

;ARTICLE 42D

WATERFRONT MANUFACTURING DISTRICT

(;Article inserted on April 27, 1990*)

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(Editor's Note: This table of contents is added for the convenience of the user.
It has not been adopted as part of this Article.)

**As amended through March 15, 2006.

*Date of public notice: March 17, 1990 (see St. 1956, c. 665, s. 5).

SECTION 42D-1. **Statement of Purpose.** The purposes of this Article are to protect the working waterfront and preserve areas for manufacturing uses and waterfront service uses; to support maritime industrial uses through promotion of related manufacturing uses; to protect against the encroachment of uses that threaten the continued economic viability of these specialized operations; to promote uses which integrate activities, uses, and physical connections between the harbor and its surrounding neighborhoods; and to maintain a safe and healthy environment.

SECTION 42D-2. **Applicability.** Within a Waterfront Manufacturing District, no building or structure may be erected, reconstructed, extended, or altered, and no building, structure, land (including submerged land and Tidelands) or water area may be used or occupied, except as provided in this Article. A Waterfront Manufacturing District may be indicated by the abbreviation "WM" 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 Waterfront Manufacturing District. Where a conflict exists 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.

↔SECTION 42D-3. **Waterfront Manufacturing District Use Regulations.** No land (including submerged land and Tidelands), water area, or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this section and Section 42D-4 regarding performance standards for all uses. The provisions of Article 8 apply only as specified in this section, except that Section 8-6 applies.

1. Allowed Uses. Within a Waterfront Manufacturing District, any use specified in this Subsection 1 shall be allowed as a matter of right, subject only to the regulations set forth in this Article.

a. Manufacturing Uses. Any of the following uses, provided that no portion of such use is located within fifty (50) feet of a Residential District and provided such use meets the performance standards set forth in Section 42D-4; otherwise conditional;

Laundry plant, dry cleaning plant, rug cleaning plant.
Bottling works for beverages.
Cotton ginning.
Manufacture or repair of:
Advertising displays.
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 and fifty (150) 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 lintens.
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 (exclusive of 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 (exclusive of plastic processing).

Recycling of metal, plastic, wood, paper, cloth, glass, or similar nonhazardous materials (exclusive of processing), including storage of such materials in roofed enclosures, provided that outdoor storage shall be conditional.

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

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, yard goods, thread or cordage, including spinning, weaving, dyeing, and printing.

Tools or hardware, including hand tools, electrical tools, household hardware, locks, nonferrous metal castings, plumbing appliances, and the like.

Toys or vehicles for children, including baby carriages, scooters, wagons, bicycles, and the like.

Wood products, including furniture, boxes, and the like.

Packaging chemicals, detergents, or soap (exclusive of processing).

Printing or newspaper publishing, including engraving or photoengraving.

Stone cutting or lettering.

Storage of gases in amounts not exceeding ten thousand cubic feet.

Upholstering.

Any similar manufacturing use, unless specified in this Section as conditional or forbidden.

- b. Maritime-Dependent Facilities. The following uses are allowed provided the use is not within fifty (50) feet of a Residential District.

Facilities associated with marine terminals for the storage of goods transported in waterborne commerce;
Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce;
Wharves, piers, docks, and storage facilities for the commercial fishing industry;
Dry docks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures; and
Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction.

- c. Waterfront Service Uses. Any use that is allowed in a Waterfront Service District pursuant to Article 42C.
- d. Transportation Uses. Waterfreight or passenger terminal facility, including docks, piers, wharves, storage sheds used in whole or in part for waterborne commodities, and rail and truck facilities servicing or related to a waterborne freight terminal, provided the use is not within fifty (50) feet of a Residential District.
- e. Wholesale Business and Storage. Warehouse; wholesale business, including accessory storage (other than of flammable liquids, gases and explosives) in roofed structures; outdoor storage of: new building materials, contractor's equipment, machinery, metals (other than scrap and junk), and the like; enclosed storage or wholesaling of fish and seafoods, provided the use is not within fifty (50) feet of a Residential District.
- f. Scientific Research and Development Uses. Basic research; research and development; product development or prototype manufacturing; biomedical technology; pharmaceutical research and development; research and medical laboratories.

