UPDATES TO DIMENSIONAL DEFINITIONS AND CODE STRUCTURE DRAFT - OCT 2026

DRAFT CONTENTS (click text to navigate to a section)

Article 2 “Greenline”.....Page 2

Changes to Article 2.

1964 Base Code: New District Article (Article 13).....Page 31

This new Article 13 will consolidate the regulations which are specific to the zoning districts originally written in the 1964 Zoning Code and are currently found in Articles 12-22. This is general restructuring and not changing the actual zoning.

1964 Base Code: Existing Articles Annoted.....Page 81

Articles 12-22 will be deleted as part of this amendment. This section of the draft shows what is happening to each section of these existing articles.

Other Code Changes “Greenline”.....Page 98

Changes throughout the rest of the code (mostly to fix reference to relocate things).

For more information, visit bosplans.org/dimdefs

Article 2 “Greenline”

What is this section: Changes to Article 2.

Color coding:

Text changing substantively

Text changing minorly (just rewording)

Moved from other part of Code

New text

~~Deleted (or move to other article)~~

Comments

Commented [1]: Most comments show the existing text (this is instead of showing all existing text struck). Some comments explain why definitions are being deleted or where relocated definitions are moving to or from.

ARTICLE 2 - DEFINITIONS

Section 2-1. - Meaning of certain words and phrases.

(a) **Definitions.** As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:. Where conflicts exist between an illustration or other graphic and the text of any provision of this Code, the text shall govern.

Abutting. To be next to or share a common boundary with a building or an area of land such as a lot, street, or zoning district.

Accessible or **Accessible to Physically Disabled Persons.** Accessible or Accessible to Physically Disabled Persons shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.

Accessory Structure. A Building or structure devoted exclusively to a use accessory to a main use of the lot, such as a shed, garage, or Accessory Dwelling Unit (Detached).

Commented [2]: Changed from Building

Accessory Use. A use customarily incident to, and on the same Lot as, a main or principal use,

(See this Article for definitions of certain Accessory Uses. See Section 8-2.5 (Accessory Uses) and Section 23-9.a (Location of Accessory Parking) for regulations applicable to Accessory Uses.)

Adjusted Income. Defined as it is in 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

AFFH Assessment Component. This includes completion of 1) the most recent version of the Assessment Tool, with a copy provided to the Boston Redevelopment Authority (d/b/a Boston Planning and Development Agency or BPDA) and the BIFDC, which shall provide to the Proponent a Displacement Risk Analysis and Historical Exclusion Analysis 2) an Affirmative Fair Housing Marketing Requirement 3) and a description of which measures from the most recent version of the AFFH Intervention Options, as adopted by the Boston Redevelopment Authority, the Proponent intends to utilize to address displacement and affirmatively create housing accessible to people within protected classes. These measures should be commensurate with the size and scope of the project, as well as the magnitude of historical exclusion and potential displacement, and shall be reviewed by the BIFDC, which shall advise the Boston Redevelopment Authority on the Proposed Project's compliance with the provisions of this article.

Affirmatively Furthering Fair Housing. Taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, Affirmatively Furthering Fair Housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, and transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Affirmatively Integrated Communities. Where a diverse set of people, including those that belong to Protected Classes, can afford to live and where they have reasonable access to amenities (e.g. healthcare, transit, groceries, banking, greenspace), educational opportunities, and economic opportunities. Reasonable access means that such amenities and opportunities are affordable, in close proximity to one's housing, and culturally appropriate.

Affordable Housing. Either an owner-occupied dwelling unit, requiring the expenditure by a low-income or moderate-income household for mortgage and insurance payments, real estate taxes, and condominium fees of not more than thirty-two percent (32%) (or such other percentage set by the Massachusetts Housing Finance Agency for the purpose of defining affordability) of its Adjusted Income to occupy the unit; or a renter-occupied dwelling unit, requiring the expenditure by a low-income or moderate-income household for rent payments of not more than thirty-two percent (32%) of its adjusted income (or the percentage set by the Massachusetts Housing Finance Agency).

Analysis of Impediments. A review of potential actions, omissions, conditions, or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of age, color, creed, disability, gender identity, marital status, familial status, national origin, race, religion, sex, sexual orientation, presence or absence of dependents, or public assistance and/or source of income including but not limited to any other protected classes listed under Chapter 151B of the Massachusetts General Laws; policies, practices, or procedures that appear neutral on the face, but which operate to deny or adversely affect the availability of housing to protected classes; and accompanying corrective actions designed to overcome such impediments.

Ancillary Use. Auxiliary, assisting. 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; and any such use on such a lot in another district or subdistrict unless such use is a use specifically forbidden in such other district or subdistrict.

Annual Income. Defined as it is in 24 CFR Section 813.106 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

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.

Applicant. Any person or entity having a legal or equitable interest in a Proposed Project or the authorized agent of any such person or entity.

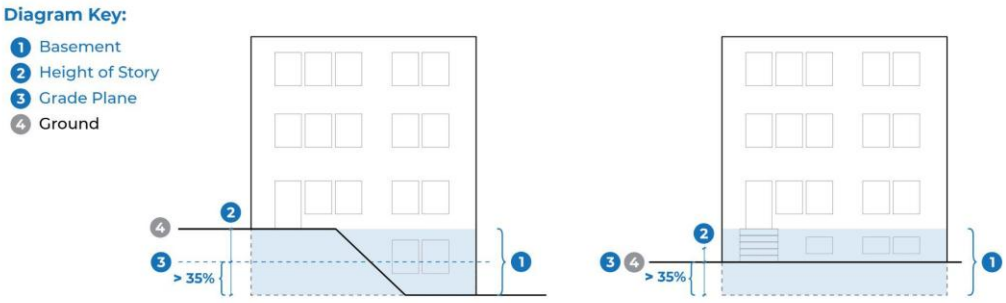
Area Median Income (AMI). The midpoint of a specific area's income distribution. The AMI applicable to Boston is calculated on an annual basis by the Boston Redevelopment Authority using data from the U.S. Department of Housing and Urban Development (HUD). AMI, or a percentage thereof, is used to determine the maximum income that a given household size may receive before becoming ineligible for an Inclusionary Development Unit.

Authority. The Boston Redevelopment Authority.

Awning. A wall-mounted frame covered with fabric or other flexible material that projects from the face of a Building and is intended to provide shade and weather protection.

Basement. A Story where more than thirty-five percent (35%) of the height of such Story is below the Grade Plane.

Inclusion in Building Height Requirements: Where this Code specifies a maximum number of Stories, that number of Stories shall not include a Basement.



Bay Window. A fenestrated projection from the face of a Building contained entirely within the following dimensions:

(a) depth does not exceed five (5) feet, and
(b) width does not exceed eighteen (18) feet or seventy percent (70%) of the width of the Building face where the Bay Window is located, whichever is the lesser.

Blank Wall of Facade. The width of a Building face on the Ground Floor that does not have windows or a pedestrian entrance fronting the Primary Front Lot Line.

Design Review: For a Proposed Project that is subject to or has elected to comply with Small or Large Project Review under Article 80 (Development Review and Approval) or review under Article 28 (Design Review), the maximum Blank Wall of Facade may be established on any lot frontage through such review process.

Block. The Lot(s) fronting one side of a Street located between two intersecting Streets or between any combination of intersecting Streets, rights-of-way, or natural barriers which interrupt the continuity of Lots and Buildings.

Board of Appeal. The Board of Appeal in the Inspectional Services Department of the City.

Boston Interagency Fair Housing Development Committee ("BIFDC"). Comprised of representatives from the Boston Housing Authority (BHA), Office of Fair Housing and Equity ("OFHE"), Department of Neighborhood Development ("DND"), the Mayor's Commission for Persons with Disabilities, and the Boston Redevelopment

Commented [3]: Deleted: " and Each side to form an angle with the face of the building of not less than one hundred thirty-five degrees."

Commented [4R3]: Changed "width of the building" to "width of the Building face"

Commented [5]: Changed from: "On the Ground Floor of a building, the width of the facade that does not have windows or a pedestrian entrance facing the Primary Lot Frontage."

Commented [6]: Changed from: "The lot or lots fronting on the same side of a street, between two other streets that form the side boundaries of the block."

Authority staff ("BRA") for a total of five. The BIFDC shall meet regularly to review the assessment components, proposals, and public comments, and develop a plan for ongoing monitoring of commitments and reporting requirements for the Proponent and/or successors and assignees and make recommendations to the BRA Board.

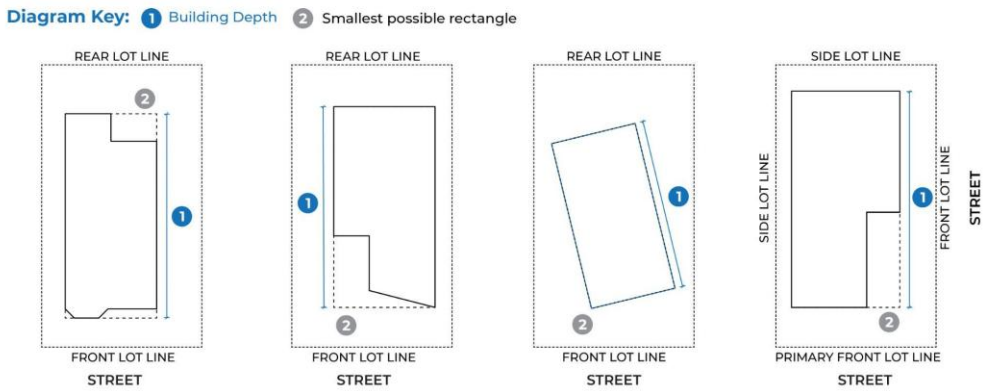
Building. A permanent Structure that has a roof and that encloses conditioned and/or occupiable space for persons, animals, or property. Where the context allows, the word "Building" shall be construed as though followed by the words "or part thereof."

Commented [7]: Changed from: "A structure forming a shelter for persons, animals, or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities."

Building Commissioner. The Building Commissioner, or successor, including but not limited to the City's Commissioner of Inspectional Services.

Building Depth. The greatest horizontal distance between the front and rear Building faces of the same Building. Building Depth is measured by creating the smallest possible rectangle that encompasses all Building faces then taking the length of the side of that rectangle most perpendicular to the Primary Front Lot Line.

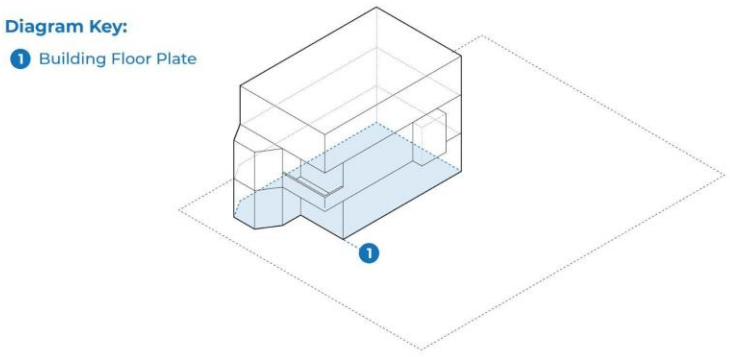
Commented [8]: Changed from: "The greatest distance between the frontmost and rearmost parts of a building, measured from the Building faces most closely aligned to the Front and Rear Lot lines. The measurement of Building Depth includes Bay Windows and permanently covered porches and balconies."



The Building Emissions Reduction and Disclosure Ordinance (BERDO). City of Boston Code Chapter VII, Sections 7-2.1 and 7-2.2, and its implementing regulations and policies, all as may be amended from time to time.

Building Floor Plate. The total floor area of a single Story within a Building measured from the exterior face of the Building's exterior walls.

Commented [9]: Changed from "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 Height (Height of Building). The vertical distance, measured in Stories or feet, from the Grade Plane of the Building to the higher of (i) the average height of the Building's highest roof surface or (ii) the highest roof structure excluding any exempt roof structures.

Commented [10]: Deleted: "In a Downtown district established under Section 3-1C (Neighborhood District), if a building is subject to Article 80B (Large Project Review), Building Height shall be measured to the top of the structure of the last occupied floor."

Exempt Roof Structures: The following roof structures are excluded from the measurement of Building Height:

1. Roof structures whose cumulative area do not exceed one third (⅓) the total of all of the Building's roof areas, measured horizontally, including
    a. any roof structure which is part of the building's infrastructure, including but not limited to, mechanical penthouses, antennas, chimneys, and stair bulkheads and elevator overruns (including those used for accessing roofs), and
    b. architectural roof elements including but not limited to cupolas, domes, belfries, and church spires.
2. Solar Energy Systems.
3. Roofdecks that are open to the sky if
    a. the horizontal surface of the roofdeck is no taller than three (3) feet above the highest point of the roof, and
    b. any guardrails are no taller than forty-two inches above the highest point of the horizontal surface of the roofdeck.
4. Architectural elements such as parapets, cornices, finials, roof eaves, and weathervanes.

Building Height Requirements: Where this code specifies a maximum Building Height in both stories and feet, both requirements must be met.

Coastal Flood Resilience Overlay District: See Article 25A for the measurement of Building Height for projects in the Coastal Flood Resilience Overlay District.

Diagram Key:

1. Building Height
2. Primary Front Lot Line
3. Lot Lines
4. Grade Plane
5. Avg. height of highest roof surface
6. Exempt roof structure

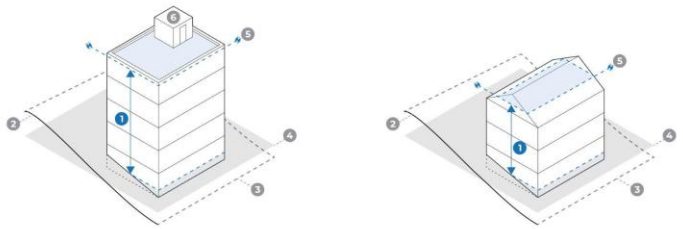
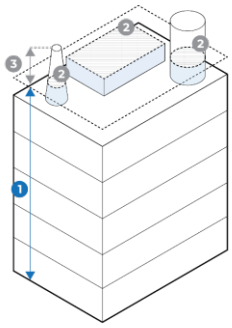


Diagram Key:

1. Building Height
2. 1/3 of roof area
3. Roof structures exempt from Building Height

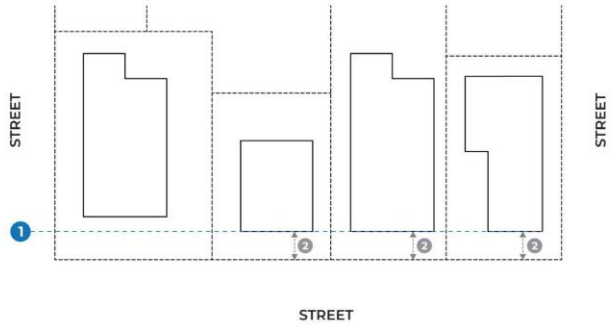


Building Line. The line in conformity with the Existing Building Alignment.

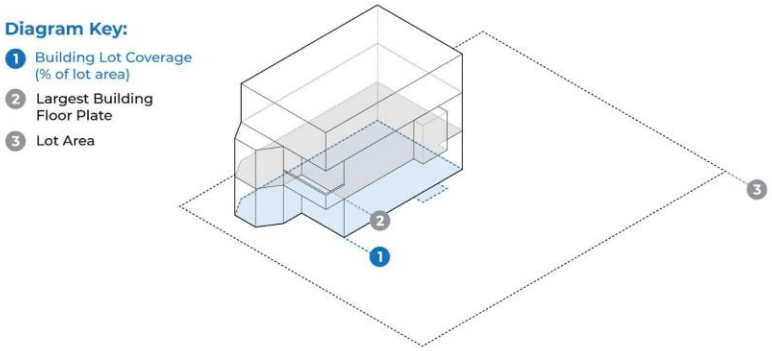
Commented [11]: Changed from: "The line in conformity with the alignment of existing buildings in the same block, at a distance from the street line equal to the yard depth occurring most frequently on that block, as measured by lot widths along the street line. The distance from the street line to the building line shall be calculated in accordance with the method described in Section 18-2 or the definition of "Existing Building Alignment.""

Diagram Key:

1. Building Line
2. Existing Building Alignment

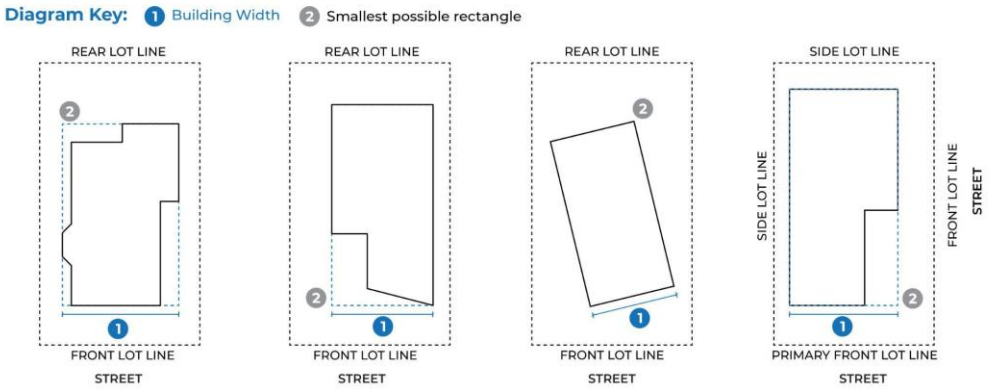


Building Lot Coverage. The cumulative percentage of Lot Area covered by the largest Building Floor Plate of each Building on the lot, but excluding any one story detached Structure that is exempt from building code such as small tool or storage sheds, playhouses, and the like.



Building Width. The greatest horizontal distance between the two farthest side Building faces of the same Building. Building Width is measured by creating the smallest possible rectangle that encompasses all Building faces then taking the length of the side of that rectangle most parallel to the Primary Front Lot Line.

