

Definitions Phase 2 - Summary of Updates

Overview:

Phase 2A of the BPDA's Definitions Initiative aims to resolve and consolidate the definitions of terms defined in both Article 2 and other Articles in the Zoning Code. Moving forward, it is our goal that Code definitions will be found in either Article 2 or the other non-2 Articles where they are relevant, not both; and that definitions will have consistent meaning across the code to the extent possible. A few strategies were utilized to accomplish this goal.

- Terms with incongruent definitions between Article 2 and other Articles were resolved by either:
 - 1) Selecting or updating the Article 2 definition and deleting the term from the non-2 Articles.

OR

- 2) Retaining the definitions of the non-2 Articles and deleting the term from Article 2.
- Terms with consistent definitions between Article 2 and other Articles were removed from the non-2 Articles.

In addition to this consolidation, Phase 2A also seeks to update and clarify the definition of Multi-Family Dwelling.

These proposed changes are not intended to substantively affect the meaning, function, or operation of the Code, but merely to clarify language and eliminate the duplication of terms across Article 2 and the rest of the Code.

**Phase 1 of the Definitions Initiative consolidated Articles 2 and 2A into a single set of definitions for the Zoning Code, a new and unified Article 2. The zoning amendment was approved by the BPDA Board on May 11, 2023 and adopted by the Boston Zoning Commission on June 7, 2023.*

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Update to Priority Term - MFR

*(**BOLDED** text marks updated text, **RED** text marks deletion)*

Dwelling, Multifamily

| Article 2 | New Article 2 | Notes |
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| <p>For projects in the Neighborhood Districts or projects undergoing Article 80 development review, a building containing four or more dwelling units. For all other projects, a building containing three or more dwelling units. Not including a motel.</p> | <p>A building containing four or more dwelling units. Not including a hotel, motel, or the like.</p> | <p>Substantive duplication removed.</p> <p>No areas regulated by Base Code where 1- or 2-family dwellings are allowed and MFR is not.</p> <p>3-family use category - with same allowances - added to Article 8 use tables.</p> |

Non-Article 2 Consolidation - Updated Terms and Definitions (Non-Article 2 Deleted, Article 2 Remains)
*(**BOLDED** text marks incongruence, **GREEN** text = definition to remain - where applicable, **RED** text marks deletion)*

Accessible or Accessible to Physically Disabled Persons

| Article 2 | Article 30 | New Article 2 | Notes |
|--|--|---|----------------------------|
| Accessible or Accessible to Physically Handicapped Persons shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended. | Accessible or Accessible to Physically Handicapped Persons shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended. | Accessible or Accessible to Physically Disabled Persons shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended. | Updated term and language. |

Applicant

| Article 2 | Article 27T, Article 38, Article 39, Article 40, Article 41, Article 42A, Article 42E, Article 42F, Article 43, Article 44, Article 45, Article 46, Article 47A, Article 48, Article 49A | Article 29 | Article 30 | Article 32, Article 33, Article 37 | Article 85 | Article 87 | New Article 2 | Notes |
|--|--|--|--|--|--|--|--|-------------------------|
| Applicant. Any person or entity having a legal or | "Applicant" shall mean any person or entity having a | Applicant shall mean any person or entity having a | Applicant shall mean any person or entity having a | Applicant shall mean any person or entity having a | Applicant means the person or persons filing an | Applicant - any person or entity having a legal or | Any person or entity having a legal or equitable | Streamlined definition. |

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| <p>equitable interest in a Proposed Project subject to the provisions of this Code, or the authorized agent of any such person or entity.</p> | <p>legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section (27T-5; 38-4; 39-4; 40-4; 41-4; 42A-4, 42B-4, 42C-2, 42D-2; 42E-4; 42F-2; 43-4; 44-4; 45-4; 46-4; 47A-4; 48-4; 49A-3), or the authorized agent of any such person or entity.</p> | <p>legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Sections (29-3 and 29-5).</p> | <p>legal or equitable interest in a Proposed Project subject, in accordance with Section 30-3, to the provisions of this article, or the authorized agent of any such person or entity.</p> | <p>legal or equitable interest in a Proposed Project subject to the provisions of this article, or the authorized agent of any such person or entity.</p> | <p>application for review under this Article.</p> | <p>equitable interest in a Proposed Project subject to the provision of this Code, or the authorized agent of any such person or entity.</p> | <p>interest in a Proposed Project or the authorized agent of any such person or entity.</p> | |
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Artists' Mixed-Use

