 1, 12-13-2017)

c. **Restricted and Limited Parking Districts.** In a restricted parking district, off-street parking facilities, including parking lots, parking garages, and parking accessory or ancillary to any use other than Use Items numbered 1 through 15, shall be conditional uses which may be granted only in conformance with the provisions of Section 6-3A as well as Sections 6-2, 6-3 and 6-4.

(As inserted on September 27, 1973, and amended on December 30, 1983, and November 23, 1984)

In a limited parking district, Use Item Nos. 58 and 59, parking lot and parking garage, shall be forbidden uses. (Note: These restrictions are not applicable to land of agencies or authorities of the Commonwealth of Massachusetts or the United States of America that are not subject to municipal zoning.)

(As inserted on December 30, 1983)

d. **Adult Entertainment District.** An adult entertainment district is an overlay district in which Use Items No. 34A and 38A (adult books and adult entertainment) are allowed, and in which the prohibition of moving or flashing signs in Section 11-2 does not apply.

(As inserted on November 2, 1974, and amended on November 24, 1984)

e. **Flood Hazard Districts.** The location of and regulations for flood hazard districts are set forth in Article 25 of this code.

(As inserted on March 24, 1977)

f. **Institutional District.** Notwithstanding the provisions of Table B of Section 8-7, in an institutional district the following uses are conditional uses in instances where they would otherwise be allowed under said Table B: any use listed under Use Item No. 16, 17, 20, 22A, 28, 29, or 30. Use Item No. 72, accessory parking, shall be a conditional use if the main use to which it is accessory is in existence at the time that new or additional parking spaces are applied for and if such main use is a use listed under Use Item No. 11, 12, 13, 13A, 14, 16, 16A, 17, 18, 19, 20, 22A, 28, 29, or 30.

(As inserted on June 8, 1977)

g. **Restricted Roof Structure Districts.** All or part of a subdistrict that is characterized by groups of buildings with identical or similar heights within such groups may be designated as a restricted roof structure district, the regulations for which are set forth in Section 16-8.

(As inserted on August 20, 1981)

h. **Interim Planning Overlay District.** A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be established as an interim planning overlay district when it is determined by the Zoning Commission that:

- (1) the existing zoning is thought to be inappropriate;
- (2) a rezoning of the area is anticipated;
- (3) a comprehensive planning study preceding the anticipated rezoning is needed; and
- (4) interim land use regulations are essential to maintain the status quo in the area and prevent introduction of changes to the area which may be incompatible with the goals of the comprehensive planning study or anticipated rezoning. The regulations governing the interim planning overlay district are set forth in Article 27.

(As inserted on November 23, 1984)

i. **Limited Height Districts.** A limited height district may be established by map amendment which adds to the basic subdistrict designation or designations a numerical suffix indicating the maximum height in feet for buildings in such district. When such limited height district designation does not appear in the first column of Table B of Section 13-1, the dimensional requirements of such district



shall be as specified in said Table B for the base district, except that the maximum height of buildings shall be as specified by such suffix.

(As inserted on June 24, 1985)

j. **Greenbelt Protection Overlay District.** An area along a Greenbelt Roadway may be established as a Greenbelt Protection Overlay District when the Zoning Commission determines that this designation is necessary to promote the purposes stated in Section 29-1. The requirements and regulations for Greenbelt Protection Overlay Districts are set forth in Article 29.

(As inserted on June 1, 1987)

k. **Density Limitation District.** All or part of a subdistrict that is characterized by groups of residential buildings with similar heights within such groups may be designated as a density limitation district, the regulations for which are set forth in Use Items No. 8 and No. 8A of Table B in Section 8-7. For purposes of this section, usable interior living area is the area of a dwelling unit in a structure as measured by the interior faces of the walls of the unit, but excluding therefrom areas excluded from gross floor area as defined by Section 2-1, "Floor area, gross," but also excluding any open space or open or enclosed porches, balconies or decks.

(As inserted on September 23, 1987)

l. **Groundwater Conservation Overlay District.** All or portions of one or more downtown, Harborpark, or neighborhood districts at risk for groundwater depletion may be established as a Groundwater Conservation Overlay District when the Zoning Commission determines that this designation is necessary to promote the purposes stated in Section 32-1. The requirements and regulations for Groundwater Conservation Protection Overlay Districts are set forth in Article 32.