- g. Office Uses. Office or display or sales space of a wholesale, jobbing, or distributing house; office accessory to a lawful use.
- h. Amended on October 20, 2000.
- i. Open Space and Recreational Uses. Open space in public ownership 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 and open space in private ownership for active or passive recreational use or for the conservation of natural resources.
- j. Service Uses. Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop; 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; container redemption center; provided that such use occupies a gross floor area no greater than 2,500 square feet; and provided further that all storage of beverage containers for a container redemption center use is located entirely within a building, and that such use is not within fifty (50) feet of a Residential District.
- k. Restaurant Uses. Lunchroom, 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 by recording, radio, or television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles; provided that such use occupies a gross floor area no greater than 2,500 square feet.
- l. Accessory Uses. Any of the following uses accessory to an allowed use, subject to the limitations and restrictions of Article 10:
 - (i) Accessory parking for occupants, employees, customers, students, and visitors, provided accessory to any allowed or conditional use of this Article.
 - (ii) The storage of flammable liquids and gases incidental to a lawful use.

- (iii) The wholesale or retail sale of goods manufactured or packaged on the Lot.
- (iv) Any use ancillary to, and ordinarily incident to, a lawful main use.
- (v) Facilities for the temporary berthing on shore of personnel of Vessels under repair.
- (vi) The maintenance and operation of an indoor payphone, provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance

2. Conditional Uses. Except as otherwise provided in this Section 42D-3, no land (including submerged land and Tidelands), water area, or structure in a Waterfront Manufacturing District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in this Subsection 2.

- a. Marine Terminals. Marine terminals and related structures for the transfer between ship and shore of goods and/or passengers transported in waterborne commerce.
- b. Industrial Uses. Any of the following uses, provided waterfront access is required for receipt or dispatch of goods to and from the site or for other use of the water, and provided the use is located a minimum of one hundred (100) feet from a Residential District or an open space subdistrict subject to the requirements of Article 33; otherwise forbidden:

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 (250) feet outside the perimeter of the Lot or, if a Residential District is within two hundred and fifty (250) 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 resins, 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 reuse on the same lot or incidental 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.

- c. Transportation Uses. Bus terminal; bus station; railroad passenger station; motor freight terminal; yard for storing or servicing trucks or buses; rail freight terminal; storage yard accessory to railroad operation; provided that no portion of such

use is located within one hundred (100) feet of a Residential District.

- d. Office Uses. Office of professional person, not accessory to a main use; clinic not accessory to a main use; real estate, insurance, financial service institution, or other agency or government office; office building, post office, bank (other than drive-in bank), or similar establishment; provided that such use occupies no greater than twenty-five percent of the gross floor area of the structures or buildings on the Lot.
- e. Local Retail Uses. Store primarily serving the local retail business needs of the residents of the neighborhood, 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.
- f. Community Uses. Library or museum, not conducted for profit and not accessory to any other use; accessory library or museum, not conducted for profit; place of worship; monastery; convent; parish house; adult education center; community center; settlement house.
- g. Educational Uses. Day care center; nursery school; kindergarten; trade, professional, or other school; machine shop or other noisy activity accessory to a school, college, or university; elementary or secondary school; college or university, scientific research and teaching laboratories accessory to an elementary or secondary school, college or university, trade, professional, or other school, hospital, or hospital providing custodial care.
- h. Open Space and Recreational Uses. Open space recreational building; private grounds for games and sports.
- i. Residential Uses. Temporary dwelling structure which is ordinarily incident to a lawful use.
- j. Vehicular Uses. Parking lot; parking garage; repair garage; gasoline service station; car wash; sale and installation within a building of batteries, seat covers, tires and similar automotive parts and accessories; rental agency, storing, servicing, and/or washing rental motor vehicles and trailers; provided that such use is located at least one hundred (100) feet from the High Tide Line.

- k. Service Uses. Any of the following uses occupying a gross floor area greater than 2,500 square feet: Barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop; 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.
- l. Restaurant and Entertainment Uses. Lunchroom, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, which use occupies a gross floor area exceeding 2,500 square feet. Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both; theatre (including motion picture theatre but not drive-in theatre); 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); 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.
- l. Institutional Uses. Penal or correctional institution; detention home.
- m. Service Uses: Radio or television studio; animal hospital or clinic; kennel; pound.
- n. Outdoor Storage Uses. Outdoor storage of used material.
- o. Public Service Uses. Public service pumping station; public service sub-station, automatic telephone exchange; fire station; police station, telecommunications data distribution center, outdoor payphone.
- p. 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.
- q. Pawnshops

r. Body Art Establishment

3. Forbidden Uses. No land (including submerged land and Tidelands), building, or structure in a WM district shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified in this Section as an allowed or conditional use, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9. In any event, any use described in Use Item 34A or 38A of Table A of Section 8-7 is forbidden in a Waterfront Manufacturing District. No portion of any floating structure may be used or arranged or designed to be used for any use other than a Water-Dependent Use.

