

# Compiled Draft Text Amendment for Squares + Streets

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Contents	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115

# Amendment Overview and Reference Guide

## Contents

## Page

### Overview

1. <a href="#">Amendment Overview and Reference Guide</a>	2
---	---



### Primary Additions

2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73

### Smaller Changes

6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115

## Squares + Streets Amendment Summary

Squares + Streets is a planning and zoning initiative to modernize regulations for how development can happen in Boston’s commercial centers. This draft text amendment will adjust the zoning code to enable these changes. By itself, none of these changes have any immediate effect on any existing zoning districts anywhere in the city. Zoning districts must be mapped, through a zoning map amendment, to take effect. The BPDA plans to conduct a full process for zoning map amendments in Squares + Streets as part of Small Area Plans, beginning in early 2024.

The new Squares + Streets districts involve three additions to the zoning code—Article 26 (Squares + Streets District Regulations), Article 8 (Use Table), and Article 23 (Parking)—that enable the bulk of the streamlining. Other minor changes make these consistent with the rest of the zoning code.

### **New Zoning: Article 26 (Squares + Streets), Article 8 (Use Table), and Article 23 (Parking)**

**Article 26: A new article for the Boston Zoning Code, creating the Squares + Streets districts.** Sections 26-1 and 26-2 describe the purpose of the five Squares + Streets districts, and give a summary of each of them (S-0 through S-4). Following that, the article includes a diagram explaining the district dimensional standards and a table with more detailed dimensional regulations, described in more detail in the following reference guide. It also provides “additional use and performance standards,” which provide some additional information that cannot fit inside the other edits to Article 8.

**Article 8: A modernized use table for Squares + Streets and other future citywide zoning districts.** The new use table will be named Table A and the existing base code use table will be renamed Table B. The Squares + Streets districts will, at the moment, be the only districts operating under the new Table A. Table A is a comprehensive modernization of Boston’s definitions of what is allowed or not allowed in the city’s different zoning districts and subdistricts.

In addition to the Draft Article 8 text, **a companion Land Uses Visual Guide is available** on the Squares + Streets Zoning Districts webpage that provides photo examples of each land use.

**Article 23: New parking regulations for Squares + Streets districts, removing any minimum parking requirements for small projects.** Other modifications ensure that when provided, off-street parking meets accessibility and design standards.

## **Smaller Changes**

Article 2: The “definitions” article of the Boston Zoning code. The amendment adds definitions for dimensional regulations used in Article 26 that do not otherwise exist in the code to date.

Article 3: Edits to formally create these districts across the city.

Article 6: Streamline code structure by moving a section on conditional uses from Article 8.

Article 10: Delete. Regulation relocated to Article 8.

Article 11: Edits to the signage article to apply the rules to the Squares + Streets districts.

Article 13: Edits to clarify how the Squares + Streets dimensional standards relate to nonconformity regulations.

Article 18: Exempt the Squares + Streets districts from this article, since front yards are already covered by the new dimensional standards.

Article 19: Define cumulative side yards as the combined width of multiple side yards, to allow for Squares + Streets definitions.

Article 24: Building upon the simplified loading requirements applied in both the Newmarket and Mattapan district rezoning efforts, change loading requirements citywide to only use two thresholds: less than 15,000 square feet, and 15,000-49,999 square feet. (Anything 50,000 square feet or above is subject to Article 80.) Reference the new use table from Article 8 to these new thresholds.

Article 80: Reference the new Article 8 uses.

Article 89: Reference the new Squares + Streets districts.

Codewide: Fix cross references to match all above changes.

# Squares + Streets Dimensional Standards Reference Guide

Below is a summary of the key dimensional standards found in Squares + Streets Districts. These lot and building form requirements dictate the overall building envelope allowed in each district. Some districts have more requirements than others, such as for ground floor active uses and outdoor amenity space.

## A. Lot Regulations

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

- A. **Building Lot Coverage:** The maximum percentage of Lot Area that is permitted to be covered by the largest Building Floor Plate of each building on the lot. Excludes any one-story detached buildings that are exempt from building code such as small tool or storage sheds, playhouses, and the like.
- B. **Permeable Area of Lot:** The Lot Area that must be covered by natural ground cover or any material/surface on the ground that allows water to pass through at a rate and quantity equal to or greater than natural ground cover. This includes surfaces such as vegetative landscapes, such as lawn and trees; vegetated green infrastructure, such as rain gardens and bioswales; porous paving materials, such as porous asphalt and permeable pavers.
- C. **Yards:** The required open space extending across the full width of the Lot between the front, rear, or side lot lines and the nearest building. Yards are measured from the front, rear, or side lot line to a parallel line drawn inside the lot, at the depth required in the Code.
  - a. *Party wall:* In some Districts there is not a Side Yard requirement when there is a Party Wall attaching buildings. A Party Wall separates buildings that are attached but located on two separate lots.

## B. Building Form

Illustrated Building Envelope Standards	
	A Building Floor Plate
	B Building Width
	C Height and stories
	D Rear Upper Story Stepback, 5th story
	E Ground Floor Ceiling Height
	F Ground Floor Active Use Frontage

- A. Building Floorplate:** The total floor area of a single story within a Building. A story's floor plate includes the area measured from the outside surface of the Building's exterior walls and the area of any covered porches or covered balconies extruding from said story. Building Floorplate excludes decks, balconies, & porches open to the sky.
- B. Building Width:** Width is measured parallel to the facade of a building, from the exterior of each side wall.
- C. Height:** Building height is measured as the vertical distance from grade to the highest point of the roof beams for a flat roof, or the mean level of the highest gable or slope of the roof for a non-flat roof.
- D. Stepback:** A recess of an upper story façade a set distance behind the façade of the story below.
- E. Ground Floor Active Uses:** Active Uses must occupy a specified percentage of the total width of the building on the ground floor that fronts a public street. The Active Use spaces must be a specified depth measured as the distance from the facade towards the interior of the building.
- Active Uses:* Depending on the District active uses can include Restaurants (small, large), Child Care/Adult Day Health Centers, Community Centers, Grocery Stores (small, large), Entertainment/Events (small, medium, large), Makerspace, Museum or Art Gallery, Retail (small, medium, large, Retail Cannabis, Social Club, Service Establishment (small, large), Indoor Recreation
  - Primary Lot Frontage* Ground floor active uses are required along the Primary Lot Frontage, or the side of the lot situated along the Street which carries the greatest volume of pedestrian traffic, contains entrances for pedestrians, and is

generally where building facades are oriented towards. For any Proposed Project that is subject to or has elected to comply with Small or Large Project Review, designation of the Primary Street Frontage shall be determined through such review in accordance with the provisions of Article 80.

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

Illustrated Amenity Types	
	A Publicly Accessible Open Space
	B Private Ground Floor Amenity Space
	C Private Upper Level Amenity Space
	D Rooftop Amenity Space

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

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

1. Publicly Accessible Open Space, as defined in Article 8; or
2. New portions of public sidewalks created within the lot line, or through-block pedestrian connections of a width not less than ten (10) feet; or
3. Private amenity space intended to be used primarily by the building residents, such as porches, interior courtyards, shared gardens, playgrounds, shared terraces, and/or programmed or landscaped yards, provided that such spaces have an unobstructed length of not less than ten (10) feet and an unobstructed depth of not less than ten (10) feet; or

4. Private amenity space dedicated for use by a single dwelling unit, and that is directly accessible from that dwelling unit, such as fenced/walled patios, private terraces, and balconies, provided that such a space has an unobstructed length of not less than five (5) feet, an unobstructed depth of not less than five (5) feet, and an overall area of not less than thirty (30) square feet; or
5. Roofdecks, occupiable vegetative roofs, and other programmed recreational spaces on rooftops that are accessible by building residents through common circulation.

#### Outdoor Amenity Space requirement calculation

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



# Article 26 (Squares and Streets)

This is a new zoning article to be added to the zoning code.