(As inserted on February 15, 2006.)

m. **Smart Growth Overlay District.** The whole or part of one or more districts or subdistricts may be established as a Smart Growth Overlay District if such area is in a Downtown District and contains not less than one-half acre of land or air rights or if such area is in a Neighborhood District and contains not less than one acre of land or air rights and if a planning study has been done to determine that the area is an appropriate area to encourage smart growth and increased housing production. The further requirements for adopting a Smart Growth Overlay District are set forth in Article 87.

(As inserted on January 9, 2008.)

n. **Urban Agriculture Overlay District.** All or portions of the Greater Mattapan Neighborhood District may be established as an Urban Agriculture Overlay District when the Zoning Commission determines that this designation is necessary and appropriate for the reasons stated in Section 60-28. No other Districts or subdistricts in the City are permitted to adopt this overlay district.

o. **Greenway Overlay District.**

p. **Resilience Overlay District.** All or part of one or more subdistricts may be established as a Resilience Overlay District when the Zoning Commission determines that this designation is necessary and appropriate to advance the City's goal of protecting persons and structures from adverse impacts of climate change through resilient planning and design. The Zoning Commission may designate different types of Resilience Overlay District to address specific impacts and responses. These may include, but are not limited to coastal flooding, stormwater flooding, urban heat islands, and urban forest protection. The requirements and regulations for Coastal Flood Resilience overlay districts are set forth in Article 25A.

( Text Amd. No. 375 , § 1A., 11-16-11; Text Amd. No. 452 , § 1C., 10-26-202

### **Section 3-1B. Downtown District.**

A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be designated a downtown district after a planning study of the area has been conducted. The regulations governing any such downtown district are set forth in Articles 38, 39, 40, 41, 43, 44, 45, 46, and 47A. The boundaries of any such downtown district are shown on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto. Downtown districts are listed in Section 3-1(f). The provisions of this code establishing use, dimensional, parking, and loading requirements for the downtown districts shall not apply to urban renewal areas established under Section 3-1A.b

(As inserted on March 20, 1989 and amended on October 26, 1995)

### **Section 3-1C. Neighborhood District.**

A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be designated as a neighborhood district after a planning study of the area has been conducted. The regulations governing any such neighborhood district are set forth in an article of this code pertaining to such district. The boundaries of any such neighborhood district are shown on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto. A subdistrict or subdistricts within a

neighborhood district may be distinguished on such maps or supplements by the addition of the letter "N" to the designation of such subdistrict or subdistricts. The provisions of this Code establishing use, dimensional, parking, and loading requirements for the neighborhood districts shall not apply to urban renewal areas established under Section 3-1A.b. of this Code.

(As inserted on July 15, 1988 and amended on April 22, 1991; Text Amd. No. 429 , § 2, 12-13-2017

### **Section 3-1D. Harborpark District.**

The Harborpark District is established pursuant to the provisions of Article 42A, 42B, 42C, 42D, 42E, and 42F. The provisions of this code establishing use, dimensional, parking, and loading requirements for the Harborpark District shall not apply to urban renewal areas established under Section 3-1A.b.

(As inserted on April 27, 1990 and amended on June 14, 1990, January 28, 1991, and October 26, 1995; Text Amd. No. 375 , § 1B., 11-16-11)

### **Section 3-1E. Special District.**

A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be designated a special district after a planning study of the area has been conducted. The regulations governing any such special district are set forth in an article of this code pertaining to such district. The boundaries of any such special district are shown on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto. Special districts are listed in Section 3-1(i).

(As inserted on June 7, 1991)

### **Section 3-2. Interpretation of District Boundaries.**

Where a district boundary is indicated on a map constituting part of this code as approximately following, or parallel to, the center line or side line of a street, highway, railroad right-of-way, or water course, such boundary shall be construed as following, or as being parallel to, such center line or side line. Where a district boundary is indicated on such a map as approximately following a lot line, such line shall be construed to be said boundary. If no distance is indicated on such a map for a district boundary running parallel to the center line or side line of a street or highway, such dimension shall be assumed to be one hundred feet from such line or, if as determined by the use of the scale shown on such map it is at least twenty feet more, or twenty feet less, than one hundred feet, it shall be as so scaled.

