

Squares + Streets

Proposed Zoning Text Amendment

~~RED AND STRUCK TEXT~~ = removals proposed to the Zoning Code as part of this amendment

GREEN TEXT = additions proposed to the Zoning Code as part of this amendment

BLACK TEXT = current text within the Zoning Code that we have not changed***

***EXCEPTION: The NEW Article 26 (which creates the Squares + Streets zoning rules) is also in **BLACK** because it is an entirely new chapter being added to the Zoning Code.

ARTICLE 26 - SQUARES + STREETS DISTRICTS

Section 26-1 Purpose of Squares + Streets Districts

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

- A. The S0 Transition Residential district is a primarily residential mixed use district that provides a transition from mixed-use and high-activity Squares + Streets to lower-activity residential areas. S0 also provides some flexibility for other active, commercial, and community serving uses, such as small retail spaces, on the ground floor of buildings. Residential uses are limited to no more than 14 dwelling units. Of the Squares + Streets districts, S0 has the smallest building footprint and lot coverage requirements and the largest yards and Permeable Area of Lot.
- B. The S1 Main Street Living district is a mixed-use district where buildings generally have principally residential uses. S1 also provides more opportunity for active and commercial uses, such as banks, museums, restaurants, and retail spaces. S1 requires small-scale side and front yards and minimum Permeable Area of Lot.
- C. The S2 Main Street Mixed Use district is a small- to medium-scale mixed-use district that allows more active and many commercial uses, especially on the ground floor. S2 buildings can fill the width of the lot to help create a continuous and active main street. S2 includes requirements for Outdoor Amenity Space and a maximum for the blank wall of a facade.
- D. The S3 Active Main Street district is a mixed-use district of medium-scale buildings. In addition to residential, the S3 district allows more commercial and active uses on upper floors, such as hotels and offices. S3 requires Active Uses on the ground floor and prohibits dwelling units on the ground floor primary lot frontage. The district also introduces a more restrictive building lot coverage for large lots.
- E. The S4 Active Squares district is a mixed-use district characterized by medium to large-scale mixed-use buildings with the widest range of allowed uses among the Squares + Street districts. Commercial, hospitality, and entertainment uses are allowed throughout the building, and Active Uses are required on the ground floor.
- F. The S5 Placemaker Squares is a mixed use district intended for areas in the heart of high activity squares, closest to transit, with high street frontage, and surrounding density. It is characterized by the largest-scale mixed-use buildings of Squares + Streets districts. S5 allows the same wide range of uses as S4, with ground floor Active Use and higher Outdoor Amenity Space requirements.

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

- A. **This Section 26-2, together with Section 3-1 (Establishment of Zoning Districts) establishes six Squares + Streets Districts (S0, S1, S2, S3, S4, and S5).** A Squares + Streets District is indicated by the designation "S0", "S1", "S2", "S3", "S4", or "S5" on any official zoning map of the City of Boston. The provisions of Article 26 and the remainder of this Code constitute the zoning regulations in a Squares + Streets District. Unless otherwise specified in this Article, where conflicts exist between a provision of this Article and the remainder of this Code, the provision of this Article shall govern.
- B. **Use Regulations Applicable in Squares + Streets Districts**
Use regulations for Squares + Streets districts are set forth in Article 8 (Regulation of Uses) and in Table A of this Article.

C. Dimensional Regulations Applicable in Squares + Streets Districts

Dimensional Regulations for Squares + Streets districts are set forth in Table B of this Article. The illustrations included in Figure 1 of this Article depict the dimensional standards set forth in Table B. Where conflicts exist between an illustration or other graphic and the text of any provision of this Code, the text shall govern.

D. Parking and Loading Regulations Applicable in Squares + Streets Districts

Parking regulations for Squares + Streets districts are set forth in Article 23 (Off-Street Parking). Loading regulations for Squares + Streets are set forth in Article 24 (Off-Street Loading).

E. Within a Squares + Streets District, no Planned Development Area shall be permitted.

FIGURE 1: ILLUSTRATED LOT AND BUILDING ENVELOPE STANDARDS

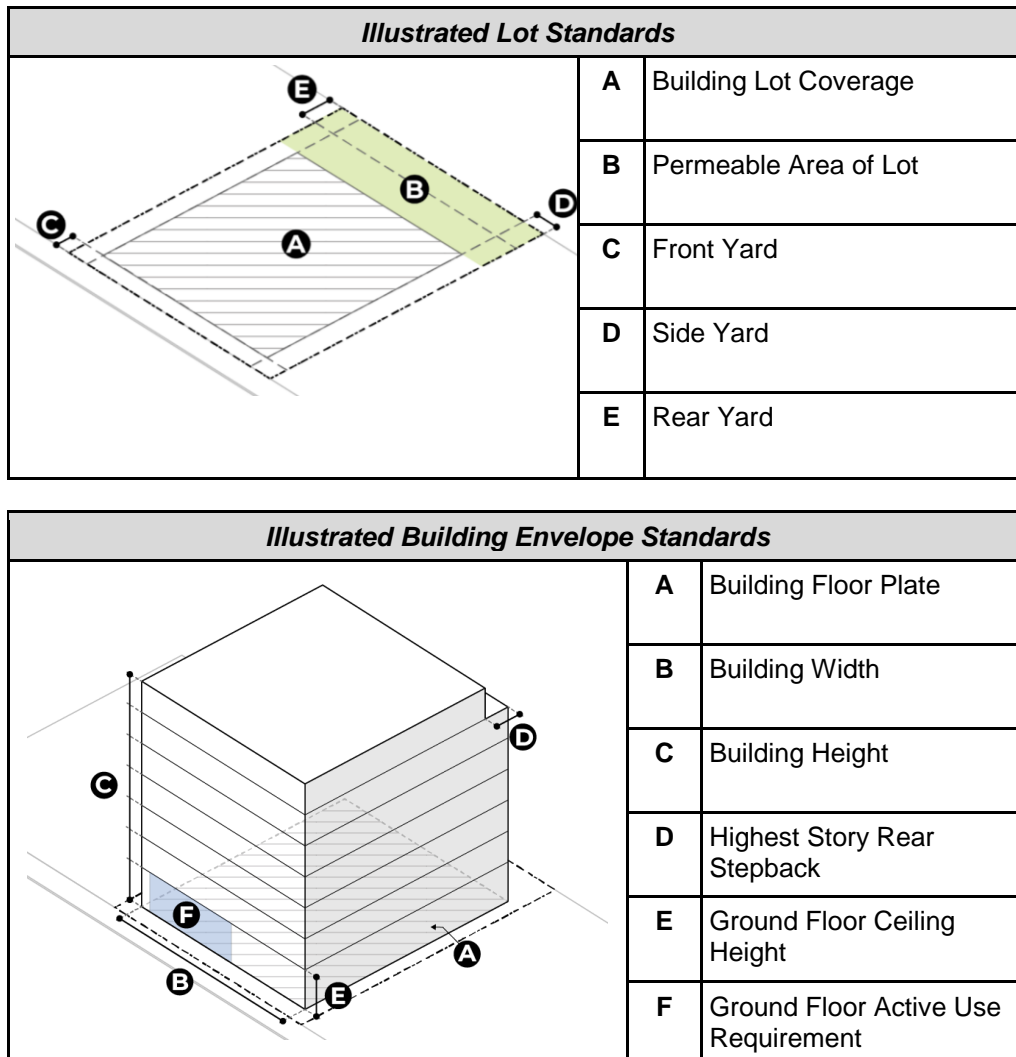


TABLE A: ADDITIONAL USE AND PERFORMANCE STANDARDS

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

USE AND PERFORMANCE STANDARDS	S0	S1	S2	S3	S4	S5
STANDARDS FOR USES THAT ARE NOT ACTIVE USES						
Ground Floor Active Use Requirement	No	No	No	Yes ^{1,2}	Yes ^{1,2}	Yes ^{1,2}
Percentage of Building Width of Ground Floor Active Use (min)	-	-	-	50% ^{1,2}	50% ^{1,2}	50% ^{1,2}
Depth (min) of Ground Floor Active Use	-	-	-	20' ^{1,2}	25' ^{1,2}	25' ^{1,2}
STANDARDS FOR RESIDENTIAL USES						
Ground Floor Dwelling Units Allowed	Yes	Yes	Allowed with 4' Front Yard (min)	Forbidden on Primary Lot Frontage; Allowed on non-Primary Lot Frontage with 4' Front Yard (min)		
Dwelling Units (max)	14	-	-	-	-	-
STANDARDS FOR TRANSPORTATION USES						
Standalone Parking Garage	-	-	-	Another allowed use, that is not a Transportation Use, must be located on the ground floor of the building along any lot frontage that abuts a public sidewalk, street, or park to a minimum depth of 25'		
STANDARDS FOR INDUSTRIAL AND STORAGE USES						
Food and Beverage Production	-	-	-	Must include a minimum of 500 sf of accessory or associated Restaurant or Retail use	Must include a minimum of 1,000 sf of accessory or associated Restaurant or Retail use	

Footnotes to Table A (Additional Use and Performance Standards)