<u>Contents</u>	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115



# ARTICLE 26 - SQUARES + STREETS DISTRICTS

## Section 26-1 Purpose and Applicability

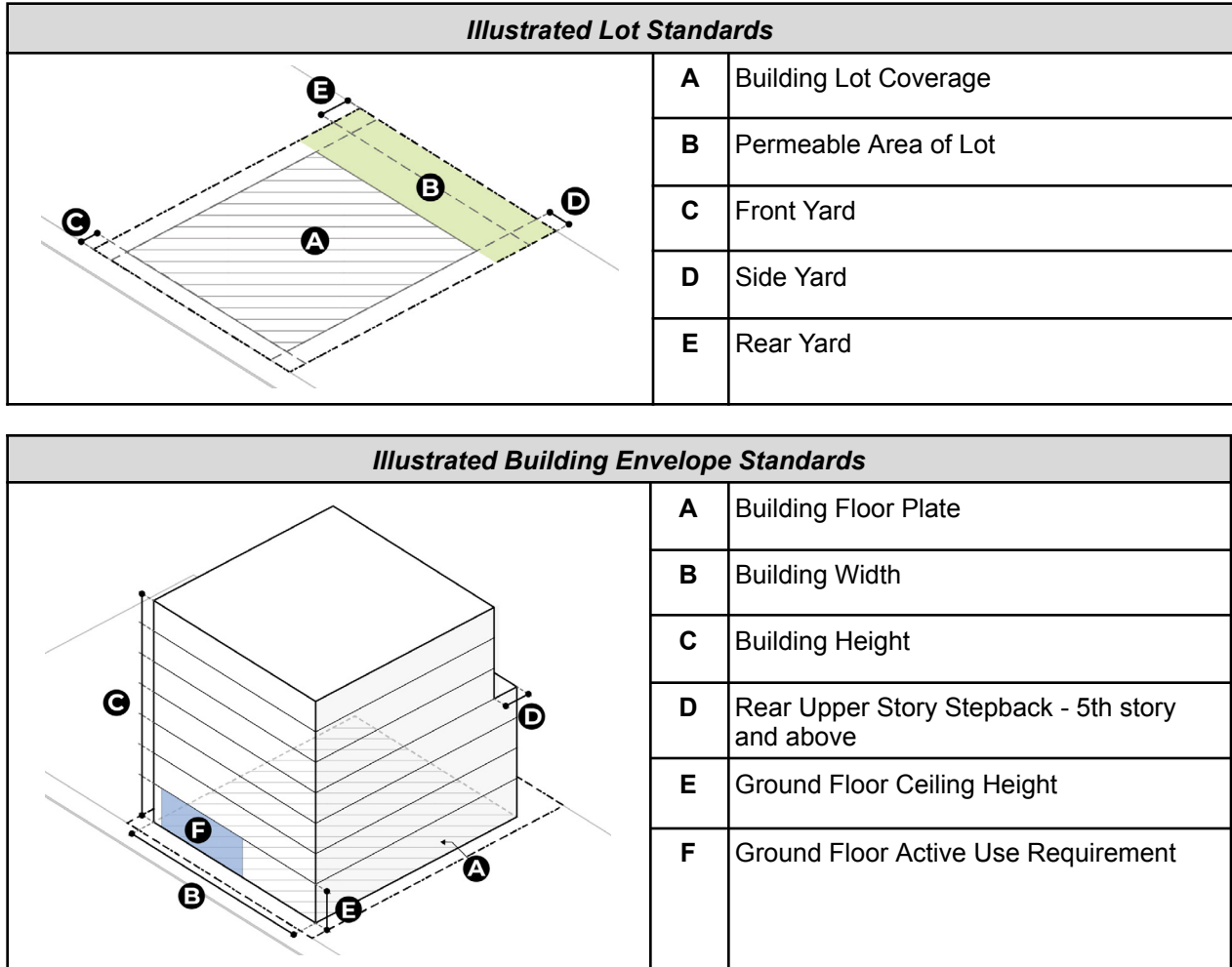
- A. Squares + Streets Districts are areas with a mix of uses, significant transit service, and high levels of pedestrian activity. The purpose of these districts are to encourage a continued mix of uses, high levels of pedestrian activity, rehabilitation of historic buildings, appropriate infill development, and housing growth as part of coordinated City investment.
- B. A Squares + Streets District is indicated by any abbreviation "S0", "S1", "S2", "S3", or "S4" on any official zoning map of the City of Boston. The provisions of this Article and the remainder of the Code constitute the zoning regulations in a Squares + Streets District. Where conflicts exist between a provision of this Article and the remainder of the Code, the provision of this Article shall govern, unless this Article specifically indicates otherwise.
- C. Use Regulations Applicable in Squares + Streets Districts**  
Use regulations for Squares + Streets districts are set forth in Article 8 of this code. Additional use and performance standards are set forth in Table A of this Article.
- D. 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 requirements of Squares + Streets Dimensional Standards. In the event a conflict occurs between the text of this Article and any graphic, the text prevails.
- E. Parking and Loading Regulations Applicable in Squares + Streets Districts**  
Parking regulations for Squares + Streets districts are set forth in Article 23. Loading regulations for Squares + Streets are set forth in Article 24.

## Section 26-2. - Establishment of Squares and Streets Districts

- A. This Section 26-2 establishes five Squares + Streets districts (S0, S1, S2, S3, and S4), listed here in order of intensity.**
  - 1. The S-0 Transition Residential district is primarily a residential district that provides a transition from mixed-use and high activity squares and streets to lower activity residential areas. All residential uses are limited to no more than 14 dwelling units and have lot coverage, yard, and permeable area of lot requirements.
  - 2. The S-1 Main Street Living district is a mixed-use district with majority residential uses and small to moderate floorplate buildings that can have small-scale storefronts or offices on the ground floor in addition to residential uses. Small-scale side and front yards provide a buffer with lower and higher scale areas.
  - 3. The S-2 Main Street Mixed Use district is a mixed-use district that allows mid-rise buildings that can fill the front of the lot to help create an active main street. Dwelling units are prohibited along the ground floor on the primary street frontage.
  - 4. The S-3 Active Main Street district is a mixed-use district of mainstreet residential and small-scale buildings that allow residential, hospitality, and commercial uses on upper floors. The district accommodates larger-scale ground floor destinations and requires active uses on the ground floor primary street frontage. Taller mid-rise buildings are allowed in the district, with zero-lot-line conditions.
  - 5. The S-4 Active Squares district is a mixed-use district of mid-rise mixed-use buildings with a wide range of active ground floor uses. Upper floors in this district can be residential or commercial, but dwelling units are not allowed on the ground floor primary street frontage..

- B. Within Squares + Streets Districts, no Planned Development Area shall be permitted.**

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



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

USE AND PERFORMANCE STANDARDS	S0	S1	S2	S3	S4
<b>ACTIVE USES</b>					
Ground Floor Active Use Requirement	No	No	No	Yes <sup>1</sup>	Yes <sup>1</sup>
Active Use Depth (min)	-	-	-	20'	25'
<b>RESIDENTIAL USES</b>					
Ground Floor Dwelling Units Allowed	Yes	Yes	Only with 4' Front Yard (min)	Only with 4' Front Yard (min); Forbidden on Primary Lot Frontage	Only with 4' Front Yard (min); Forbidden on Primary Lot Frontage
Dwelling Units (maximum)	14	-	-	-	-
<b>INDUSTRIAL AND STORAGE USES</b>					
Food and Beverage Production	-	-	-	-	Must include associated Restaurant or Retail Store

**Footnotes to Table A**

- Active Uses, as defined in Article 8 Table A, are required to occupy a minimum of 50% of the building width on the primary lot frontage on the ground floor, at the minimum active use depth specified in Table A. Active use frontage meeting this requirement may be approved on any lot frontage that is not the primary lot frontage for any proposed project that is subject to or has elected to comply with Large Project Review or Small Project Review in accordance with the provisions of Article 80.

**TABLE B: DIMENSIONAL REGULATIONS**

LOT STANDARDS	S0	S1	S2	S3	S4
Building Lot coverage (max) for Lots smaller than 11,000 sf	60%	70%	70%	90%	90%
Building Lot Coverage (max) for Lots greater than or equal to 11,000 sf	60%	70%	70%	70%	70%
Permeable Area of Lot (min) for Lots smaller than 11,000 sf	20%	15%	15%	N/A	N/A
Permeable Area of Lots (min) greater than or equal to 11,000 sf	20%	15%	15%	15%	15%
Front Yard (min)	8'	6'	2' <sup>1</sup>	2' <sup>1</sup>	2'
Rear Yard (min)					

Abutting non-residential zoning district	15'	10'	10'	5'	5'
Abutting residential zoning district	15'	15'	15'	15'	20'
Side Yard (min)					
With a party wall, abutting non-residential zoning district	-	-	0'	0'	0'
Without a party wall, abutting non-residential zoning district	14' cumulative (3' min)	10' cumulative (3' min)	5'	5'	5'
Abutting a residential zoning district	14' cumulative (3' min)	14' cumulative (3' min)	15'	15'	15'
BUILDING FORM STANDARDS					
	S0	S1	S2	S3	S4
Floorplate of single building (max sf)	4,000	8,000	15,000	20,000	25,000
Building width (max)	-	120'	150'	150'	200'
Height in feet (max)	50'	50'	65'	85'	85'
Height in stories (max)	4	4	5	7	7
Outdoor amenity space (min)	-	-	20%	20%	25%
Upper story rear setback (min) of 5th floor and above - Abutting residential zoning district	-	-	-	7'	7'
Blank wall of facade (max)	-	-	15'	15'	15'
Active and Commercial Uses Ground Floor Height (min)	-	-	14'	14'	14'
Multiple Buildings Allowed Per Lot	No	No	Yes	Yes	Yes

**Footnotes to Table B**

1. When dwelling units are located on the ground floor building frontage facing a front yard, the front yard must be a minimum of 4 feet.

# 3

## Summary of Changes to other Articles

Article 2: Because the definitions in Article 2 are alphabetized, we are providing specific additions and amendments here, which can be placed into their respective locations as needed.

For the other articles in this section, these changes represent simplified explanations of what the more detailed greenlined changes later in this draft amendment represent. Please see the full changes further down for additional detail.

### Contents

### Page

#### Overview

- 1. [Amendment Overview and Reference Guide](#) 2

#### Primary Additions

- 2. [Article 26 \(Squares and Streets\)](#) 9
- 3. [Summary of Changes to other Articles](#) 14
- 4. [Article 8 \(New Use Table\)](#) 20
- 5. [Article 23 \(Parking\)](#) 73



#### Smaller Changes

- 6. [Article 3 \(Establishment of Zoning Districts\)](#) 80
- 7. [Article 6 \(Conditional Uses\)](#) 90
- 8. [Article 11 \(Signs\)](#) 94
- 9. [Article 13 \(Dimensional Requirements\)](#) 102
- 10. [Article 18 \(Front Yards\)](#) 105
- 11. [Article 19 \(Side Yards\)](#) 108
- 12. [Article 22 \(Yard Regulations\)](#) 112
- 13. [Article 24 \(Off-Street Loading\)](#) 115

# **REGULATIONS APPLICABLE IN ALL SQUARES + STREETS DISTRICTS - TO BE UPDATED IN OTHER ARTICLES**

## **ARTICLE 2**

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

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

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

*Add:* Ground Floor Active Use Depth: The depth of interior space devoted to an Active Use, as defined in Article 8, Table A, on the ground floor of a building, measured as the distance from the building facade towards the interior of the building.

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

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

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

Outdoor Amenity Space requirement calculation

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

*Add:* Primary Lot Frontage: The side of the lot situated along the Street which carries the greatest volume of pedestrian traffic, contains entrances for pedestrians, and is generally where building facades are oriented towards. For any Proposed Project that is subject to or has elected to comply with Small or Large Project Review, designation of the Primary Street Frontage shall be determined through such review in accordance with the provisions of Article 80.

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

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

*Amend:* 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) minibikes, pocket bikes, mopeds, power scooters, and electric skateboards

## **ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS**

Amend Article 3 to include 5 new mixed-use districts (S0, S1, S2, S3, and S4) and update numbering and formatting throughout.

## **ARTICLE 6 - CONDITIONAL USES**

*Move from Article 8:* Section 6-6. Any 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 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.

*Amend:* Section 6-1. - Permit for Conditional Uses.

As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and in ~~Section 8-3~~ Section 8-2 of this code, and subject to the provisions of Sections 6-2, 6-3, 6-3A and 6-4, the Board of Appeal may, in a specific case after public notice and hearing, grant permission for a use specified in Table A of Section 8-7 or other provision of this code as a conditional use; provided, however, that such permission shall lapse and become null and void unless such conditional use is commenced within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

## **ARTICLE 8 - REGULATION OF USES**

*Amend Article 8 to include new Use Table A and associated definitions. See*

## **ARTICLE 10 - ACCESSORY USES**

*Delete Article*



## ARTICLE 11 - SIGNS

Amend Section 11-2(e) to read: 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, or S4 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.