(;As amended on September 30, 1993 and October 6 and November 21, 1996, September 18 and October 20, 2000, February 16 and April 9, 2001, March 15, 2006.)

SECTION 42D-4. Performance Standards for All Uses. Within a Waterfront Manufacturing District, each use shall comply with the provisions of this Section.

1. None of the following effects shall be allowed:
 - a. Any emission beyond the boundaries of the Lot that is known to or can be shown to endanger human health or cause damage to property or significant damage to vegetation.
 - b. Any emission of radioactivity or any biohazard that exceeds any applicable local, state, or federal regulation.
 - c. Any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located outside the Lot.
 - d. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.
2. Any noise, air pollutant, vibration, dust, odor, change in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments shall not be allowed to emanate more than fifty (50) feet beyond the boundaries of the Lot upon which a use is located, or to emanate more than twenty (20) feet beyond the boundaries of the Lot upon which a use is located if the Lot abuts or is across the street from a Residential District.

SECTION 42D-5. Screening and Buffering. Within a Waterfront Manufacturing District, the following screening and buffering requirements shall apply, subject to the provisions of Section 13-3.

1. Where a use, other than a Residential Use, abuts a Residential District, such use shall provide and maintain along the property line(s) abutting such Residential District a screen that consists of one of the following combinations of plant materials and fencing:
 - a. a strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty vinyl-clad chain-link fence at least six (6) feet high, but not more than eight (8) feet high; the planting shall be located behind the fencing toward the bulk of the property within the Waterfront Manufacturing District; or
 - b. a strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least fifty percent (50%) opaque and at least six (6) feet high, but not more than eight (8) feet high; the planting shall be located behind the fencing toward the bulk of the property within the Waterfront Manufacturing District.
2. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas shall be screened from view from public rights-of-way other than rear alleys providing access only. Except as limited by the provision of Section 18-3 of this Code concerning corner traffic visibility, such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is not less than four (4) feet high or more than six (6) feet high.
3. Shrubs required by this Section shall consist of evergreen or a mixture of deciduous and evergreen, medium to heavy size, densely planted to provide a mature appearance within three (3) years. Trees required by this section shall be deciduous, evergreen, or some combination thereof. Deciduous trees shall be minimum three- (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center. Evergreen trees shall be a minimum of twelve (12) feet high and planted twelve to fifteen (12-15) feet on center. Approximately three (3) inches of pine-bark mulch shall be placed within the planting strip at the time of planting and replenished as necessary.

4. Landscaping required by this Section shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic in accordance with Section 18-3. There shall be no parking of vehicles in areas used for screening and buffering.
5. Disposal areas, dumpsters, and ground-mounted mechanical equipment shall be screened from view from public rights-of-way, other than rear alleys providing access only, with an opaque wall or fence; for disposal areas and dumpsters such wall or fence shall be at least six (6) feet high but not more than eight (8) feet high.
6. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.

SECTION 42D-6. Dimensional Regulations. Within a Waterfront Manufacturing District the following dimensional requirements apply to all buildings, structures, and uses:

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|------------------------------|--|
| 1. Minimum Lot Size: | none. |
| 2. Minimum Lot Width: | none. |
| 3. Maximum Floor Area Ratio: | within a WM-1 subdistrict: 1.0
within a WM-2 subdistrict: 2.0 |
| 4. Maximum Height: | within a WM-1 subdistrict: 35 feet
within a WM-2 subdistrict: 55 feet |
| 5. Minimum Front Yard: | thirty-five (35) feet if adjacent to a Residential District, otherwise none. |
| 6. Minimum Rear Yard: | thirty-five (35) feet if adjacent to a Residential District, otherwise none. |
| 7. Minimum Side Yard: | thirty-five (35) feet if adjacent to a Residential District, otherwise none. |

SECTION 42D-7. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 42D-8. Severability. The provisions of this Article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 42D-9. **Definitions.** Words and phrases defined in Appendix A to Article 42A, when capitalized in this Article 42D, have the meanings set forth in said Appendix A, except that for the purposes of this Article 42D only:

1. "Residential District" means an S, R, or H district or a subdistrict subject to the regulations governing an S, R, or H district.
2. "Residential Uses" means uses described in Use Items 1 through 8A of Table A of Section 8-7.