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

TABLE B: DIMENSIONAL REGULATIONS

LOT STANDARDS	S0	S1	S2	S3	S4	S5
Building Lot Coverage (max) for Lots smaller than 11,000 sf	60%	70%	70%	90%	90%	80%
Building Lot Coverage (max) for Lots greater than or equal to 11,000 sf	60%	70%	70%	70%	70%	70%
Permeable Area of Lot (min) for Lots smaller than 11,000 sf	20%	15%	15%	-	-	-
Permeable Area of Lot (min) for Lots greater than or equal to 11,000 sf	20%	15%	15%	15%	15%	15%
Front Yard (min)	8'	6'	2' ¹	2' ¹	2'	2'
Rear Yard (min)						
Abutting non-residential zoning district	15'	10'	10'	5'	5'	5'
Abutting residential zoning district	15'	15'	15'	15'	20'	20'
Side Yard (min)						
With a party wall, abutting non-residential zoning district	-	-	0'	0'	0'	0'
Without a party wall, abutting non-residential zoning district	14' cumulative (3' min)	10' cumulative (3' min)	5'	5'	5'	5'
Abutting a residential zoning district	14' cumulative (3' min)	14' cumulative (3' min)	15'	15'	15'	15'
BUILDING FORM STANDARDS	S0	S1	S2	S3	S4	S5
Building Floor Plate (max sf)	4,000	8,000	15,000	20,000	25,000	25,000
Building Width (max)	-	120'	150'	150'	200'	250'
Maximum Building Height (in feet) ²	50'	50'	65'	85'	85'	145'
Maximum Building Height (in stories) ²	4	4	5	7	7	-
Outdoor Amenity Space (min)	-	-	20%	20%	25%	30%
Rear Stepback of Highest Story (min) where the rear yard abuts a residential zoning district	-	-	-	7'	7'	7'
Blank Wall of Facade (max) ³	-	-	15'	15'	15'	15'
Active and Commercial Uses Ground Floor Height (min)	-	-	14'	14'	14'	14'
Multiple buildings (detached) allowed on lot ⁴	No	No	Yes	Yes	Yes	Yes

Footnotes to Table B

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

ARTICLE 8

REGULATION OF USES

Section 8-1. Uses Regulated by Districts.

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

Unless otherwise specified in this Code, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with this Article 8. ~~the following tables or as otherwise provided in regulations pertaining to special purpose overlay district, neighborhood district, downtown district, waterfront service district, waterfront manufacturing district, light manufacturing district, or the Harborpark District.~~

Section 8-2. General Use Provisions.

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

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

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

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

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

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

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

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

(i) "A" it is allowed in any applicable district subject to the provisions of Section 8-2.1

(ii) "C" it is conditional in any applicable district subject to the provisions of Section 8-2.2

(iii) "F" it is forbidden in any applicable district subject to the provisions of Section 8-2.3

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

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

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

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

Section 8-3. Use Regulations.

TABLE A: USE REGULATIONS

Key:

Districts. S = Squares + Streets

Status.

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

ALLOWED

A = Allowed

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

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

CONDITIONAL

C = Conditional

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

FORBIDDEN

F = Forbidden

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

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
OPEN SPACE USES						
Cemetery	F	F	F	F	F	F
Private Open Space	C	C	C	C	C	C
Publicly Accessible Open Space	A	A	A	A	A	A
CIVIC USES						
Child Care/Adult Day Health Center	A	A	A	A	A	A
Municipal Use	A	A	A	A	A	A
Place of Worship	A	A	A	A	A	A
School, K through 12	A	A	A	A	A	A
RESIDENTIAL USES						
Artists' Live-Work	A*	A	A*	A*	A*	A*
Fraternity or Sorority	F	F	F	F	F	F
Household Living - 1-4 units	A	A	A*	A*	A*	C*
Household Living - 5-8 units	A	A	A*	A*	A*	A*
Household Living - 9-14 units	A	A	A*	A*	A*	A*
Household Living - 15+ units	F	A	A*	A*	A*	A*

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Lodging House	F	C	C*	C*	A*	A*
Mobile Home Establishment	F	F	F	F	F	F
Shelter Facility	F	F	F	F	F	F
Supportive Housing	A*	A	A*	A*	A*	A*
ACTIVE USES						
Community Center	C	A	A	A	A	A
Grocery Store - Small	C	A	A	A	A	A
Grocery Store - Large	F	F	C	C	A	A
Entertainment/Events - Extra Small	C-G F	A-G F	A-G F	A-G C	A	A
Entertainment/Events - Small	F	C-G F	A-G F	A-G C	A	A
Entertainment/Events - Medium	F	F	C-G F	A-G C	A	A
Entertainment/Events - Large	F	F	F	C	C	C
Entertainment/Events - Extra Large	F	F	F	F	F	F
Makerspace	F	A	A	A	A	A
Museum	F	A	A	A	A	A
Restaurant - Small	C-G F	A-G F	A-G F	A	A	A
Restaurant - Large	F	C-G F	A	A	A	A

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Retail Cannabis Establishment	F	C-G F	C-G F	C-G F	C	C
Retail Store - Small	C-G F	A-G F	A-G C	A	A	A
Retail Store - Medium	F	C-G F	A-G C	A	A	A
Retail Store - Large	F	F	C	A-G C	A-G C	A-G
Retail Store - Extra Large	F	F	F	F	C	C
Indoor Recreation	F	F	F	A-G C	A	A
Service Establishment - Small	C-G F	A	A	A	A	A
Service Establishment - Large	F	F	C	A	A	A
Social Club	C	A	A	A	A	A
COMMERCIAL USES						
Adult Entertainment	F	F	F	F	F	F
Art Studios	F	A	A	A*	A*	A*
Bank	F	C-G F	C-G F	C*	C*	C*
Check Casher	F	F	F	F	F	F
Drive-in	F	F	F	F	F	F
Funeral Home	F	C	C	C*	C*	C*
Hotel - Small	F	F	C	A*	A*	A*
Hotel - Large	F	F	F	C*	C*	C*

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Office - Small	C-G F	A-G F	A-G C	A*	A*	A*
Office - Medium	F	A-G F	A-G C	A*	A*	A*
Office - Large	F	F	F	C*	C*	C*
Research Laboratory	F	F	F	F	F	F*
Standalone ATM	F	C	C	C*	C*	C*
HIGHER EDUCATION USES						
College or University Use	F	F	C	C*	C*	C*
School, Trade or Professional	F	F	C	C*	A*	A*
HEALTH CARE USES						
Clinic	F	A-G C	A-G C	A*	A*	A*
Hospital Use	F	F	F	F	C*	C*
Nursing Home Use	C	C	C	A*	A*	A*
TRANSPORTATION USES						
Airport-Related Remote Parking Facility	F	F	F	F	F	F
Gasoline Station	F	F	F	F	F	F
Major Transportation Facility	F	C	C	C*	C*	C*

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
Motor Vehicle Rentals	F	F	F	C*	C*	C*
Motor Vehicle Sales	F	F	F	F	F	F
Standalone Parking Garage	F	F	F	C*	C*	C*
Standalone Parking Lot	F	F	C	C*	C*	C*
Vehicular Services	F	F	F	F	F	F
INDUSTRIAL AND STORAGE USES						
Crematory	F	F	F	F	F	F
Food and Beverage Production	F	F	F	C*	A*	A*
General Industrial	F	F	F	F	F	F
Light Manufacturing or Trade Establishment	F	F	F	F	C*	C*
Non-retail Cannabis Establishment	F	F	F	F	F	F
Restricted Industrial	F	F	F	F	F	F
Self-Storage	F	F	F	F	F	F
Storage of Fuel or Minerals	F	F	F	F	F	F
Storage of Supplies and Scrap	F	F	F	F	F	F
Urban Agriculture	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89
Warehouse or Distribution Center	F	F	F	F	F	F

	Squares + Streets (S)					
	S0	S1	S2	S3	S4	S5
<i>Accessory uses must comply with the provisions of Section 8-2.5</i>						
ACCESSORY USES						
Accessory Drive-Through	F	F	F	F	F	F
Accessory Dwelling Unit (Detached)	C	C	F	F	F	F
Accessory Dwelling Unit (non-Detached)	C	C	F	F	F	F
Accessory Electrical Vehicle Charging	A	A	A	A	A	A
Accessory Entertainment/Events	C	A	A	A	A	A
Accessory Family Day Care Home	A	A	A	A	A	A
Accessory Helicopter Landing Facility	F	F	F	F	F	F
Accessory Home Occupation	A	A	A	A	A	A
Accessory Keeping of Animals	C	C	C	C	C	C
Accessory Keeping of Laboratory Animals	F	F	F	F	F	F
Accessory Motor Vehicle Rental	A	A	A	A	A	A
Accessory Office	F	A	A	A	A	A
Accessory Parking	A	A	A	A	A	A
Accessory Personnel Quarters	F	C	C	C	C	C
Accessory Smoking	F	F	F	C	C	C
Shared Parking	A	A	A	A	A	A

Table A Definitions

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

OPEN SPACE USES

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

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

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

CIVIC USES

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

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

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

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

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

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

RESIDENTIAL USES

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

- (a) Occupied by persons certified as artists pursuant to the Boston Redevelopment Authority's Artist Certification Process,
- (b) Designed in accordance with Boston Redevelopment Authority standards and guidelines for artists' mixed-use space, and
- (c) Subject to an agreement for artists' housing with the Boston Redevelopment Authority.