## ARTICLE 13 - DIMENSIONAL REQUIREMENTS

Amend Section 13-3 to clarify and add objective guidelines to the existing provisions regarding existing nonconformities. Add: A building or use existing on the effective date of this code and not conforming to the applicable dimensional requirements specified in this code may nevertheless be altered or enlarged, provided that any such dimensional nonconformity is not increased. Except as specified below, any alteration, enlargement, or extension of a nonconforming Building shall conform to the applicable dimensional requirements and building form standards.

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

- (a) Horizontal Extensions.
  - (i) The proposed extension of a nonconforming Side Yard or Rear Yard dimension follows in line with the existing nonconforming Building, without further encroaching from the existing nonconformity into a required Side Yard or Rear Yard; and,
  - (ii) The proposed extension does not encroach any further forward into a required Front Yard.
- (b) Vertical Extensions.
  - (i) The proposed extension of a nonconforming Building Height dimension is constructed within the existing Building Floor Plate; and
  - (ii) The proposed extension of a nonconforming Building Height dimension does not exceed the greater of: (i) the Building's maximum existing Building Height or (ii) the maximum Building Height allowed by zoning; and
  - (iii) The proposed extension does not encroach any further forward into a required Front Yard.

## ARTICLE 18 - FRONT YARD

Section 18-2 Conformity with Existing Building Alignment

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

## ARTICLE 19 - SIDE YARD

Add Section 19-9: Cumulative Side Yard Minimum

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

## ARTICLE 23 - OFF-STREET PARKING

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

(d) When a proposed project is located in a Squares + Streets district as described in Article 26 and designated on any official Boston Zoning Map, there shall be no minimum off-street parking requirements.

**Replace Section 23-9 - Design with following text:**

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

- (a) Curb cuts for access to parking facilities shall not exceed 12 feet in width for parking facilities with fewer than 50 spaces; and shall not exceed 24 feet in width for parking facilities with 50 or greater spaces.
- (b) Parking shall not immediately abut the street. Parking is not allowed within the front yard of a lot.
- (c) Such facilities shall have 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; and all lighting shall be arranged as to shine downward and away from streets and residences.
- (d) 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) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.
- (f) Each car space shall be located entirely on the lot and shall be no less than eight and one half feet in width and twenty feet in length, exclusive of maneuvering areas and access drives.

**Add: Section 23-11 - Required Accessible Parking Spaces**

Off-street parking facilities are required to provide accessible parking spaces designed in accordance with the 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 1000

## ARTICLE 24 - OFF-STREET LOADING

Amend off-street loading requirements to only include 2 thresholds: 0-15,000 square feet and 15,000 to 49,999 square feet (projects 50,000 square feet or larger will require Article 80 Large Project review). Add uses from new Table A in Article 8.

## ARTICLE 80 - DEVELOPMENT REVIEW AND APPROVAL

Amend Section 80B-7 to include new Article 8 uses. Add column for new Article 8 uses in the DIP uses table. Add new Article 8 uses which are equivalent to current DIP uses. Amend table intro language as needed.

## ARTICLE 89 - DEVELOPMENT REVIEW AND APPROVAL

Amend article to include new Squares + Streete districts. Add "S" for Squares and Streets to the list of districts under "commercial" and "small-scale commercial" in the use tables.

### Throughout the Code

Change Article and Section references as follows:

Current Reference	New Reference
"Section 10.1" or "Section 10-1"	"Section 8-2.3.b"
"Article 10"	"Section 8-2.3"
"Table A of Section 8-7" or "Section 8-7, Table A" or "Table A, Section 8-7"	"Table B of Section 8-3"
"Section 8-7"	"Section 8-3"
"Section 8-6"	"Section 6-6"

# Article 8 (New Use Table)

## Contents Page

### Overview

1. [Amendment Overview and Reference Guide](#) 2

### Primary Additions

2. [Article 26 \(Squares and Streets\)](#) 9

3. [Summary of Changes to other Articles](#) 14

4. [Article 8 \(New Use Table\)](#) 20 

5. [Article 23 \(Parking\)](#) 73

### Smaller Changes

6. [Article 3 \(Establishment of Zoning Districts\)](#) 80

7. [Article 6 \(Conditional Uses\)](#) 90

8. [Article 11 \(Signs\)](#) 94

9. [Article 13 \(Dimensional Requirements\)](#) 102

10. [Article 18 \(Front Yards\)](#) 105

11. [Article 19 \(Side Yards\)](#) 108

12. [Article 22 \(Yard Regulations\)](#) 112

13. [Article 24 \(Off-Street Loading\)](#) 115

Portions of the current Zoning Code have been rearranged to improve the Code's structure. Notes explaining this draft's relationship to the current Code are found in brackets above each section.

## ARTICLE 8 REGULATION OF USES

*[current Section 8-1 and beginning of Section 8-7]*

### **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.

No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the following tables and provisions or as otherwise provided in regulations pertaining to a special purpose overlay district, neighborhood district, downtown district, waterfront service district, waterfront manufacturing district, light manufacturing district, or the Harborpark District.

*[current Section 8-2, Section 8-3, Section 8-4, Section 8-5, and Article 10]*

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

1. In any applicable district, land or structures can only be used for specific purposes, which are either conditionally allowed as per Section 8-3 and Article 6, or such use or similar use is designated "A" or "A\*" in Table A or Table B of Section 8-3. For other uses designated "C" or "C\*" in Table A or Table B of Section 8-3, a conditional permit from the Board of Appeal, acting under the provisions of Article 6, can be granted, subject to the requirements set forth in Table A and Table B below. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures. Uses marked "F" in Table A and Table B can only be allowed as nonconforming uses under Article 9. 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 identified in Table A of this Article 8 as "A\*" or "C\*" are subject to any applicable Form and Performance Standards provisions identified in the corresponding district article.

2. **Conditional Uses.** Uses designated "C" or "C\*" in Table A or Table B require a conditional use permit from the Board of Appeal. The procedures and conditions required for receiving such permit can be found in Article 6.

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

a) **General Accessory Use Provisions.** For each District in Table A, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Section 8-3 unless such use is

(i) specifically forbidden as a main use for such subdistrict in this Table A or

(ii) not designated "A" or "C" for such subdistrict in the accessory use table below.

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.** The accessory uses on a lot, exclusive of off-street parking, shall not occupy, in the aggregate, more than twenty-five percent of the floor area of the main buildings; nor shall the accessory uses on a lot, exclusive of off-street parking required by this code,

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occupy, in the aggregate, more than twenty-five percent of the rear yard required by this code or of the unbuilt lot area; nor in any residential or mixed use district shall any accessory use occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than five feet from the side lot line; and in no other district shall any accessory use other than off-street parking occupy any part of the front or side yards required by this code.

**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, he 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 he 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.

*[current Section 8-6 to be moved to Article 6]*

*[current Section 8-7]*

### **Section 8-3. Use regulations.**

#### **TABLE A: USE REGULATIONS**

**Key:**

**Districts.** S = Squares + Streets

**Status.**

A = Allowed

A\* = Allowed with District Form and Performance Standards

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

C = Conditional

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

C\* = Conditional with Form and Performance Standards

F = Forbidden

See Section 3-1 for further explanation of the above districts

	Squares + Streets (S)				
	S0	S1	S2	S3	S4
<b>OPEN SPACE USES</b>					
Cemetery	F	F	F	F	F
Private Open Space	C	C	C	C	C
Publicly Accessible Open Space	A	A	A	A	A
<b>CIVIC USES</b>					
Municipal Use	A	A	A	A	A
Place of Worship	A	A	A	A	A
School, K through 12	A	A	A	A	A
<b>RESIDENTIAL USES</b>					
Artists' Live-Work	A	A	A	A	A
Fraternity or Sorority	F	F	F	F	F
Group Living - Small	A	A	A	A	A
Group Living - Large	A	A	A	A	A
Household Living - 1-4 units	A	A	A	A	C
Household Living - 5-8 units	A	A	A	A	A
Household Living - 9-14 units	A	A	A	A	A
Household Living - 15+ units	F	A	A	A	A
Lodging House	F	F	F	C	A

	Squares + Streets (S)				
	S0	S1	S2	S3	S4
Mobile Home Establishment	F	F	F	F	F
Student Housing	F	F	F	C	C
Temporary Shelter Facility	F	F	F	F	F
<b>ACTIVE USES</b>					
Child Care/Adult Day Health Center	A	A	A	A	A
Community Center	C	A	A	A	A
Grocery Store - Small	C	A	A	A	A
Grocery Store - Large	F	F	C	C-G	A
Entertainment/Events - Small	F	A-G	A-G	A-G	A
Entertainment/Events - Medium	F	F	C-G	A-G	A
Entertainment/Events - Large	F	F	F	C	C
Entertainment/Events - Extra Large	F	F	F	F	F
Makerspace	F	A-G	A-G	A-G	A
Museum or Art Gallery	F	A-G	A-G	A	A
Restaurant - Small	C-G	A-G	A-G	A	A
Restaurant - Large	F	C-G	A-G	A	A
Retail Cannabis Establishment	F	C-G	C-G	C-G	C
Retail Store - Small	F	A-G	A-G	A-G	A



	Squares + Streets (S)				
	S0	S1	S2	S3	S4
Retail Store - Medium	F	C-G	A-G	A-G	A
Retail Store - Large	F	F	C-G	A-G	A
Retail Store - Extra Large	F	F	F	F	C
Indoor Recreation	F	F	F	A-G	A
Service Establishment - Small	F	A	A	A	A
Service Establishment - Large	F	F	C	A	A
Social Club	C	A	A	A	A
<b>COMMERCIAL USES</b>					
Adult Entertainment	F	F	F	F	F
Arts Studios	F	A-G	A	A	A
Bank	F	C-G	C-G	C	C
Check Casher	F	F	F	F	F
Drive-in	F	F	F	F	F
Funeral Home	F	C	C	C	C
Hotel - Small	F	F	C	A	A
Hotel - Large	F	F	F	F	C
Office - Small	F	A-G	A-G	A	A
Office - Large	F	F	F	C	C
Research Laboratory	F	F	F	F	F