### 3. In Article 4 (Application of Regulations):

- a. In *Section 4-2. Structure or Use Approved Prior to Effective Date of Code*
  - i. replace the text “Nothing herein contained” with “No provision of this Code”
  - ii. after the text “issued prior to the effective date of this code” insert “, as amended”
  - iii. at the end of the existing text, insert the following as a new paragraph: “A Proposed Project, however, shall be exempt from the provisions of an amendment to 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 an amendment, 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 issue and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.”

### 4. In Article 6 (Conditional Uses):

- a. In *Section 6-3. Conditions Required for Approval*, at the end of the existing text, insert the following:
  - (h) if such appeal relates to a Proposed Project in an area designated a flood hazard district as defined in Article 25, the Applicant shall have complied with provisions set forth in Article 25.
  - (i) if such appeal relates to a Proposed Project in an area designated a Coastal Flood Resilience Overlay District (CFROD) as defined in Article 25A, the Applicant shall have complied with provisions set forth in Article 25A.
  - (j) if such appeal relates to any Proposed Project which is subject to or shall elect to comply with Section 80B of this Code, Large Project Review, the Applicant shall have complied with the provisions set forth in Article 37.
- b. At the end of the existing Article, insert the following as a new section:

Section 6-6. Extension of Conditional Use.

Any lawful use existing on the effective date of this code which this code classifies as a conditional use in the district in which the land occupied by the use is located, and also any lawful use existing on the effective date of any amendment of this code which such amendment so classifies, shall be deemed to have been authorized as a conditional use subject to maintaining the character and extent of operations and structures existing on the effective date of this code or of such amendment, as the case may be. Any application for a change in use or an increase in the area devoted to such use shall be subject to the provisions of Article 6, but no conditional use permit shall be required for the replacement of gross floor area lost by fire or other casualty. In the case where the Building Commissioner or designee cannot determine that a use existed on the effective date of any change to the code that establishes such use as a conditional use, it shall be the applicant's responsibility to demonstrate the pre-existing nature of the use.

**5. In Article 10 (Accessory Uses):** Strike full Article.

**6. In Article 11 (Signs):** In *Section 11-2 On-Premise Signs in all Other Districts*, paragraph (e):

- a. after the text "One free standing sign, except in a B-2, B-3-65, B-4, B-6-90a, B-6-90b, B-8, B-8-120a, B-8-120b, B-8-120c," replace the text "or B-10" with "B-10, S0, S1, S2, S3, S4, or S5"

**7. In Article 13 (Dimensional Requirements):**

- a. In *Section 13-3. Nonconformity as to Dimensional Requirements*, strike the existing text and replace with the following:

A building existing on the effective date of this code, as amended, and not conforming to the applicable dimensional requirements specified in this code is a nonconforming building. A non-conforming building may nevertheless be altered provided that any such alteration, enlargement, and or extension shall conform to applicable dimensional requirements and any dimensional nonconformity is not worsened.

- b. In *Section 13-4. Dwellings in Nonresidential Districts*

- i. After the text "Any dwelling in an L, B, M, I, MER or W district shall conform to the lot area, lot width, usable open space, and yard requirements for the nearest" strike the text "S,"
- ii. After the text "provided however, that if the nearest" strike the text "S,"

**8. In Article 18 (Front Yards):**

- a. In *Section 18-2. Conformity with Existing Building Alignment*, at the end of the existing text, insert the following as a new paragraph:  
"Section 18-2 and its provisions do not apply to Squares + Streets Districts"
- b. In *Section 18-3. Traffic Visibility Across Corner*, at the end of the existing text, insert the following as a new paragraph:  
"Section 18-3 and its provisions do not apply to Squares + Streets Districts"

**9. In Article 19 (Side Yards):**

- a. In *Section 19-2. Side Yards with Driveways*, after the text "Except in" strike "S and"
- b. In *Section 19-3. Accessory Garages and Other Accessory Buildings*, replace the text "In a S, R, or H district" with "In an R or H district"
- c. In *Section 19-5. Side Yards in L, B, M, I, MER, W, WM, and WS Districts*,
  - i. In the title of the section, replace the text "MER, W, WM, and WS" with "and MER"
  - ii. In the first sentence replace the text "MER, W, WM, and WS" with "and MER"
  - iii. in paragraph (b), replace the text "a S, R, or H district" with "an R or H district"
- d. In *Section 19-8. Side Yards of Certain Narrow Lots*, replace the text "a S, R, or H district" with "an R or H district"
- e. At the end of the existing Article, insert the following as a new section:

Section 19-9. Cumulative Side Yard Requirement.