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

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

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

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

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

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

ACTIVE USES

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

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

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

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

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

Extra Small - Capacity less than 250 persons.

Small - Capacity of 251-500 persons.

Medium - Capacity of 501-2,000 persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Barber, beauty, or body art establishment.

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

Post office or parcel pickup/dropoff location;

Fitness center or yoga studio;

Animal daycare, grooming, kennel;

or similar use.

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

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

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

COMMERCIAL USES

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

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

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

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

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

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

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

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

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

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

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

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

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

Research Laboratory. A facility used for the development, conduct, or observation of scientific experimentation or research, including but not limited to the medical, chemical, physical, or biological disciplines, in which all or a portion is dedicated to uses that require specialized facilities and/or built accommodations designed for the development, conduct, or observation of scientific experimentation or research, including but not limited to wet laboratory facilities, clean rooms, controlled environment rooms,

and facilities with high-frequency ventilation. May include areas dedicated to other uses that are directly related and accessory to the scientific experimentation and research being conducted, including but not limited to office, storage, and prototype manufacturing.

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

HIGHER EDUCATION USES

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

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

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

HEALTH CARE USES

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

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

- Property owned or occupied by a hospital not having a use that is substantially related to the provision of in-patient or out-patient health care, including care for those with acute illnesses or injuries, shall not be deemed to be a hospital use merely by reason of such ownership or occupancy.
- Hospital use shall not include property held by a hospital for investment purposes only.
- Hospital subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.5 or as independent uses.

-
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A hospital subuse is a High impact Subuse for the purpose of the review requirements described in Article 80D if it is a facility of public assembly, nursing residence, parking facility, power plant, centralized heating or cooling plant, or ambulatory clinical care facility.

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

- Property owned or occupied by a nursing or convalescent home not having a use that is substantially related to the provision, by a facility licensed by the state as a nursing, convalescent, or rest home, of care and minor medical treatment for patients in order that they may recover from a medical infirmity, or of long-term care of the elderly or infirm, shall not be deemed to be a nursing or convalescent home use merely by reason of such ownership or occupancy.
- Nursing home use shall not include property held by a nursing or convalescent home for investment purposes only.
- Nursing home subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.5 or as independent uses.
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A nursing home subuse is a High Impact Subuse for the purpose of the review requirements described in Article 80D if it is a facility of public assembly, nursing residence, parking facility, power plant, or centralized heating or cooling plant.

TRANSPORTATION USES

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

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

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

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

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

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

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

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

INDUSTRIAL AND STORAGE USES

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

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

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

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

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

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

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

Non-Retail Cannabis Establishment. An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires,

cultivates, possesses, processes (including development of related products such as edibles, MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, or distributes cannabis and products containing cannabis neither to be sold on the lot nor consumed on-site. Non-Retail Cannabis Establishment includes, but is not limited to, a marijuana product manufacturer or a marijuana cultivator.

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

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

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

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

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

Urban Agriculture. See Article 89 (Urban Agriculture).

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

ACCESSORY AND ANCILLARY USES

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

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

1. The Detached ADU has a building floor plate less than or equal to 900 sf or the building floor plate of the primary structure, whichever is less.
2. The Detached ADU has a height no greater than 1 and ½ stories or no greater than the height of primary structure, whichever is smaller.

3. A lot may contain up to one (1) Detached ADU.

4. The Detached ADU must be at least 5 feet from any other structure on the lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Key:

Residential. ~~S = Single~~, R = General, H = Apartment

Business. L = Local, B = General

Industrial. M = Restricted, I = General, MER = Maritime Economy Reserve, ~~W = Waterfront~~

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

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

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

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

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

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

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

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

SINGLE FAMILY DWELLINGS

Use Item No. 1

Detached dwelling, occupied by not more than one family

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

Use Item No. 1A

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

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

*Except F in a flood hazard district.

(As inserted on June 29, 1984)

Use Item No. 2

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

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

Use Item No. 3

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

DISTRICT								
S	R	H	L	B	M	I	W	MER

F	A	A	A	A	F	F	F	F
---	---	---	---	---	---	---	---	---

TWO-FAMILY DWELLINGS

Use Item No. 4

Detached dwelling occupied by not more than two families

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

Use Item No. 5

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

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

Use Item No. 6

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

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

Use Item No. 6A

Dwelling occupied by not more than three families.

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

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

(Text Amd. No. 463 , § 5, 8-16-2023)

MULTI-FAMILY DWELLINGS

Use Item No. 7

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

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

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

(Text Amd. No. 463 , § 6, 8-16-2023)

GROUP CARE RESIDENCES

Use Item No. 7A

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

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

(As inserted on November 9, 1978)

Use Item No. 7B

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

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

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

CONVERSION OF DWELLING STRUCTURES

Use Item No. 8

Any dwelling converted for more families in separate dwelling units

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

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

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

†Provided that after conversion, the lot area per dwelling unit, the open space, and the off-street parking each meet not less than one-half the requirements of this code and that after

conversion any nonconformity as to floor area ratio and yard dimension is no greater than prior to conversion.

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

Use Item No. 8A

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

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

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

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

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

(As inserted on September 23, 1987)

TEMPORARY DWELLINGS

Use Item No. 9

Temporary dwelling structure

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

LODGING HOUSES, DORMITORIES, HOTELS, etc.

Use Item No. 10

Lodging or boarding house

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

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

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

Use Item No. 11

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

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

*Except F in H-2-65.

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

Use Item No. 12

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

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

*Except F in H-2-65.

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

Use Item No. 13

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

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

*Except F in H-2-65.

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

Use Item No. 13A

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

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

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

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

Use Item No. 14

Fraternity or sorority house

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

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

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

Use Item No. 15

Hotel; motel; apartment hotel

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

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

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

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

Use Item No. 15A

Executive Suites

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

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

†Except F in L-.5 and L-1.

(Text Amd. No. 444 , § 2, 2020)

EDUCATIONAL INSTITUTIONS

Use Item No. 16 ID

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

DISTRICT								
S	R	H	L	B	M	I	W	MER

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

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

‡Subject to St. 1956, c.665, s.2.

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

Use Item No. 16A

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

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

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

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

Use Item No. 17 ID

Day care center; nursery school; kindergarten

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

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

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

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

Use Item No. 18

Trade, professional or other school

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

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

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

Use Item No. 19

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

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

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

†Except F in H-2-65 and H-3-65.

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

OTHER INSTITUTIONAL USES

Use Item No. 20 ID

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
A	A	A	A	A	A	A	G	F

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

Use Item No. 20A

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
G*	C*	C*	C*	C*	C*	C*	G*	F

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

(As inserted on January 8, 1982)

Use Item No. 21

Place of worship; monastery; convent; parish house

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

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

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

Use Item No. 22

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

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

*Except A provided that

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

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

Use Item No. 22A ID

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

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

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

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

Use Item No. 23

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

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

(As amended on October 19, 1978)

Use Item No. 24

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

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

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

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

Use Item No. 25

Penal or correctional institution; detention home

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

Use Item No. 26

a. New cemetery

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

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

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

c. Mortuary chapel in a cemetery

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

d. Crematory in a cemetery

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

e. Columbarium in a cemetery

DISTRICT								
S	R	H	L	B	M	I	W	MER

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(Update 34)

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

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

(As amended on April 11, 1979)

RECREATIONAL USES

Use Item No. 27

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

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

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

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

Use Item No. 27A

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

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

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

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

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

Use Item No. 28 ID

Private grounds for games and sports not conducted for profit

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

*Provided

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

(As amended on April 11, 1979)

Use Item No. 29 ID

Adult education center building; community center building; settlement house

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

*Provided

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

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

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

Use Item No. 30 ID

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

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

*Provided

- (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and
- (2) that there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.

†Except C in B-3-65.

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

PUBLIC SERVICE USES

Use Item No. 31

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

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

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

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

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

Use Item No. 32

Telephone exchange (other than automatic)

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

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

Use Item No. 33

Fire station; police station

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

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

(As amended on April 14, 1967)

RETAIL BUSINESS

Use Item No. 34

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

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

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

Use Item No. 34A

A shop for the barter, rental or sale of printed matter, pictures or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public excluding any minor by reason

of age; or if such shop keeps a part of such stock segregated as available to only one or more classes of the public excluding any minor by reason of age; or shop for the barter, rental or sale of printed matter, pictures or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding any minor by reason of age

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

*Except A in an adult entertainment district.

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

Use Item No. 34B

Pawnshop

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

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

Use Item No. 35

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

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

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

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

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

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

Use Item No. 35A

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

DISTRICT								
S	R	H	L	B	M	I	W	MER

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

(As inserted on November 7, 1996.)