	Squares + Streets (S)				
	S0	S1	S2	S3	S4
<b>HIGHER EDUCATION USES</b>					
College or University Use	F	F	C	C	C
School, Trade or Professional	F	F	A-G	A-G	A
<b>HEALTH CARE USES</b>					
Clinic	F	A-G	A-G	A	A
Hospital Use	F	F	F	F	C
Nursing or Convalescent Home Use	C	C	C	A	A
<b>TRANSPORTATION USES</b>					
Airport-Related Remote Parking Facility	F	F	F	F	F
Gasoline Station	F	F	F	F	F
Major Transportation Facility	F	C	C	C	C
Motor Vehicle Rentals	F	F	F	F	F
Motor Vehicle Sales	F	F	F	F	F
Standalone Parking Garage	F	F	F	F	C*
Standalone Parking Lot	F	F	F	C*	C*
Vehicular Services	F	F	F	F	F

	Squares + Streets (S)				
	S0	S1	S2	S3	S4
<b>INDUSTRIAL AND STORAGE USES</b>					
Crematory	F	F	F	F	F
Food and Beverage Production	F	F	F	F	A*
General Industrial	F	F	F	F	F
Light Manufacturing or Trade Establishment	F	F	F	F	C
Non-retail Cannabis Establishment	F	F	F	F	F
Restricted Industrial	F	F	F	F	F
Self-Storage	F	F	F	F	F
Storage of Fuel or Minerals	F	F	F	F	F
Storage of Supplies and Scrap	F	F	F	F	F
Urban Agriculture	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89
Warehouse or Distribution Center	F	F	F	F	F
<i>Accessory uses must comply with the provisions of Section 8-2.b</i>					
<b>ACCESSORY USES</b>					
Accessory ATM	A	A	A	A	A
Accessory Car Share	A	A	A	A	A
Accessory Drive-Through	F	F	F	F	F
Accessory Dwelling Unit (Detached)	C	C	F	F	F
Accessory Dwelling Unit (non-Detached)	C	C	F	F	F
Accessory Electrical Vehicle Charging	A	A	A	A	A

	Squares + Streets (S)				
	S0	S1	S2	S3	S4
Accessory Entertainment/Events	C	A	A	A	A
Accessory Family Day Care Home	A	A	A	A	A
Accessory Helicopter Landing Facility	F	F	F	F	F
Accessory Home Occupation	A	A	A	A	A
Accessory Keeping of Animals	C	C	C	C	C
Accessory Keeping of Laboratory Animals	F	F	F	F	C
Accessory Office	F	A	A	A	A
Accessory Parking	A	A	A	A	A
Accessory Personnel Quarters	F	C	C	C	C
Accessory Research Laboratory	F	F	F	F	C
Accessory Smoking	F	F	F	C	C
Shared Parking	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. For the purposes of determining size categories, total square footage shall mean the total 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.** Open space in private ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources and which is not accessible to the general public because of exclusive membership requirements, fees (excluding nominal parking or entrance fees), or physical barriers (excluding those needed for safety), including but not limited to private sports fields and complexes such as golf courses.

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

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## CIVIC USES

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

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

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

## RESIDENTIAL USES

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

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

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

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

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

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

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

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

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

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

## ACTIVE USES

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

Child Care Center - Any facility operated on a regular basis, whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or

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

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

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

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

Small - Total square footage less than 15,000 SF

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

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

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

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

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

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

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

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

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

Small - Total square footage less than 2,500 SF

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

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

**Retail Store.** A store for sale of goods, commodities, or merchandise, including but not limited to food, clothing, homegoods, hardware, pharmaceuticals, alcohol, tobacco products, and tickets for events. Such use may also include consignment stores. Such use shall not include adult entertainment or grocery stores.

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

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

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

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

**Indoor Recreation.** A facility devoted primarily to indoor large-scale sports or recreation, including but not limited to laser tag, bowling, arcade, ice rinks, or similar use. Commercial stadiums, arenas, or casinos shall not constitute Indoor Activities. Such use may receive a Live Entertainment License.

**Service Establishment.** An establishment open to customers providing services, with or without the exchange of goods, including but are not limited to:

- Barber, beauty, or body art establishment.
- Tailor, laundry or location for dry-cleaning drop-off;
- Post office or parcel pickup/dropoff location;
- Fitness center or gymnasium;
- Animal hospital, daycare, grooming, and kennel;
- or similar use.

Small - Total square footage less than 10,000 SF

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

**Social Club.** A facility used or operated by a non-profit association for meeting, recreational, or social purposes. The use of such premises is restricted to the members of these organizations and their guests.

#### COMMERCIAL USES

**Adult Entertainment.** Any establishment used for activities, facilities, performances, or exhibitions, or for the rental or sale of printed or audiovisual entertainment in which the principal feature or characteristic is the nudity or partial nudity of any person.

**Arts studios.** A facility for the creation of physical art or audiovisual content, where the activities produce little to no vibration, noise, fumes, or other nuisances more typical in industrial or manufacturing uses, including but not limited to arts production space and studios, dance and music rehearsal space, or similar use.

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

**Check Cashier.** A facility for cashing of checks.

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

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

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

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

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

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

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

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

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

## HIGHER EDUCATION USES

**College or University Use.** An institutional use including subuses such as classrooms, dormitories, student housing, eating facilities, research laboratories, athletic facilities, libraries, faculty and other offices, museums, auditoria and other facilities of public assembly, parking, and other similar uses.

Additional provisions for College or University Use include:

- If the combined gross floor area of a College or University Use and all of the other Institutional Uses of the same Institution is at least hundred fifty thousand (150,000) square feet, the provisions of Article 80 requiring Institutional Master Plan Review shall apply, notwithstanding any contrary provision of Section 80D-2 or the underlying zoning.
- Property owned or occupied by a college or university not having a use that is substantially related to education at the post-secondary level, research, scholarship, or student life shall not be deemed to be a college or university use merely by reason of such ownership or occupancy.
- College or university use shall not include property held by a college or university for investment purposes only.
- College or university subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.3 or as independent uses.
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A college or university subuse is a High Impact Subuse for the purpose of the review requirements described in Article 80D if it is a dormitory, student housing, athletic facility, facility of public assembly, parking facility, power plant, or centralized heating or cooling plant.

**School, Trade or Professional.** An institution which offers courses of instruction in any profession or occupation, and which is not part of a college or university.

## HEALTH CARE USES

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

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

- If the combined gross floor area of a Hospital Use and all of the other Institutional Uses of the same Institution is at least hundred fifty thousand (150,000) square feet, the provisions of Article 80 requiring Institutional Master Plan Review shall apply, notwithstanding any contrary provision of Section 80D-2 or the underlying zoning.
- Property owned or occupied by a hospital not having a use that is substantially related to the provision of in-patient or out-patient health care, including care for those with acute illnesses or injuries, shall not be deemed to be a hospital use merely by reason of such ownership or occupancy.
- Hospital use shall not include property held by a hospital for investment purposes only.



- Hospital subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.3 or as independent uses.
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A hospital subuse is a High impact Subuse for the purpose of the review requirements described in Article 80D if it is a facility of public assembly, nursing residence, parking facility, power plant, centralized heating or cooling plant, or ambulatory clinical care facility.

**Nursing Home Use.** A healthcare use including subuses such as patient rooms, health care facilities, nursing residences, eating facilities, mechanical facilities, and other similar uses. Additional provisions for Nursing Use include:

- If the combined gross floor area of a Nursing Home Use and all of the other Institutional Uses of the same Institution is at least hundred fifty thousand (150,000) square feet, the provisions of Article 80 requiring Institutional Master Plan Review shall apply, notwithstanding any contrary provision of Section 80D-2 or the underlying zoning.
- Property owned or occupied by a nursing or convalescent home not having a use that is substantially related to the provision, by a facility licensed by the state as a nursing, convalescent, or rest home, of care and minor medical treatment for patients in order that they may recover from a medical infirmity, or of long-term care of the elderly or infirm, shall not be deemed to be a nursing or convalescent home use merely by reason of such ownership or occupancy.
- Nursing home use shall not include property held by a nursing or convalescent home for investment purposes only.
- Nursing home subuses shall not be treated as accessory or ancillary uses subject to Section 8-2.3 or as independent uses.
- The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project as described in Article 80D unless the new subuse is a High Impact Subuse. A nursing home subuse is a High Impact Subuse for the purpose of the review requirements described in Article 80D if it is a facility of public assembly, nursing residence, parking facility, power plant, or centralized heating or cooling plant.

## TRANSPORTATION USES

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

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

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

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

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

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

**Standalone Parking Lot.** An area used for parking of motor vehicles.

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

## INDUSTRIAL AND STORAGE USES

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

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

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

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

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

The following effects shall not be allowed from any such use:

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

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**Non-Retail Cannabis Establishment.** An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, cultivates, possesses, processes (including development of related products such as edibles, MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, or distributes cannabis and products containing cannabis neither to be sold on the lot nor consumed on-site. Including, but not limited to, a marijuana product manufacturer or a marijuana cultivator.

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

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

**Self-Storage.** The indoor holding or storing of goods made available to the public.

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

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

**Urban Agriculture.** See Article 89.

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

#### ACCESSORY AND ANCILLARY USES

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

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

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

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

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

A Detached Accessory Dwelling Unit shall not be subject to the provisions of Section 8-2.3. The residential structure to which the conversion is occurring must be registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion.

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

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

An non-Detached Accessory Dwelling Unit shall not be subject to the provisions of Section 8-2.3. The residential structure to which the conversion is occurring must be registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion.

**Accessory Electrical Vehicle Charging.** Subject to the provisions of Section 8-2.3, vehicle charging infrastructure accessory to a lawful parking use and including no more than 4 Direct Current Fast Charging (DCFC) stations or any number of level 1 and level 2 electrical vehicle charging stations as defined by the US Department of Energy. For projects that require ADA accessible spaces, at least one charging station must be provided on such accessible space. Charging stations accessory to a residential use with less than 3 units shall be allowed.

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

**Accessory Family Day Care Home.** Subject to the provisions of Section 8-2.3, the use of a dwelling unit for receiving, on a regular basis, temporary custody and care during part or all of the day, children under seven (7) years of age, or children under sixteen (16) years of age if those children have special needs, and receiving for temporary custody and care for a limited number of hours children of school age under regulations adopted by the Board of Early Education and Care as defined in Massachusetts General Laws; provided, however, in either case that:

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

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

**Accessory Home Occupation.** Subject to the provisions of Section 8-2.3, an occupation for compensation customarily carried on in a dwelling unit by a person residing therein which involves receiving clients or customers. Such occupation shall require only equipment ordinarily incident to a dwelling unit, not involve the on-site employment of more than 3 persons not resident in a dwelling unit on the lot, and not involve trading in merchandise. Home occupations include, but shall not be limited to piano lessons, tutoring, therapy, and similar uses which are clearly incidental to the dwelling for dwelling purposes and do not change the character thereof.