| Article 2 | Article 42E | New Article 2 | Notes |
|--|--|--|---|
| <p>The use of all or a portion of a Building for both habitation and either Art Use or Arts Studio use, or a combination thereof, provided that any portion of a Building devoted to such use shall be</p> <p>(a)occupied by persons certified as artists pursuant to the Boston Redevelopment Authority's Artist Certification Process,</p> <p>(b)designed in accordance with Boston Redevelopment Authority standards and guidelines for artists' mixed-use space, and</p> <p>(c)subject to an agreement for artists' housing with the Boston Redevelopment Authority.</p> | <p>Artists' mixed-use means the use of all or a portion of a building for both art use and habitation.</p> | <p>The use of all or a portion of a Building for both habitation and either Art Use or Arts Studio use, or a combination thereof, provided that any portion of a Building devoted to such use shall be</p> <p>(a)occupied by persons certified as artists pursuant to the Boston Redevelopment Authority's Artist Certification Process,</p> <p>(b)designed in accordance with Boston Redevelopment Authority standards and guidelines for artists' mixed-use space, and</p> <p>(c)subject to an agreement for artists' housing with the Boston Redevelopment Authority.</p> | <p>Article 2 definition retained as is.</p> <p>Provisions currently in Article 2 already apply.</p> |

Community Uses

| Article 2 | Article 49 | New Article 2 | Notes |
|---|--|---|---|
| <p>Adult education center; community center; day care center; day care center,</p> | <p>Community Uses, an indoor recreational building including ball courts;</p> | <p>Adult education center; community center; day care center; day care center, elderly;</p> | <p>Article 2 definition retained.</p> <p>Article 49 definition moved to</p> |

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| <p>elderly; library; place of worship; monastery; convent; or parish house.</p> | <p>gymnasium; play areas; community meeting rooms for educational or craft activities; day care center or social service uses for the local community; exterior play areas including ball courts, tot lots, and seating areas; community health center or clinic or other social service uses; and accessory kitchen uses.</p> | <p>library; place of worship; monastery; convent; or parish house.</p> | <p>new Article 49 Appendix B - Uses.</p> |
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Cultural Uses

| Article 2 | Article 42A | Article 48 | Article 49 | New Article 2 | Notes |
|--|---|---|---|--|---|
| <p>Art gallery; art use; auditorium; cinema; concert hall; museum; public art display space; studio, arts; studio, production; theatre; or ticket sales.</p> | <p>Cultural Uses means use for legitimate theater, concert hall, auditorium, museum, gallery, performance space, aquarium, or historical exhibit.</p> | <p>"Cultural Uses" means the uses listed in paragraph 2 of Appendix B to this article.</p> | <p>Cultural Uses, museum, theatre (not including motion picture theatre), music hall or opera house, indoor or outdoor performance space, public art display space, exhibition space for educational or cultural purposes, accessory uses such as office, retail, or</p> | <p>Art gallery; art use; auditorium; cinema; concert hall; museum; public art display space; studio, arts; studio, production; theatre; or ticket sales.</p> | <p>Article 2 definition retained.</p> <p>Article 42A definition already listed in Section 42A-18.</p> <p>Article 48 definition already listed in Section 48-7 and Appendix A.</p> <p>Article 49 definition moved to new Article 49 Appendix B - Uses.</p> |

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| | | | restaurant associated with such use. | | |
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Downtown

| Article 2 | Article 25A | Article 85 | New Article 2 | Notes |
|---|---|---|---|--|
| Downtown. The Downtown districts, as established pursuant to Section 3-1C of this Code, and those portions of the Downtown Interim Planning Overlay District, established pursuant to Article 27D, that are included in subdistricts H, L, O, and M, as depicted in Appendix A and described in Appendix B to Article 27D. | Downtown - shall have the meaning given in Article 2A (Definitions Applicable in Neighborhood Districts and in Article 80, Development Review and Approval). | Downtown means the area located east of the centerline of Massachusetts Avenue and north of the northern boundaries of the Massachusetts Turnpike Extension, and Fort Point Channel, but not including the Harborpark, as defined in this Section 85-2 (Demotion Delay). | The Downtown districts, as established pursuant to Section 3-1C of this Code. For the purposes of Demolition Delay, "Downtown" means the area described in Section 85-2 (Definitions). | Combined definitions to be inclusive of Article 85 policy. |