Use Item No. 36

Indoor sale of motor vehicles

DISTRICT								
S	R	H	L	B	M	I	W	MER
F	F	F	F	C	A	A	G	F

(As amended on March 15, 2006)

RETAIL CATERING

Use Item No. 36A

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
F	F	F	C	C	A	A	G	F

(As inserted on August 12, 1971)

EATING PLACES AND ENTERTAINMENT

Use Item No. 37

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
F	F	F	A*	A*	A	A	G	F

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

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

Use Item No. 37A

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

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

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

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

Use Item No. 38

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

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

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

†A in M-1, M-2, M-4; C in M-8.

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

Use Item No. 38A

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

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

*Except A in an adult entertainment district.

(As inserted on November 27, 1974)

OFFICE USES

Use Item No. 39

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

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

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

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

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

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

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

Use Item No. 39A

Clinic not accessory to a main use

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

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

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

Use Item No. 39B

Cannabis Establishment

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

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

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

Use Item No. 40

Real estate, insurance or other agency office

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

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

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

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

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

Use Item No. 41

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
F	F	F	A [#]	A	A*	A*	G	F

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

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

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

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

Use Item No. 42

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

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

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

(As amended on April 14, 1967)

SERVICE ESTABLISHMENTS

Use Item No. 43

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
F	F	F	A*	A	A	A	G	F

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

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

Use Item No. 43A

Body Art Establishment

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

(As inserted on April 9, 2001)

Use Item No. 44

Tailor shop; hand laundry; dry- cleaning shop

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

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

Use Item No. 45

Laundry plant; dry-cleaning plant; rug cleaning plant

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

(As amended on April 14, 1967)

Use Item No. 46

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

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

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

(As amended on April 14, 1967)

Use Item No. 47

Funeral home; undertaker's establishment; mortuary

DISTRICT								
S	R	H	L	B	M	I	W	MER

F	F	F	C	A	A	A	G	F
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Use Item No. 48

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

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

Use Item No. 48A

Check cashing business

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

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

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

Use Item No. 49

Animal hospital or clinic; kennel; pound

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

Use Item No. 49A

Container redemption center

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

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

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

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

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

OPEN AIR AND DRIVE-IN USES

Use Item No. 50

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

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

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

Use Item No. 51

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

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

(As amended on December 9, 1975)

Use Item No. 52

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

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

(As amended on November 27, 1974)

Use Item No. 53

Mobile home park

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

*Except F in a flood hazard district.

(As amended on March 26, 1982)

WHOLESALE BUSINESS AND STORAGE

Use Item No. 54

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

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

Use Item No. 55

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

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

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

Use Item No. 56

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

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

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

Use Item No. 56A

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

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

(As inserted on September 18, 2000)

Use Item No. 57

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

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

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

Use Item No. 57A

Outdoor storage of damaged or disabled motor vehicles

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

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

(As inserted on June 16, 1982)

VEHICULAR STORAGE AND SERVICE

Use Item No. 58

Parking lot

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

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

‡Except F in H-2-65 and H-3-65; also F unless the parking lot either is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood, or abuts or is across the street from a L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and with- out charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in a S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots and that the parking lot is adequately screened from all streets and adjoining lots.

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

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

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

Use Item No. 59

Parking garage

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

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

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

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

Use Item No. 59A

Airport-related remote parking facility

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

*Except F in:

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

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

(As inserted on November 21, 1996.)

Use Item No. 60

Repair garage; gasoline service station; car wash

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

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

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

Use Item No. 60A

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

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

(As inserted on April 14, 1967)

Use Item No. 61

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

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

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

(As amended December 9, 1975)

TRANSPORTATION USES

Use Item No. 62

Bus terminal; bus station

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

Use Item No. 63

Railroad passenger station

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

Use Item No. 64

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

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

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

Use Item No. 65

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

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

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

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

(As amended on April 14, 1967)

Use Item No. 66

Helicopter landing facility

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

Use Item No. 67

Airport or other aircraft landing or servicing facility

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

INDUSTRIAL USES

Use Item No. 68

Any of the following uses:

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

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

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

‡F in B-1, B-2, B-4; C in B-8, B-10.

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

Bottling works for beverages.

Cotton ginning.

Manufacture or repair of

Advertising displays (including billboards).

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

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

Boats less than one hundred feet long.

Brooms or brushes.

Cameras or other photographic equipment, except flammable film.

Carpets.

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

Cosmetics or toiletries.

Cotton wadding or linters.

Electric lamp bulbs.

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

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

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

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

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

Glass products from previously manufactured glass.

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

Hosiery.

Ice (dry or natural).

Ink or inked ribbon.

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

Luggage.

Mattresses (including rebuilding and renovating).

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

Musical instruments, including pianos and organs.

Novelty products.

Optical equipment, clocks, or similar precision instruments.

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

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

Pharmaceutical products.

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

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

Shoddy.

Silverware (plate or sterling).

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

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

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

Tobacco products, including curing tobacco.

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

Toys.

Umbrellas.

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

Venetian blinds, window shades, and awnings.

Wax products.

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

Packaging chemicals, detergents or soap.

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

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

Use Item No. 69

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
F	F	F	F	F	F	A	z	†

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

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

(As amended on July 9, 1973)

Use Item No. 70

Any of the following uses:

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

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

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

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

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

Curing, dyeing, finishing or tanning fur or leather.

Curing, drying or smoking of fish or meat.

Disposal, handling or storage of radioactive waste.

Distillation of wood or bones.

Incineration or reduction of garbage, offal or dead animals.

Manufacture of

Asphalt or asphalt products.

Charcoal, fuel briquettes, or lampblack.

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

Coal, coke, or tar products, including gas.

Fertilizers.

Gases in amounts exceeding two thousand cubic feet a day.

Gelatin, glue or size.

Gypsum.

Linoleum or oil cloth.

Matches.

Paint, turpentine or varnish.

Plastic (raw).

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

Soaps or detergents, including fat rendering.

Reduction, refining or smelting metal or metal ores.

Refining petroleum or petroleum products.

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

Sewage disposal plant.

Solvent extracting.

Storage of gases in amounts exceeding ten thousand cubic feet.

Wool scouring or pulling.

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

ANCILLARY USES

Use Item No. 71

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

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

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

ACCESSORY USES

Use Item No. 72 ID

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

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

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

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

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

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

Use Item No. 72A

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

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

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

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

Use Item No. 73

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

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

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

Use Item No. 74

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

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

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

Use Item No. 75

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

DISTRICT								
S	R	H	L	B	M	I	W	MER

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

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

Use Item No. 76

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
G*	C*	C*	C*	C*	C*	C*	G*	F

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

Use Item No. 77

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

DISTRICT								
S	R	H	L	B	M	I	W	MER
F	C	C*	C*	C*	C	C	G	F

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

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

Use Item No. 78

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

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

Use Item No. 79

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

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

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

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

Use Item No. 80

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

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

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

Use Item No. 81

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

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

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

Use Item No. 82

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

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

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

Use Item No. 82A

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

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

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

(As inserted on November 7, 1996.)

Use Item No. 83

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

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

Use Item No. 84

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

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

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

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

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

Use Item No. 85

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

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

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

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

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

Use Item No. 86

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

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

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

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

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

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

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

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

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

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

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

Use Item No. 87

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

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

*Not applicable.

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

(As inserted on August 30, 1988)

Use Item No. 88

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

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

(As inserted on October 12, 1988)

Use Item No. 89

~~As an accessory use subject to the limitations and restrictions of Section 8-2.5, the indoor maintenance and operation of one or more payphones~~

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

~~*Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance~~

(As inserted on March 15, 2006. As amended on April 11, 1979, on January 4, July 15, and August 30, 1988, on February 1 and March 20, 1989, on April 27 and June 14, 1990, and on January 28, 1991)

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

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

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

Section 23-6. Off-Street Parking Not Required in Certain Cases.

- (a) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 8.0 or 10.0, off-street parking facilities are not required for such lot.
- (b) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.8, 1.0, 2.0, 3.0, 4.0, or 5.0, off-street parking facilities are not required for such lot if the lot is devoted to residential uses and no more than two car spaces are required by Section 23-1 or if the lot is devoted to non-residential uses and no more than four car spaces are required by other provisions of this Article.
- (c) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.3 or 0.5, off-street parking facilities are not required for such lot if the lot is devoted to non-residential uses and no more than two car spaces are required by other provisions of this Article.
- (d) When a use occurs on a lot located in a Squares + Streets District specified in Article 26 and designated on any official Boston Zoning Map, off-street parking facilities are not required for such lot and such use.

Section 23-7. Mixed Uses.

- (a) If a lot by reason of a diversity of occupancies is subject to more than one of the first five sections of this Article, the number of car spaces required by each section for the occupancies subject to it shall be determined, and then such numbers totalled; and off-street parking facilities with such total number of car spaces shall be provided.
- (b) If a single occupancy involves uses subject to more than one of the first five sections of this Article, off-street parking facilities shall be provided for such occupancy in accordance with the section to which the dominant use is subject, except that if a minor use subject to another of said sections occupies more than ten thousand square feet or more than twenty-five percent of the gross floor area of the structure, off-street parking facilities shall be provided as if the lot were by reason of a diversity of occupancies subject to more than one of said sections.