**Accessory Keeping of Animals.** Subject to the provisions of Section 8-2.3 and Article 89, the keeping of horses, cows, goats, poultry, pigeons, rabbits, bees, or similar animals other than pigs.

**Accessory Keeping of Laboratory Animals.** Subject to the provisions of Section 8-2.3, the keeping of laboratory animals incidental to an educational, institutional, or research and development use.

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

**Accessory Parking.** Subject to the provisions of Section 8-2.3, a garage or parking space for occupants, employees, customers, students, and visitors of a lawful use, provided that, in the case of a lot lying in two or more districts or subdistricts, such parking is accessory to a use that is lawful in the district or subdistrict in which such parking is located.

**Accessory Personnel Quarters.** Subject to the provisions of Section 8-2.3, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot.

**Accessory Smoking.** A commercial facility for consumption of tobacco products on the premises and accessory to a lawful Retail Store or Restaurant. Such use shall not be subject to the provisions of Section 8-2.3.

**Shared Parking.** A parking space for the occupants, employees, customers, students, and visitors of one or more lawful uses on other lots which would be lawful accessory parking if it were for only the main use of the lot.

## **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 for 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 3-1C, 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								
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<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	A	A	A	A	F	F	<del>F</del>	F

**Use Item No. 5**

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

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	A	A	A	A	F	F	<del>F</del>	F

**Use Item No. 6**

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

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	A	A	A	A	F	F	<del>F</del>	F

**Use Item No. 6A**

Dwelling occupied by not more than three families.

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	*	A	A	A	C	F	<del>C</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	*	A	A	A	C	F	<del>C</del>	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								
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<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>C</del>	C	C	C	C	C	F	<del>F</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>A</del>	A	A	A	A	C	F	<del>F</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	A*	A*	A*	A*	C†	F	<del>C†</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	A*	A*	A*	A*	F	F	<del>F</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>C</del>	C	C	C	C	C	C	<del>C</del>	F

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

**Use Item No. 10**

Lodging or boarding house

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	C	C	A*	A*	F	F	<del>F</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>C</del>	C	C*	C	C	F	F	<del>F</del>	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	<del>W</del>	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	<del>W</del>	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	<del>W</del>	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	<del>W</del>	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								
<b>S</b>	R	H	L	B	M	I	<del>W</del>	MER
<b>F</b>	F	C*	†	A	F	F	<b>F</b>	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								
<b>S</b>	R	H	L	B	M	I	<del>W</del>	MER
<b>F</b>	F	C*	C†	C	F	F	<b>F</b>	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								
<b>S</b>	R	H	L	B	M	I	<del>W</del>	MER
<b>A*</b>	A*	†	A*	A‡	C	F	<b>C</b>	F

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

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

‡Subject to St. 1956, c.665, s.2.

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

**Use Item No. 16A**

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

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

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

†Except F in H-2-65 and H-3-65.

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

**OTHER INSTITUTIONAL USES**

**Use Item No. 20 ID**

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

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
A	A	A	A	A	A	A	C	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
C*	C*	C*	C*	C*	C*	C*	C*	F

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

(As inserted on January 8, 1982)

**Use Item No. 21**

Place of worship; monastery; convent; parish house

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	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	<del>W</del>	MER
<del>F</del>	F	F	F	C	C	C	<del>F</del>	F

**Use Item No. 26**

a. New cemetery

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>C</del>	C	C	C	C	C	C	<del>C</del>	F

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

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
<del>A</del>	A	A	A	A	A	A	<del>F</del>	F

c. Mortuary chapel in a cemetery

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
<del>A*</del>	A*	A*	A*	A*	A*	A*	<del>F</del>	F

d. Crematory in a cemetery

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
<del>A†</del>	A†	A†	A†	A†	A†	A†	<del>F</del>	F

e. Columbarium in a cemetery

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
<del>A</del>	A	A	A	A	A	A	<del>F</del>	F

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

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

(As amended on April 11, 1979)

**RECREATIONAL USES**

**Use Item No. 27**

Open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or, open space in private ownership for active or passive recreational use or for the conservation of natural resources. In an

OS district there shall be no structures except those accessory to open space uses, in accordance with Use Item No. 27A

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>A*</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>C*</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>A*</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>A*</del>	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.

†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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
F	C*	C*	C	A†	C	C	<del>G</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>C*</del>	C*	C*	C*	C*	C*	C*	<del>G*</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
F	F	F	A*	A	A	A	<del>G</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>A*</del>	A*	A*	A*	A*	A	A	<del>A</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	A	A	A	A	<del>C</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	F*	F	F	<del>F</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C	C	C	C	<del>C</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C*	A†‡	A‡	A‡	<del>G</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C	C	A	A	<del>G</del>	*

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

(As inserted on November 7, 1996.)

**Use Item No. 36**

Indoor sale of motor vehicles

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	C	A	A	<del>G</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C	C	A	A	<del>E</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	A*	A*	A	A	<del>E</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	C	C	C	A*	A*	A	<del>E</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	A*	†	A	<del>E</del>	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	<del>W</del>	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	<del>W</del>	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	<del>W</del>	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.)

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**Use Item No. 39B**

Cannabis Establishment

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

(As inserted on April 9, 2001)

**Use Item No. 44**

Tailor shop; hand laundry; dry- cleaning shop

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
F	F	F	A*	A*	A	A	<del>C</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
F	F	F	F	F	A	A	<del>C</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	A*	A	A	A	<del>C</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C	A	A	A	<del>C</del>	F

**Use Item No. 48**

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

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	A	A	A	A	<del>C</del>	F

**Use Item No. 48A**

Check cashing business

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	C	C	C	<del>±</del>	*

\*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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	A	A	A	<del>C</del>	F

**Use Item No. 49A**

Container redemption center



DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
F	F	F	F	C*	A*	A*	<del>†*</del>	†*

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	<del>W</del>	MER
F	F	F	C	C	A	A	<del>G</del>	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	<del>W</del>	MER
F	F	F	F	C	A	A	<del>G</del>	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	<del>W</del>	MER
F	F	F	F	C	A	A	<del>G</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	F	F	C*	<del>C*</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	F	C*	A*	<del>C*</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>C*</del>	C*	C‡	C†	#	A†	A†	<del>C†</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	C*	C†	A†	A†	A†	<del>C†</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C*	C*	A*	A*	<del>C*†</del>	F

\*Except F in:

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

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

(As inserted on November 21, 1996.)

**Use Item No. 60**

Repair garage; gasoline service station; car wash

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C*	C*	A	A	<del>C</del>	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)

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**Use Item No. 60A**

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

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	C	A	A	A	<del>G</del>	F

(As inserted on April 14, 1967)

**Use Item No. 61**

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

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	C*	C*	A*	<del>G*</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	A	A	A	A	<del>G</del>	F

**Use Item No. 63**

Railroad passenger station

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	A	A	A	A	<del>G</del>	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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	F	C*	A*	<del>G*</del>	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	<del>W</del>	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	<del>W</del>	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	<del>W</del>	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	<del>W</del>	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.

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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								
<b>S</b>	R	H	L	B	M	I	<del>W</del>	MER
<b>F</b>	F	F	F	F	F	A	*	†

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

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

(As amended on July 9, 1973)

**Use Item No. 70**

Any of the following uses:



DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>F</del>	F	F	F	F	F	C	<del>E</del>	*

\*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	<del>W</del>	MER
<del>C*</del>	C*	C*	C*	C*	C*	C*	<del>C*</del>	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 8-2.3, 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	<del>W</del>	MER
<del>A†*</del>	A†*	A†*	A†	A†	A†	A†	<del>A†</del>	†

\*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 8-2.3, a swimming pool or tennis court not within a required front yard

DISTRICT								
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<del>S</del>	R	H	L	B	M	I	<del>W</del>	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 8-2.3, an office, within a main building, of an accountant, architect, attorney, dentist, physician or other professional person who resides in such building

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>G</del> *	A*	A*	A	A	A	A	<del>G</del>	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 8-2.3, an occupation for profit customarily carried on in a dwelling unit by a person residing therein

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>G</del> *	A*	A*	A	A	A	A	<del>G</del>	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 8-2.3, the keeping of horses, cows, goats or similar animals other than pigs

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
<del>G</del> *	C*	C*	C*	C*	C*	C*	<del>G</del> *	F

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

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

**Use Item No. 76**

As an accessory use subject to the limitations and restrictions of Section 8-2.3, the keeping of poultry, pigeons, rabbits or bees

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
<del>G</del> *	C*	C*	C*	C*	C*	C*	<del>G</del> *	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 8-2.3, 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	<del>W</del>	MER
F	C	C*	C*	C*	C	C	<del>G</del>	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 8-2.3, 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								
S	R	H	L	B	M	I	<del>W</del>	MER
F	F	A	A	A	C	C	<del>G</del>	F

**Use Item No. 79**

As an accessory use subject to the limitations and restrictions of Section 8-2.3, 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	<del>W</del>	MER
<del>G</del>	C	C*	C*	C*	F	F	<del>F</del>	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 8-2.3, the storage of flammable liquids and gases incidental to a lawful use

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	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 8-2.3, the manufacture, assembly or packaging of products sold on the lot

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
F	F	F	A*	A	A	A	<del>C</del>	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 8-2.3, a repair garage incidental to auto sales

DISTRICT								
S	R	H	L	B	M	I	<del>W</del>	MER
F	F	F	F	A*	A*	A*	<del>C*</del>	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 8-2.3, 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	<del>W</del>	MER
F	F	F	C	C	A	A	<del>C</del>	*

\*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 8-2.3, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
A	A	A	A	A	C	C	<del>C</del>	C

**Use Item No. 84**

As an accessory use subject to the limitations and restrictions of Section 8-2.3, any non-residential use lawful in an I district

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
F	F	F	F	F	C*†		<del>C</del>	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 8-2.3, any use ancillary to, and ordinarily incident to, a lawful main use

DISTRICT								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
A*	A*	A*	A*	A*	A*†	A*†	<del>A*</del>	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 8-2.3, 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								
<del>S</del>	R	H	L	B	M	I	<del>W</del>	MER
F	A	A*	A*	A*	A	A	<del>C</del>	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	G	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	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. 87**

As an accessory use subject to the limitations and restrictions of Section 8-2.3, 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 8-2.3, family day care home

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

(As inserted on October 12, 1988)

**Use Item No. 89**

~~As an accessory use subject to the limitations and restrictions of Section 8-2.3, the indoor maintenance and operation of one or more payphones~~

<del>DISTRICT</del>								
<del>S</del>	<del>R</del>	<del>H</del>	<del>L</del>	<del>B</del>	<del>M</del>	<del>I</del>	<del>W</del>	<del>MER</del>

---

F	F	F	G*	G*	G*	G*	G*	G*
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~~\*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 8-2.3.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.