Harborpark

| Article 2 | Article 25A | Article 85 | New Article 2 | Notes |
|---|---|---|---|--------------------------------|
| Includes: (i) the Harborpark District, as established pursuant to Section 3-1D | Harborpark - shall have the meaning given in Article 2A (Definitions Applicable in | Harborpark means the areas governed by the zoning district identified as the | Includes: (i) the Harborpark District, as established pursuant to Section 3-1D | Article 2 definition retained. |

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| <p>of this Code; (ii) in the Dorchester Neighborhood District, established pursuant to Article 65, any Waterfront Lot, as that term is used in said Article 65; (iii) in the East Boston Neighborhood District, established pursuant to Article 53, any Waterfront Subdistrict and any Tidelands subject to M.G.L. Chapter 91.</p> | <p>Neighborhood Districts and in Article 80, Development Review and Approval).</p> | <p>Harborpark District in Section 3-1(f) of this Code.</p> | <p>of this Code; (ii) in the Dorchester Neighborhood District, established pursuant to Article 65, any Waterfront Lot, as that term is used in said Article 65; (iii) in the East Boston Neighborhood District, established pursuant to Article 53, any Waterfront Subdistrict and any Tidelands subject to M.G.L. Chapter 91.</p> | |
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Historic Building

| Article 2 | Article 41 | Article 42E, Article 48 | Article 43 | Article 44, Article 46, Article 49 | New Article 2 | Notes |
|---|--|--|--|--|--|-----------------------------|
| <p>Historic Building. Any building listed from time to time in the Massachusetts Register of Historic Places.</p> | <p>Historic Building means any building listed on the Massachusetts Register of Historic Places.</p> | <p>"Historic Building" means any building listed from time to time in the Massachusetts Register of Historic Places.</p> | <p>Historic Building means a building listed on the Massachusetts Register of Historic Places.</p> | <p>Historic Building means any building listed in the Boston Landmarks Commission Survey of Boston as a Category One, Category Two, Category</p> | <p>A building listed in the Massachusetts State Register of Historic Places, or that is categorized for or pending future landmarking by</p> | <p>Combined definition.</p> |

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| | | | | Three, or Category Four building. | the Boston Landmarks Commission. | |
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Hotel Use

| Article 2 | Article 30 | New Article 2 | Notes |
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| Hotel and Conference Center Uses. Bed and breakfast; conference center; executive suites; hotel; or motel. | Hotel Use shall mean Use Item Number 15, as defined in Table A, Section 8-7. | Hotel and Conference Center Uses. Bed and breakfast; conference center; executive suites; hotel; or motel. | Article 2 definition retained. Section 30-2 definition is redundant as Article 8 use already applies. |

Landmark

| Article 2 | Article 41 | Article 42E, Article 48 | Article 43, Article 47A | New Article 2 | Notes |
|---|--|--|---|---|---|
| Landmark. Any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended. | Landmark means any building or structure designated as a landmark by the Boston Landmarks Commission pursuant to Chapter 772 of the Acts of 1975, as amended. | "Landmark" means any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended. | Landmark means any building or structure designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended. | A building or structure designated a landmark by the Boston Landmarks Commission pursuant to Chapter 772 of the Acts of 1975, as amended. | Article 41 definition adopted into Article 2. |

Level of Service

| Article 2 | Article 43 | New Article 2 | Notes |
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| <p>Level of Service. The functional capacity of a traffic intersection, as measured by the ratio between the volume of vehicles passing through the intersection and the capacity of the intersection, or by the average delay per vehicle passing through the intersection.</p> | <p>Level of Service means the functional capacity of a traffic intersection as measured by the ratio between the volume of vehicles passing through the intersection and the capacity of the intersection.</p> | <p>The functional capacity of a traffic intersection, as measured by the ratio between the volume of vehicles passing through the intersection and the capacity of the intersection, or by the average delay per vehicle passing through the intersection.</p> | <p>Article 2 definition retained (updated more recently).</p> |