Commented [12]: Changed from: "The greatest distance between the right most and left most parts of a Building, measured from the Building faces most closely aligned to the right and left Lot lines. The measurement of Building Width includes Bay Windows and permanently covered porches and balconies."



~~**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.~~

Commented [13]: Deleted because term is not used in the Code in the way defined in the definition

Canopy. A wall-mounted structure that projects from the face of a Building and is intended to provide shade and weather protection.

Carbon Dioxide Equivalent (CO_2e). Greenhouse gas Emissions, including carbon dioxide, methane and nitrous oxide. CO_2e shall be calculated using a methodology as set forth in the Building Emissions Reduction and Disclosure Ordinance (BERDO) and related regulations, policies, and guidance.

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, he amended.

City. The City of Boston.

Commission. The Zoning Commission of the City.

Comprehensive Sign Review. The review as described in Section 11-9 of this Code.

Commonwealth Tidelands. The meaning ascribed in Chapter 91.

Displacement. Unwilling or coerced departure, removal or economic dislocation, in a community or in an adjacent and impacted community, occurring when neighborhood choices become limited due to increasing rent burden or a lack of housing that is affordable to area residents, area renters, low-income residents, or residents belonging to protected class or a set of protected classes, thereby restricting housing choice for the impacted population.

Displacement Risk Analysis. An analysis of the risk of directly or indirectly displacing current residents, or residents of neighboring or nearby areas, including disproportionately displacing members of protected classes, and shall be measured by data provided by the Boston Redevelopment Authority to Proponents.

Downtown. The Downtown districts, as established pursuant to Section 3-1B (Downtown District) of this Code.

For the purposes of Demolition Delay, "Downtown" means the area described in Section 85-2 (Definitions).

Dwelling Unit. A room or group of rooms forming a habitable unit for one Family or Household, or one "Group Residence, Limited," with facilities used or intended to be used for living, sleeping, cooking, and eating; but not including any use contained in artists' mixed uses.

Erect. To construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

Existing Building Alignment. The Front Yard depth which occurs for the greatest cumulative length of Lot Frontages on a Block. If two or more Front Yard depths occur across equal length of Lot Frontages of the Block, the depth most similar to the Front Yard required by this Code shall be the Existing Building Alignment.

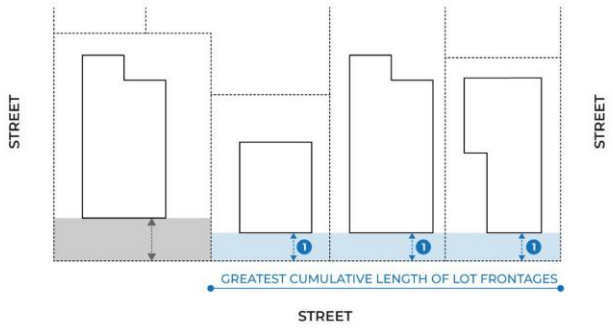
Commented [14]: Moved from Article 2(b) (Use Definitions)

Commented [15]: Changed from: "The Front Yard depth that occurs most frequently along a block, as measured by lot widths along the block. The existing building alignment may also be referred to as the "modal front yard depth".

1.Calculation of Existing Building Alignment - General Rule. The Existing Building Alignment (or "modal front yard depth") is calculated by measuring lot widths and the depths of Front Yards along a block, as follows:(a)Measurement of Front Yard depth: Along the same side of a Street on a block, the Front Yard depth of each developed Lot is measured. These measurements may be scaled off from a reliable plan or map. Rounding rule: If the buildings are attached, the measurement is rounded off to the nearest half-foot. If the buildings are detached, the measurement is rounded off to the nearest foot.(b)Calculation of Lot widths: Along the same side of the Street on a block, the widths of all Lots with the same Front Yard depth are added together.(c)Identification of Existing Building Alignment: For the same side of the Street on a block, the Front Yard depth occurring across the largest total Lot width shall be the Existing Building Alignment (or "modal front yard depth"). If two or more Front Yard depths occur across equal total Lot widths, the depth most similar to the Front Yard required by this Code shall be the Existing Building Alignment (or "modal front yard depth").2.Building Setback Required for Upper Story Dominant Building Line. On a block in which there is a uniform or dominant building line at the upper story level that differs from the Existing Building Alignment (or "modal front yard depth") because of ground floor projections, the part of a Structure above one story shall not extend beyond the faces of abutting buildings at the upper story levels."

Diagram Key:

1 Existing Building Alignment



~~**Extend.** To increase in area or volume.~~

Family or Household. One person or two or more persons related by family union or living as a single non-profit housekeeping unit occupying a Dwelling Unit, provided that a group of five or more persons who are enrolled as fulltime, undergraduate students at a post-secondary educational institution shall not be deemed to constitute a Family or Household. A group residence, limited, as defined in "Group residence, limited" shall be deemed a Family or Household.

~~**FAR.**~~

Floor Area Ratio (FAR). The ratio of Gross Floor Area of a structure to the Lot Area.

Floor Area, Gross (Gross Floor Area, GFA). The sum of area of all Stories of a Building, as measured by the exterior faces of the walls, but excluding:

(a) **Garage space:** garage space in the Basement of a Building, and grade-level garage space accessory to a Dwelling; however, above-grade parking shall be included in gross floor area,
(b) **Operational areas:** portions of areas such as basements, cellars, and attics devoted exclusively to uses incidental to the operation of the structure, such as for heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities,
(c) **Non-occupiable areas:** non-occupiable areas such as unfinished attics,
(d) **Public transit improvements**: public transit improvements by or for a Public Agency within the Lot, above or below grade, including head houses and/or structures designated for use by, access to or egress from public transit services, provided that any exterior changes are subject to Small Project Review.

Coastal Flood Resilience Overlay District: See Article 25A for the measurement of Gross Floor Area for projects in the Coastal Flood Resilience Overlay District.

Grade Plane. A horizontal plane created at the average elevation between the highest and lowest points of the ground at the Building face that fronts Primary Front Lot Line.

Commented [16]: Deleted because definition reflects everyday meaning and usage of the term and is therefore not necessary

Commented [17]: Changed from "One person or two or more persons related by blood, marriage, adoption, or other analogous family union occupying a dwelling unit and living as a single non-profit housekeeping unit"

Commented [18]: Consolidated with Floor Area Ratio

Commented [19]: Deleted: "Maximum FAR. Except as otherwise provided in this Code, the ratio of the gross floor area of all structures on a Lot to the total area of the Lot shall not exceed the maximum Floor Area Ratio specified in this Code."

and

"Calculation of Lot Area. For the purposes of determining the Floor Area Ratio of a structure or use, the calculation of Lot area excludes:

(a)Any area needed by any other structure or use to comply with any requirement of this Code, and(b)Any area needed for compliance with the requirements of this Code concerning minimum Lot size, Lot width, Lot frontage, minimum usable open space per dwelling unit, Front Yard, Side Yard, or Rear Yard, if the ownership of that area was transferred subsequent to the effective date of this Code."

Commented [20]: Changed from "total area of the Lot."

Deleted: " For purposes of calculating maximum FAR, Gross Floor Area excludes the floor area required to meet the off-street parking requirements of this Code."

Commented [21]: Moved to new district article (Article 13): "Areas not excludable in certain districts: In an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district, floor area is not excludable from the calculation of Gross Floor Area as an area for storage facilities or laundry facilities if:(i)The floor area was previously included in Gross Floor Area in an existing structure, or(ii)The floor area is located in an addition to an existing structure; except that floor area in an addition shall be excludable from Gross Floor Area if it is used for storage or laundry facilities in areas not used or designed to be ...

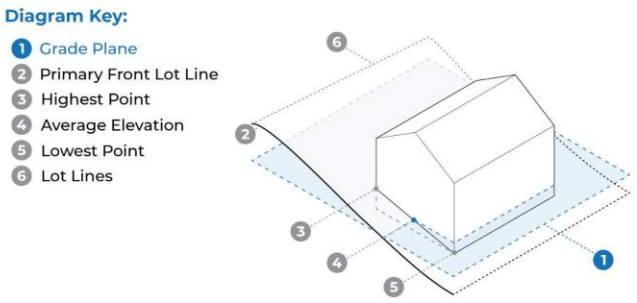
Commented [22]: Changed from: "of areas of the several floors of the structure,"

Commented [23]: Deleted "including fully enclosed porches and the like as measured by their exterior limits"

Commented [24]: Changed from: "(b)Accessory uses below grade: basement and cellar areas devoted exclusively to uses accessory to the operation of the structure,(c)Certain above-grade mechanical equipment: Except as otherwise specified in part 2 of this definition (concerning laundry and storage areas ...

Commented [25]: Changed from: "General Rule. Except as otherwise provided in this Code, the average elevation of the nearest sidewalk at the line of the street or streets on which the building abuts.

1.Building Not Abutting a Street. In the case of a ...



Green Building. A structure and its surrounding landscape designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.

Greenhouse Gas Emissions. The emission of greenhouse gasses, measured in units of Carbon Dioxide Equivalent, associated with the generation and transmission of energy used by a building or structure within a Proposed Project.

~~**Green Roof Project.** The portion(s) of building or structure roof area with vegetation or plantings purposed to reduce Heat Island Effects and provide Storm Water Retention and Thermal Insulation benefits. Additional benefits may include agricultural, habitat, and/or human well-being. Except for intensive and agricultural plantings, Green Roof systems should be drought resistant and not require irrigation once established. The Green Roof Project may consist of extensive or intensive vegetation and/or plantings, or a combination of both, and constructed of either in-place or modular systems.~~

Commented [26]: Deleted because term not used in Code

Ground Floor. The lowest Story of a Building of which sixty-five percent (65%) or more of the height of such Story is above Grade Plane. See also Story, First.

Ground Floor Ceiling Height. The height of the Ground Floor measured from its floor to the underside of the floor structure of the second floor.

Ground Floor Use Depth. The depth of the Ground Floor interior space devoted to a use. The Ground Floor Use Depth is measured as the distance from the interior Building face towards the interior of the Building.

Harborpark. Includes:

(i) The Harborpark District, as established pursuant to Section 3-1D of this Code;

(ii) In the Dorchester Neighborhood District, established pursuant to Article 65, any Waterfront Lot, as that term is used in 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.

Height of Building. See Building Height.

High impact Subuse. Any subuse of an Institutional Use that is identified as a High Impact Subuse in the definition of such Institutional Use.

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.

Historic Building. A building listed in the Massachusetts Cultural Resource Information System (MACRIS) or the Massachusetts State Register of Historic Places, or that is categorized for or pending future landmarking by the Boston Landmarks Commission.

Historical Exclusion Analysis. An analysis of explicit discrimination based on race or membership in other Protected Classes, or correlative economic factors have perpetuated housing segregation and excluded members of Protected Classes from living in the neighborhood, and it shall be measured by data provided by the Boston Redevelopment Authority to proponents.

Impact Area. The geographic district within which an impact on the Transportation Network can reasonably be attributed to the Proposed Project under review.

Inclusionary Development Fund. The fund - held and managed by the City of Boston Treasury that serves as the recipient of monetary contributions received from Covered Projects as applicable.

Inclusionary Zoning (IZ) Unit. Any Dwelling Unit that is income-restricted in compliance with the Inclusionary Development Policy (Article 79).

Income-Restricted Unit. Any Dwelling Unit that is subject to an income restriction, which limits occupancy to households not exceeding a specific AMI, which includes, but is not limited to, Inclusionary Development Units.

Inspectional Services. The building department of the City of Boston.

Institutional Master Plan Review. The review described as Institutional Master Plan Review in Section 80D-1 of this Code.

Landmark. A building or structure designated a landmark by the Boston Landmarks Commission pursuant to Chapter 772 of the Acts of 1975, as amended.

Large Project Review. The review described as Large Project Review in Section 80B-1 of this Code.

~~**LEED.** Leadership in Energy and Environmental Design Green Building Rating System are nationally accepted standards for green buildings developed by the USGBC. LEED standards include the following: LEED NC for new construction and major renovation projects; LEED CI for commercial interior projects; LEED H for homes; LEED ND for neighborhood development, The Green Building Guide for Health Care, developed by Healthcare without Harm, in conjunction with the USGBC is the appropriate standards for hospitals.~~

Commented [27]: Deleted because definition reflects everyday meaning and usage of the term and is therefore not necessary

LEED Certifiable. A structure that is planned, designed, and constructed to achieve the level "Certified" using the LEED building rating system most appropriate for the Proposed Project.

~~**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.~~

Lot. A parcel of land, including land under water, whether or not platted, in single ownership, and not divided by a publicly-owned right-of-way.

Lot Area. The horizontal area of the Lot exclusive of:

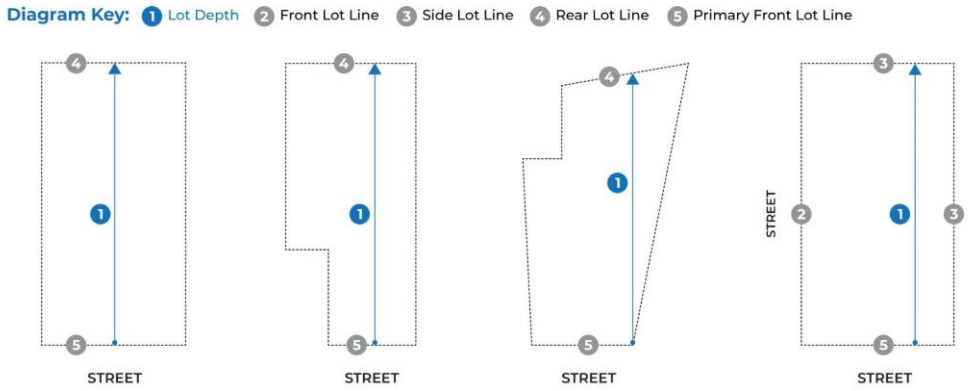
i. Any area open for public use and dedicated exclusively to vehicular traffic, and
ii. Any open water area below the mean high water line of an adjacent body of water that is not covered by a permanent Structure such as a pier.

Calculation Lot Area Per Dwelling Units: For purposes of determining the required Lot Area per Dwelling Unit, the number of Dwelling Units is determined as follows:

1. For a residential Building not divided into Dwelling Units (other than a Limited Group Care Residence), each four (4) beds shall be deemed to constitute one (1) Dwelling Unit.
2. A Limited Group Care Residence, as defined in this Article, shall be deemed to constitute one (1) Dwelling Unit.
3. For nonresidential Buildings, and for Buildings where nonresidential uses are combined with residential uses, each fifteen hundred (1,500) square feet of gross floor space devoted to nonresidential uses shall be deemed to constitute one (1) Dwelling Unit.

~~**Lot Area per Dwelling Unit.**~~

Lot Depth. The greatest horizontal distance between the Primary Front Lot Line and a Rear Lot Line, measured perpendicular to the Primary Front Lot Line and within the Lot.



Lot Frontage. The width of a Lot, measured along the Primary Front Lot Line.

Commented [28]: Deleted because term not used in Code

Commented [29]: Changed from "Street" because street now includes private ways. This keeps the meaning for Lot the same

Commented [30]: Deleted: "Calculation of Lot Area. 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."

Commented [31]: Changed from "in a street or private way open to public use"

Commented [32]: Changed from "any fresh-water area more than ten (10) feet from the shoreline, and any salt-water area below the mean high-tide line"

Commented [33]: Currently in term "lot area per dwelling unit." Deleted: "Where a minimum lot area for each additional dwelling unit is specified in this Code, the minimum lot area for the first dwelling unit on the Lot shall be the minimum lot size; and the minimum additional Lot area for each additional dwelling unit on the Lot shall be the required minimum lot area for each additional dwelling unit."

Commented [34]: Changed from: "each two (2) sleeping rooms for single or double occupancy, and each four (4) beds in sleeping rooms that contain beds for more than two (2) persons, shall be deemed to constitute one (1) dwelling unit."

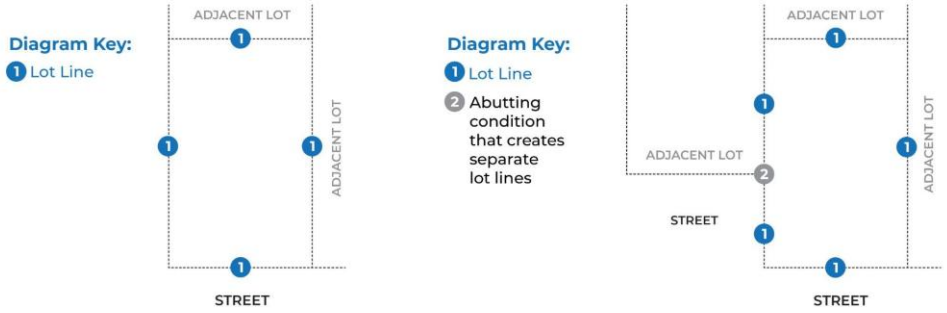
Commented [35]: Moved to subsection of "Lot Area"

Commented [36]: Changed from: "The horizontal distance between the front and rear Lot lines. This distance is measured by a straight line connecting the midpoints of the following two lines:

(i)At the front of the Lot, a straight line between the foremost points of the side lot lines, and(ii)At the rear of the Lot, a straight line between the rearmost points of the side lot lines."

Lot Line. A line delineating the boundary of a Lot. Where a line separates the Lot from more than one abutting condition (such as a Lot and a Street), such line shall be considered separate Lot Lines based on the separate abutting conditions for the purposes of determining Lot Line designation.