# Article 23 (Parking)

## Contents Page

### Overview

1. <a href="#">Amendment Overview and Reference Guide</a>	2
---	---

### Primary Additions

2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73



### Smaller Changes

6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115

## ARTICLE 23 OFF-STREET PARKING

### Section 23-1. Residential Uses.

No structure or land shall be used for any use listed in Table AB of Section 8-7 under Use Items Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, 9, 10, 11, 12, 13, 13A, 14 or 15, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	For Each Dwelling Unit There Shall Be Provided at Least:*
0.3 or 0.5	1.0 space†
0.8 or 1.0	0.9 space†
2.0	0.7 space†
3.0	0.6 space†
4.0	0.5 space†
5.0	0.4 space†

\* Where use is not divided into dwelling units:

- (a) If sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute one dwelling unit; and
- (b) If sleeping rooms have accommodations for more than two persons, each four beds shall constitute one dwelling unit.

† or, in the case of affordable residential housing, no off-street parking shall be required. Affordable residential housing shall be considered to describe those projects where at least 60% of the proposed residential units are income-restricted at or below 100% of Area Median Income (AMI), as defined by the U.S. Department of Housing and Urban Development.

(As amended on November 26, 1965, April 14, 1967, November 9, 1978, April 11, 1979, August 10, 1979, and June 29, 1984; Text Amd. No. 454 , § 1, 12-22-21)

### Section 23-2. Public Assembly Uses.

Except in a restricted parking district, no structure or land shall be used for any use listed in Table AB of Section 8-7 under Use Item Nos. 21, 27, 28, 29, 30, 36A, 37, 38, 38A, 52, 62, 63, or 66 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space shall be Provided,		square feet of public floor area in structures
	If There Are Seats, for Each:*	If There Are No Seats, for Each:	
0.3 or 0.5	5 seats	100	
0.8 or 1.0	6 seats	120	
2.0	8 seats	160	
3.0	15 seats	300	
4.0	20 seats	400	
5.0	20 seats	400	

\* Where benches are used for seating purposes, each two lineal feet of bench shall constitute one seat.

Except that places of worship need provide no more than one half of such number of spaces.

(As amended on September 27, 1973 and March 5, 1975)

**Section 23-3. Institutional Uses.**

Except in a restricted parking district, no structure or land shall be used for any use listed in Table AB of Section 8-7 under Use Item Nos. 16, 16A, 17, 18, 19, 20, 20A, 22, 22A, 23, 24, 25, 39A, 77 or 79, unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space Shall be Provided for Each:	
0.3 or 0.5	600	square feet of gross floor area
0.8 or 1.0	700	
2.0	1,000	
3.0	1,800	
4.0	2,400	
5.0	2,400	

Provided that any use under Use Item Nos. 16, 17, 18 or 19 primarily for children under sixteen need provide no more than one half of such number of spaces; and provided further that where an institution maintains one or more dormitories, the number of parking spaces accessory to such dormitories shall be deducted from the number of parking spaces otherwise required by this section for a lot with classrooms, libraries, lecture halls, laboratories and similar educational areas normally used by persons resident in such dormitories unless such lot is regularly used by persons not resident in such dormitories or the parking spaces accessory to such dormitories are more than twelve hundred feet from such lot.

(As amended on July 9, 1973, September 27, 1973, October 19, 1978 and January 8, 1982)

**Section 23-4. Retail and Office Uses.**

Except in a restricted parking district, no structure or land shall be used for any use listed in Table AB of Section 8-7 under Use Item Nos. 32, 33, 34, 34A, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 61, 73, 74 or 78 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ratio Specified in Table B of Section 13-1 for the Lot is:	One Space Shall be Provided:			
	For each		and also for Each:	
0.3 or 0.5	300	square feet of gross floor area on ground floor	600	square feet of other gross floor area*
0.8 or 1.0	350		700	
2.0	500		1,000	
3.0	900		1,800	
4.0	1,200		2,400	
5.0	1,200		2,400	

\* Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(As amended on August 12, 1971, July 9, 1973, September 27, 1973, and March 5, 1975)

### Section 23-5. Factory and Warehouse Uses.

Except in a restricted parking district, no structure or land shall be used for any use listed in Table AB of Section 8-7 under Use Item Nos. 31, 45, 54, 55, 56, 57, 60, 60A, 64, 65, 67, 68, 69, or 70 unless off-street parking facilities are provided as follows:

If the Maximum Floor Area Ration Specified in Table B of Section 13-1 for the Lot is:	One Space shall be provided for Each:	
0.3 or 0.5	1,000	square feet of gross floor area*
0.8 or 1.0	1,200	
2.0	1,600	
3.0	2,000	
4.0	3,000	
5.0	3,000	

\* Where main use on a lot is an open-air use not enclosed in a structure, the area of the part of the lot actually devoted to such use shall constitute floor area.

(As amended July 9, 1973, and September 27, 1973)

### 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 proposed project is located in a Squares + Streets district as described in Article 26 and designated on any official Boston Zoning Map, there shall be no minimum off-street parking requirements.

### 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

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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) Curb cuts for access to parking facilities shall not exceed 12 feet in width for parking facilities with fewer than 50 spaces; and shall not exceed 24 feet in width for parking facilities with 50 or greater spaces.
- (b) Parking shall not immediately abut the street. Parking is not allowed within the front yard of a lot.
- (c) 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

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nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

- (b d) 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 e) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.
- (f f) Each car space shall be located entirely on the lot and shall be no less than eight and one half feet in width and twenty feet in length, exclusive of maneuvering areas and access drives.

**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 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

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401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1000

# Article 3 (Establishment of Zoning Districts)

<u>Contents</u>	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115





## 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~~ two classes of industrial districts: ~~LM (light manufacturing)~~; M (restricted manufacturing); I (general)  
~~WM (waterfront manufacturing); WS (waterfront service)~~

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
- (~~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~~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.~~

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Cambridge Street North District	Leather District
Bulfinch Triangle District	<del>Midtown Cultural District</del> Urban Center
Chinatown District	North Station Economic Development Area
Government Center/Markets District	South Station Economic Development Area
Huntington Avenue/Prudential Center District	

(fg)

**Neighborhood Districts**

~~See Appendix A to this article for a list of Neighborhood Districts.~~

Allston-Brighton Neighborhood District	Greater Mattapan Neighborhood District
Audubon Circle Neighborhood District	Jamaica Plain Neighborhood District
Bay Village Neighborhood District	Massachusetts College of Pharmacy Institutional District
Beth Israel Hospital Institutional District	Mission Hill Neighborhood District
Charlestown Neighborhood District	New England Deaconess Hospital Institutional District
<del>City Square Neighborhood District</del>	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 End Neighborhood District
Fenway Neighborhood District	West Roxbury Neighborhood District

(gh)

**Harborpark District**

(hi)

**Special District**

Central Artery Special District

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

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

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

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

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

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

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

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

- a. **Planned Development Areas.** The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority, and has approved, a development plan or, if the area contains not less than five acres and is not located in a residential zoning district, a master plan for the development of the planned development area. Before transmittal to the commission, such development plan or master plan shall have been approved by said Authority after a public hearing, provided, however, that no development plan or master plan shall be approved by said Authority unless said Authority finds that such plan conforms to the general plan for the city as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area.<sup>1</sup>

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

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

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

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

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- 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~~<sup>C</sup> or for any Downtown District established under Section 3-1~~E~~<sup>B</sup> or for any Harborpark District established under Section 3-1~~D~~<sup>B</sup> 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~~<sup>B</sup> of Section 8-7, in an institutional district the following uses are conditional uses in instances where they would otherwise be allowed under said Table ~~A~~<sup>B</sup>: any use listed under Use Item No. 16, 17, 20, 22A, 28, 29, or 30. Use Item No. 72, accessory parking, shall be a conditional use if the main use to which it is accessory is in existence at the time that new or additional parking spaces are applied for and if such main use is a use listed under Use Item No. 11, 12, 13, 13A, 14, 16, 16A, 17, 18, 19, 20, 22A, 28, 29, or 30.

(As inserted on June 8, 1977)

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

(As inserted on August 20, 1981)

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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 Overlay Districts are set forth in Article 32.

(As inserted on February 15, 2006.)

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

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(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 3-1**C**B. 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 3-1**B**C. 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.

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(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~~  
~~South Station Economic Development Area~~

### **~~Neighborhood Districts~~**

~~Allston-Brighton Neighborhood District~~  
~~Audubon Circle Neighborhood District~~



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

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~~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)~~

# Article 6 (Conditional Uses)

<u>Contents</u>	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115



## ARTICLE 6 CONDITIONAL USES

### Section 6-1. Permit for Conditional Uses.

As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and in Section 8-~~3~~2 of this code, and subject to the provisions of Sections 6-2, 6-3, 6-3A and 6-4, the Board of Appeal may, in a specific case after public notice and hearing, grant permission for a use specified in Tables A-~~and B~~ of Section 8-7 or other provision of this code as a conditional use; provided, however, that such permission shall lapse and become null and void unless such conditional use is commenced within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

(As amended on September 27, 1973 and April 27, 1990)

### Section 6-2. Procedure for Appeal.

Each appeal for a conditional use shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special conditions and safeguards. The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a conditional use until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(As amended on May 26, 1970)

### 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.

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

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### **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
- 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 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 use existing on the effective date of any amendment of

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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.

# Article 11 (Signs)

<u>Contents</u>	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115



## ARTICLE 11 SIGNS

### Section 11-1. Signs in Residential Districts.

In any residential district there shall not be any sign except as follows:

- (a) One sign, not exceeding two square feet in total area, attached to the building or on a rod or post not more than four feet high and at least three feet in from the street line, and stating only the street number or name of the occupant or occupants of the lot, or both, except that in an H district such sign may also identify the business of a professional person, as defined by Use Item No. 39 of Section 8-7.
- (b) One bulletin or announcement board, name sign or entrance marker for each church or institution not exceeding twenty square feet in area, except that if the street frontage of such church or institution exceeds one hundred feet, one such sign for each hundred feet computed to the nearest hundred but in no event more than three such signs for each church or institution.
- (c) One "For Sale" or "For Rent" sign, not exceeding eight square feet in area, advertising the property on which such sign is located.
- (d) One building contractor's or developer's sign, not exceeding thirty-two square feet in total area, on a lot where a building is actually under construction.
- (e) One sign not exceeding twenty square feet per entrance to a tract of land divided into building lots.
- (f) One sign, accessory to a nonconforming use, which conforms with Section 11-2, provided, however, that the area of said sign does not exceed one-half of the area allowed in non-residential districts under said section.