Neighborhoods

| Article 2 | Article 85 | New Article 2 | Notes |
|---|---|--|---|
| <p>Neighborhoods. The Neighborhood Districts, as established pursuant to Section 3-1B of this Code, and any other area of the City of Boston not included in the Downtown or the Harborpark, as defined in this Article.</p> | <p>Neighborhoods means all the areas of the City not included in the Downtown or Harborpark, as defined in this Section 85-2 (Demotion Delay).</p> | <p>The Neighborhood Districts, as established pursuant to Section 3-1B of this Code, and any other area of the City of Boston not included in the Downtown or the Harborpark, as defined in this Article.</p> <p>For the purposes of Demolition Delay, "Neighborhoods" means the area described in Section 85-2 (Definitions).</p> | <p>Combined definitions to be inclusive of Article 85 policy.</p> |

Open Space

| Article 2 | Article 42A | Article 42E | Article 42F | New Article 2 | Notes |
|--|--|---|---|---|------------------------------|
| <p>Open Space. 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.</p> | <p>Open Space has the meaning set forth in Section 42A-6 or Section 42B-6, as the case may be.</p> | <p>Open Space has the meaning set forth in Section 42E-6.</p> | <p>Open Space has the meaning set forth in Section 42F-6.</p> | <p>Except where otherwise specified in this Code, Open Space includes 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.</p> | <p>Combined definitions.</p> |

Physically Handicapped Person

| Article 30 | New Article 30 | Notes |
|--|----------------|-----------------------------------|
| Physically Handicapped Person shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended. | DELETED | Outdated language and unnecessary |

Proposed Project

| Article 2 | Article 25A, Article 32 | Article 27T | Article 29 | Article 30 | Article 33, Article 37 | New Article 2 |
|---|---|---|--|--|---|---|
| Proposed Project. The erection, extension, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. | • Proposed Project - the erection, extension, rehabilitation, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. | "Proposed Project" shall mean the erection or extension of any structure or part thereof for which the Applicant is required to obtain a building permit. | Proposed Project shall mean any construction, reconstruction, rehabilitation, or alteration of one or more structures constituting a unified development capable of depiction on a single site plan, or site work, for which the Applicant is required to obtain a building or use permit or permits. | Proposed Project shall mean the erection or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. | Proposed Project shall mean the erection, extension, or demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. | The erection, extension, alteration, rehabilitation, or substantial demolition of any structure, land, or part thereof, or the change of use of any structure or land (including Flowed Tidelands), for which the Applicant is required to obtain a building or use permit. A Proposed Project may |

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| | | | | | | proceed in phases, and may include more than one building, structure, or use. |
| Article 39, Article 40, Article 41, Article 45, Article 47A, Article 49A | Article 42A, Article 42E, Article 42F | Article 43, Article 44 | Article 46 | Article 49 | Article 87 | Notes |
| Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and | Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change or extension of use of any structure or land (including submerged land and Tidelands) , for which the Applicant is required to obtain a building | Proposed Project means the demolition, erection, reconstruction, structural alteration , or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may | Proposed Project means the erection, reconstruction, extension, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may | Proposed Project, the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, or the creation of open space uses permitted under Article 49 , for which the Applicant is required to obtain a building | Proposed Project - a residential or mixed use development undertaken within an SGOD in accordance with the requirements of the smart growth zoning and that involves the erection, extension, or substantial demolition of any structure or part thereof, or the | Combined definitions. |

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| may include more than one building, structure, or use. | or use permit. A Proposed Project may be built in phases and may include separate or connected building elements on the same Lot. | proceed in phases and may include more than one building, structure, or use. | proceed in phases and may include more than one building, structure, or use | or use permit. | change of use of any structure or land, for which the Applicant is required to obtain a building or use permit, and the details of which are set forth in the Smart Growth Development Plan. | |
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Public Agency

| Article 2 | Article 33 | Article 42A, Article 42E, Article 42F | Article 43 | New Article 2 | Notes |
|--|--|---|--|---|---|
| Public Agency. A department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or of one or more political subdivisions of the Commonwealth, or of the United States. | Public Agency shall mean the Commonwealth or one or more political subdivision(s) of the Commonwealth, or a department, agency, board, commission, authority, or other instrumentality of the | Public Agency means a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or one or more political subdivisions of the Commonwealth, or of the United States. For the purposes of this article, the | Public Agency means a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or one or more political subdivisions of the Commonwealth, or of the United States. | A department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or of one or more political subdivisions of the Commonwealth, or of the United States. | Article 2 definition retained. Harborpark definitions retained to maintain existing Tidelands provision. |