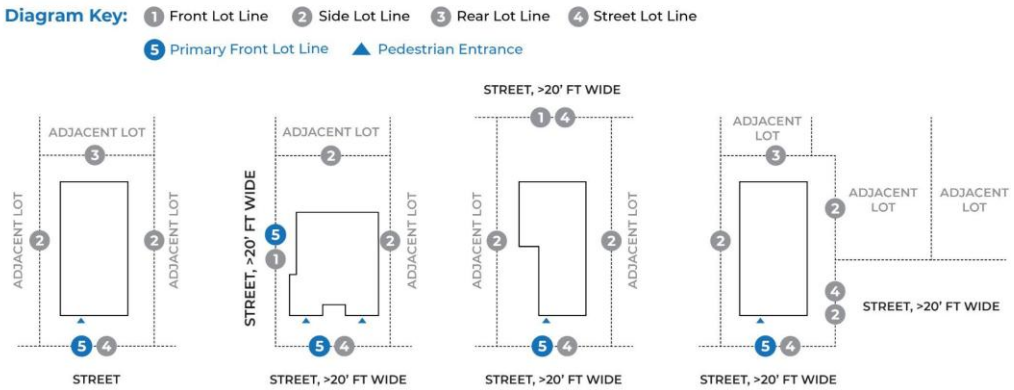
Design Review: For a Proposed Project that is subject to or has elected to comply with Small or Large Project Review under Article 80 (Development Review and Approval) or review under Article 28 (Design Review), each Lot Line may be designated through that review.



Lot Line, Primary Front (Primary Front Lot Line). The Front Lot Line where the Lot's address is located. Where there is more than one Front Line where the Lot's address is located, the owner may designate one as the Primary Front Lot Line.

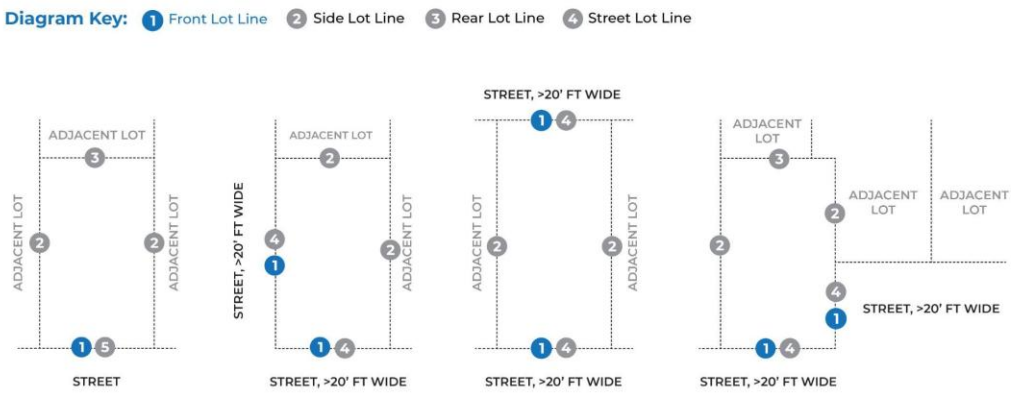
Commented [37]: Changed from "Primary Lot Frontage"

Design Review: For a Proposed Project that is subject to or has elected to comply with Small or Large Project Review under Article 80 (Development Review and Approval) or review under Article 28 (Design Review), the Primary Front Lot Line shall be designated through such review and should be the Front Lot Line with the primary focus of pedestrian activity and building orientation, as generally evidenced by having the greatest volume of pedestrian traffic, the presence of pedestrian entrances, and the greatest number of Building faces facing that Street.



Lot Line, Front (Front Line Line). Any Street Lot Line that abuts a Street which is at least 20 feet wide. For Lots with only one Street Lot Line, that Street Lot Line is a Front Lot Line regardless of the width of the abutting Street.

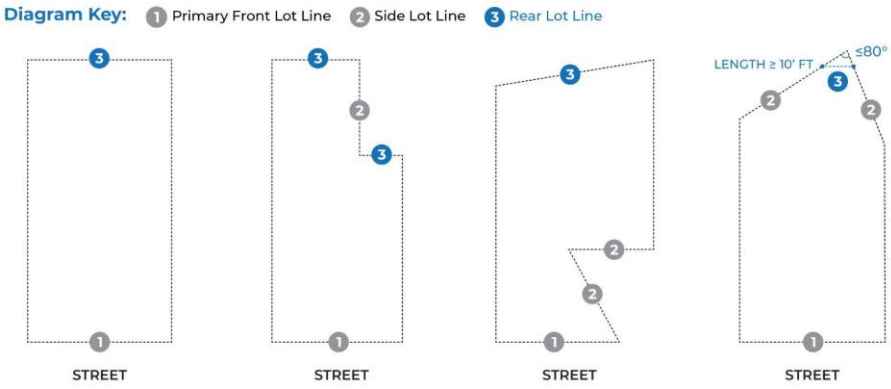
Commented [38]: Changed from: "The line separating the lot from the street. Where a lot abuts two or more streets, the owner may designate either of the two widest streets as the Front Lot Line."



Lot Line, Rear (Lot Line Rear). A Lot Line which:

i) is parallel to, or within forty-five (45) degrees of being parallel to, the Primary Front Lot Line, and
ii) any portion is opposite the Primary Front Lot Line measured interior to the lot, and
iii) does not intersect a Front Lot Line, and
iv) does not abut a Street at least 20 feet wide.

Pointed Lots: When two Side Lot Lines intersect at an angle of 80 degrees or less (except in the case of a Corner Lot), the Rear Lot Line shall be an imaginary line parallel to and farthest from the Primary Front Lot Line and not less than 10 feet long and within the Lot.



Commented [39]: Changed from "The line which most nearly qualifies as the line most distant and opposite from the front lot line."

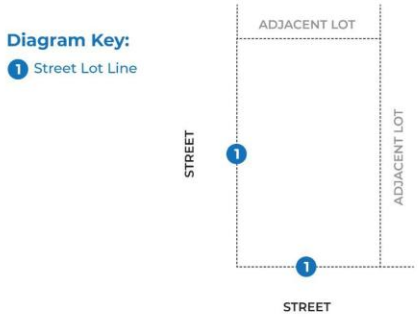
Commented [40]: Changed from "where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot."

Lot Line, Side (Side Lot Line): Any Lot Line other than a Front or Rear Lot Line.



Lot Line, Street (Street Lot Line). A Lot Line separating a Lot from a Street.

Commented [41]: Changed from "The line separating a street from a lot."



~~**Lot Size.**~~

Commented [42]: Consolidated with "Lot Area"

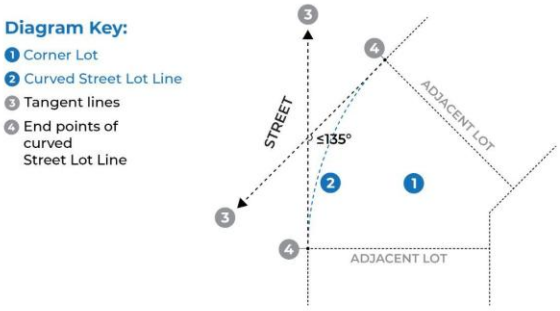
Lot Width. The greatest horizontal distance between two opposite Side Lot Lines, measured within the lot and parallel to the Primary Front Lot Line.

Commented [43]: Changed from: "The shortest horizontal distance between the side lot lines.

Measurement of Lot Width. Lot width shall be measured perpendicular to the mean direction of two straight lines: (i) one between the foremost and rearmost points of one side lot line, and (ii) the other between the foremost and rearmost points of the other side lot line. Unless specifically provided, where a minimum lot width is specified in this Code, no main building shall be erected on that part of a Lot where the lot width is less than that specified."

Lot, Corner (Corner Lot). A Lot with two Street Lot Lines that intersect at an angle no more than 135 degrees.

Curved Street Lot Line: In the case of a curving Street Lot Line, the tangent lines of the curve at the end points of the Street Lot Line shall be used to measure whether the angle of intersection is no more than 135 degrees.



Low-Income Household. Any household whose Annual Income does not exceed fifty percent (50%) of the median gross income of households in the Boston Standard Metropolitan Statistical Area.

Main Building. A building, not including a dwelling, that is not an accessory building.

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.

~~**Mansard Roof.**~~

Commented [44]: Moved to Article 42

Maritime Economy Reserve (MER) District. MER districts contain, or are adjacent to,

(a) Navigable channels of 12 feet or more in depth at mean low tide; or
(b) Tidelands and associated lands abutting such channels that by their topography, size, and relationship to residential neighborhoods are suited for maritime-dependent industrial use**.** Where an area is being used or, within the five (5) years prior to the establishment of the MER district in this code, has been used for a maritime-dependent industrial use, this requirement is deemed to have been met.

Meaningful actions. Significant decisions and other actions in the development process, including unit mix, affordability levels, allocation of financial mitigation, transportation planning, and other decisions that are designed, and can be reasonably expected, to achieve a material positive change for Boston residents and affirmatively further fair housing.

Median Gross Income. Defined as it is by the United States Department of Housing and Urban Development, pursuant to 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

Midtown Shadow Overlay. The Midtown Shadow Overlay, as shown in Map 1A, records the extent of the Midtown Cultural District as referenced in State Shadow Regulations. Structures built within the boundaries of the Midtown Shadow Overlay shall abide by the provisions for the Midtown Cultural District in State Shadow Regulations.

~~**Modal Front Yard depth.**~~

Commented [45]: Consolidated with "Existing Building Alignment"

Moderate-Income Household. Any household whose annual income does not exceed eighty percent (80%) of the median gross income of households in the Boston Standard Metropolitan Statistical Area.

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) with the exception of:

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

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. 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 Housing Trust. A Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Housing Trust passed by the City Council on May 21, 1986 and approved by the Mayor of Boston on July 6, 1986, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.

Neighborhood Jobs Trust. A Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Jobs Trust passed by the City Council on August 19, 1987 and approved by the Mayor of Boston on September 8, 1987, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.

Neighborhoods. The Neighborhood Districts, as established pursuant to Section 3-1C (Neighborhood District) 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.

For the purposes of Demolition Delay, "Neighborhoods" means the areas described in Section 85-2 (Definitions).

Nonconforming Use. A use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which it is located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

Occupied. Shall include the words "designed, arranged, or intended to be occupied".

Outdoor Amenity Space. A space open to the outdoor air directly accessed from a Building or from a pedestrian accessway, that is designed for active or passive recreational use such as playing, gathering, and seating. Outdoor Amenity Space may include overhead structures that provide shade or protection from the elements, but are otherwise open to the outdoor air, such as pergolas and canopies. Outdoor Amenity Space includes but is not limited to:

- Publicly Accessible Open Space, as defined in Article 8;
- Publicly accessible sidewalk provided on the lot;
- Outdoor space for tenants or customers, including restaurant seating or outdoor event and performance areas; or
- Publicly accessible through-block pedestrian connections of a width not less than ten (10) feet;
- Private amenity space designed for use primarily by the building occupants, such as porches, interior courtyards, shared gardens, playgrounds, shared terraces, and/or programmed or landscaped yards, provided that such spaces have an unobstructed length of not less than ten (10) feet and an unobstructed depth of not less than ten (10) feet;
- Private amenity space dedicated for use by a single dwelling unit, and that is directly accessible from that dwelling unit, such as fenced/walled patios, private terraces, and balconies, provided that such a space has an unobstructed length of not less than five (5) feet, an unobstructed depth of not less than five (5) feet, and an overall area of not less than thirty (30) square feet; or
- Roofdecks, occupiable vegetative roofs, and other programmed recreational spaces on rooftops that are accessible by building occupants or the public through common circulation.

Measurement of Required Outdoor Amenity Space: When specified, the Outdoor Amenity Space requirement is calculated by dividing the total area of all Outdoor Amenity Space by the Lot Area.

Publicly Accessible Open Space: Every one (1) square foot of Publicly Accessible Open Space counts as 1.25 square feet toward the total required Outdoor Amenity Space.

Large Lots: On a lot larger than 11,000 square feet, Outdoor Amenity Space located on the roof may provide no more than fifty percent (50%) of the required Outdoor Amenity Space.

Outdoor Amenity Space, Ground Floor (Ground Floor Outdoor Amenity Space): Outdoor Amenity Space which is directly accessed from the Ground Floor of the Building or from a pedestrian accessway.

~~**Parapet line.**~~

Party Wall. Any wall located on a Lot Line between abutting Buildings, which is used or adapted for joint service between the Buildings.

Commented [46]: Moved from Outdoor Amenity Space definition

Commented [47]: Deleted because related parapet setback rules in Article 21 are being deleted

Performance Standards. Requirements to be met by all Light Manufacturing uses, General Manufacturing uses, and Restricted Industrial uses. 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. For a Light Manufacturing use, 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.

   For a General Manufacturing use, 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.

   For a Restricted Industrial use, 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.

Permeable Area of Lot. The amount of Lot Area 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. Surfaces included in the calculation of Permeable Area of Lot include, but are not limited to:

1. vegetative landscapes, such as lawn, trees, and planting areas;
2. vegetated green infrastructure, such as rain gardens and bioswales;
3. porous paving materials, such as porous asphalt and permeable pavers;
4. and other natural materials that achieve the prescribed infiltration rate of 0.17 inches/hour, as referenced in the Massachusetts Stormwater Handbook (Volume 3, Chapter 1), such as mulch and clean washed stone.

   Green or Blue roofs: The calculation of Permeable Area of Lot excludes permeable surfaces (green roofs) and rain capture systems (e.g. blue roofs) located on a roof or elsewhere on or in an above-grade structure.

   Design Review: For a Proposed Project that is subject to or has elected to comply with Small or Large Project Review under Article 80 (Development Review and Approval) or review under Article 28 (Design Review),

Permeable Area of Lot may include permeable area in the public right-of-way adjacent to the Lot if such area is created by the Proposed Project and is either maintained by the Proposed Project or accepted by the Public Improvement Commission for City maintenance.

Pier. Any structure that extends seaward of the High Tide Line, but excluding any floating structure.

Pierhead Line. The seaward limit of Pier construction as established in applicable law of the Commonwealth of Massachusetts.

Planned Development Area Development Plan or PDA Development Plan. The development plan required for a Planned Development Area, pursuant to Section 3-1 A.a.

Planned Development Area Master Plan or PDA Master Plan. A master plan setting forth the development concept for a PDA, as provided for in Section 3-1 A.a.

Planned Development Area Review. The review described as Planned Development Area Review in Section 80C-1 of this Code.

Planning and Zoning Advisory Committee. 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.

~~**Primary Lot Frontage**~~.

Commented [48]: Replaced with the term "Primary Front Lot Line"

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

Commented [49]: Deleted because term not used in Code

Private Tidelands. Has the meaning ascribed in Chapter 91.

Proposed Institutional Project. A Proposed Project occupied or to be occupied for Institutional Uses upon issuance of a building, use, or occupancy permit.

Proposed Project. 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 proceed in phases, and may include more than one building, structure, or use.

Protected classes. Individuals or groups who are entitled to protection from discrimination or other adverse action, or to affirmative accommodations, opportunities, or protections, pursuant to federal, state, and local civil rights and fair housing laws including but not limited to protected classes listed under M.G.L. c. 151B of the Massachusetts General Laws.

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.

~~**Recycle.** To recover materials or byproducts:~~

Commented [50]: Deleted because term not used in Code

~~(a) Which are to be reused, or~~

~~(b) Which are to be employed as an ingredient or a feedstock in an industrial or manufacturing process to make a product, or~~

~~(c) Which are to be employed in a particular function or application as an effective substitute for a commercial product or commodity. Recycle does not mean to recover energy from the combustion of a material.~~

~~**Required Square Footage.** A percentage of a development's total usable square footage equal to the percentage of units required in a proposed project.~~

Commented [51]: Deleted because term not used in Code

~~**Restricted, more, and less.** A use district is "more restricted" if it is listed earlier in Section 3-1 and "less restricted" if listed later in said section.~~

Commented [52]: Moved to Article 13

Rounding Numbers, Rule For. When a number must be rounded to the nearest whole number, as in the case of off-street parking requirements,

- when the decimal is 0.5 or greater, the number shall be rounded up to the nearest whole number and
- when the decimal is less than 0.5, the decimal shall be dropped.

Commented [53]: Changed from: "Rounding Numbers, Rule For. When a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot to determine the existing building alignment, if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number."

Roxbury Land Trust. A trust or other organization to be formed for the purpose of establishing a process for community participation in the disposition of certain publicly owned land in the Roxbury Neighborhood District.

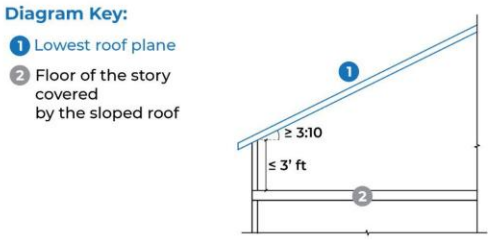
Shall. Shall be considered mandatory and not directory.

~~**Sides of a Pier.** The edges of the Pier other than the edge connecting the Pier with dry land and other than the End of the Pier.~~

Commented [54]: Moved to Article 42

Sign. Any text, logo, graphic representation, or supporting structure, that is used for wayfinding or advertising, and is intended to be viewed from outside.

Sloped Roof Story. A Story where the lowest roof plane has a slope greater than 3:10 and the point where the interior face of the lowest roof plane and interior face of the exterior wall intersect is no greater than three (3) feet above the finished floor of the Story covered by the Sloped Roof.



Small Project Review. The review described as Small Project Review in Section 80E-1 of this Code.

Solar Energy System. A renewable energy generating system that employs solar photovoltaic or solar thermal energy, and associated mounting systems.