Where a cumulative side yard minimum is specified in this code, the combined width of Side Yards on that same lot shall be the cumulative side yard minimum width.

**10. In Article 22 (Yard Regulations):**

- a. In *Section 22-1. Residential Districts*, strike the text "S and"
- b. In *Section 22-2. Other Districts*, replace the text "an S, R, or H district" with "an R or H district"

- c. In *Section 22-2A. Landscaping or Screening of Lots in M, I, MER, W, WM, and WS Districts that Abut S, R or H Districts*,
  - i. in the title of the section replace "M, I, MER, W, WM, and WS Districts that Abut S, R or H Districts" with "M, I, and MER Districts that Abut R or H Districts."
  - ii. in the first sentence, replace "M, I, MER, W, WM, or WS district" with "M, I, or MER district"
  - iii. Replace the text "across the street from an S, R or H district, if a lot is used for a use that is forbidden in the abutting S, R or H district," with "across the street from an R or H district, if such lot is used for a use that is forbidden in the abutting R or H district,"
- d. In *Section 22-3. Underground Encroachments*, replace the text "a S or" with "an"
- e. At the end of the existing Article, insert the following as a new section:

Section 22-6. Service Areas.

In mixed-use districts, trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located in the side or rear yards. If located in a side or rear yard, fence and wall enclosures for refuse and recycling containers may be up to eight feet in height above the average natural grade.

**11. In Article 24 (Off-Street Loading):**

- a. In *Section 24-1. Off-Street Loading Bay Requirements*, replace the existing text with the following:

For any Proposed Project subject to or electing to comply with Large Project Review, required off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For any other Proposed Project, no structure or land shall be used for any use unless off-street loading facilities are provided on the lot as follows:

| Gross Floor Area             | Number of Loading Bays Required |                 |
|------------------------------|---------------------------------|-----------------|
|                              | Group I Uses*                   | Group II Uses** |
| 0-14,999 square feet         | 0                               | 0               |
| 15,000 to 49,999 square feet | 0                               | 1               |

\* Uses listed in Table B of Section 8-3 under Use Item Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 22A, 26, 27, 28, 31, 32, 33, 39, 39A, 40, 50, 52, 53, 58 and 59; or the following uses listed in Table A of Section 8-3:

- in Open Space Uses: Cemetery, Private Open Space, Publicly Accessible Open Space;
- in Residential Uses: Artists' Live-Work, Supportive Housing - Small, Supportive Housing - Large, Household Living - 1-4, Household Living - 5-8 units, Household Living - 9-14 units, Household Living - 15+ units, Lodging House, Mobile Home Establishment;
- in Commercial Uses: Drive-in, Office - Small, Office - Large, Standalone ATM;
- in Health Care Uses: Clinic, Nursing Home Use;
- in Transportation Uses: Airport-Related Remote Parking Facility, Standalone Parking Garage, Standalone Parking Lot, Vehicular Services;
- in Industrial and Storage Uses: Crematory;
- in Accessory Uses: Accessory Car Share, Accessory Drive-Through, Accessory Dwelling Unit (Detached), Accessory Dwelling Unit (Non-Detached), Accessory Electrical Vehicle Charging, Accessory Family Day Care Home, Accessory Home Occupation, Accessory Office, Accessory Parking, Accessory Personnel Quarters, Accessory Smoking, Shared Parking.