Section 23-7A. Pre-Code Structures.

If a structure existing on December 31, 1964, 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.

(As inserted April 14, 1967)

Section 23-8. Location.

- (a) Except in the case of a lot serviced by a common parking facility, the off-street parking facilities required by this Article 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 the particular lot is for residential purposes and the other lot is within four hundred feet of the particular lot; and
 - (2) where the main use on the particular lot is for non-residential purposes and the other lot is within twelve hundred feet of the particular lot.

-
- (b) 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 numbers required for each use.
 - (c) Parking spaces provided by the City on public right-of-way adjacent to housing units for families of low or moderate income or families displaced from urban renewal areas or as a result of governmental action, when such housing units will have mortgage insurance provided according to Title 12 U.S. Code (1964 edition) S. 1715 (L), as amended from time to time, and when such parking spaces are clearly intended by their location and design to be used primarily by residents of such housing units and their visitors, may be substituted space for space for the parking spaces required by this code. This section shall not apply to parking spaces along the curb of any street which is used primarily for the movement of vehicles belonging to others than residents of such housing or their visitors.

(As amended April 14, 1967)

Section 23-9. Design.

All off-street parking facilities ~~provided to comply with this Article~~ shall meet the following specifications:

- (a) Location of Accessory Parking. Accessory off-street parking in a residential or mixed use district shall not occupy any part of the front yard required by this code and may only occupy side yards required by this code if located more than five feet from the side lot line.
- (b) Off-street parking in a mixed use district shall not immediately abut the street.
- (c) For parking facilities accessory to residential main uses, curb cuts for access to such parking facilities shall not exceed 12 feet in width for facilities with fewer than 50 spaces; and shall not exceed 24 feet in width for facilities with 50 or greater spaces.
- (d) For parking facilities accessory to non-residential main uses, curb cuts for access to such parking facilities shall not exceed 12 feet in width for one-way driveways; and shall not exceed 24 feet in width for two-way driveways.
- (~~a~~ e) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic, bicyclists and pedestrians; and all lighting shall be so arranged as to shine downward and away from streets and residences.
- (~~b~~ f) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.
- (~~e~~ g) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.

Section 23-10. 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.

Section 23-11. Required Accessible Parking Spaces.

Off-street parking facilities are required to provide accessible parking spaces designed in accordance with the state standards as set forth in Title 521 CMR 23 in the Massachusetts Code ~~Massachusetts Architectural Access Board requirements in the Code of Massachusetts Regulations Title 521, Section 23.1-23.8 and the Code of~~

Massachusetts Regulations Title 521, Section 103. For residential uses, accessible parking shall be provided in sufficient numbers to meet the needs of the dwelling unit occupants, and if parking spaces are assigned to individual units, those spaces designated for accessible units shall have signage reserving said space. The required minimum number of accessible parking spaces must be provided as follows:

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

ARTICLE 2

Create two new sections within Section 2-1:

Section 2-1a. Definitions.

Section 2-1b. Use Definitions.

Add the following text following the title of Section 2-1b:

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.

Migrate 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 Use
Airport-Related Remote Parking Facility
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 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 Unit
Dwelling, Detached
Dwelling, Multifamily
Dwelling, Semi-Attached
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

Maintain the remaining existing terms and definitions in Section 2-1a.

Amend the following terms in Section 2-1a as follows:

Accessory Use. A use customarily incident to, and on the same Lot as, a main or principal use, (See this Article for definitions of certain Accessory Uses. See ~~Article 10~~ Section 8-2.5 for regulations applicable to Accessory Uses.)

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

Motor Vehicle: A self-propelled, wheeled, non-rail conveyance with gas-, electric-, solar- or other non-muscle powered engine (such as cars, trucks, motorcycles, minibikes, pocket bikes, mopeds, ~~power scooters, electric skateboards~~) with the exception of:

- (a) Personal mobility devices designed for use on sidewalks and pedestrian areas (such as Electronic Personal Assistive Mobile Device or "EPAMD's" and segways), including those designed for persons with impaired mobility (such as wheelchairs); and
- (b) Motor vehicles with primarily an agricultural or industrial purpose (such as tractors and riding lawn mowers).
- (c) **Micromobility Vehicles such as electric-assist bicycles and electric scooters.**

Height of Building or Building Height. Building Height (or Height of Building) means the vertical distance from grade to a certain point at the top of the building, as specified in this definition.

This definition contains the following parts:

1. Measurement of Building Height

2. Rules for roof structures and penthouses not for occupancy
3. Maximum Building Height
4. Building Height exception for a structure adjacent to a non-conforming structure

1. **Measurement of Building Height:** The upper point for the measurement of Building Height depends on the roof type and building location, as listed in this part 1.

- (a) In a Downtown district established under [Section 3-1CB](#), if a building is subject to Article 80B (Large Project Review), Building Height shall be measured to the top of the structure of the last occupied floor.
- (b) For all other buildings, Building Height shall be measured to one of the following points:
 - (i) **For a flat roof: the highest point of the roof beams.** For purposes of measuring Building Height, a mansard roof is considered a flat roof.
 - (ii) **For a non-flat roof:** the mean level of the highest gable or the mean level of the slope of the roof.

2. Rules for roof structures and penthouses not for occupancy.

- (a) **Examples of roof structures and penthouses not for occupancy.**
Examples of the roof structures and penthouses to which this part 2 applies include belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio and other transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flagpoles, aerials, elevator penthouses, water tanks, monitors, signs, and the like.
- (b) **Exemption from measurement of Building Height.** Roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy are not included in the measurement of Building Height, if the total area of such roof structures and penthouses does not exceed $33\frac{1}{3}$ percent of the total of all of the building's roof areas (measured horizontally).
- (c) **Maximum dimensions of exempted roof structures and penthouses.** Roof structures and penthouses exempted from the measurement of Building Height may be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve.

3. **Maximum Building Height.** Where the applicable zoning specifies a maximum Building Height, whether in number of stories or feet, no building or part of a building shall exceed that height. *When both stories and feet are specified, both requirements must be met.*

4. **Building Height exception for a structure on a Lot adjacent to a non-conforming structure.** The exception provided in this part 4 of the definition of Building Height does not apply in the following districts: H-2-45, H-3-65, B-3-65, B-6-90a, B-6-90b, B-8-120a, and B-8-120C. In all other districts: If a legally existing structure that is not excepted from the measurement of Building Height exceeds the maximum Building Height specified by the applicable

zoning, a structure built on an adjoining Lot also may exceed the maximum Building Height specified for its location, with the following limitations:

- (a) The adjoining Lot must be located in the same zoning district or subdistrict (and not limited to a lower Building Height by an applicable overlay district), and
- (b) The structure on the adjoining Lot may not project above a line drawn between the following two points:
 - (1) The highest point of the legally existing, nonconforming structure, and
 - (2) A point located (i) at the maximum height set by the zoning for that location, and (ii) at a distance equal to 3 times the difference between the height of the legally nonconforming structure and the height allowed by the zoning.

Amend the following terms in Section 2-1b as follows:

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

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

College or University Use. ~~College or university use~~ [An institutional use which may be subject to the provisions of Article 80D](#), including subuses such as classrooms, dormitories, student housing, eating facilities, research laboratories, athletic facilities, libraries, faculty and other offices, museums, auditoria and other facilities of public assembly, parking, and other similar uses.

- Property owned or occupied by a college or university not having a use that is substantially related to education at the post-secondary level, research, scholarship, or student life shall not be deemed to be a college or university use merely by reason of such ownership or occupancy. College or university use shall not include property held by a college or university for investment purposes only.
- College or university subuses shall not be treated as accessory or ancillary uses subject to [Section 8-2.5 Article 10](#) 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.

Hospital Use. ~~Hospital use~~ A healthcare use which may be subject to the provisions of Article 80D, including subuses such as health care facilities, 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.

- Property owned or occupied by a hospital not having a use that is substantially related to the provision of in-patient or out-patient health care, including care for those with acute illnesses or injuries, shall not be deemed to be a hospital use merely by reason of such ownership or occupancy.
- Hospital use shall not include property held by a hospital for investment purposes only.
- Hospital subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.5 Article 10 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 or Convalescent Home Use. ~~Nursing or convalescent home use~~ A healthcare use which may be subject to the provisions of Article 80D, including subuses such as patient rooms, health care facilities, nursing residences, eating facilities, mechanical facilities, and other similar uses.

- 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 or convalescent home use shall not include property held by a nursing or convalescent home for investment purposes only.
- Nursing or convalescent home subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.5 Article 10 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 or convalescent 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.

Add the following terms and definitions to Section 2-1a:

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.

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.

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.

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

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.

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:

1. Publicly Accessible Open Space, as defined in Article 8; or
2. Publicly accessible sidewalk provided on the lot
3. Outdoor space for tenants or customers, including restaurant seating or outdoor event and performance areas
4. Publicly accessible through-block pedestrian connections of a width not less than ten (10) feet
5. 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
6. 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
7. 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:

1. When specified, the Outdoor Amenity Space requirement is calculated by dividing the total area of all outdoor amenity space by the lot area.
2. Every 1 square foot of Publicly Accessible Open Space counts as 1.25 square feet toward the total required Outdoor Amenity Space.
3. 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.