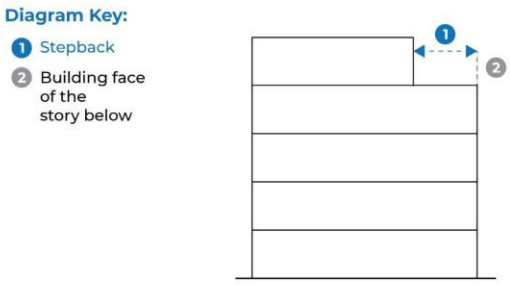
~~**Solid Waste Transfer Station.** A facility where solid wastes are brought, stored, and transferred to vehicles for transport to the location of further processing or treating or ultimate disposal.~~

Commented [55]: Moved to Article 2(b) (Use Definitions)

State Building Code. The Massachusetts State Building Code, 780 CMR, as amended.

State Shadow Regulations. An Act Protecting Certain Public Commons, of the Massachusetts Legislature Acts of 1990, Chapter 362, An Act Protecting the Boston Public Garden, of the Massachusetts Legislature Acts of 1992, Chapter 384; and the Acts of 2017 Protecting Sunlight and Promoting Economic Development in the City of Boston, Chapter 57.

Stepback. The distance by which a Building face is recessed from the Building face of the Story below.

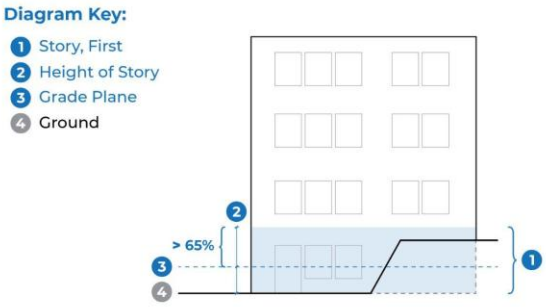


Stepback Height. The Building Height at which a required Stepback shall occur for the Building face at and above that height.

Story. That occupiable portion of a Building included between the upper surface of a floor and the upper surface of the next highest floor or roof. Space which is exempt from Building Height under the definition of Building Height definition shall not be considered a Story.

Commented [56]: Changed from: "except that a space used exclusively for the housing above the roof of mechanical equipment of a building shall not be considered to be a story if access to such space may be had only for maintenance of such equipment."

Story, First (First Story). The lowest Story of a Building of which sixty-five percent (65%) or more of the height of such Story is above Grade Plane. See also Story, First.



Story, Half. A Story that is used or designed to be used for human occupancy, and that meets the following dimensions:

(i) The area, measured at a height of four (4) feet vertically above the floor, is a maximum of one-half (1/2) of the area of the Story next below, and

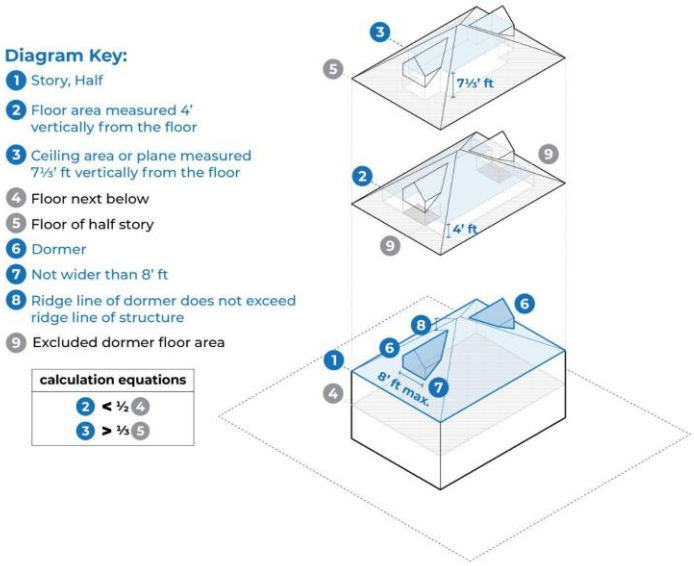
(ii) The area, measured at a height of seven and one-third (7⅓) feet vertically above the floor, is a minimum of one-third (⅓) of the area of the Half Story.

Treatment of dormers: for the purpose of determining Half Story, the floor area of up to two (2) dormers on a dwelling shall be excluded from the floor area calculation for a half story, if each of the excluded dormers meets the following requirements:

(i) The dormer is not wider than eight (8) feet; and

(ii) The ridge line of the dormer does not exceed the ridge line of the structure of which it is a part, or thirty-five (35) feet above the Grade Plane, whichever is less.

However, the floor area of dormers shall be included in the Gross Floor Area of a dwelling.



Street. A public or private right-of-way which is open to public travel, accommodating pedestrian and/or vehicular travel, inclusive of roads, sidewalks, and alleys.

Commented [57]: Changed from: "A public way, alley, lane, court, sidewalk, and such parts of public squares and public places as form traveled parts of highways."

~~**Street Line.**~~

Commented [58]: Replaced with the term "Street Lot Line" (under "Lot Line, Street")

Street Wall. The portion of the exterior wall (including recesses, bays, windows, doors, and other features) of a proposed project that fronts on a public street (excluding public alleys) and is below the streetwall height specified in a Neighborhood District article.

Structure. A combination of materials assembled at a fixed location to give support or shelter, such as a Building, retaining wall, fence, sign, awning, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof'.

Commented [59]: Changed from: "A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like."

Substantially Rehabilitate. To cause alterations or repairs to be made to a structure or structures within any period of twelve (12) months, if such alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on the assessment rolls of the City as of the January 1 preceding the date of: i) notice to the Boston Redevelopment Authority of a Substantial Rehabilitation project pursuant to Section 80B-2.4, or ii) the date of the filing of an application for a building permit with the Inspectional Services Department for all other Substantial Rehabilitation projects.

Tidelands. Present and former submerged lands and tidal flats lying between the Natural High Tide Line and the seaward limit of state jurisdiction.

Transit Corridor. Any interstate, state, or local highway or rail line which lies below the grade level of abutting parcels of land, not including abutting transit corridors which lie below grade level.

Transportation Access Plan. A document prepared in accordance with Section 80B-3.1 (Large Project Review, Scope) that identifies the impact of a Proposed Project on the Transportation Network and describes proposed mitigation and monitoring measures.

Transportation Network. The elements of the publicly-owned facilities and accessible ways within the Impact Area of a Proposed Project, as set forth pursuant to Section 8OB-3.1 (Large Project Review, Scope), and all aspects of operation and maintenance of such ways and facilities.

Underlying Zoning. The zoning regulations applicable to the location of a Proposed Project or site, as set forth in this Code, without regard to the provisions of any applicable PDA Development Plan, PDA Master Plan, or Institutional Master Plan.

Usable Open Space. Space on a Lot which is open to the sky and suitable for recreation or household service activities, such as clothes drying. Up to 25% of required Usable Open Space may include overhead structures that provide shade or protection from the elements, but are otherwise open to the outdoor air, such as pergolas and canopies. Usable Open Space must not be dedicated to parking, be free of automotive traffic and undue hazard (including driveways providing access to off-street parking or off-street loading), and be readily accessible by all those for whom it is required. In addition to space on the ground, Usable Open Space shall include suitably designed and accessible space on balconies and roofs.

Coastal Flood Resilience Overlay District. See Article 25A for the measurement of Usable Open Space for projects in the Coastal Flood Resilience Overlay District.

Usable Open Space Requirements. Minimum usable open space per dwelling unit requirements shall not apply to hotels, motels, hospitals, dormitories, or other residential structures intended and designed primarily for transient occupancy.

Usable Square Footage. In a development with a residential component subject to the provisions of Article 79, the actual space a tenant or owner occupies from wall to wall. Usable square footage does not include mechanical spaces or common areas of a building such as lobbies, restrooms, stairwells, storage rooms, and shared hallways.

Use. As a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used".

Vessel. Any watercraft, not including any floating structure permanently moored or attached to land or a Pier. Vessels may be classified as, but not limited to the following:

(a) **Commercial:** Used for the principal purpose of water-related commercial activity
(b) **Recreational:** Used principally for recreational purposes

~~**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.~~

Commented [60]: Changed from: "The following areas shall be included in the calculation of Usable Open Space: (a)Open Space in Required Yards - space in required Front, Side, and Rear Yards that is not devoted to accessory buildings, off-street parking, or driveways;(b)Open Space on Balconies - suitably designed and accessible space on the balconies of a main building (including balconies on wings of a main building);(c)Open Space on Roofs - accessible space on the roof of a main or accessory building that is part of a Green Roof Project, if no more than 25% of the Green Roof area is physically accessible to the dwelling occupants.

Commented [61]: Deleted: "Required Usable Open Space. Unless otherwise specified in this Code, where the zoning applicable to a Lot specifies a minimum Usable Open Space per dwelling unit, the specified amount of land must be allotted and maintained for lawful outdoor uses, other than off-street parking.

Commented [62]: Changed from: "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, Recreational.** Any Vessel used principally for recreational purposes.~~

Commented [63]: Consolidated to single definition of "Vessel"

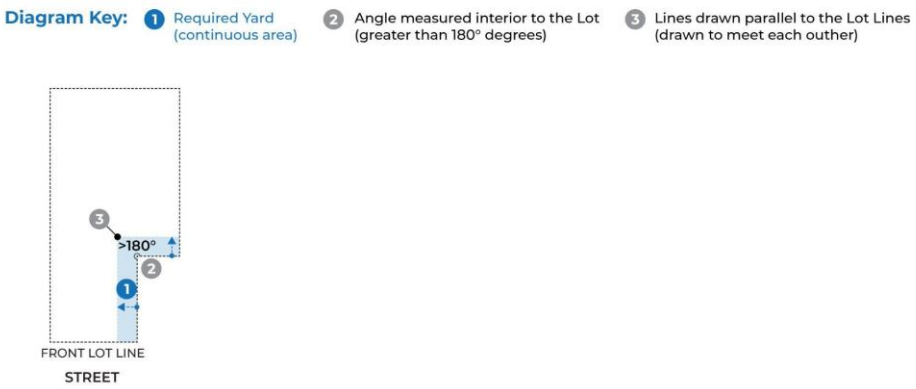
Yard: An open space not occupied or obstructed by any Structure from the ground to the sky, except as allowed below.

Structures Allowed in Required Yards:

- Signs;
- Open air Canopies and Awnings;
- Open air fire escapes and window wells required by Building Code;
- Ornamental features such as cornices and eaves which project no more than three (3) feet into a required Yard;
- Steps or ramps which are only directly accessed from the First Story or below;
- Fences and walls up to four (4) feet in a Front Yard or up to six (6) feet in a Side or Rear Yard, measured from the natural grade of the Yard.

Coastal Flood Resilience Overlay District: See Article 25A for additional Structures allowed in required Yards for projects in the Coastal Flood Resilience Overlay District.

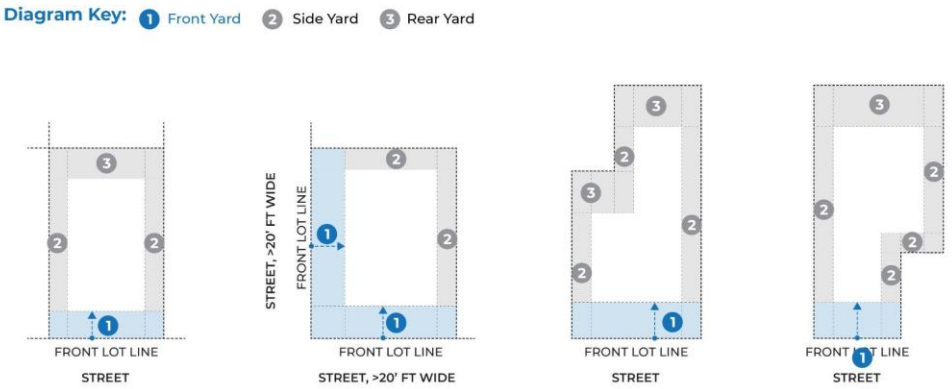
Measurement of Required Yards: Where a minimum Front, Rear, or Side Yard depth is specified, the required Yard is measured from the Front, Rear, or Side Lot Line to a line drawn inside the Lot, parallel to the relevant Lot Line, at the depth required for Yard. Where two Lot Lines intersect at an angle greater than 180 degrees measured interior to the Lot, the lines parallel to the Lot Lines shall be drawn to meet each other so that the required Yards is a single contiguous area.



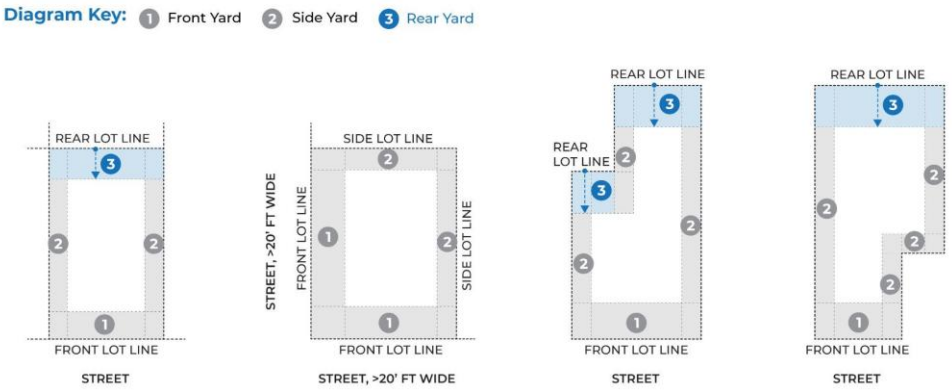
Yard, Front (Front Yard). A Yard along a Front Lot Line.

Commented [64]: Deleted: "(b)Front Yard Required for Each Building or Use. The land in the required Front Yard for a building or use may not be used in computing the required Front Yard for another building or use. (See the definition of Lot Area.)(c)Existing Building Alignment. Where a Lot is required by this Code to conform to the Existing Building Alignment of the block, the depth required for the Front Yard is the depth of the Existing Building Alignment."

Commented [65]: Changed from "An open space extending across the full width of the Lot and lying between the Front Lot line and the nearest building."



Yard, Rear (Rear Yard). A Yard along a Rear Lot Line.



Yard, Side (Side Yard). A Yard along a Side Lot Line.

Cumulative Side Yard: Where a Cumulative Side Yard minimum is specified in this code, the combined width

Commented [66]: Deleted: "The land in the required Rear Yard for a building or use may not be used in computing the required Rear Yard for another building or use. (See the definition of Lot Area.)"

Commented [67]: Changed from: "An open space immediately behind the rearmost main building on the Lot, and extending across the full width of the Lot."

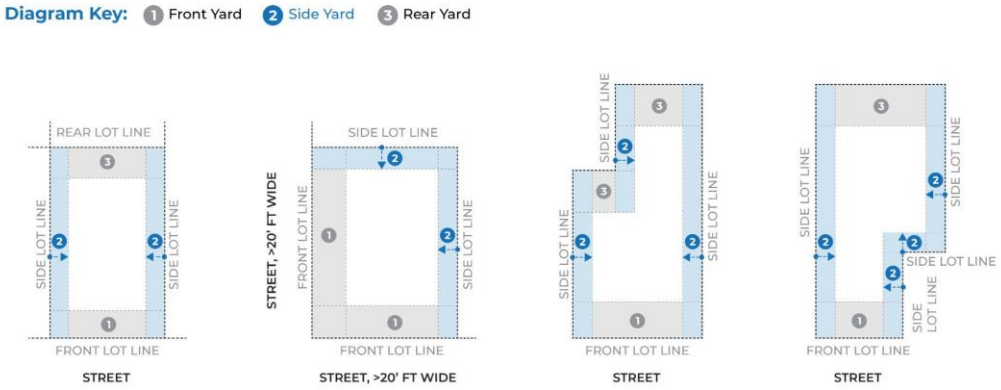
Commented [68]: Deleted: "Side Yard Required for Each Building or Use. The land in the required Side Yard for a building or use may not be used in computing the required Side Yard for another building or use. (See the definition of Lot Area.)"

Commented [69]: Changed from: "An open space along the side line of a Lot, extending from the Front Yard line to:

(i)The Rear Yard line (see "Yard, Rear"), or(ii)For a Side Yard abutting a street, the Rear Lot Line."

Commented [70]: Moved from Article 19

of Side Yards on that same Lot shall be the cumulative Side Yard minimum width.



1964 Base Code: New District Article (Article 13)

What is this section: This new Article 13 will consolidate the regulations which are specific to the zoning districts originally written in the 1964 Zoning Code and are currently found in Articles 12-22. This is general restructuring and not changing the actual zoning.

Color coding:

Existing footnote expanded

> The existing Article 13 table has many footnotes which are just references to other code sections (e.g. "See Section 13-4"). The blue text means we just replaced these references with the actual code text.

Moved from other part of Code

Moved from other part of Code + changed

References changed

New text

~~Deleted~~

Note: Defined terms which are not capitalized in the existing text were capitalized without additional color coding or annotation.

Comments

Commented [1]: Comments note the section where each part of the text is currently located, or in some cases, the purpose of a change

ARTICLE 13
"1964 Base Code R, H, L, B, M, I, and MER" DISTRICTS

Section 13-1. - Purpose of "1964 Base Code R, H, L, B, M, I, and MER" Districts.

The purpose of this article is to consolidate the regulations which are specific to the zoning districts originally written into the 1964 Zoning Code.

Section 13-2. - Establishment of "R, H, L, B, M, I, and MER" Districts.

A. **This Section 13-2, together with Section 3-1 (Establishment of Zoning Districts) establishes seven districts: R, H, L, B, M, I, MER.** These districts are indicated by the designation of districts beginning with "R-.8", "H-", L-", "B-", "M-", "I-", or "MER-" on any official zoning map of the City of Boston. The provisions of Article 13 and the remainder of this Code constitute the zoning regulations of these districts. Unless otherwise specified in this Code, where conflicts exist between a provision of this Article and the remainder of this Code, the provision of this Article shall govern.

B. **Use Regulations Applicable in "R, H, L, B, M, I, and MER" Districts.** Use regulations for R, H, L, B, M, I, and MER districts are set forth in Table B of this Article (Regulation of Uses).