\*\* Uses listed in Table B of Section 8-3 under Use Item Nos. 11, 12, 13, 13A, 14, 15, 16, 16A, 17, 18, 19, 20, 20A, 21, 22, 23, 24, 25, 29, 30, 34, 34A, 35, 36, 36A, 37, 38, 38A, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 54, 55, 56, 57, 60, 60A, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70; or the following uses listed in Table A of Section 8-3:

- in Civic Uses: Municipal Use, Place of Worship, School (K through 12);
- in Residential Uses: Fraternity or Sorority, Student Housing, Temporary Shelter Facility;
- in Active Uses: Child Care/Adult Day Health Center, Community Center, Grocery Store - Small, Grocery Store - Large, Entertainment/Events - Extra Small, Entertainment/Events - Small, Entertainment/Events - Medium, Entertainment/Events - Large, Entertainment/Events - Extra Large, Makerspace, Museum or Art Gallery, Restaurant - Small, Restaurant - Large, Retail Cannabis Establishment, Retail Store - Small, Retail Store - Medium, Retail Store - Large, Retail Store - Extra Large, Indoor Recreation, Service Establishment - Small, Service Establishment - Large, Social Club;
- in Commercial Uses: Adult Entertainment, Arts Studios, Bank, Check



Casher, Funeral Home, Hotel - Small, Hotel - Large, Research Laboratory;  
- in Higher Education Uses: College or University Use, School (Trade or Professional);  
- in Health Care Uses: Hospital Use;  
- in Transportation Uses: Gasoline Station, Major Transportation Facility, Motor Vehicle Rentals, Motor Vehicle Sales;  
- in Industrial and Storage Uses: Food and Beverage Production, General Industrial, Light Manufacturing or Trade Establishment, Non-retail Cannabis Establishment, Restricted Industrial, Self-Storage, Storage of Fuel or Minerals, Storage of Supplies or Scrap, Urban Agriculture, Warehouse or Distribution Center;  
in Accessory Uses: Accessory Entertainment/Events, Accessory Helicopter Landing Facility, Accessory Keeping of Animals, Accessory Keeping of Laboratory Animals, Accessory Research Laboratory.

**Mixed Uses.** If a lot by reason of a diversity of occupancies falls within more than one use group, the number of loading bays required by the occupancies within each use group shall be determined and then such numbers totaled; and off-street loading facilities with such total number of bays shall be provided.

**Pre-Code Structures.** If a structure existing when this code took effect is altered or extended so as to increase its gross floor area, only the additional gross floor area shall be counted in computing the off-street loading bays required.

## **12. Article 80 (Development Review and Approval):**

- a. In *Section 80-5. Applicability of this Article, section 2*
  - i. In paragraphs a, b, and c, strike all existing text
  - ii. In paragraph d, replace "(d)" with "(a)"
  - iii. In paragraph e, replace "(e)" with "(b)"
- b. In *Section 80-5. Applicability of this Article, section 3, paragraph a*
  - i. In points (ii), (iii), and (iv), strike all existing text
  - ii. In point (v), replace "(v)" with "(ii)"
- c. In *Section 80B-7. - Development Impact Project Exactions, section 2, paragraph (c)*, replace the existing text with the following:

(c) "Development Impact Use," means any of the following uses, as defined in Article 2 or Article 8 as applicable:

|     | Article 2 uses       | Article 8 Table A uses                                   | Article 8 Table B uses                       |
|-----|----------------------|--|--|
| (a) | Office               | Commercial Uses except for Research Laboratory and Hotel | 39, 39A, 40, 41, <u>42</u>                   |
| (b) | Retail Business;     | Active Uses  | 30, 31, 32, <u>34</u> , 34A, 35, <u>36</u> , |
|     | Service; Public      |  | 36A, 37, 37A, 38, 38A, 43, 44,               |
|     | Service Uses         |  | 24, 45, 46, 47, 49, 60, 60A, 61              |
| (c) | Institutional;       | Health Care Uses   | 16, <u>16A</u> , 18, 19, 20, 20A, 21,        |
|     | Educational          | Higher Education Uses                                    | 22, 22A, 23, 29                              |
| (d) | Hotel; Motel         | Hotel  | 15 (excluding apartment hotel)               |
| (e) | Research Laboratory* | Research Laboratory*                                     | 48   |

\*For the purpose of DIP extraction rates, Research Laboratory shall not include any scientific research or teaching laboratories that are allowed by an Institutional Master Plan and not conducted for profit. Such uses shall be subject to rates applicable to all other DIP uses.