(As inserted on April 11, 1973)

- (g) Official public notices and notices posted by public officers in performance of their duties.
- (h) Government signs for the control of traffic and other regulatory purposes, street signs, danger signs; railroad crossing signs, signs indicating transit stops or entrances to transit or railroad stations; and signs of public service companies indicating danger or aids to service and safety.
- (i) Temporary display posters, without independent structural support, in connection with political campaigns and with noncommercial civic, health, safety and welfare campaigns, provided such posters are removed within 30 days following the conclusion of such campaign; temporary displays of a patriotic, religious, charitable or civic nature.
- (j) Legal display of flags, emblems and insignia of any nation or political subdivision.
- (k) Historical or scenic markers approved by a recognized historical or conservation agency.

(As inserted on February 20, 1975)

### 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:

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- (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.

(As amended July 9, 1973, and November 30, 1973)

- (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.

(As amended on April 11, 1973)

- (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.

(As amended on April 11, 1973, July 9, 1973, November 30, 1973, and June 7, 1974)

- (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, or S4 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.

(As amended on September 27, 1973, June 7, 1974, October 31, 1980, April 2, 1987, and April 27, 1990)

- (f) Temporary signs pertaining to special sales or events lasting more than fifteen days may be affixed to windows provided that their total area does not exceed thirty percent of the window. No permit is required for such temporary sign or signs.
- (g) Directional signs necessary for public safety and convenience which do not exceed twelve square feet per face and which bear no advertising. Such signs are not counted in computing total sign area allowed by this section.



- (h) A sign painted on or attached to the face of, but not extending above, a canopy or marquee, or a sign attached to the underside of a canopy or marquee.
- (i) A sign painted on or attached to an awning.

A sign may bear lettering to indicate the street number, the name and kind of business, service or facility conducted on the premises, the year the business was established, a slogan, hours of operation, time and temperature, and lettering which is part of a trade mark.

The registered trade mark of a specific commodity may occupy no more than twenty-five percent of the area of a sign, except that if the sale of said commodity is the major business conducted on the premises, there shall be no such restriction.

Except in an adult entertainment district, and except as provided in Section 11-7, signs shall be lighted only by any continuous light, except that a warning sign or a sign illuminated to show time and temperature may have intermittent illumination. Signs shall remain stationary.

(As amended on November 27, 1974 and April 25, 2007)

No support for a sign shall extend above the cornice line of a building to which it is attached.

(As amended on April 11, 1973)

The total area<sup>(1)</sup> in square feet of all permanent signs on a sign frontage, except for signs on windows above the first floor, free standing signs, directional signs and public purpose signs listed in items (g) through (k) inclusive of Section 11-1, shall not exceed:

Average Distance of Sign From Center Line of Abutting Street	Sign Frontage Multiplied by <sup>(1)</sup>
0-99	2*
100-399	4
400 and over	5

\*Excepting that a use with less than twenty-five feet of sign frontage may have a maximum of fifty square feet of permanent signs.

<sup>(1)</sup> See section 2-1 "Sign" and "Sign, area of" (d).

(As amended on April 11, 1973, July 9, 1973, and February 20, 1975)

The distance of a sign on or under a canopy, marquee or awning from the center line of an abutting street shall be construed to be the same as if such sign were attached to the building to which the said canopy, marquee or awning is attached.

If the first floor of a building is substantially above street grade and the basement is only partially below street grade, separate occupants of each level may each have one-half the square feet of signage to which a use would be entitled if it were a single ground floor use.

If a building fronts on two or more streets, the sign area of each street frontage shall be computed separately.

The height and area of signs on a sign frontage may exceed the limits established by this section, provided that a comprehensive sign design, as defined by "Sign, area of," (c) of Section 2-1, for said sign frontage is certified by the Urban Design Department of the Boston Redevelopment Authority to be a complementary and harmonious synthesis of signs and architectural features.

(As inserted on April 11, 1973, and amended on June 7, 1974)

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### **Section 11-3. Signs in Licensed Parking Lots.**

In the interest of public safety and convenience, there shall not be any sign in a parking lot, Use Item 58 of Section 8-7, in any district, except:

- (1) one sign per parking lot entrance which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with a white letter "P" in sans serif gothic type face, the letter "P" being not less than fifty percent of the area of that blue rectangle;
- (2) a sign bearing only that information and at that location required by the Traffic and Parking Department in its Rules Regulating Open-Air Parking Spaces; and
- (3) directional signs.

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face; it may have only two faces and shall not exceed a height of 25 feet above grade; it may be free standing or attached to a building.

(As amended on April 11, 1973)

### **Section 11-4. Signs on Parking Garages.**

In the interest of public safety and convenience, there shall not be any sign on a parking garage, Use Item 59 of Section 8-7, in any district, except:

- (1) at each vehicular entrance, one sign attached at right angles to the building which shall bear thereon in fifty percent or more of its total sign area a blue rectangle with a white letter "P" in sans serif gothic type face, the letter "P" being not less than fifty percent of the area of that blue rectangle;
- (2) at each vehicular entrance, one optional sign directly above, and the exact full width of, that entrance, and not to exceed two feet in height;
- (3) a sign bearing only that information and at that location as may be required by the Traffic and Parking Department; and
- (4) directional signs.

The area of the sign containing the "P" shall not exceed twenty-four square feet on each face; it may have only two faces and shall not exceed a height of twenty-five feet above grade.

(As amended July 9, 1973)

### **Section 11-5. Alteration, Repair and Replacement of On-Premise Signs.**

Except for copy changes on signs with changeable letter panels, no sign shall be reconstructed, extended, changed structurally or in content or replaced except in accordance with this Article. A sign which does not conform with this Article may be repaired provided that the cost of the repair does not exceed thirty-five percent of the replacement cost of the entire sign, except that an electric time and temperature sign which is an integral part of a nonconforming sign may be repaired or replaced with no restriction on the cost of the repair or replacement.

(As amended July 9, 1973)

### **Section 11-6. Signs Subject to Other Regulations.**

Billboards, signboards and other advertising subject to Sections 29 to 33, inclusive, of Chapter 93 of the General Laws as now in force or hereafter amended are allowed in L, B, LM, M, I, MER, and W districts, but not, in any event, in the Harborpark District; provided that:

- (a) whenever any part of a lot in a L district is directly across a street from any part of a lot in a S, R, or H district, and whenever a lot in a L district abuts a lot in a S, R, H district, the aggregate area of all signs

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on the lot in the L district which face toward, and are open to view from, the lot in the S, R or H district shall not exceed whichever of the following allows the greater area:

- (1) 10% of the area of the wall substantially parallel to such lot line, or
  - (2) one square foot for each foot in the length of such lot line; and
- (b) no new billboards shall be allowed within six hundred sixty (660) feet of a federally-funded highway subject to the Federal Highway Beautification Act unless approved by the Board of Appeal in accordance with Article 6 after receipt by the Board of Appeal of a planning recommendation from the Boston Redevelopment Authority.

(As amended April 11, 1973, August 30, 1988, February 1, 1989, April 27, 1990, and September 30, 1993)

### **Section 11-7. Electronic Signs.**

Electronic signs shall be conditional uses in the Theater District, Lansdowne Street Entertainment District and the Seaport Convention Center District, as shown on Appendix A. Electronic signs are forbidden elsewhere in the city.

1. The Board of Appeal shall grant a conditional use permit for an Electronic Sign, subject to the provisions of Article 6, only if the electronic sign:
  - (a) has been subject to design review approval by the Authority;
  - (b) is limited to an eight (8) year time period at which time, upon timely and proper appeal, the Board may renew the permit for an additional period of eight (8) years, provided the sign was operated in compliance with the provisions of the conditional use in all material respects;
  - (c) does not project more than five (5') feet from the face of a building or the width of the sidewalk, whichever is less;
  - (d) is limited to hours of operation between 7:00 AM and 2:00 AM;
  - (e) has a luminance at night that does not exceed 500 cd/m<sup>2</sup>; and
  - (f) the illuminated side shall not face a residential zoning district if located within one hundred and fifty feet of a residential zoning district.
2. An electronic sign may be found, by ISD, to be in violation of the terms of its conditional use permit if the Authority finds one or more of the following:
  - (a) Content is not appropriate or consistent with the terms of the permit;
  - (b) Animation and motion of images and messages is too fast and distracting and, as such compromises public safety;
  - (c) Sign has a negative impact on pedestrian or vehicular traffic flow and safety;
  - (d) Sign compromises public safety in any way.
3. The owner of an electronic sign shall be required to obtain an annual license and pay an annual fee to the Authority based on size, location and content of the electronic sign. In addition, the owner of an electronic sign will be required to pay, on an annual basis to the Authority, a percentage of any commercial revenue derived from advertisements or announcements for off-premise events or products displayed on such electronic sign.
4. The owner of a commercial electronic sign (except for building marquees) shall be required to devote ten (10%) percent of the sign's operational time for public service messages (weather, time, temperature, etc.) on a schedule determined and approved by the Authority.
5. Design Guidelines. To ensure that electronic signs are compatible with the character design features of the buildings and neighborhood, the following design guidelines are established:

- 
- (a) Electronic signs should not exceed five hundred fifty (550) square feet or one-fifth (1/5<sup>th</sup>) of the frontage of the building, unless the authority determines a larger sign is appropriate to the building and location;
  - (b) The design and content of each electronic sign should be consistent with the established theme or planning vision for the district/area;
  - (c) Electronic signs should respond to their location within the district and to the context of the surrounding district/area;
  - (d) Electronic signs that are interpretive of the district theme and location within the district are highly encouraged;
  - (e) Colors and intensity of illumination should be consistent with the theme of the district;
  - (f) Near and distant views should be taken into consideration when developing the size, location, and design of each electronic sign;
  - (g) The size, location, and design of electronic signs should highlight the specific use and architectural design of the building;
  - (h) Electronic signs should be well integrated into the architecture of the building, and not block existing windows or significant architectural features;
  - (i) Electronic signs located on a building should be located below the roof line, and preferably at the street level near the first floor;
  - (j) Electronic signs should be appropriate to the surrounding architecture of the street;
  - (k) Physical design and proportion of electronic signs as well as the design of content and messages should be innovative and not resemble a conventional static billboard;
  - (l) Overall dimensions and proportions of the electronic sign should not resemble conventional billboards in shape, size, design and content;
  - (m) Electronic signs that replace traditional marquee signs are encouraged;
  - (n) All projecting electronic signs that extend over a street are required to have separate approval from the Public Improvements Commission;
  - (o) Text on electronic signs should be kept to a minimum and bold use of graphics that reinforce the theme of the district and venue is encouraged;
  - (p) The content displayed on electronic signs in terms of both images and text should be appropriate for the general public;
  - (q) Abstract images and images that engage the public are encouraged rather than direct conventional product placements/promotions;
  - (r) Sponsorship information may be integrated into the graphics as part of the electronic sign;
  - (s) Electronic signs with third party sponsorship logo or information should be limited to thirty (30%) percent of the area of the sign or five (5) minutes within any thirty (30) minute cycle of animation;
  - (t) Electronic signs that are innovative in design and message delivery are highly encouraged; and
  - (u) Animation and motion of images should be slow and smooth. Images should dissolve gradually from one to another to avoid quick and frenetic changes of content that can be distracting and compromise public safety.