C. **Dimensional Regulations Applicable in Squares + Streets Districts.** Dimensional Regulations for R, H, L, B, M, I, and MER districts are set forth in Table A of this Article.

D. **Parking and Loading Regulations Applicable in "R, H, L, B, M, I, and MER" Districts.** Parking regulations for R, H, L, B, M, I, and MER districts are set forth in Article 23 (Off-Street Parking). Loading regulations for R, H, L, B, M, I, and MER districts are set forth in Article 24 (Off-Street Loading).

Commented [2]: to distinguish from Chinatown subdistricts, which also start with "R-"

TABLE A - DIMENSIONAL REGULATIONS

Key:

L = Length of wall parallel (or within 45° of parallel) to Lot Line, measured parallel to Lot Line.

~~**H** = Height of building above the height below which no setback is required.~~

L1 = Length of wall parallel (or within 45° of parallel) to Lot Line, measured parallel to Lot Line at greatest length above the height below which no setback is required.

NOTE: Figures in parentheses refer to footnotes below table.

If a district with a second numerical suffix (e.g., H-2-55) is not listed in this Table, see footnote (15) and Section 3-1A(i).

DISTRICT	TYPE OF USE	LOT AREA ~~SIZE~~ minimum sq. ft.	LOT AREA minimum sq. ft. for each add'l dwell. unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum (1)	HEIGHT OF BUILDINGS		USABLE OPEN SPACE minimum sq. ft. per dwell. unit	FRONT YARD minimum depth feet (14)	SIDE YARD minimum width feet	REAR YARD minimum depth feet	~~SETBACK OF PARAPET minimum distance from Lot Line~~	REAR YARD maximum % occup. by Accessory Structure ~~Buildings~~
						stories	feet						
~~S-.3~~													
~~S-.5~~													
~~R-.5~~													
R-.8	1 & 2 family row	3,000	2,000	none	0.8	3 (2)	35 (2)	800 (18)	20 (18)	10 (8) (18)	40	~~none~~	25
	Any other dwelling	5,000	1,500	50	0.8	3 (2)	35 (2)	800 (18)	20 (18)	10 (18)	40	~~none~~	25
	Other use	5,000	1,500	50	0.8	3 (2)	35 (2)	none	25 (18)	10 (18)	40	~~none~~	20
~~H-1-40~~													
H-1-50	1 & 2 family row	2,000	1,500	none	1.0	-	50 (11) (2)	400 (18)	20 (18)	(4) (18)	30(6)	~~$\frac{H+L}{6}$ for all uses~~	25
	Any other dwelling	5,000	1,000	50	1.0	-	50 (11) (2)	400 (18)	20 (18)	(4)(18)	$10+\frac{L}{20}$ (6)		25
	Other use	5,000	1,000	50	1.0	-	50 (11) (2)	none	20 (18)	(4) (18)			25

Commented [3]: Rows deleted because these districts are no longer mapped anywhere

Commented [4]: Rows deleted because these districts are no longer mapped anywhere

Commented [5]: Rows deleted because these districts are no longer mapped anywhere

H-1	1 & 2 family row	2,000	1,500	none	1.0	none	none (15)	400 (18)	20 (18)	(4) (18)	30(6)	~~$\frac{H+L_s}{5}$ for all uses~~	25
	Any other dwelling	5,000	1,000	50	1.0	none	none (15)	400 (18)	20 (18)	(4) (18)	$10+\frac{L}{20}$ (6)		25
	Other use	5,000	1,000	50	1.0	none	none (15)	none	25 (18)	(4) (18)			25
H-2	Any dwelling	none	none	none	2.0	none	none (15)	150 (18)	20 (18)	(4) (18)	$10+\frac{L}{20}$ (6)	~~$\frac{H+L_s}{5}$ for all uses~~	30
	Other use	none	none	none	2.0	none	none (15)	none	20 (18)	(4) (18)			30
H-3-65	Any dwelling	none	none	none	3.0	-	65(9) (2)	50 (18)	(10) (16) (18)	(4) (16) (18)	25% of Lot Depth all uses (16)	~~$\frac{H+L_s}{5}$ for all uses (9)~~	40
	Other use	none	none	none	3.0	-	65(9) (2)	none	(10) (16) (18)	(4) (16) (18)			40
H-3	Any dwelling	none	none	none	3.0	none	none (15)	100 (18)	15 (18)	(4) (18)	$10+\frac{L}{20}$ (6)	~~$\frac{H+L_s}{5}$ for all uses~~	35
	Other use	none	none	none	3.0	none	none (15)	none	15 (18)	(4) (18)			35
H-4	Any dwelling	none	none	none	4.0	none	none	50 (18)	15 (18)	(4) (18)	$10+\frac{L}{20}$ (6)	~~$\frac{H+L_s}{5}$ for all uses~~	40
	Other use	none	none	none	4.0	none	none	none	15 (18)	(4) (18)			40
H-5	Any dwelling	none	none	none	5.0	none	none (13), (15)	50 (18)	15 (18)	(4) (18)	$10+\frac{L}{20}$ (6)	~~$\frac{H+L_s}{5}$ for all uses~~	40
	Other use	none	none	none	5.0	none	none (13), (15)	none	15 (18)	(4) (18)			40
L-.5	Any dwelling	(3)	(3)	(3)	0.5	2½ (2)	35 (2)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~none~~	-
	Other use	none	none	non	0.5	2½	35 (2)	none	15 (12) (17)	none (5)	20(7)(17)	~~none~~	-

				e		(2)							
L-1	Any dwelling	(3)	(3)	(3)	1.0	3 (2)	35 (2)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~none~~	-
	Other use	none	none	non e	1.0	3 (2)	35 (2)	none	10 (12) (17)	none (5) (17)	20(7) (17)	~~none~~	-
L-2	Any dwelling	(3)	(3)	(3)	2.0	none	none (15)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{6}$~~ for all uses	-
	Other use	none	none	non e	2.0	none	none (15)	none	none	none (5)	$10+\frac{L}{20}$(7) (17)		-
B-1	Any dwelling	(3)	(3)	(3)	1.0	3 (2)	40 (2)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{6}$~~ for all uses	-
	Other use	none	none	non e	1.0	3 (2)	40 (2)	none	none	none (5)	$10+\frac{L}{20}$ (7) (17)		-
B-2	Any dwelling	(3)	(3)	(3)	2.0	none	none (15)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{6}$~~ for all uses	-
	Other use	none	none	non e	2.0	none	none (15)	none	none	none (5) (17)	$10+\frac{L}{20}$ (7)(17)		-
B-3-65	Any dwelling	none	none	non e	3.0	-	65(9)	50	(10) (16)(17)	(3) (16)(17)	(3) (16)(17)	~~$\frac{H+L_s}{6}$~~ for all uses ~~(9)~~	-
	Other use	none	none	non e	3.0	-	65(9)	none	(10) (12) (16) (17)	none (5) (16)	$10+\frac{L}{20}$ (7) (16) (17)		-
B-4	Any dwelling	(3)	(3)	(3)	4.0	none	none	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{6}$~~ for all uses	-
	Other use	none	none	non e	4.0	none	none	none	none	none (5)	$10+\frac{L}{20}$ (7) (17)		-
B-6-90a	Any dwelling	none	none	non e	6.0	-	90	50	(10) (12) (16) (17)	(3) (16) (17)	5 (16) (17)	~~none (16)~~	-
	Other use	none	none	non e	6.0	-	90	none	(10) (12)	none (5) (16)	5 (16) (17)	~~none (16)~~	-

									(16) (17)				
B-6-90b	Any dwelling	(3)	(3)	(3)	6.0	-	90	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{2}$ for all uses (16)~~	-
	Other use	none	none	none	6.0	-	90	none	none	none (5)	$10+\frac{L}{20}$ (7) (17)		-
B-8-120a	Any dwelling	none	none	none	8.0	-	120	50	(10) (12) (17)	(3) (17)	5(17)	~~(16)~~	-
	Other use	none	none	none	8.0	-	120	none	(10) (12) (17)	none (5)	5 (17)	~~(16)~~	-
B-8-120b	Any dwelling	none	none	none	8.0	-	120 (2)	50	(10) (12) (16) (17)	(3) (16) (17)	20 (16) (17)	~~none~~	-
	Other use	none	none	none	8.0	-	120 (2)	none	(10) (12) (16) (17)	none (5) (16) (17)	$10+\frac{L}{20}$ (7) (16) (17)	~~none~~	-
B-8-120c	Any dwelling	(3)	(3)	(3)	8.0	-	120 (13)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{2}$ for all uses (16)~~	-
	Other use	none	none	none	8.0	-	120 (13)	none	none	none (5)	$10+\frac{L/}{20}$ (7) (17)		-
B-8	Any dwelling	(3)	(3)	(3)	8.0	none	none (13)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{2}$ for all uses~~	-
	Other use	none	none	none	8.0	none	none (13)	none	none	none (5)	$10+\frac{L}{20}$ (7) (17)		-
B-10	Any dwelling	(3)	(3)	(3)	10.0	none	none (13)	(3)	(3) (12) (17)	(3) (17)	(3) (17)	~~$\frac{H+L_s}{3}$ for all uses~~	-
	Other use	none	none	none	10.0	none	none (13)	none	none	none (5)	$10+\frac{L}{20}$ (7) (17)		-
M-1	Any dwelling	(3)	(3)	(3)	1.0	2½	35 (2)	(3)	(3) (17)	(3) (17)	(3) (17)		-

						(2)						~~H + L-1 / 6~~ for all uses	
	Other use	none	none	none	1.0	2½ (2)	35 (2)	none	none	(5) (17)	20 (17)		-
M-2	Any dwelling	(3)	(3)	(3)	2.0	none	none (15)	(3)	(3) (17)	(3) (17)	(3) (17)	~~H + L-1 / 6~~ for all uses	-
	Other use	none	none	none	2.0	none	none (15)	none	none	(5) (17)	12 (17)		-
M-4	Any dwelling	(3)	(3)	(3)	4.0	none	none	(3)	(3) (17)	(3) (17)	(3) (17)	~~H + L-1 / 6~~ for all uses	-
	Other use	none	none	none	4.0	none	none	none	none	(5) (17)	12 (17)		-
M-8	Any dwelling	(3)	(3)	(3)	8.0	none	none	(3)	(3) (17)	(3) (17)	(3) (17)	~~H + L-1 / 6~~ for all uses	-
	Other use	none	none	none	8.0	none	none	none	none	(5) (17)	12 (17)		-
I-2	Any dwelling	(3)	(3)	(3)	2.0	none	none	(3)	(3) (17)	(3) (17)	(3) (17)	~~H + L-1 / 6~~ for all uses	-
	Other use	none	none	none	2.0	none	none	none	none	(5) (17)	12 (17)		-
MER-2	Any dwelling	(3)	(3)	(3)	2.0	none	none	(3)	(3) (17)	(3) (17)	(3) (17)	~~H + L-1 / 6~~ for all uses	-
	Other use	none	none	none	2.0	none	none	none	none	(5) (17)	12 (17)		-
~~W-2~~													

Footnotes to Table A

(1) The maximum Floor Area Ratio specified in Table A of Section 13-1 shall be increased by 1.0 in the case of a Lot in an H-5 district containing twelve thousand (12,000) or more, but less than twenty thousand (20,000), square feet. The maximum Floor Area Ratio specified in Table A of Section 13-1 shall be increased by 2.0 in the case of a Lot in an H-5 district containing twenty thousand (20,000) or more.

(2) ~~No additional lot area for first 30 dwelling units~~. Wherever, other than in an H-2-45, H-3-65, B-3-65, B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, a legally existing structure ~~not excepted under Section 16-2~~ exceeds the height limit specified in Table A of Section 13-1 on a Lot in the same district as, and adjoining, the Lot on

Commented [6]: 15-4

Commented [7]: deleting existing footnote 2 because it is only referenced in row R-.5 which is a district that is no longer mapped anywhere

Commented [8]: section 16-2 was deleted in 2006

which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit. See Article 13 Appendix A for illustration.

(3) Any Dwelling in an L, B, M, I, or MER ~~or W~~ district shall conform to the Lot Area, Lot Width, Usable Open Space, and Yard requirements for the nearest R or H district, or in the case of any Dwelling in a B-8 or B-10 district, to the Lot Area, Lot Width, Usable Open Space, and Yard requirements for the least restricted residence district; provided however, that if the nearest 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 fifty (50) feet.

(4) Ten (10) feet plus one twentieth (1/20) of the length of the wall parallel (or within 45° of parallel) to the Side Lot Line. ~~Except as otherwise provided in Section 19-6, n~~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 (70) 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 (70) 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 (20) feet.

(5) In L, B, M, I, and MER 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 footnote 3, and

(b) a Lot with a Side Lot Line abutting an R or H district, which shall have Side Yards as if it were in such abutting district. See also Section 13-3.

(6) In an H district, other than an H-3-65 district, a Lot with no Side Yard shall have a Rear Yard at least thirty (30) feet deep; and a Lot with Side Yards conforming to footnote 4 need not have a Rear Yard deeper than twenty (20) feet.

(7) If a Rear Lot Line in an L, B, M, I, or MER~~, W, WM, or WS~~ district abuts an ~~S,~~ R or H district, such Lot shall have a Rear Yard ten (10) feet deeper than the minimum depth of Rear Yard specified in this code; provided that such Lot need not have a Rear Yard deeper than twenty (20) feet. See also Section 13-3.

(8) ~~Deleted.~~Except in 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 (10) feet in width.

(9) In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than ten (10) feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table A of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one-half (½) foot for each foot in height above said tops of front and rear walls.

(10) Twenty (20) feet on east-west streets, none on north-south streets. A Bay Window, as defined in Section 2-1, may protrude into a Front Yard, notwithstanding the definitions of Front Yard and Existing Building Alignment in Article 2.

(11) The Board of Appeal may, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, grant permission for a building to exceed the maximum height specified for H-1-40 and H-1-50 districts by Table A of Section 13-1, provided that said Board of Appeal finds that such height will not have a detrimental effect on the neighborhood and that the Boston Redevelopment Authority has recommended approval.

(12) ~~Deleted.~~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

Commented [9]: 16-3

Commented [10]: W districts are no longer mapped anywhere

Commented [11]: 13-4

Commented [12]: 19-4

Commented [13]: 19-5

Commented [14]: 20-4

Commented [15]: 20-5

Commented [16]: Section 19-2

Commented [17]: 16-7

Commented [18]: 16-4

public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

(13) Any building or portion thereof within one hundred (100) feet of the nearest Street Lot Line of any street described below shall not exceed the height specified for such street as follows:

a. Park Street: sixty five (65) feet maximum height.

b. South side of Boylston Street from the westerly sideline of Arlington Street to a point one hundred (100) feet west of Arlington Street, to a depth of fifty (50) feet from Boylston Street: eighty five (85) feet maximum height; beyond said depth of fifty (50) feet: one hundred thirty (130) feet maximum height; except that such requirement in a B-8-120c district shall be subject to the provisions of Article 6A.

c. Arlington Street from Newbury Street to Commonwealth Avenue: one hundred fifty five (155) feet maximum height at parapet line; height to top of roof may be one hundred eighty five (185) feet, provided that the portion of the building above one hundred fifty five (155) feet is set back a minimum of twenty (20) feet from any parapet line facing a street more than twenty five (25) feet wide.

~~See also Section 38-5.~~

In the B-8-120c district bounded by Blagden Street, Exeter Street, and Huntington Avenue, the height of a building may exceed one hundred twenty (120) feet, provided that

(1) such height does not exceed two hundred (200) feet, excluding mechanical equipment and the roof or other structures enclosing such equipment;

(2) the gross floor area of the building does not exceed the maximum floor area ratio of 8;

(3) at least seventy-five percent (75%) of the gross floor area of the building is devoted to residential use under Use Item No. 7 together with any use lawfully accessory or ancillary to such residential use under the provisions of Table B of Section 8-3 (Use Regulations) excepting floor areas for off-street parking; and

(4) any such building is subject to design review approval of the Boston Redevelopment Authority; said design review to require off-street parking in the amount of one point seven five (1.75) spaces per residential unit and one (1) space per one thousand (1,000) square feet of commercial space.

(14) See Section 13-4, Conformity with Existing Building Alignment.

(15) Except in a district designated with two numerical parts, in which case the second number is the maximum height in feet. See Section 3-1A(i).

(16) ~~See subsections (b) and (c) of Section 21-2.~~ 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 twenty (20) feet and no Yards are required on north-south streets.

(17) In any district, except an 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 Lot 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.

(18) In 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 Lot 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 Lot Line shall, along every Lot Line on which they abut, be at a level no higher than five feet above

Commented [19]: End of Section 18-1

Commented [20]: 16-6

Commented [21]: 16-9

Commented [22]: Section 19-6(c)

Commented [23]: Section 22-2

grade level.

Commented [24]: Section 22-1

Section 13-3 Screening and buffering

When a Front, Side or Rear Yard (if any) of a Lot in an M, I, or MER district abuts or is across the street from an R or H district, if such Lot is used for a use that is forbidden in the abutting R or H district, 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 9-1A notwithstanding.