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| | Commonwealth, or of one or more political subdivision(s) of the Commonwealth, or the United States. | Commonwealth's proprietary interest in Tidelands shall not constitute "ownership" by a Public Agency. | | | |
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Residential Uses

| Article 2 | Article 29 | Article 30 | Article 49 | New Article 2 | Notes |
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| Residential Uses. Congregate living complex; elderly housing; group residence, limited; homeless shelter; lodging house; mobile home; mobile home park; multifamily dwelling; one-family detached dwelling; one-family semi-attached dwelling; orphanage; row house; temporary dwelling structure; three-family detached dwelling; townhouse; transitional housing; | Residential Uses shall mean Use Item Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, and 10, as described in Table A of Section 8-7. | Residential Use shall mean Use Item Numbers 7, 7A, 7B, 8, 8A, 10, 11, 12, 13, 13A, or 14, as defined in Table A, Section 8-7. | Residential Uses, limited to multifamily dwelling, lodging or boarding house, temporary housing shelters, and Group Residence Limited. Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity | Residential Uses. Congregate living complex; elderly housing; group residence, limited; homeless shelter; lodging house; mobile home; mobile home park; multifamily dwelling; one-family detached dwelling; one-family semi-attached dwelling; orphanage; row house; temporary dwelling structure; three-family detached dwelling; townhouse; transitional housing; | Article 2 definition retained. Section 29-2 definition is unnecessary because residential uses are not referenced in Article 29. Broader residential use inclusion for Article 30 will not change how and where the provisions of the Article are applicable. Article 49 definition |

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| two-family detached dwelling; or two-family semi-attached dwelling. | | | share cooperatives. | two-family detached dwelling; or two-family semi-attached dwelling. | moved to new Article 49 Appendix B - Uses. |
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Restaurant Uses

| Article 2 | Article 49 | New Article 2 | Notes |
|---|--|---|--|
| Restaurant Uses. A drive-in restaurant, restaurant, or take-out restaurant. | Restaurant Uses, restaurant, lunch room, cafeteria, Cafe, or other place for the service or sale of food or beverages to the public for on-premises consumption. | Restaurant Uses. A drive-in restaurant, restaurant, or take-out restaurant. | Article 2 definition retained. Article 49 definition moved to new Article 49 Appendix B - Uses. |

State Building Code

| Article 2 | Article 41, Article 44 | Article 43 | Article 85 | New Article 2 | Notes |
|--|--|---|---|---|---|
| State Building Code. The state building code and amendments and rules and regulations thereto as promulgated by the board of building regulations under sections ninety-three, | State Building Code means the state building code and amendments and rules and regulations thereto as promulgated by the state board of building regulations under sections ninety-three, | State Building Code means the state building code and amendments and rules and regulations thereto as promulgated by the board of building regulations under sections ninety-three, | State Building Code means the Massachusetts State Building Code, 780 CMR , as amended. | The Massachusetts State Building Code, 780 CMR, as amended. | Article 85 definition added to Article 2. |

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| ninety-four, and ninety-five of Chapter One Hundred Forty Three of the General Laws. | ninety-four, and ninety-five of Chapter One Hundred Forty-Three of the General Laws. | ninety-four, and ninety-five of Chapter One Hundred Forty Three of the General Laws. | | | |
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Theatre

| Article 2 | Article 43 | New Article 2 | Notes |
|--|--|--|---------------------|
| A structure used for dramatic, operatic, motion picture, or other performances. | Theater means a facility equipped for the production and presentation of performing and visual arts events. | A structure or facility where theatrical works, performing arts, motion pictures, or musical concerts are presented. | Updated definition. |

Zoning Relief

| Article 2 | Article 25A, Article 27T, Article 30 | Article 39, Article 40, Article 41, Article 42A, Article 42E, Article 42F, Article 43, Article 44, Article 45, Article 46, Article 47A, Article 49A | New Article 2 | Notes |
|--|--|---|--|--------------------------------|
| Zoning Relief. Any zoning variance, exception, conditional use permit, interim planning permit , zoning map or text change, PDA Development Plan or | Zoning Relief shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning | Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit , or zoning map or text change, or any other | Zoning Relief. Any zoning variance, exception, conditional use permit, interim planning permit, zoning map or text change, PDA Development Plan or | Article 2 definition retained. |