Party Wall. Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings.

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.

Principal Structure. The structure designed, used, or occupied for the main or principal uses(s) of the lot.

Stepback. The distance by which an upper story facade is recessed from the facade of the story below.

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)

~~three~~ two classes of residential districts: ~~S (single family)~~; R (general); H (apartment)

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

~~seven~~ three classes of industrial districts: ~~LM (light manufacturing)~~; M (restricted manufacturing); I (general)
~~WM (waterfront manufacturing); WS (waterfront service);~~ MER (maritime economy reserve)

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

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

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

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

special districts (established pursuant to Section 3-1E), as listed in Subsection (~~h~~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
- (~~a~~b) **Residential Districts:** ~~S-3, S-5 Single Family, R-5, R-8~~ General, ~~H-1-40, H-1-50, H-1, H-2-45, H-2-65, H-2~~ Apartment, ~~H-3-55, H-3-65, H-3, H-4, H-5-55, H-5~~
- (~~b~~c) **Business Districts:** L-.5, L-1, ~~L-2-55 Local, L-2-65, L-2, B-1, B-2-55, B-2, B-3-65, B-4, B-6-90a~~ General, B-6-90b, ~~B-8-55, B-8-120a, B-8-120b, B-8-120c, B-8, B-10~~
- (~~e~~d) **Industrial Districts:** ~~LM-1 Light Manufacturing, LM-2, M-1, M-2-55, M-2~~ Restricted Manufacturing, M-4, M-8, I-2 General Industrial, MER-2, Maritime Economy Reserve, ~~W-1 Port Norfolk Waterfront Service, W-2 Waterfront Industrial, WM Waterfront Manufacturing, WS Waterfront Service~~
- (~~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).
- (~~e~~f) **Downtown Districts**
~~See Appendix A to this article for a list of 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

(fg)

Neighborhood Districts

~~See Appendix A to this article for a list of 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
City Square Neighborhood District	North End Neighborhood District
Dana-Farber Cancer Institute Institutional District	Roslindale Neighborhood District
Dorchester Avenue Neighborhood District	Roxbury Neighborhood District
Dorchester Neighborhood District	Saint Vincent Neighborhood District
East Boston Neighborhood District	South Boston Neighborhood District
Fenway Neighborhood District	South End Neighborhood District
Greater Mattapan Neighborhood District	West Roxbury Neighborhood District
Hyde Park Neighborhood District	

(g) **Harborpark District**

(h) **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;

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- (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.¹

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

¹None 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.

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.

(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 3-1~~B~~C or for any Downtown District established under Section 3-1~~C~~B or for any Harborpark District established under Section 3-1~~D~~B 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 ~~A~~B of Section 8-~~7~~3, in an institutional district the following uses are conditional uses in instances where they would otherwise be allowed under said Table ~~A~~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)

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- 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 AB 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 Overly Districts are set forth in Article 32.

(As inserted on February 15, 2006.)

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- 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 3-1EB**. 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 ~~an article of this code pertaining to such district~~ 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(~~ef~~). 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 3-1BC**. 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(hi).

(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.

~~APPENDIX A to ARTICLE 3 Downtown Districts and Neighborhood Districts~~

~~Downtown Districts~~

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

ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS
APPENDIX A to ARTICLE 3 Downtown Districts and Neighborhood Districts

~~South Station Economic Development Area~~

~~Neighborhood Districts~~

~~Allston-Brighton Neighborhood District~~

~~Audubon Circle Neighborhood District~~

~~Bay Village Neighborhood District~~

~~Beth Israel Hospital Institutional District~~

~~Charlestown Neighborhood District~~

~~City Square Neighborhood District~~

~~Dana-Farber Cancer Institute Institutional District~~

~~Dorchester Avenue Neighborhood District~~

~~Dorchester Neighborhood District~~

~~East Boston Neighborhood District~~

~~Fenway Neighborhood District~~

~~Greater Mattapan Neighborhood District~~

~~Jamaica Plain Neighborhood District~~

~~Massachusetts College of Pharmacy Institutional District~~

~~Mission Hill Neighborhood District~~

~~New England Deaconess Hospital Institutional District~~

~~North End Neighborhood District~~

~~Roslindale Neighborhood District~~

~~Roxbury Neighborhood District~~

~~Saint Vincent Neighborhood District~~

~~South End Neighborhood District~~

~~West Roxbury Neighborhood District~~

~~(Text Amd. No. 375, § 1C., 11-16-11)~~

Section 4-2. - Structure or Use Approved Prior to Effective Date of Code.

~~Nothing herein contained~~ No provision of this code shall affect any structure or use for which a building or use permit is lawfully issued prior to the effective date of this code, as amended; provided, that construction work under such building permit, or occupancy under such use permit, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two years from the effective date of this code and in accordance with the building permit as in effect on said effective date.

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.

Section 6-3. Conditions Required for Approval.

The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use;
- (f) if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and
- (g) if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.
- (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.

(As amended on December 29, 1983, February 27, 1986, June 1, 1987 and May 9, 1996.)

Section 6-3A. Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District.

In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
 - b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
 - c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
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- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal.

(As inserted on September 27, 1973, and amended on September 2, 1976)

Section 6-4. Other Conditions Necessary as Protection.

In approving a conditional use, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street, by walls, fences, planting, or other devices;
- (c) modification of the exterior features or appearance of the structure;
- (d) limitation of size, number of occupants, method and time of operation, and extent of facilities;
- (e) regulation of number, design, and location of access drives and other traffic features; and
- (f) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

Section 6-5. Effect of Non-Use of Conditional Use.

If a structure or land is being lawfully used for a conditional use, whether lawfully existing on the date of this code, made conditional by amendment thereof, or granted by the Board of Appeal under Sections 1 through 4 of this article, in order not to unduly prolong the life of such conditional use, subsequent non-use of such conditional use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such conditional use. For purposes of this section, whenever a structure or land is not being actively used for such conditional use, there shall be deemed to be a non-use of such conditional use.

(Inserted on May 13, 1976) Former Section 6-5, entitled Exceptional Relief within Urban Renewal Areas and Public Housing Projects, was inserted on September 7, 1967 and repealed on July 2, 1968.

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.

Section 11-2. On-Premise Signs in all Other Districts.

In all other districts, there shall not be any on-premise sign except as follows:

- (a) Signs allowed in residential districts.
- (b) A wall sign attached parallel to a building which projects no more than fifteen inches from the building surface, provided that the top of such sign is no higher than whichever of the following is lowest:
 - (i) twenty-five feet above grade;
 - (ii) the top of the sills of the first level of windows above the first story; or
 - (iii) the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet.
- (c) A permanent non-illuminated sign on the inside of the glass of a window, provided that the total area of the sign does not exceed thirty percent of the total glass area of windows appurtenant to the use to which the sign is accessory, and provided that signs on ground floor windows be included in calculating the total area of signs on a sign frontage.
- (d) A sign attached at right angles to a building, provided that such sign has no more than two faces and
 - (i) there is no more than one such sign for each entrance door to a business establishment;
 - (ii) it projects no more than six feet, plus a reasonable allowance for field fastening, from the building;
 - (iii) the sign advertises a use which occupies at least 18 feet of sign frontage;
 - (iv) the bottom of the sign is at least ten feet from grade and its top is no higher than whichever of the following is lowest: twenty-five feet above grade; the top of the sills of the first level of windows above the first story; or the lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet;
 - (v) the area of the sign shall not exceed twenty-four square feet on either side, excepting that an additional ten square feet on each face is allowed for a sign which incorporates a public service message device such as a time and temperature sign;
 - (vi) there are no exposed guy wires or turnbuckles.
- (e) 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, ~~B-10~~, S0, S1, S2, S3, S4, or S5 district, or the Harborpark District, provided that such sign has no more than two faces and
 - (i) if there is one use, as defined by Article 8, on the lot, the area of each face does not exceed sixty-five square feet and the top of such sign is no higher than twenty-five feet above grade; or
 - (ii) if there are two or more such uses on the lot, the area of each face does not exceed one hundred twenty-five square feet and the top of such sign does not exceed thirty feet above grade; excepting, however, that a lot with a street line or lines of two hundred or more feet may have two free standing signs, or a single sign which is two times the area otherwise permitted.

Section 13-3. Nonconformity as to Dimensional Requirements.

~~A building or use existing on the effective date of this code, as and not conforming to the applicable dimensional requirements specified in this code may nevertheless be altered, enlarged, or extended provided that any such dimensional nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.~~

A building ~~or use~~ 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.

~~(As amended on April 27, 1990)~~

Section 13-4. Dwellings in Nonresidential Districts.

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 ~~S~~-R or H district, or in the case of any dwelling in a B-8 or B-10 district, to the lot area, lot width, usable open space and yard requirements for the least restricted residence district; provided however, that if the nearest ~~S~~-R, or H district, or the least restricted residence district does not specify a minimum lot width, any such dwelling shall have a minimum street frontage of not less than 50 feet.

Section 18-2. Conformity with Existing Building Alignment.