(As inserted on April 25, 2007; Text Amd. No. 386 , §§ 1—6, 12-20-12)

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**Section 11-8. Signs in Urban Renewal Project Areas.**

In an urban renewal project area, there shall not be any sign which does not comply with this Article and with the urban renewal plan for such project area.

(As amended on April 25, 2007)

**Section 11-9. Conditional Sign Permits.**

The Board of Appeal may grant conditional use permits in accordance with the procedure set out in Article 6 allowing signs other than those permitted by this regulation where the particular use or location justifies such exceptional treatment.

(As amended on April 25, 2007)

# Article 13 (Dimensional Requirements)

## Contents Page

### Overview

1. <a href="#">Amendment Overview and Reference Guide</a>	2
---	---

### Primary Additions

2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73

### Smaller Changes

6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115



## ARTICLE 13 DIMENSIONAL REQUIREMENTS

### Section 13-1. Dimensional Regulations.

Minimum lot size, minimum lot area per dwelling unit, minimum lot width, maximum height of buildings, minimum usable open space per dwelling unit, minimum front yard depth, minimum side yard width, minimum rear yard depth, minimum setback distance of parapet from any lot line, and maximum percent of rear yard occupied by accessory buildings for each class of use shall, except as otherwise expressly provided by this code and subject to the provisions of this Article and Articles 14 to 23 inclusive, be as specified in the following table.

(As amended on February 1 and March 20, 1989 and on April 27, 1990)

### Section 13-2. Lot Area or Yards Required.

In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

### Section 13-3. Nonconformity as to Dimensional Requirements.

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

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

- (a) Horizontal Extensions.
  - (i) The proposed extension of a nonconforming Side Yard or Rear Yard dimension follows in line with the existing nonconforming Building, without further encroaching from the existing nonconformity into a required Side Yard or Rear Yard; and,
  - (ii) The proposed extension does not encroach any further forward into a required Front Yard.
- (b) Vertical Extensions.
  - (i) The proposed extension of a nonconforming Building Height dimension is constructed within the existing Building Floor Plate; and
  - (ii) The proposed extension of a nonconforming Building Height dimension does not exceed the greater of: (i) the Building's maximum existing Building Height or (ii) the maximum Building Height allowed by zoning; and
  - (iii) The proposed extension does not encroach any further forward into a required Front Yard.

~~(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

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however, that if the nearest S<sub>7</sub>-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.

(As amended on April 14, 1967, September 23, 1987, August 30, 1988, and April 2, 1998)

**Section 13-5.**

(Inserted on September 7, 1967, and repealed on July 2, 1968.)



# Article 18 (Front Yards)

<u>Contents</u>	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115



## ARTICLE 18 FRONT YARDS

### Section 18-1. Front Yard Requirements.

Where a minimum depth of front yard is specified in this code, so much of every lot within the district specified, and devoted to the use specified, as lies between the street line (or, in the case of a rear lot, the rear line of the lot to the rear of which such rear lot is located) and a line inside the lot parallel to, and such minimum depth (or, in the case of lots to which Section 18-2 applies, the distance described therein) from, the street line (or, in the case of a rear lot, such rear line) is hereby required as a front yard within which no planting other than shade trees shall be maintained more than five feet above the average natural grade in such front yard and within which no structure shall be erected except fences and walls not over five feet in height above said average natural grade in such front yard and except also steps, terraces, open porches without roofs, and the like if not extending more than three feet above the floor of the first story, and except also signs that conform with Article 11. In a required front yard in an L or B district, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor. See also Section 22-2A.

(As amended on February 20, 1970, February 17, 1971, by two amendments July 9, 1973, September 27, 1973, October 22, 1974, February 14 and April 11, 1979, and April 27, 1990)

### 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)

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### **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 18-4. Article Applicable Along All Street Lines.**

If a lot abuts on more than one street, the provisions of this Article shall apply along every street line except as otherwise provided in Section 19-6.

### **Section 18-5. Front Wall of Building Not Parallel to Front Lot Line.**

If the front wall of a building is not parallel to the front lot line, but the average distance between such wall and such lot line is no less than the minimum front yard depth otherwise required by this Article, and the distance between such wall and such lot line is at no point less than three fourths of the minimum front yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

# Article 19 (Side Yards)

<u>Contents</u>	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115



## ARTICLE 19 SIDE YARDS

### Section 19-1. Side Yard Requirements.

Except as otherwise provided in this Article, where a minimum width of side yard is specified in this code, so much of every lot within the district, and devoted to the use, specified, as lies between the lot line on one side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, and also so much of every such lot as lies between the lot line on the other side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, are hereby required as side yards within which no planting other than shade trees shall be maintained more than six feet above the average natural grade in such yard and within which no structure shall be erected except:

- (a) fences and walls not over six feet in height above said average natural grade in such side yard,
- (b) steps, terraces, open porches without roofs and the like, if not extending more than three feet above the floor of the first story,
- (c) porches not over half the length of the side wall, ground story bays and open iron fire escapes, if not coming within three feet of any side lot line and not extending more than three and one half feet into the side yard,
- (d) other fire escapes, bays, balconies, chimneys and flues, if not coming within three feet of any side lot line and not extending into the side yard more than one third of the width of such yard nor more than three and one third feet in any event,
- (e) belt courses, leaders, sills, pilasters, lintels and ornamental features, if not coming within three feet of any side lot and not extending more than one foot into the side yard, and
- (f) cornices and gutters, if not coming within three feet of any side lot line and not extending more than two feet into the side yard.

(As amended on April 27, 1990)

### 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)

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

In L, B, M, I, ~~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)

- (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 ~~S~~-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)

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### **Section 19-9. Cumulative Side Yard Requirement**

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

# Article 22 (Yard Regulations)

<u>Contents</u>	Page
<b>Overview</b>	
1. <a href="#">Amendment Overview and Reference Guide</a>	2
<b>Primary Additions</b>	
2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73
<b>Smaller Changes</b>	
6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115





## ARTICLE 22 YARD REGULATIONS

### 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, 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, 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

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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.**

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. Fence and wall enclosures for refuse and recycling contains, may be up to eight feet in height above the average natural grade.

# Article 24 (Off-Street Loading)

## Contents Page

### Overview

1. <a href="#">Amendment Overview and Reference Guide</a>	2
---	---

### Primary Additions

2. <a href="#">Article 26 (Squares and Streets)</a>	9
3. <a href="#">Summary of Changes to other Articles</a>	14
4. <a href="#">Article 8 (New Use Table)</a>	20
5. <a href="#">Article 23 (Parking)</a>	73

### Smaller Changes

6. <a href="#">Article 3 (Establishment of Zoning Districts)</a>	80
7. <a href="#">Article 6 (Conditional Uses)</a>	90
8. <a href="#">Article 11 (Signs)</a>	94
9. <a href="#">Article 13 (Dimensional Requirements)</a>	102
10. <a href="#">Article 18 (Front Yards)</a>	105
11. <a href="#">Article 19 (Side Yards)</a>	108
12. <a href="#">Article 22 (Yard Regulations)</a>	112
13. <a href="#">Article 24 (Off-Street Loading)</a>	115

## 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**	<del>Group III Uses***</del>
<del>Under</del> 0-15,000 square feet	0	0	<del>0</del>
15,000 to <del>50,000</del> 49,999 square feet	0	1	<del>1</del>
<del>50,000 to 100,000</del>	<del>0</del>	<del>1</del>	<del>2</del>
<del>100,000 to 150,000</del>	<del>0</del>	<del>2</del>	<del>3</del>
<del>150,000 to 300,000</del>	<del>0</del>	<del>3</del>	<del>4</del>
<del>300,000 and over</del>	<del>0</del>	<del>4</del>	<del>5</del>

~~± 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 8-7 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 Civic Uses: Municipal Use;
- in Residential Uses: Artists' Live-Work, Group Living - Small, Group Living - 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 Active Uses: none;
- in Commercial Uses: Drive-in, Office - Small, Office - Large;
- in Higher Education Uses: none;
- in Health Care Uses: Clinic, Nursing or Convalescent Home Use;
- in Transportation Uses: Standalone Parking Garage, Standalone Parking Lot, Vehicular Services;
- in Industrial and Storage Uses: Crematory;
- in Accessory Uses: Accessory ATM, Accessory Car Share, Accessory Drive-Through, Accessory Dwelling Unit (Attached), 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 8-7 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:

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- in Open Space Uses: none;
  - in Civic Uses: 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 - 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 24-2. Design.

All off-street loading facilities provided to comply with Section 24-1 shall meet the following specifications:

- (a) Such facilities shall have bays, 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; and all lighting shall be so arranged as to shine away from streets and residences.
- (b) Such facilities, including all bays, maneuvering areas and access drives, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another lot.
- (c) Each loading bay shall be located entirely on the lot and shall be no less than ten feet in width, twenty-five feet in length, and fourteen feet in height, exclusive of maneuvering areas and access drives. Each loading bay within fifty feet of a residential district shall be enclosed in a structure if the use regularly involves night operations.

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**Section 24-3. Maintenance.**

All off-street loading facilities provided to comply with Section 24-1 shall be maintained exclusively for loading and unloading purposes 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.