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| <p>PDA Master Plan approval, Institutional Master Plan approval, or any other relief granted by the Zoning Commission or the Board of Appeal.</p> | <p>Commission or the Board of Appeal.</p> | <p>relief granted by the Zoning Commission or the Board of Appeal.</p> | <p>PDA Master Plan approval, Institutional Master Plan approval, or any other relief granted by the Zoning Commission or the Board of Appeal.</p> | |
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Non-Article 2 Consolidation - Terms and Definitions (Article 2 Deleted, Non-Article 2 Remains)
*(**BOLDED** text marks incongruence, **RED** text marks deletion)*

Facility of Public Accommodation

| Article 2 | Article 42A, Article 42E, Article 42F | Article 53 | New Article 2 | Notes |
|--|--|---|----------------------|--|
| <p>Facility of Public Assembly. Auditorium, theater, concert hall, dance hall, drive-in theater, or stadium.</p> | <p>Facility of Public Accommodation means a use so described in Appendix B.</p> | <p>A "Facility of Public Accommodation" means a facility, including a commercial facility, at which goods or services are made available directly to the general public. Facilities of Public Accommodation include, but are not limited to:</p> <p>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;</p> <p>Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both, provided that such</p> | <p>DELETE</p> | <p>Facility of Public Accommodation exists in the zoning only as it relates to areas regulated by Chapter 91.</p> <p>The uses listed in Facility of Public Accommodation are found associated with other use categories in the use tables throughout the Code.</p> |

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| | | <p>establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice;</p> <p>Theater;</p> <p>Lobbies and public areas of a hotel or motel;</p> <p>Library, museum, aquarium, educational, historical, or cultural institution open to the public;</p> <p>Adult education center, community center, or other interior space dedicated to the programming of community meetings, informational displays, special recreational events, or other public activities;</p> <p>Store primarily serving the local retail business needs of the residents of the neighborhood,</p> | | |
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| | | <p>including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware, and minor household appliances, but not including packaged alcoholic beverages;</p> <p>Department store, furniture store, general merchandise mart, or other store serving general retail business needs of a major part of the city, including accessory storage;</p> <p>Barber shop, beauty shop, shoe repair shop, self-service laundry, pick-up and delivery station of laundry or dry-cleaner, or similar use;</p> <p>Tailor shop or hand laundry;</p> | | |
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| | | <p>Caterer's establishment, photographer's studio, upholsterer's shop, carpenter's shop, or electrician's shop;</p> <p>Day care facility;</p> <p>Sports or physical fitness facility open to the public; and</p> <p>Interior facility for waterborne public transportation facilities, recreational marina, boat rental establishment, recreational sailing or boating school, or other recreational boating facility or establishment.</p> | | |
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Filled Tidelands

| Article 2 | Article 42A, Article 42E | Article 42F | New Article 2 | Notes |
|---|--|--|----------------------|--|
| Filled Tidelands. Former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill. | Filled Tidelands means former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill. | Filled Tidelands means former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill, | DELETE | <p>Delete definition from Article 2. Retained Article 42A/42E/42F definitions.</p> <p>Provisions only used to regulate Chapter 91 land</p> |

| | | | | |
|--|--|--|--|--------------------|
| | | including drydocks used for Water Dependent Uses. | | in the Harborpark. |
|--|--|--|--|--------------------|

Flowed Tidelands

| Article 2 | Article 42A, Article 42E | Article 42F | New Article 2 | Notes |
|---|---|--|----------------------|--|
| Present submerged lands and tidal flats which are subject to tidal action at the time of license application under M.G.L. Chapter 91. | Flowed Tidelands means present submerged lands and tidal flats which are subject to tidal action at the time of license application under Chapter 91. | Flowed Tidelands means present submerged lands and tidal flats which are subject to tidal action at the time of license application under Chapter 91, excluding drydocks used for Water Dependent Uses. | DELETE | Delete definition from Article 2. Retained Article 42A/42E/42F definitions. Provisions only used to regulate Chapter 91 land in the Harborpark. |