**13. Article 89 (Urban Agriculture), APPENDIX A to ARTICLE 89 - Zoning Districts and Subdistricts Corresponding to General Zoning Categories Referred to in Article 89, replace the existing table with the following:**

| RESIDENTIAL   |               | COMMERCIAL              |                          | INDUSTRIAL   | INSTITUTIONAL |
|---------------|---------------|-------------------------|--------------------------|--------------|---------------|
| 49 districts  |               | Large-scale 9 districts | Small-scale 28 districts | 14 districts | 5 districts   |
| 1F - 3000     | 3F - G - 4000 | CC                      | LC                       | IDA          | CF            |
| 1F - 4000     | 3F - G - 5000 | CC-1                    | LC-.5                    | LI           | CUF           |
| 1F - 5000     | 3F - G - 6000 | CC-2                    | LC-1                     | LI-1         | IS            |
| 1F - 6000     | 3F - D - 2000 | EP                      | NS                       | LI-1 (7)     | NI            |
| 1F- 7000      | 3F - D - 3000 | CE                      | NS-.5                    | LI-2         | WCF           |
| 1F - 8000     | 3F - D - 4000 | EDA                     | NS-1                     | LI-2 (1)     |               |
| 1F - 9000     | R-.8*         | EDA (3)                 | NS-2                     | M-1*         |               |
| 2F            | MFR           | NDA                     | NS-3                     | M-2*         |               |
| 2F - 2000     | MFR-1         | WC                      | L-.5*                    | M-4*         |               |
| 2F - 3000     | MFR-2         |                         | L-1*                     | M-8*         |               |
| 2F - 4000     | MFR-3         |                         | L-2*                     | I-2*         |               |
| 2F - 5000     | MFR/LS        |                         | B-1*                     | MER          |               |
| 2F - 5000(A)  | MFR/LS-2      |                         | B-2*                     | MER-2*       |               |
| 2F - 6000     | MFR/LS-3      |                         | B-3-65*                  | LIA          |               |
| 2F - 7000     |               |                         | B-4*                     |              |               |
| 2F - 9000     | H-1-50*       |                         | B-6-90a*                 |              |               |
| 3F - 2000     | H-1*          |                         | B-6-90b*                 |              |               |
| 3F - 3000     | H-2*          |                         | B-8-120a*                |              |               |
| 3F - 4000     | H-3-65*       |                         | B-8-120b*                |              |               |
| 3F - 5000     | H-3*          |                         | B-8-120c*                |              |               |
| 3F - 6000     | H-4*          |                         | B-8*                     |              |               |
| 3F - 7000     | H-5*          |                         | B-10*                    |              |               |
| 3F - G - 2000 | RH            |                         | S0*                      |              |               |
| 3F - G - 3000 | RH-1500       |                         | S1*                      |              |               |
| CPS           | RH-2000       |                         | S2*                      |              |               |
|               | WR            |                         | S3*                      |              |               |

|                                |  |  |     |  |  |
|--------------------------------|--|--|-----|--|--|
|                                |  |  | S4* |  |  |
|                                |  |  | S5* |  |  |
| * indicates Base Code District |  |  |     |  |  |

**14. Throughout the Code:**

- a. Replace all instances of the text "Section 10.1" with "Section 8-2.5.b (Limitation of Area)"
- b. Replace all instances of the text "Section 10-1" with "Section 8-2.5.b (Limitation of Area)"
- c. Replace all instances of the text "Article 10" with "Section 8-2.5 (Accessory Uses) and Section 23-9.a (Location of Accessory Parking)"
- d. Replace all instances of the text "Table A of Section 8-7" with "Table B of Section 8-3 (Use Regulations)"
- e. Replace all instances of the text "Section 8-7, Table A" with "Table B of Section 8-3 (Use Regulations)"
- f. Replace all instances of the text "Table A, Section 8-7" with "Table B of Section 8-3 (Use Regulations)"
- g. Replace all instances of the text "Section 8-7" with "Section 8-3 (Use Regulations)"
- h. Replace all instances of the text "Section 8-6" with "Section 6-6 (Extension of Conditional Use)"
- i. Replace all instances of the text "Section 3-1C" with "Section 3-1B (Downtown District)"
- j. Replace all instances of the text "Section 3-1B" with "Section 3-1C (Neighborhood District)"