Commented [25]: section 22-2a

Section 13-4 Application of Dimensional Requirements

1. **Exceptions to Minimum Lot Area ~~Size~~ Requirements.** If the requirements of this code with respect to open space and to front, rear and Side Yards are met, the minimum Lot Area ~~Size~~ and Lot Width requirements of this Article shall not prevent the construction, reconstruction or alteration of a single family dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this code takes effect; provided, however, that the foregoing provisions of this section shall not apply to any two or more contiguous Lots in a single ownership at or subsequent to said time where a redivision could create one or more Lots meeting the minimum Lot Area ~~Size~~ and Lot Width requirements of this Article except that, if the Board of Appeal determines that such a redivision cannot reasonably be made without creating or continuing one or more Lots not meeting such requirements, said Board may grant permission for the construction of a single family dwelling on a Lot not meeting such requirements except that said Board shall not grant such permission for

   (1) any Lot not meeting three fourths of the minimum Lot Area ~~Size~~ requirement of this Article unless more than one half of the Lots within the same block have buildings erected thereon and do not meet three fourths of such requirements, or

   (2) any Lot not meeting three fourths of the minimum Lot Width requirement of this Article unless more than one half of the Lots within the same block have buildings erected thereon and do not meet three fourths of such requirements.

Commented [26]: 14-7

2. **Conformity with Existing Building Alignment.** If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.

Commented [27]: 18-2

3. **Traffic Visibility Across Corner.** Whenever a Front Yard is required 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.

Commented [28]: 18-3

4. **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 R or H district be less than eight feet wide, or in any other district less than six feet wide. See Section 13-6 for illustration.

Commented [29]: 19-8

5. **Rear Yards of Certain Shallow Lots.** For each full foot by which a Lot existing at the time this code takes effect is less than one hundred feet deep, six inches shall be deducted from the depth otherwise required by this Article for the Rear Yard thereof; provided that in no event shall the Rear Yard of any such Lot be less than ten feet deep

Commented [30]: 20-8

6. **Accessory Structures ~~Buildings~~ in Rear Yards.** Accessory Structures ~~buildings~~ may be erected in a Rear Yard; provided that no such building is more than fifteen feet in height or nearer than four feet to any Side Lot Line; and provided further, that in an ~~S,~~ R or H district the Accessory Structures ~~buildings~~ in any one Rear Yard shall not occupy in the aggregate a greater percentage of such Rear Yard than that specified in Table A of Section 13-2.

Commented [31]: 20-2

7. **Accessory Structures ~~Buildings~~ in Side Yards**. In an R or H district, an Accessory Structure ~~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 Structure ~~building~~ nearer to the front Street Lot Line than seventy-five feet or, if that be less, three fourths of the depth of the Lot, shall extend into any Side Yard

Commented [32]: 19-3

8. **Buildings not parallel to Lot Lines.** If the wall of a Building is not parallel to the Lot Line nearest to it, the minimum Yard requirements shall be deemed to be met if the following conditions are met:
    1. The average distance between such wall and such Lot line is no less than the minimum Yard width otherwise required
    2. The distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Yard width so otherwise required. See Section 13-6 for illustration.

Commented [33]: to replace 18-5, 19-7, and 20-6

9. **Underground Encroachments.** In any district other than an 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.

Commented [34]: 22-3

10. **Two or More Dwellings on Same Lot.** Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as another Dwelling or Main Building the requirements of this code with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yards, and parapet setbacks, shall apply as if each Dwelling or other Main Building were on a separate Lot. Where in a R or H district a dwelling designed for occupancy or occupied by one or more families is on the same Lot as, and to the rear of, another main building, the distance between such dwelling and such main building shall be not less than twice the minimum Rear Yard depth required by this code for such main building. See

Commented [35]: 14-6, 17-3, 22-4

Commented [36]: 14-5(b)

Article 13 Appendix A for illustration. 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 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.

11. **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. If in any R or H district a main building is on the same Lot as, and to the rear of, another main building, there shall be an unobstructed access to such rear building from a street, the width and street frontage of which access shall not be less than the minimum Lot Width specified in this code, or 50 feet, whichever is greater. The access required by this paragraph shall not be located within any Side Yard required by this code for the front building and shall not be included in meeting the Lot area requirements of this code for either building.

12. **Additional Exclusions from Gross Floor Area**. In H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 districts, floor area is not excludable from the calculation of Gross Floor Area as an area for storage facilities or laundry facilities if:
    (a) The floor area was previously included in Gross Floor Area in an existing structure, or
    (b) The floor area is located in an addition to an existing structure; except that floor area in an addition shall be excludable from Gross Floor Area if it is used for storage or laundry facilities in areas not used or designed to be used for human occupancy (such as attics, basements, cellars or space under sloping eaves).

13. **Lot Frontage.** Where a minimum Lot Width is specified in this code, each Lot for which such minimum Lot Width is specified shall have a minimum frontage on a street not less than the width so specified. Where a Lot is located to the rear of another Lot or Lots, there shall be an unobstructed access from a street to the rear Lot over land that is not part of any other Lot. The width of such access shall not be less than the Lot frontage required by this code for the rear Lot. See Article 13 Appendix A for illustration.

Section 13-5 Lots in Two Districts

Where a district boundary line divides a lot in single ownership of record at the time this code becomes effective, the uses allowed and the other regulations in this code applying to the less restricted portion of the lot shall be considered as extending to so much of the remainder of the lot as is within thirty feet of said district boundary line, and the uses and other regulations so extended shall be deemed to be conforming so long as the land to which they are extended shall remain part of said lot. A use district is "more restricted" if it is listed earlier in Section 3-1 and "less restricted" if listed later in said section.

Section 13-6. - Applicability of MER District Provisions.

Commented [37]: 22-4

Commented [38]: 22-5

Commented [39]: Section 14-5(a)

Commented [40]: article 2 (GFA definition)

Commented [41]: 14-4

Commented [42]: 12-1

Commented [43]: "Restricted, more, and less" definition in Article 2

Within an MER District, the provisions of the Boston Zoning Code adopted in Text Amendment No. 110, effective August 30, 1988, do not apply to a use, building, or structure that:

a. (i) prior to August 30, 1988, existed or was under construction on a privately-owned lot, or was under construction or was designated to be constructed on a lot owned by a public agency;
(ii) was the subject of a contract, designation, or lease or other property interest that was executed, voted, or conveyed by the public agency or private owners, as the case may be, prior to August 30, 1988; and,
(iii) in the case of a use, building, or structure on a lot owned by a public agency, was approved by the public agency prior to August 30, 1988; and, further,

b. (i) does not preclude the lot on which such use, building, or structure is located from being converted to maritime-dependent industrial uses;
(ii) does not deter viable economic maritime-dependent industrial uses of adjacent port lands; and
(iii) devotes more than fifty percent (50%) of the area of such lot to maritime-dependent industrial uses; provided that the total lot area devoted to maritime-dependent industrial uses and water-related uses is not less than seventy-five percent (75%) of the area of such lot; and provided further, that the remaining twenty-five percent (25%) of the total lot area shall be subject to use regulations applicable to MER ~~W-2 sub~~districts pursuant to Table B of Article 13 ~~Section 8-3 (Use Regulations).~~

Commented [44]: replaced because W-2 subdistricts and regulations were deleted in a previous amendment

Commented [45]: 4-2a

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

Commented [46]: Making table name more accurately reflect content since Open Space Districts are already regulated in Article 33 and not in this table

Commented [47]: Moved from Article 8

Key:

Residential. R = General, H = Apartment

Business. L = Local, B = General

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

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

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

See Section 3-1 (Division of the City into Districts) for listing of 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 3-1 B, 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 in OS districts subject to the provisions of Article 33 of this code and of St. 1956, c. 665, s. 2, as amended. Use Item No. 27A is allowed in OS districts; provided, however, that in OS districts, Use Item No. 27A is subject to the provisions of Article 33 of this code, and of St. 1956, c. 665, s. 2, as amended.~~

Commented [48]: Removing language because it's not relevant for this specific table. All districts mentioned in this text are regulated in other articles

~~(Text Amd. No. 475, § 2, 5-30-2024)~~

SINGLE FAMILY DWELLINGS

Use Item No. 1

Detached dwelling, occupied by not more than one family

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

Use Item No. 1A

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

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

TWO-FAMILY DWELLINGS

Use Item No. 4

Detached dwelling occupied by not more than two families

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

Use Item No. 5

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

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

Use Item No. 6

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

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

Use Item No. 6A

Dwelling occupied by not more than three families.

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

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

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						
R	H	L	B	M	I	MER
*	A	A	A	C	F	F

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

GROUP CARE RESIDENCES

Use Item No. 7A

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

DISTRICT						
R	H	L	B	M	I	MER

C	C	C	C	C	F	F

Use Item No. 7B

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

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

CONVERSION OF DWELLING STRUCTURES

Use Item No. 8

Any dwelling converted for more families in separate dwelling units

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

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

(1) less than 750 square feet, in a building having a gross floor area of 2,000 or more square feet, or

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

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

Use Item No. 8A

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

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

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

(1) less than 750 square feet, in a building having a gross floor area of 2,000 or more square feet, or

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

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

TEMPORARY DWELLINGS

Use Item No. 9

Temporary dwelling structure

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

LODGING HOUSES, DORMITORIES, HOTELS, ETC.

Use Item No. 10

Lodging or boarding house

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

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

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						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

*Except F in H-2-65.

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						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

*Except F in H-2-65.

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						
R	H	L	B	M	I	MER
C	C*	C	C	F	F	F

*Except F in H-2-65.

Use Item No. 13A

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

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

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

Use Item No. 14

Fraternity or sorority house

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

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

Use Item No. 15

Hotel; motel; apartment hotel

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

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

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

Use Item No. 15A

Executive Suites

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

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

†Except F in L-.5 and L-1,

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						
R	H	L	B	M	I	MER
A	†	A*	A‡	C	F	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.

Use Item No. 16A

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

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C	C	C	C	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.

Use Item No. 17 ID

Day care center; nursery school; kindergarten

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

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

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

Use Item No. 18

Trade, professional or other school

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

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

Use Item No. 19

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

DISTRICT						
R	H	L	B	M	I	MER
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.

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						
R	H	L	B	M	I	MER
A	A	A	A	A	A	F

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						
R	H	L	B	M	I	MER
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.

Use Item No. 21

Place of worship; monastery; convent; parish house

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

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

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						
R	H	L	B	M	I	MER
F	C*	C*	C*	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.

Use Item No. 22A ID

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

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

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

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						
R	H	L	B	M	I	MER
F	F	C	C	C	C	F

Use Item No. 24

Accessory Research Laboratory.

DISTRICT						
R	H	L	B	M	I	MER
F	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.

Use Item No. 25

Penal or correctional institution; detention home

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

Use Item No. 26

a. New cemetery

DISTRICT						
R	H	L	B	M	I	MER

C	C	C	C	C	C	F

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

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

c. Mortuary chapel in a cemetery

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

d. Crematory in a cemetery

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

e. Columbarium in a cemetery

DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	A	A	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.

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. 27 A

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

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

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						
R	H	L	B	M	I	MER
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.

Use Item No. 28 ID

Private grounds for games and sports not conducted for profit

DISTRICT						
R	H	L	B	M	I	MER
A*	A*	A	A	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.

Use Item No. 29 ID

Adult education center building; community center building; settlement house

DISTRICT						
R	H	L	B	M	I	MER
A*	A*†	A†	A	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 not 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.

Use Item No. 30 ID

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

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C	A†	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 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.

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						
R	H	L	B	M	I	MER
C*	C*	C*	C*	C*	C*	F*

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

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

Use Item No. 32

Telephone exchange (other than automatic)

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

A*	A*	A*	A*	A	A	F

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

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						
R	H	L	B	M	I	MER
F	F	A	A	A	A	F

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						
R	H	L	B	M	I	MER
F	F	F	F*	F	F	F

*Except A in an adult entertainment district.

Use Item No. 34B

Pawnshop

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

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						
R	H	L	B	M	I	MER

F	F	C*	A‡‡	A†	A†	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 62, 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 1-2 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.

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						
R	H	L	B	M	I	MER
F	F	C	C	A	A	*

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

Use Item No. 36

Indoor sale of motor vehicles

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

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						
R	H	L	B	M	I	MER
F	F	C	C	A	A	F

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						
R	H	L	B	M	I	MER
F	F	A*	A*	A	A	F

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

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						
R	H	L	B	M	I	MER
C	C	C	A*	A*	A	F

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

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						
R	H	L	B	M	I	MER
F	F	F	A*	†	A	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.

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						
R	H	L	B	M	I	MER
F	F	F	F*	F	F	F

*Except A in an adult entertainment district.

OFFICE USES

Use Item No. 39

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

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

Use Item No. 39A

Clinic not accessory to a main use

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

Use Item No. 39B

Cannabis Establishment

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

*Cannabis Establishment-provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-

existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

Use Item No. 40

Real estate, insurance or other agency office

DISTRICT						
R	H	L	B	M	I	MER
F	F	A#	A	A	A	F

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

Use Item No. 41

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

DISTRICT						
R	H	L	B	M	I	MER
F	F	A#	A	A	A	F

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

Use Item No. 42

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

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

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

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						
R	H	L	B	M	I	MER
F	F	A*	A	A	A	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.

Use Item No. 43A

Body Art Establishment

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

Use Item No. 44

Tailor shop; hand laundry; dry-cleaning shop

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

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

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

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

Use Item No. 47

Funeral home; undertaker's establishment; mortuary

DISTRICT						
R	H	L	B	M	I	MER

F	F	C	A	A	A	F

Use Item No. 48

Research laboratory

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

Use Item No. 48A

Check cashing business

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

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

Use Item No. 49

Animal hospital or clinic; kennel; pound

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

Use Item No. 49A

Container redemption center

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

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

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

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

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						
R	H	L	B	M	I	MER
F	F	C	C	A	A	F

Use Item No. 51

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

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

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						
R	H	L	B	M	I	MER
F	F	F	C	A	A	F

Use Item No. 53

Mobile home park

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

*Except F in a flood hazard district.

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						
R	H	L	B	M	I	MER
F	F	F	C	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						
R	H	L	B	M	I	MER
F	F	F	F	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						
R	H	L	B	M	I	MER
F	F	F	F	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						
R	H	L	B	M	I	MER
F	F	C	C	C	C	F

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

R	H	L	B	M	I	MER
F	F	F	F	F	C*	F

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

Use Item No. 57A

Outdoor storage of damaged or disabled motor vehicles

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

#At in B-1 and B-2; Ct in other B districts.

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

Use Item No. 59

Parking garage

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

Use Item No. 59A

Airport-related remote parking facility

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

Use Item No. 60

Repair garage; gasoline service station; car wash

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

Use Item No. 60A

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

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

Use Item No. 61

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

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

TRANSPORTATION USES

Use Item No. 62

Bus terminal; bus station

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

Use Item No. 63

Railroad passenger station

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

Use Item No. 66

Helicopter landing facility

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

Use Item No. 67

Airport or other aircraft landing or servicing facility

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

INDUSTRIAL USES

Use Item No. 68

Any of the following uses:

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

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

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

‡F in B-1, B-2, B-4; C in B-8, B-10.

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

Bottling works for beverages.

Cotton ginning.

Manufacture or repair of

- Advertising displays (including billboards).
- Apparel or other products (including hat bodies and like) from textiles or similar materials.
- Beverages containing less than 0.5% of alcohol by volume at 60 degrees F.
- Boats less than one hundred feet long.
- Brooms or brushes.
- Cameras or other photographic equipment, except flammable film.
- Carpets.
- Canvas or canvas products. Ceramic products, including pottery, small glazed tile and the like.
- Cosmetics or toiletries.
- Cotton wadding or linters.
- Electric lamp bulbs.
- Electric lighting fixtures, electric irons, electric fans, electric toasters, electric toys or similar electric appliances.
- Electric wiring supplies, dry cell batteries and the like. Electronic components and supplies.
- Food products except the curing, smoking or drying of meat or fish.
- Fur goods (exclusive of curing, dyeing and tanning).
- Gases in amounts not exceeding two thousand cubic feet a day.
- Glass products from previously manufactured glass.
- Hair, felt or feather products (exclusive of curing, dyeing and washing).
- Hosiery.
- Ice (dry or natural).
- Ink or inked ribbon.
- Leather products, including shoes, machine belting and the like.
- Luggage.
- Mattresses (including rebuilding and renovating).

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

Musical instruments, including pianos and organs.

Novelty products.

Optical equipment, clocks, or similar precision instruments.

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

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

Pharmaceutical products.

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

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

Shoddy.

Silverware (plate or sterling).

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

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

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

Tobacco products, including curing tobacco.

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

Toys.

Umbrellas.

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

Venetian blinds, window shades, and awnings.

Wax products.

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

Packaging chemicals, detergents or soap.

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

Use Item No. 69

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

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

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

Use Item No. 70

Any of the following uses:

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

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

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

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

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

Curing, dyeing, finishing or tanning fur or leather.

Curing, drying or smoking offish 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.

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						
R	H	L	B	M	I	MER
c	C*	C*	C*	C*	C*	C*

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

ACCESSORY USES

Use Item No. 72 ID

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

DISTRICT						
R	H	L	B	M	I	MER
A‡*	A‡*	A‡	A‡	A‡	A‡	†

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

Use Item No. 72A

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

DISTRICT						
R	H	L	B	M	I	MER
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.

Use Item No. 73

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

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

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

Use Item No. 74

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

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

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

Use Item No. 75

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

DISTRICT						
R	H	L	B	M	I	MER
C*	C*	C*	C*	C*	C*	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 8-2.5, the keeping of poultry, pigeons, or rabbits

DISTRICT						
R	H	L	B	M	I	MER
C	C*	C*	C*	C*	C*	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, 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.

(Text Amd. No. 473, § 2, 5-14-2024)

Use item No. 77

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

DISTRICT

R	H	L	B	M	I	MER
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 No. 22 is met.

Use Item No. 78

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

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

Use Item No. 79

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

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

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

Use Item No. 80

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

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

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

Use Item No. 81

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

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

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

Use item No. 82

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

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

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

Use item No. 82A

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

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

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

Use Item No. 83

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

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

Use Item No. 84

As an accessory use subject to the limitations and restrictions of Section 8-2.5, any non-residential use lawful in an 1 district

DISTRICT

R	H	L	B	M	I	MER
F	F	F	F	C*		F

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

Use Item No. 85

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

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

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

Use Item No. 86

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

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

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

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

Use Item No. 87

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

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

*Not applicable.