Non-Article 2 Consolidation - Consistent Terms and Definitions (Non-Article 2 Deleted, Article 2 Remains)

(RED text marks deletion)

Art Use

| Article 2 | Article 42E | New Article 2 |
|--|--|--|
| The creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction. | Art use means the creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction. | The creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction. |

Authority

| Article 2 | Article 87 | New Article 2 |
|--|---|--|
| Authority. The Boston Redevelopment Authority. | Authority - the Boston Redevelopment Authority. | Authority. The Boston Redevelopment Authority. |

Boat Rental Establishment

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|--|---|--|
| Boat Rental Establishment. Any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels. | Boat Rental Establishment means any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels. | Boat Rental Establishment. Any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels. |

Bulkhead

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Bulkhead. A vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities. | Bulkhead. A vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities. | Bulkhead. A vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities. |

Chapter 91

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Chapter 91. M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended. | Chapter 91. M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended. | Chapter 91. M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended. |

Commonwealth Tidelands

| Article 2 | Article 42A, Article 42F | New Article 2 |
|---|---|---|
| Commonwealth Tidelands. The meaning ascribed in Chapter 91. | Commonwealth Tidelands. The meaning ascribed in Chapter 91. | Commonwealth Tidelands. The meaning ascribed in Chapter 91. |

High/Low Tide Line

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| High/Low Tide Line. The present arithmetic mean of the water heights observed at high or low tide, as applicable, over a specific 19-year Metonic Cycle (the National Tidal | High/Low Tide Line. The present arithmetic mean of the water heights observed at high or low tide, as applicable, over a specific 19-year Metonic Cycle (the National Tidal | High/Low Tide Line. The present arithmetic mean of the water heights observed at high or low tide, as applicable, over a specific 19-year Metonic Cycle (the National Tidal |

| | | |
|--|--|--|
| Datum Epoch) and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce. | Datum Epoch) and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce. | Datum Epoch) and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce. |
|--|--|--|

Institutional Master Plan, Institutional Use, and High Impact Subuse

| Article 2 | Article 25A | New Article 2 |
|--|--|---|
| <p>Applicable Institutional Master Plan or Applicable IMP. With respect to a Proposed Institutional Project, means an Institutional Master Plan of the proponent of such Proposed Institutional Project approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with applicable provisions of the code, and covering the project location.</p> <p>Institutional Uses. College or University Uses, Hospital Uses or Nursing or Convalescent Home Uses.</p> <p>High Impact Subuse. Any subuse of an Institutional Use that is identified as a High Impact Subuse in the definition of such Institutional Use.</p> | <p>Institutional Master Plan, Institutional Use, and High Impact Subuse - shall have the meanings given in Article 2A (Definitions Applicable in Neighborhood Districts and in Article 80, Development Review and Approval).</p> | <p>Applicable Institutional Master Plan or Applicable IMP. With respect to a Proposed Institutional Project, means an Institutional Master Plan of the proponent of such Proposed Institutional Project approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with applicable provisions of the code, and covering the project location.</p> <p>Institutional Uses. College or University Uses, Hospital Uses or Nursing or Convalescent Home Uses.</p> <p>High Impact Subuse. Any subuse of an Institutional Use that is identified as a High Impact Subuse in the definition of such Institutional Use..</p> |

Main Shipping Channel

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|--|--|--|
| Main Shipping Channel. The shipping channel for deep draft vessels in the Boston Inner Harbor as depicted by dashed lines on that certain chart issued by National Oceanic and Atmospheric Administration as chart number 13272 and entitled "Boston Inner Harbor," 39th Edition, dated November 24, 1984. | Main Shipping Channel. The shipping channel for deep draft vessels in the Boston Inner Harbor as depicted by dashed lines on that certain chart issued by National Oceanic and Atmospheric Administration as chart number 13272 and entitled "Boston Inner Harbor," 39th Edition, dated November 24, 1984. | Main Shipping Channel. The shipping channel for deep draft vessels in the Boston Inner Harbor as depicted by dashed lines on that certain chart issued by National Oceanic and Atmospheric Administration as chart number 13272 and entitled "Boston Inner Harbor," 39th Edition, dated November 24, 1984. |