If at any time in the same block as a lot required by this code to have a front yard there exist two or more buildings fronting on the same side of the same street as such lot, instead of the minimum depth specified in this code, the minimum depth of the front yard shall be the modal front yard depth, i.e., the distance between the street line and the face of the building which, as measured by lot widths along said street line, occurs most frequently. The method for making this calculation shall be as follows:

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.
2. The widths of all lots with the same front yard depth are added up.
3. The front yard depth with the largest total lot width is the minimum front yard depth for the block. If two or more front yard depths have equal lot widths, the one closest to the required front yard shall be the minimum front yard depth.

In a block in which there is a uniform or dominant building line at the upper story level which differs from the modal front yard depth because of ground floor projections, no structure in excess of one story shall be built between the minimum front yard depth and the faces of abutting buildings at the upper story levels.

Section 18-2 and its provisions do not apply to Squares + Streets Districts.

(Illustrated in Appendix 2)

(As amended on April 14, 1967, February 20, 1970, October 22, 1974, and April 27, 1990)

Section 18-3. Traffic Visibility Across Corner.

Whenever a front yard is required by Section 18-1 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 feet above the curb of the abutting street shall be maintained within that part of the required front yard which is within the triangular area formed by the abutting side lines of the intersecting streets and a line joining points on such lines thirty feet distant from their point of intersection.

Section 18-3 and its provisions do not apply to Squares + Streets Districts.

(Illustrated in Appendix 2)

Section 19-2. Side Yards with Driveways.

Except in ~~S~~ and R districts, no side yard in which there is a driveway providing access to off-street parking, or off-street loading, facilities required by this code shall be less than ten feet in width.

Section 19-3. Accessory Garages and Other Accessory Buildings.

In an ~~S~~-R or H district, an accessory building may extend into a side yard but not for more than one third of the width of such side yard, except that no part of any such building nearer to the front street line than seventy-five feet or, if that be less, three fourths of the depth of the lot, shall extend into any side yard.

(Illustrated in Appendix 2)

Section 19-4. Side Yards in H Districts.

Except as otherwise provided in Section 19-6, no side yard is required in an H district between the front yard required by this code and a line parallel thereto and seventy feet in the rear thereof; nor is any side yard required in an H district along any part of a side lot line on which a building on the adjoining lot abuts between the rear yard required by this code and said line seventy feet in the rear of the front yard so required. When a side yard is required in an H district, in no event need such yard be wider than twenty feet.

(As amended on April 14, 1967)

Section 19-5. Side Yards in L, B, M, I, and MER, ~~W, WM, and WS~~ Districts.

In L, B, M, I, and MER, ~~W, WM, and WS~~ districts, no side yard is required except in the case of

- (a) a lot used for dwelling purposes, which shall have side yards as prescribed by Section 13-4, and
- (b) a lot with a side lot line abutting an ~~S~~-R or H district, which shall have side yards as if it were in such abutting district. See also Section 22-2A.

(As amended on February 14, 1979, August 30, 1988, and April 27, 1990)

Section 19-6. Special Provisions for Corner Lots.

- (a) The front yard and front setback requirements of this code, and not the side yard requirements of this Article, shall apply to that part of a side lot line which is also a street line extending more than one hundred feet from the intersection of such line with another street.
- (b) In any H district with the exception of an H-3-65 district, the width of the side yard along a side lot line of a lot which is also a street line shall be one half the front yard depth required by this code for the lot; and in all other districts, except B-3-65, B-6-90a, B-8-120a, and B-8-120b districts or unless no side yard is required, such width shall be one fifth of the width of the lot measured at the front yard line but not less than the side yard width specified for the lot in Table B of Section 13-1, except that such width need not be greater than the front yard depth required by this code for the lot; provided, however, that if in any district a side lot line of a lot is also a street line and the rear lot line of such lot is the side lot line of a lot fronting on such street, the front yard requirements of this code applicable to such adjoining lot shall apply along so much of the side lot line of the lot as lies within thirty feet of the side lot line of the adjoining lot.

(Illustrated in Appendix 2)

(As amended on July 9, 1973, September 27, 1973, October 31, 1980, and April 2, 1987)

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- (c) In H-3-65, B-3-65, B-6-90a, B-8-120a, and B-8-120b districts, regardless of the orientation of a building on a corner lot the minimum depth of yards abutting the east-west streets is 20 feet and no yards are required on north-south streets.

(As inserted on July 9, 1973, and amended on September 27, 1973, October 31, 1980, and April 2, 1987)

Section 19-7. 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 which is not also a street line, than three-fourths of the minimum side yard width so otherwise required, and in the case of a side lot line which is also a street line, than one-half of the minimum side yard width so otherwise required, the requirements of this Article shall be deemed to be met.

(Illustrated in Appendix 2)

Section 19-8. Side Yards of Certain Narrow Lots.

For each full foot by which a lot existing at the time this code takes effect is narrower than the minimum lot width specified for such lot in this code or, if no minimum lot width is so specified, than fifty feet, one and one half inches shall be deducted from the width otherwise required by this Article for each side yard thereof; provided that in no event shall either side yard of any such lot in an S₁-R or H district be less than eight feet wide, or in any other district less than six feet wide.

(Illustrated in Appendix 2)

(As amended on April 27, 1990)

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.

Section 22-1. Residential Districts.

In ~~S~~ and R districts every yard required by this code, and in H districts every yard so required except rear yards and except also side yards not abutting a street line, shall, along every lot line on which such yard abuts, be at a level no higher than grade level or, if the grade level of the abutting lot is higher be at a level no higher than such higher level. Rear yards in H districts and also side yards in such districts not abutting a street line shall, along every lot line on which they abut, be at a level no higher than five feet above grade level.

Section 22-2. Other Districts.

In any district, except an ~~S~~, R, or H district, every front yard required by this code shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

(As amended on August 30, 1988 and April 27, 1990)

Section 22-2A. Landscaping or Screening of Lots in M, I, and MER, ~~W, WM, and WS~~ Districts that Abut ~~S~~, R or H Districts.

When a front, side or rear yard (if any) of a lot in an M, I, or MER, ~~W, WM, or WS~~ district abuts or is across the street from an ~~S~~, R or H district, if such lot is used for a use that is forbidden in the abutting S, R or H district, such yard shall be screened by a concealing fence or wall or be landscaped. In either case, the design of the screening or landscaping must be approved by the design section of the Boston Redevelopment Authority, and the plantings, fencing or wall must be adequately maintained thereafter. For purposes of this section, two districts shall not be deemed to abut one another if the boundary between them is a rail right of way or river, or to be across the street from one another if such street is 60 feet or more in width.

This requirement for landscaping or screening shall apply to any change in the use of a building or structure or of land, and to any alteration of a building or structure when the same would amount to a reconstruction or extension, Section 13-3 notwithstanding.

(As inserted on February 14, 1979 and amended on August 30, 1988 and April 27, 1990)

Section 22-3. Underground Encroachments.

In any district other than a ~~S~~ or R district, any garage or other accessory structure erected underground within any rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five feet above grade level.

Section 22-4. Side Yard, Rear Yard, and Setback Requirements for Dwelling and One or More Other Main Buildings on Same Lot.

If on one lot there are two or more dwellings (other than temporary dwellings) designed for occupancy, or occupied, by one or more families, or if on one lot there are one or more such dwellings and one or more other main buildings, such dwellings shall be located no closer to one another and to such other buildings than if, and shall be separated by yards of the same minimum depths as if, each dwelling, and, where applicable, other building, were on separate lots, and the provisions of Article 21 shall apply to the same extent; and if such dwelling

is to the rear of another dwelling or main building, the provisions of paragraph (b) of Section 14-5 shall also apply. 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, but not as to paragraph (b) of Section 14-5, except in conformity with Section 14-6, 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 were met.

(As amended on October 24, 2002.)

Section 22-5. Two or More Other Main Buildings on One Lot.

If on one lot there are two or more main buildings other than dwellings (which phrase, as here used, shall not be construed as excluding temporary dwellings from the words "main buildings"), the yard and setback requirements of this code shall apply at each actual lot line and not as if each building were on a separate lot.

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.

ARTICLE 24 OFF-STREET LOADING

Section 24-1. Off-Street Loading Bay Requirements.

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, ~~n~~**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 (in square feet)	Number of Loading Bays Required		
	Group I Uses*	Group II Uses**	Group III Uses***
Under 0-15,000 square feet	0	0	0
15,000 to 50,000 49,999 square feet	0	1	1
50,000 to 100,000	0	1	2
100,000 to 150,000	0	2	3
150,000 to 300,000	0	3	4
300,000 and over	0	4	5

~~± 4 plus 1 for each additional 150,000 square feet~~

~~± 5 plus 1 for each additional 150,000 square feet~~

* Uses listed in Table ~~AB~~ of Section 8-~~73~~ 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 ~~AB~~ of Section 8-~~73~~ 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, ~~and~~ 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 8-7:

- 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.

~~*** Uses listed in Table A of Section 8-7 under Use Item Nos. 34, 34A, 35, 36, 45, 54, 55, 56, 57, 60, 60A, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70.~~

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.