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

Use Item No. 88

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

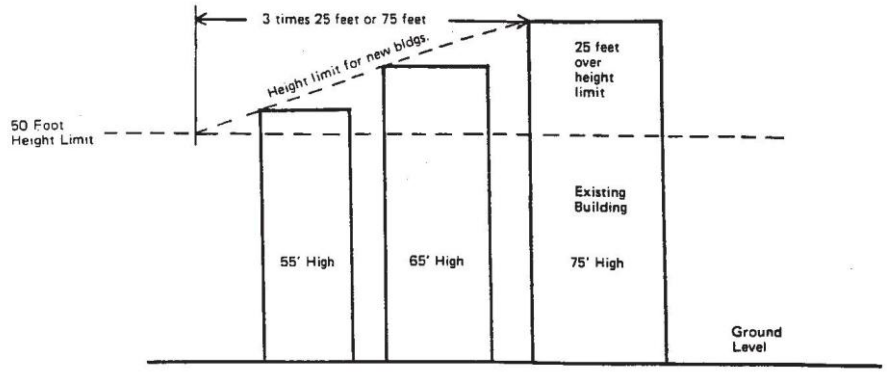
DISTRICT						
R	H	L	B	M	I	MER
A	A	A	A	C	C	C

Appendix A - Diagrams

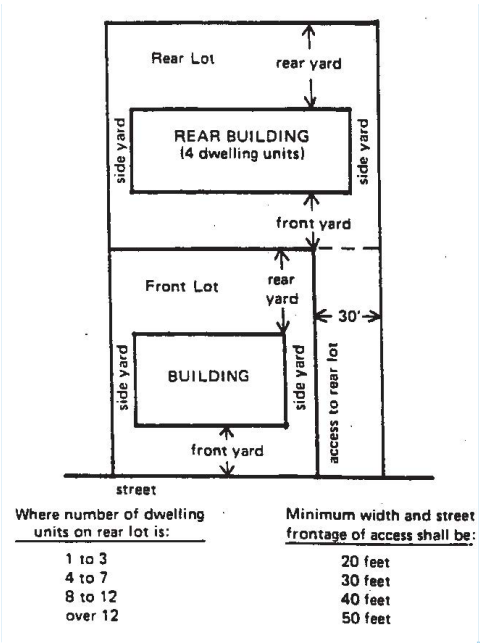
Commented [49]: Relevant diagrams from appendix 2 (appendix 2 will be deleted)

Where conflicts exist between an illustration or other graphic and the text of any provision of this Code, the text shall govern.

Height of Buildings: Exceptions Adjoining Nonconforming Buildings (footnote 2)

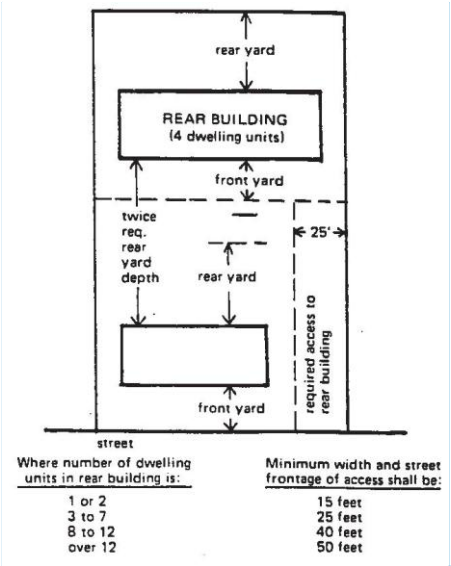


Lot Frontage: Lot located to rear of another Lot or Lots (Section 13-4.13)



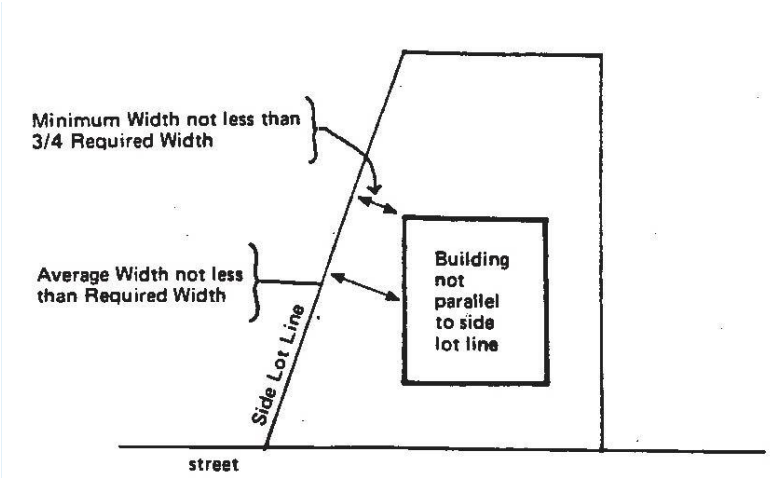
Two or More Dwellings on Same: Building on rear of a Lot (Section 13-4.10)

Commented [50]: 14-4

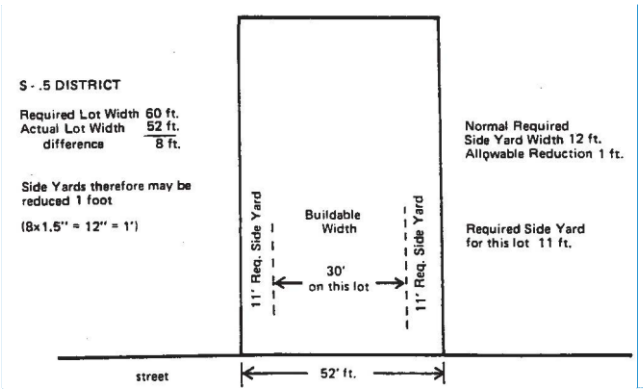


Buildings not parallel to Lot Lines (Section 13-4.8)

Commented [51]: 14-5



Side Yards of Certain Narrow Lots (Section 13-4.4)



Commented [52]: 19-7

Commented [53]: 19-8

1964 Base Code: Existing Articles Annotated

What is this section: Articles 12-22 will be deleted as part of this amendment. This section of the draft shows what is happening to each section of these existing articles.

Color coding:

Expanded footnote in base code article

Moved to new Article 13 article

Moved to other part of Code (besides new Article 13)

Remaining in Article 2 (with or without minor changes)

~~Deleted~~

Comments

Commented [1]: Comments note where the text is currently duplicated in the code, where the text is being relocated in the draft, or justification for deletion as needed.

ARTICLE 12

TRANSITION ZONING

Section 12-1. Lots in Two Districts.

Where a district boundary line divides a lot in single ownership of record at the time this code becomes effective, the uses allowed and the other regulations in this code applying to the less restricted portion of the lot shall be considered as extending to so much of the remainder of the lot as is within thirty feet of said district boundary line, and the uses and other regulations so extended shall be deemed to be conforming so long as the land to which they are extended shall remain part of said lot.

~~Section 12-2. Lots in Residential District Adjacent to Business or Industrial District.~~

~~Where a lot in a S or R district abuts the sideline of a lot in a business or industrial district, the part of such S or R lot within fifty feet of the district boundary may be used as if it were in the next less restricted residential zone, provided that the height, area, and yard restrictions of the district in which it is located are met. If 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, the part of any structure within such fifty feet may be used for professional offices, private clinics, insurance, institutional and real estate offices, and other semi-commercial uses, provided in all cases that the height, area, and yard regulations of the district in which such structure is located are met. For the purposes of this Article 12 only, "business or industrial district" shall mean any district or subdistrict, except for S, R, H, or open space (OS) districts or subdistricts.~~

~~(As amended on August 30, 1988, February 1, 1989, and April 27, 1990)~~

Commented [2]: This only applies to base code residential S or R districts, of which there is only one remaining in the City. This last remaining R-.8 (on Old Colony Ave in South Boston) is city-owned and therefore these use regulations are not relevant.

~~Section 12-3. Lots in Business or Industrial Districts Adjacent to Residential District.~~

~~Where a lot in a business or industrial district abuts a lot in a residential district, the lot in the business or industrial district shall have along each line abutting a residential district a yard equal in width or depth to that required in the residential district. Where land on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in so much of the business or industrial district as lies within one hundred feet (measured along the street line) from the boundary line dividing the two districts shall be equal to the front yard depth required by this code in the S, R or H district.~~

~~(As amended on August 30, 1988, February 1, 1989, and April 27, 1990)~~

Commented [3]: Not in alignment with existing conditions or landmarks standards for these areas

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

Commented [4]: Moved to Article 9

(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 R or H district, or in the case of any dwelling in a B-8 or B-10 district, to the lot area, lot width, usable open space and yard requirements for the least restricted residence district; provided however, that if the nearest 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)

ARTICLE 14
LOT SIZE, AREA AND WIDTH

~~**Section 14-1. Minimum Lot Size.**~~

~~Where a minimum lot size is specified in this code, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except as provided in Section 14-6. (Illustrated in Appendix 2)~~

Commented [5]: Repeated in Article 2 (Lot Size definition). Deleted to streamline definitions.

(As amended on April 27, 1990)

Section 14-2. Lot Area per Dwelling Unit, etc.

Where a minimum lot area for each additional dwelling unit is specified in this code, the minimum lot area for the first dwelling unit on the lot shall be the minimum lot size; and the minimum additional lot area for each additional

dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in this code. For residential structures not divided into dwelling units, each two sleeping rooms for single or double occupancy and each four beds in sleeping rooms that contain beds for more than two persons shall be deemed to constitute one dwelling unit; provided that each two hospital beds shall be deemed to constitute one such unit; and further provided that a limited group residence as defined in **"Group residence, limited"** of Section 2-1 shall be deemed to constitute one dwelling unit for purposes of this article. For non-residential structures, and for structures where non-residential uses are combined with residential uses, each fifteen hundred square feet of gross floor space devoted to non-residential uses shall be deemed to constitute one dwelling unit.

(As amended on August 10, 1979, April 27, 1990, and February 22, 1991)

~~Section 14-3. Lot Width.~~

~~Where a minimum lot width is specified in this code, no main building shall be erected on that part of a lot where the lot width is less than that specified in this code, except as provided in Section 14-6.~~

(As amended on April 14, 1967 and April 27, 1990)

Commented [6]: Repeated in Article 2 (Lot Width definition)

Commented [7R6]: Replaced with new Lot Width definition in Article 2

Section 14-4. Lot Frontage.

Where a minimum lot width is specified in this code, each lot for which such minimum lot width is specified shall have a minimum frontage on a street not less than the width so specified. Where a lot is located to the rear of another lot or lots, there shall be an unobstructed access from a street to the rear lot over land that is not part of any other lot. The width of such access shall not be less than the lot frontage required by this code for the rear lot.

(Illustrated in Appendix 2)

(As amended on April 27, 1990, and April 2, 1998)

Section 14-5. Building on Rear of a Lot.

(a) If in any S, R or H district a main building is on the same lot as, and to the rear of, another main building, there shall be an unobstructed access to such rear building from a street, the width and street frontage of which access shall not be less than the minimum lot width specified in this code, or 50 feet, whichever is greater. The access required by this paragraph (a) shall not be located within any side yard required by this code for the front building and shall not be included in meeting the lot area requirements of this code for either building.

(b) Where in a residential district a dwelling designed for occupancy or occupied by one or more families is on the same lot as, and to the rear of, another main building, the distance between such dwelling and such main building shall be not less than twice the minimum rear yard depth required by this code for such main building; and the requirements of this code with respect to lot size, open space, and front, rear and side yards shall apply as if such dwelling were on a separate lot.

(As amended on April 2, 1998)

Section 14-6. Two or More Dwellings on Same Lot.

Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as another Dwelling or Main Building the requirements of this code with respect to Lot Area, Lot Width, and Lot Frontage shall apply as if each Dwelling or other Main Building were on a separate Lot.

(As inserted on December 22, 2003)

Section 14-7. Exceptions.

If the requirements of this code with respect to open space and to front, rear and side yards are met, the provisions of Sections 14-1 and 14-3 shall not prevent the construction, reconstruction or alteration of a single family dwelling on any lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this code takes effect; provided, however, that the foregoing provisions of this section shall not apply to any two or more contiguous lots in a single ownership at or subsequent to said time where a redivision could create one or more lots meeting the requirements of Sections 14-1 and 14-3 except that, if the Board of Appeal determines that such a redivision cannot reasonably be made without creating or continuing one or more lots not meeting such requirements, said Board may grant permission for the construction of a single family dwelling on a lot not meeting such requirements except that said Board shall not grant such permission for

(1) any lot not meeting three fourths of the requirements of Section 14-1 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements, or

(2) any lot not meeting three fourths of the requirements of Section 14-3 unless more than one half of the lots within the same block have buildings erected thereon and do not meet three fourths of such requirements.

(As amended on December 22, 2003)

ARTICLE 15
BUILDING BULK

~~Section 15-1. Floor Area Ratio.~~

~~Except as otherwise provided in this Article, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this code bears to the area of the lot shall not exceed the maximum floor area ratio specified in this code. In calculating the area of the lot for the purpose of this section, the following parts of the lot shall be excluded:~~

~~(a) every part required by any other structure or use to comply with any requirement of this code, and~~

~~(b) every part the ownership of which is transferred subsequent to the effective date of this code if such part is required for compliance with the provisions of this code applicable to the lot from which such transfer is made. (Illustrated in Appendix 2)~~

(As amended on April 27, 1990)

Section 15-4. Increase in Floor Area Ratio for Large Lots in H-5 Districts.

(a) The maximum floor area ratio specified in Table B of Section 13-1 shall be increased by 1.0 in the case of a lot in an H-5 district containing twelve thousand or more, but less than twenty thousand, square feet.

(b) The maximum floor area ratio specified in Table B of Section 13-1 shall be increased by 2.0 in the case of a lot in an H-5 district containing twenty thousand square feet or more.

(As amended on July 7, 1977)

Commented [8]: Currently repeated in Article 2 but deleted in draft to remove conflict with GFA exclusions and align with existing practice

~~**Section 15-6. Special Floor Area Ratio Provisions for Regulated Projects.**~~

~~In the case of a lot in a B-8 or a B-10 district constituting part of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land, the floor area ratio may exceed the maximum floor area ratio specified in Table B of Section 13-1; provided that if so much of the district as constitutes part of such project is taken as one lot, the floor area ratio does not exceed such maximum.~~

Commented [9]: Deleted because there are no Chapter 121 areas in the B-8 or B-10 districts

ARTICLE 16
HEIGHT OF BUILDINGS

Section 16-1. Maximum Height of Buildings.

Where a maximum height of buildings is specified in Table B of Section 13-1, or in a second numerical suffix in the designation of subdistrict as provided in Section 3-1A(i), no building or part of a building in a district, and devoted to a use, specified, shall exceed the number of stories or feet in height so specified except as provided in Sections 16-2 and 16-3.

(As amended on June 24, 1985)

Section 16-3. Exceptions Adjoining Nonconforming Structures.

Wherever, other than in an H-2-45, H-3-65, B-3-65, B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, a legally existing structure not excepted under Section 16-2 exceeds the height limit specified in Table B of Section 13-1 on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

Commented [10]: Currently in repeated in Article 2 but deleted in draft. Moved to new Article 13 (footnote 2)

(Illustrated in Appendix 2)

(As amended on October 31, 1980, June 16, 1982, and April 2, 1987)

Section 16-4. Height of Buildings in H-1-40 and H-1-50 Districts.

The Board of Appeal may, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, grant permission for a building to exceed the maximum height specified for H-1-40 and H-1-50 districts by Table B of Section 13-1, provided that said Board of Appeal finds that such height will not have a detrimental effect on the neighborhood and that the Boston Redevelopment Authority has recommended approval.

(As inserted on March 20, 1972, and amended on February 28, 1979)

~~**Section 16-5.**~~

~~Inserted on September 27, 1973, and deleted on April 2, 1987.~~

Section 16-6. Height of Structures within One Hundred Feet of Certain Streets that Bound Boston Common or the Public Garden.

Any building or portion thereof within one hundred feet of the nearest street line of any street described below shall not exceed the height specified for such street as follows:

a. Park Street: 65 feet maximum height.

b. South side of Boylston Street from the westerly sideline of Arlington Street to a point 100 feet west of Arlington Street, to a depth of 50 feet from Boylston Street: 85 feet maximum height; beyond said depth of 50 feet: 130 feet maximum height; except that such requirement in a B-8-120c district shall be subject to the provisions of Article 6A.

c. Arlington Street from Newbury Street to Commonwealth Avenue: 155 feet maximum height at parapet line; height to top of roof may be 185 feet, provided that the portion of the building above 155 feet is set back a minimum of 20 feet from any parapet line facing a street more than 25 feet wide.

~~See also Section 38-5.~~

(As inserted on July 7, 1977 and amended on April 2, 1987 and March 20, 1989)

Commented [11]: Deleted because Article 38 has been deleted

Section 16-7. Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts.

In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one-half foot for each foot in height above said tops of front and rear walls.

(As inserted on October 31, 1980, and amended on June 18 and August 20, 1981)

Section 16-8. Restricted Roof Structure Districts.

In a restricted roof structure district, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that

(a) such deck is less than one foot above the highest point of such roof;

(b) the total height of the building, including such deck, does not exceed the maximum height specified in Table B of Section 13-1 or specified on the zoning maps, the Zoning Districts City of Boston, as they may be amended from time to time; and

(c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally, one foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate:

(a) 330 square feet if the total roof area of the building is 3,300 square feet or less; or

(b) ten percent (10%) of the total roof area of the building if such total roof area is greater than 3,300 square feet.