Natural High/Low Tide Line

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|--|--|--|
| Natural High/Low Tide Line. The historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding. | Natural High/Low Tide Line. The historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding. | Natural High/Low Tide Line. The historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding. |

Neighborhood Council

| Article 2 | Article 33 | New Article 2 |
|---|---|---|
| Neighborhood Council. Any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern. | Neighborhood Council. Any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern. | Neighborhood Council. Any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern. |

Pier

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Pier. Any structure that extends seaward of the High Tide Line, but excluding any floating structure. | Pier. Any structure that extends seaward of the High Tide Line, but excluding any floating structure. | Pier. Any structure that extends seaward of the High Tide Line, but excluding any floating structure. |

Pierhead Line

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|--|--|--|
| Pierhead Line. The seaward limit of Pier construction as established in applicable law of the Commonwealth of Massachusetts. | Pierhead Line. The seaward limit of Pier construction as established in applicable law of the Commonwealth of Massachusetts. | Pierhead Line. The seaward limit of Pier construction as established in applicable law of the Commonwealth of Massachusetts. |

Planning and Zoning Advisory Committee

| Article 2 | Article 33 | New Article 2 |
|--|--|--|
| Planning and Zoning Advisory Committee shall mean any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues. | Planning and Zoning Advisory Committee shall mean any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues. | Planning and Zoning Advisory Committee shall mean any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues. |

Private Tidelands

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Private Tidelands has the meaning ascribed in Chapter 91. | Private Tidelands has the meaning ascribed in Chapter 91. | Private Tidelands has the meaning ascribed in Chapter 91. |

Proposed Institutional Project

| Article 2 | Article 32 | New Article 2 |
|---|---|---|
| Proposed Institutional Project. A Proposed Project occupied or to be occupied for Institutional Uses upon issuance of a building, use, or occupancy permit. | Proposed Institutional Project. A Proposed Project occupied or to be occupied for Institutional Uses upon issuance of a building, use, or occupancy permit. | Proposed Institutional Project. A Proposed Project occupied or to be occupied for Institutional Uses upon issuance of a building, use, or occupancy permit. |

Public Boat Ramp

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Public Boat Ramp. Any ramp structure that provides public access to or egress from the water for Vessels. | Public Boat Ramp. Any ramp structure that provides public access to or egress from the water for Vessels. | Public Boat Ramp. Any ramp structure that provides public access to or egress from the water for Vessels. |

Recreational Marina

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Recreational Marina. Any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat | Recreational Marina. Any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat | Recreational Marina. Any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat |

| | | |
|-------|-------|-------|
| club. | club. | club. |
|-------|-------|-------|

Seasonal Dry Storage

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Seasonal Dry Storage. The storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October. | Seasonal Dry Storage. The storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October. | Seasonal Dry Storage. The storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October. |

Sides of a Pier

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Sides of a Pier means the edges of the Pier other than the edge connecting the Pier with dry land and other than the End of the Pier. | Sides of a Pier means the edges of the Pier other than the edge connecting the Pier with dry land and other than the End of the Pier. | Sides of a Pier means the edges of the Pier other than the edge connecting the Pier with dry land and other than the End of the Pier. |

Tidelands

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Tidelands. Present and former submerged lands and tidal flats lying between the Natural High Tide Line and the seaward limit of state jurisdiction. | Tidelands. Present and former submerged lands and tidal flats lying between the Natural High Tide Line and the seaward limit of state jurisdiction. | Tidelands. Present and former submerged lands and tidal flats lying between the Natural High Tide Line and the seaward limit of state jurisdiction. |

Vessel

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|---|---|---|
| Vessel. Any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier. | Vessel. Any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier. | Vessel. Any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier. |

Vessel, Commercial

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|--|--|--|
| Vessel, Commercial. Any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge. | Vessel, Commercial. Any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge. | Vessel, Commercial. Any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge. |

Vessel, Recreational

| Article 2 | Article 42A, Article 42E, Article 42F | New Article 2 |
|--|--|--|
| Vessel, Recreational. Any Vessel used principally for recreational purposes. | Vessel, Recreational. Any Vessel used principally for recreational purposes. | Vessel, Recreational. Any Vessel used principally for recreational purposes. |