(As amended on April 14, 1967, April 30, 1968, August 12, 1971, July 9, 1973, March 5, 1975, October 19, 1978, November 9, 1978, August 10, 1979, January 8, 1982, and June 29, 1984)

Section 80-5. Applicability of this Article.

1. **General Applicability to Projects and Plans.** Except as otherwise specifically provided in this Section 80-5, the provisions of this Article shall apply to:

- (1) Any Proposed Project that meets the review thresholds set forth in Section 80B-2, for Large Project Review; Section 80E-2, for Small Project Review; Section 80C-2, for Planned Development Area Review; or Section 80D-2, for Institutional Master Plan Review; and
- (2) The approval and amendment of any Planned Development Area (PDA) Development Plan or PDA Master Plan; and
- (3) The approval, amendment, renewal, and update of any Institutional Master Plan.

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.

2. **Relationship to Other Provisions of Code: Conflicts; Provisions Superseded.** Except as otherwise specified in this Article, where conflicts exist between the provisions of this Article and the remainder of this Code the provisions of this Article shall govern, notwithstanding any contrary provision of this Code. Without limiting the foregoing, this Article shall apply as set forth in this Section 80-5.2.

~~(a) — Article 26, 26A, and 26B (Development Impact Projects). Except as otherwise specified in this Article, the provisions of Section 80B-7 (Development Impact Project Exactions) supersede Article 26 (Development Impact Projects), Article 26A (Development Impact Projects—Housing), and Article 26B (Development Impact Projects—Job Training).~~

~~(b) — Article 31 (Development Review Requirements). Except as otherwise specified in this Article, the provisions of Large Project Review, as defined in Section 80B-1, supersede the following provisions of this Code:~~

~~(1) Article 31 (Development Review Requirements); and~~

~~(2) Any provision of this Code, other than Article 31, that specifies procedures, scope or standards for review of Proposed Projects pursuant to Article 31; and~~

~~(3) Any provision of this Code that makes the provisions of Article 31 applicable within the Harborpark or within any Neighborhood district.~~

~~Wherever this Code provides that the dimensions, uses, design, or other elements of a Proposed Project shall be determined through Article 31 review, such matters shall be determined through Large Project Review, as defined in Section 80B-1.~~

~~Wherever this Code provides that a particular dimensional, use, or other requirement of this Code shall apply only if a Proposed Project is subject to, or elects to comply with, the requirements of Article 31 review, such requirement also shall apply to any Proposed Project that is subject to, or elects to comply with, the requirements of Large Project Review.~~

~~(c) — Article 31A (Disclosure of Beneficial Interests). Except as otherwise specified in this Article, the provisions of Section 80B-8 (Disclosure of Beneficial Interests) supersede Article 31A (Disclosure of Beneficial Interests).~~

~~(d-a)~~ **Boston Redevelopment Authority Design Review and Site Plan Review.** Wherever this Code, or any decision of the Board of Appeal, requires design review or site plan review by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall conduct such design review or site plan review according to the applicable requirements of Small Project Review or Large Project Review, as determined by Section 80E-2 and Section 80B-2, respectively.

~~(e-b)~~ **Planned Development Areas: Review and Approval of Development Plans and Master Plans.**

(i) **Relationship of Planned Development Area Review to Section 3-1A.a.** Except as otherwise specified in this Article, the provisions of Planned Development Area Review, as defined in Section 80C-1, supplement, and do not supersede, the provisions of Section 3-1A.a; provided, however, that in the event of any conflict between the provisions of Section 3-1A.a and Section 80C-9 (Effect of Approved Development Plan on Applicability of Other Zoning Requirements), the provisions of Section 80C-9 shall govern. Without limiting the foregoing:

(1) Where Section 3-1A.a requires that a PDA development plan or master plan receive Boston Redevelopment Authority approval, the Authority shall review such plan, and grant any such approval, pursuant to the requirements of Planned Development Area Review; and

(2) Where Section 3-1A.a requires Boston Redevelopment Authority design review and approval for work in a Planned Development Area, the Authority shall review such work, and grant any such approval, pursuant to the applicable requirements of Small Project Review or Large Project Review, as determined by Section 80E-2 and Section 80B-2, respectively.

(ii) **Provisions of Code Other than Section 3-1A.a.** Except as otherwise specified in this Article, the provisions of Planned Development Area Review supersede any provision of this Code, other than Section 3-1A.a, that establishes requirements for Boston Redevelopment Authority or Zoning Commission review or approval of PDA development plans or master plans or Zoning Commission designation of Planned Development Areas, or that specifies the extent to which Planned Development Areas are subject to underlying zoning.

(f) **Institutional Master Plans: Review and Approval.** Except as otherwise specified in this Article, the provisions of Institutional Master Plan Review, as defined in Section 80D-1, supersede any provision of this Code that establishes requirements for Boston Redevelopment Authority or Zoning Commission review or approval of Institutional Master Plans, or for Zoning Commission designation of Institutional Master Plan Areas, or that specifies the effect of such approval or designation on the applicability of underlying zoning.

3. **Exemptions from Specific Provisions of this Article.** Notwithstanding any contrary provision of subsection 1 (General Applicability to Projects and Plans) or subsection 2 (Relationship to Other Provisions of Code: Conflicts; Provisions Superseded) of this Section 80-5, Proposed Projects, PDA Development Plans, PDA Master Plans, and Institutional Master Plans shall be exempt from the provisions of this Article to the extent specified in this Section 80-5.3, and shall be subject to the remainder of this Article. Any project or plan that is exempt from Large Project Review, Small Project Review, Planned Development Area Review, or Institutional Master Plan Review, pursuant to this Section 80-5.3, shall be subject to any provision of this Code that otherwise would be superseded by such review, pursuant to Section 80-5.2, without regard to any conforming amendment adopted to achieve consistency with such review in connection with this Article.

(a) **Exemptions with Respect to Large Project Review.** A Proposed Project shall be exempt from Large Project Review if:

(i) 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 the adoption of this Article, and no Zoning Relief is required, or any required Zoning Relief has been or thereafter is granted; or

~~(ii) the Boston Redevelopment Authority has approved a Development Impact Project Plan, pursuant to Article 26 or 26A and Article 26B prior to the first notice of hearing before the Zoning Commission for the adoption of this Article; or~~

~~(iii) — a Project Notification Form has been filed with the Boston Redevelopment Authority pursuant to Section 31-5 prior to the first notice of hearing before the Zoning Commission for the adoption of this Article; or~~

~~(iv) — the Director of the Boston Redevelopment Authority has issued a certification indicating that the Proposed Project has complied satisfactorily with the requirements of Article 31 or that no further review pursuant to Article 31 is required; or~~

(vii) the Director of the Boston Redevelopment Authority has issued a certification indicating that review of the Proposed Project by the Boston Redevelopment Authority or by any other public agency was commenced prior to the date of the first notice of hearing before the Zoning Commission for the adoption of this Article.

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Section 80B-7. - Development Impact Project Exactions.

(c) "Development Impact Use," means any of the following uses, as defined in Article 2 or Article 8 as applicable ~~as defined in Article 2 for Proposed Projects in those zoning districts to which Article 2 applies, and as described in Table A of Section 8-7 and defined in Article 2 for Proposed Projects in all other zoning districts:~~

	Article 2 uses	Article 8 Table A uses	Article 8 Table B uses Use Item Numbers
(a)	Office	Commercial Uses except for Research Laboratory and Hotel	39, 39A, 40, 41, 42
(b)	Retail Business;	Active Uses	30, 31, 32, 34 , 34A, 35, 36 ,
	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, 16A , 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

ARTICLE 89 APPENDIX

APPENDIX A to ARTICLE 89 Zoning Districts and Subdistricts Corresponding to General Zoning Categories Referred to in Article 89

RESIDENTIAL		COMMERCIAL		INDUSTRIAL	INSTITUTIONAL
53 49 districts		Large-scale 9 districts	Small-scale 22 28 districts	17 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-.5*	EDA (3)	NS-2	M-1*	
S-.3*	R-.8*	NDA	NS-3	M-2*	
S-.5*	MFR	WC	L-.5*	M-4*	
2F	MFR-1		L-1*	M-8*	
2F - 2000	MFR-2		L-2*	I-2*	
2F - 3000	MFR-3		B-1*	MER	
2F - 4000	MFR/LS		B-2*	MER-2*	
2F - 5000	MFR/LS-2		B-3-65*	WM	
2F - 5000(A)	MFR/LS-3		B-4*	W-2*	
2F - 6000	H-1-40*		B-6-90a*	LIA	
2F - 7000	H-1-50*		B-6-90b*	WS	
2F - 9000	H-1*		B-8-120a*		
3F - 2000	H-2*		B-8-120b*		
3F - 3000	H-3-65*		B-8-120c*		
3F - 4000	H-3*		B-8*		
3F - 5000	H-4*		B-10*		
3F - 6000	H-5*		S0*		
3F - 7000	RH		S1*		
3F - G - 2000	RH-1500		S2*		
3F - G - 3000	RH-2000		S3*		
CPS	WR		S4*		
			S5*		
* indicates Base Code District					