In the restricted roof structure districts mapped in the South End, Bay Village and along St. Botolph Street, the above restrictions shall apply only to residential structures or to structures originally built for residential use. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

In the restricted roof structure district mapped in the North End, the above and the following restrictions shall apply to all buildings. The height of any building existing as of the effective date of this regulation shall determine the allowed height on that site subsequent to total or partial demolition or destruction of said building. Any proposed construction on the site that would exceed the prior height would require Board of Appeal approval, and would be subject to the restricted roof structure district regulations and any height limits in place in the district. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or significantly restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in **""Grade"** of Section 2-1, respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

Commented [12]: Moved to Articles 41 and 49

(As inserted on June 18, 1981 and amended on August 20, 1981, June 24, 1985, and March 30, 1989)

Section 16-9. Exceptions in B-8-120c District bounded by Blagden Street, Exeter Street, and Huntington Avenue.

In the B-8-120c district bounded by Blagden Street, Exeter Street, and Huntington Avenue, the height of a building may exceed 120 feet, provided that

(1) such height does not exceed 200 feet, excluding mechanical equipment and the roof or other structures enclosing such equipment;

(2) the gross floor area of the building does not exceed the maximum floor area ratio of 8;

(3) at least seventy-five percent (75%) of the gross floor area of the building is devoted to residential use under Use Item No. 7 together with any use lawfully accessory or ancillary to such residential use under the provisions of Table B of Section 8-3 (Use Regulations) excepting floor areas for off-street parking; and

(4) any such building is subject to design review approval of the Boston Redevelopment Authority; said design review to require off-street parking in the amount of 1.75 (one point seven five) spaces per residential unit and 1 (one) space per 1,000 square feet of commercial space.

(As inserted on June 17, 1987)

ARTICLE 17
OPEN SPACE REQUIREMENT FOR RESIDENCES

Section 17-1. Minimum Usable Open Space.

Where a minimum usable open space per dwelling unit is specified in this code, there shall be allotted and maintained for lawful outdoor uses other than off-street parking on every lot within the district, and devoted to the use, specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified, ~~except that in H-2-65, H-3-65, H-3, H-4 and H-5 districts all or part of this requirement may be met by suitably designed and accessible space on balconies of main buildings or on the roofs of wings of main buildings or on the roofs of accessory buildings. So much of the front, side and rear yards required by this code for the lot as is~~

Commented [13]: Replaced with update to Article 2 that space on balconies and roofs can be used for Usable Open Space in all districts

not devoted to an accessory building or off-street parking or driveway purposes ~~shall be included in computing usable open space for the purposes of this article.~~

(As amended on February 17, 1971, July 9, 1973, October 31, 1980, and April 27, 1990)

Section 17-2. Exception for Residential Structures Designed for Transient Occupancy.

The provisions of Section 17-1 shall not apply to hotels, motels, hospitals, dormitories or other residential structures intended and designed primarily for transient occupancy.

Section 17-3. Two or More Dwellings on Same Lot.

Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as another Dwelling or Main Building the requirements of this code with respect to Usable Open Space shall apply as if each Dwelling or Main Building were on a separate Lot.

(As inserted on December 22, 2003)

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)

Commented [14]: Repeated in neighborhood article footnotes

Commented [15R14]: Moved to new Article 13 (created new footnote)

Section 18-2. Conformity with Existing Building Alignment.

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

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.

2. The widths of all lots with the same front yard depth are added up.

3. The front yard depth with the largest total lot width is the minimum front yard depth for the block. If two or more front yard depths have equal lot widths, the one closest to the required front yard shall be the minimum front yard depth.

In a block in which there is a uniform or dominant building line at the upper story level which differs from the modal front yard depth because of ground floor projections, no structure in excess of one story shall be built between the minimum front yard depth and the faces of abutting buildings at the upper story levels. Section 18-2 and its provisions do not apply to Squares + Streets Districts.

(Illustrated in Appendix 2)

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

Section 18-3. Traffic Visibility Across Corner.

Whenever a front yard is required by Section 18-1 and the lot is a corner lot, no structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one-half feet above the curb of the abutting street shall be maintained within that part of the required front yard which is within the triangular area formed by the abutting side lines of the intersecting streets and a line joining points on such lines thirty feet distant from their point of intersection. Section 18-3 and its provisions do not apply to Squares + Streets Districts.

(Illustrated in Appendix 2)

~~Section 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.~~

Commented [16]: Replacing with new lot line definitions

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

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

(Illustrated in Appendix 2)

Section 19-4. Side Yards in H Districts.

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

(As amended on April 14, 1967)

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

In L, B, M, I and MER 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 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.~~

Commented [17]: Replacing with new lot line definitions

(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 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)

ARTICLE 20
REAR YARDS

Section 20-1. Rear Yard Requirements.

Except as otherwise provided in this Article, where a minimum depth of rear yard is specified in this code, so much of every lot within the district, and devoted to the use, specified, as lies between the rear lot line and a line inside the lot parallel to, and such minimum depth from, the rear lot line is hereby required as a rear yard within which no structure shall be erected.

(As amended on April 27, 1990)

Section 20-2. Accessory Buildings.

Accessory buildings may be erected in a rear yard; provided that no such building is more than fifteen feet in height or nearer than four feet to any side lot line; and provided further, that in a S, R or H district the accessory buildings in any one rear yard shall not occupy in the aggregate a greater percentage of such rear yard than that specified in Table B of Section 13-1.

Section 20-3. Projections into Rear Yards.

Projections allowed by Section 19-1 into side yards may project the same distance into rear yards but in no case within ten feet of a rear lot line or within eight feet of an accessory building.

Section 20-4. Rear Yards in H Districts.

In an H district, other than an H-3-65 district, a lot with no side yard shall have a rear yard at least thirty feet deep; and a lot with side yards conforming to Section 19-4 need not have a rear yard deeper than twenty feet.

(As amended on October 31, 1980)

Section 20-5. Rear Yards in L, B, M, I, MER, W, WM, and WS Districts.

If a rear lot line in an L, B, M, I, MER, W, WM, or WS district abuts a S, R or H district, such lot shall have a rear yard ten feet deeper than the minimum depth of rear yard specified in this code; provided that such lot need not have a rear yard deeper than twenty feet. See also Section 22-2A.

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

Section 20-6. Rear Wall of Building Not Parallel to Rear Lot Line.

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

~~Section 20-7. Rear Yards of Through Lots.~~

~~The front yard requirements of this code, and not the rear yard requirement of this Article, shall apply to that part of a rear yard which is also a street line except in the case of a rear yard which abuts a street less than twenty feet in width.~~

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

Section 20-8. Rear Yards of Certain Shallow Lots.

For each full foot by which a lot existing at the time this code takes effect is less than one hundred feet deep, six inches shall be deducted from the depth otherwise required by this Article for the rear yard thereof; provided that in no event shall the rear yard of any such lot be less than ten feet deep.

~~ARTICLE 21~~

~~SETBACKS~~

Commented [18]: Replacing with new lot line definitions

Commented [19]: Deleting setback requirements. Current requirements are difficult to interpret and receive frequent variances. The areas where these requirements apply (the original base code districts) are also primarily in historic districts and receive review by the landmarks commission, which ensures that appropriate setbacks are applied in historic areas.

Section 21-1. Setback Requirements.

Except as otherwise provided in this Article, where a minimum setback of parapet from lot line is specified in this code, neither the top line of the face of any wall of a structure within the district, and devoted to the use, specified, nor any cornice, eaves, parapet or other feature topping or overhanging such wall shall be closer to any lot line to which it is parallel or most nearly parallel than the distance specified in said Table B or, if such lot line abuts on a public open space or on one of two or more contiguous public open spaces, such distance minus whichever of the following is the lesser:

(1) one half of the width of such open space or spaces, or

(2) fifty feet.

(As amended on April 27, 1990)

Section 21-2. Exceptions.

(a) No setback is required in any event below whichever of the following is the lower:

(1) the combined height of the first and any second story above the grade from which the height of the building is measured, or

(2) twenty-five feet.

(As amended on September 23, 1987)

(b) Subject to the provisions of Section 19-6, no setback from side lot lines or from side street lines of corner lots is required:

Below a Height of	Where Maximum Floor Area Ratio Specified in Table B is:
40 ft.	1.0
60 ft.	2.0
70 ft.	3.0
80 ft.	4.0
90 ft.	5.0
90 ft.+	6.0
110 ft.+	8.0
120 ft.	10.0

Except that in B-6-90a, B-6-90b, B-8-120a, and B-8-120c districts, no set back from a side lot line is required.

(As amended on September 27, 1973, and April 2, 1987)

(c) In the case of a lot in a district where no side yard is required by this code, if there is on either or both sides of such lot a lot with a building not conforming to the setback from side lot lines required by this code, no setback from side lot lines is required below a height midway between the height specified in paragraph (b) of this section and the height of the nonconforming building or, if there is a nonconforming building on each side, the average height of the nonconforming buildings.

(d) In certain blocks in the Back Bay, there are exceptional setback requirements as follows:

South side of Boylston Street

Arlington Street to Berkeley Street	A minimum of fifteen feet from the front building line, except applicable only above a height of ninety feet.
Block bounded by Blagden Street, Exeter Street, and Huntington Avenue	As required in this Article and Table B of Section 13-1, except applicable only above a height of ninety feet.
Both sides of Boylston Street	
Copley Square, between Clarendon Street and Exeter Street	A minimum of fifteen feet from the front building line, except applicable only above a height of sixty-five feet.
North side of Boylston Street	
Fairfield Street to Massachusetts Avenue	A minimum of fifteen feet from the rear building line, except applicable only above a height of ninety feet.

Except as specifically set forth above, all setbacks in the blocks listed above shall be as otherwise required in this Article and in Table B of Section 13-1. All setback requirements in a B-6-90a, B-6-90b, B-8-120a, or B-8-120c district are subject to the provisions of Article 6A.

(As inserted on April 2, 1987)

Section 21-3. Setback Where Parapet Not Parallel to Lot Line.

(a) If the lot line to which a parapet is most nearly parallel is a front lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less than three fourths of the setback so otherwise required, the requirements of this Article shall be deemed to be met.

(b) If the lot line to which a parapet is most nearly parallel is a side lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet 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 setback otherwise required by this Article and, in the case of a side lot line which is also a street line, than one half of the setback so required, the requirements of this Article shall be deemed to be met.

(c) If the lot line to which a parapet is more nearly parallel is a rear lot line, and if the average distance between such parapet and such lot line is no less than the setback otherwise required by this Article, and if the distance between such parapet and such lot line is at no point less, in the case of a rear lot line which is not also a street line, than three fourths of the setback otherwise required by this Article and, in the case of a rear lot line which is also a street line, than one-half of the setback so required, the requirements of this Article shall be deemed to be met.

(d) The word "parapet," as used in this section, shall be construed as though followed by the words "cornice, eaves or other feature topping or overhanging a wall or the face of a wall without such a feature."

Section 21-4. Two or More Main Buildings on One Lot.

In the case of a lot with two or more main buildings, every lot line which is also a street line shall be deemed a front lot line for the purposes of this Article.

Section 21-5. Special Setback Provisions for Regulated Projects.

The provisions of this Article shall not apply to so much of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land as lies within a B-8 district or a B-10 district.

ARTICLE 22
YARD REGULATIONS

Section 22-1. Residential Districts.

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

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

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

When a front, side or rear yard (if any) of a lot in an M, I or MER district abuts or is across the street from an R or H district, if such lot is used for a use that is forbidden in the abutting R or H district, 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 an R district, any garage or other accessory structure erected underground within any rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five feet above grade level.

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

If on one lot there are two or more dwellings (other than temporary dwellings) designed for occupancy, or occupied, by one or more families, or if on one lot there are one or more such dwellings and one or more other

main buildings, such dwellings shall be located no closer to one another and to such other buildings than if, and shall be separated by yards of the same minimum depths as if, each dwelling, and, where applicable, other building, were on separate lots, and the provisions of Article 21 shall apply to the same extent; and if such dwelling is to the rear of another dwelling or main building, the provisions of paragraph (b) of Section 14-5 shall also apply. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this section, but not as to paragraph (b) of Section 14-5, except in conformity with Section 14-6, if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.

(As amended on October 24, 2002.)

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

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

Commented [20]: Repeated in Neighborhood Articles. Moved Article 13, Article 26, and 31

~~Section 22-6. Service Areas.~~

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

Other Code Changes "Greenline"

What is this section: Changes throughout the rest of the code (mostly to fix reference to relocate things).

Color coding:

Moved from other part of Code

New text

~~Deleted~~

Comments

Commented [1]: Comments explain the purpose of each change.

Throughout code

-Replace "Lot Size" with "Lot Area"
-Replace "Street Line" with "Street Lot Line"
-Replace "Primary Lot Frontage" with "Primary Front Lot Line"
-Replace "Accessory Building" with "Accessory Structure"
-Replace "Table B of Section 13-1" with "Table A of Article 13"
-Replace "Section 13-3" with "Section 9-2A"
-Replace "Section 9-2" with "Section 9-1C"
-Replace "Section 18-2" with "the definition of 'Existing Building Alignment in Article 2'"
-Replace "Section 18-3" with "Section 13-4"
-Replace "Table B of Section 8-3" with "Table B of Article 13"
-Replace "Article 8 (Table B)" with "Table B of Article 13"
-Replace "Article 8 Table B" with "Table B of Article 13"

ARTICLE 2 - DEFINITIONS

Section 2-1. - Meaning of certain words and phrases.

(a) **Definitions.** As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

See Section 2-1a changes in separate document

(b) ~~*Use definitions*~~ **Use Definitions**. The following definitions of uses and use groupings do not apply to any district listed in Article 8, Table A, unless otherwise indicated within Article 8. Definitions for uses and use groupings which do apply to districts listed in Article 8 Table A are found in Article 8 Table A Definitions.

Solid Waste Transfer Station. A facility where solid wastes are brought, stored, and transferred to vehicles for transport to the location of further processing or treating or ultimate disposal.

~~**Dwelling Unit.** A room or group of rooms forming a habitable unit for one family, or one "Group Residence, Limited," with facilities used or intended to be used for living, sleeping, cooking, and eating; but not including any use contained in artists' mixed uses.~~

Commented [2]: changing formatting from italics to bold

Commented [3]: moved from Section 2-1(a)

Commented [4]: moved to Section 2-1(a)

ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

Section 3-1A. - Special Purpose Overlay Districts

a. **Planned Development Areas.** The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority, and has approved, a development plan or, if the area contains not less than five acres ~~and is not located in a residential zoning district~~, a master plan for the development of the planned development area. Before transmittal to the commission, such development plan or master plan shall have been approved by said Authority after a public hearing, provided, however, that no development plan or master plan shall be approved by said Authority unless said Authority finds that such plan conforms to the general plan for the city as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area. [1] [2]

   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.

Commented [5]: Expanding places where master plan can be a pathway for PDAs, especially as the City creates more citywide residential districts

ARTICLE 4 - APPLICATION OF REGULATIONS

Section 4-1. - Conformity of Buildings and Land.

Except as provided in Chapter 665 of the Acts of 1956 as now in force or hereafter amended or in this code, no structure or land shall be used or occupied, and no structure or part thereof shall be erected, reconstructed, extended, or altered except in conformity with the regulations specified in this code for the district in which it is located; provided, however, that nothing in this code shall prevent (i) the strengthening, reconstruction, or restoring to a safe condition ~~of any portion~~ of a structure or any portion thereof declared unsafe by the Building Commissioner or any other board or officer authorized by law to do so; or (ii) the reconstruction or restoration of a legally nonconforming structure that has been destroyed or damaged by fire, explosion, casualty or other catastrophe except where the building commissioner, the Boston Fire Department or other governmental

authority has determined that such fire, explosion, casualty or catastrophe was caused intentionally by or on behalf of the owner.

Commented [6]: Clarifying ability to reconstruct after casualty

~~Section 4-2A. - Applicability of MER District Provisions.~~

~~Within an MER District, the provisions of the Boston Zoning Code adopted in Text Amendment No. 110, effective August 30, 1988, do not apply to a use, building, or structure that:~~

~~a.(i) prior to August 30, 1988, existed or was under construction on a privately-owned lot, or was under construction or was designated to be constructed on a lot owned by a public agency;~~

~~(ii) was the subject of a contract, designation, or lease or other property interest that was executed, voted, or conveyed by the public agency or private owners, as the case may be, prior to August 30, 1988; and,~~

~~(iii) in the case of a use, building, or structure on a lot owned by a public agency, was approved by the public agency prior to August 30, 1988; and, further,~~

~~b. (i) does not preclude the lot on which such use, building, or structure is located from being converted to maritime-dependent industrial uses;~~

~~(ii) does not deter viable economic maritime-dependent industrial uses of adjacent port lands; and~~

~~(iii) devotes more than fifty percent (50%) of the area of such lot to maritime-dependent industrial uses; provided that the total lot area devoted to maritime-dependent industrial uses and water-related uses is not less than seventy-five percent (75%) of the area of such lot; and provided further, that the remaining twenty-five percent (25%) of the total lot area shall be subject to use regulations applicable to W-2 subdistricts pursuant to Table B of Section 8-3 (Use Regulations).~~

Commented [7]: Moved to new base code district article (Article 13)

ARTICLE 6A - OTHER EXCEPTIONS

Section 6A-1. - Authorization for Exceptions.

Authorization for Exceptions in Planned Development and Urban Renewal Areas; in Downtown Districts, Special Districts, and the Harborpark District as Specified in the Articles Governing Such Districts~~; to Setback of Parapet Requirements in B-6-90a, B-6-90b, B-8-120a, and B-8-120c Districts; to the Requirements of Section 16-6(f) in a B-8-120c District~~, and to the Requirement of Section 25-5.8 in a V Zone Flood Hazard District.

Commented [8]: 16-6(f) was deleted in a previous amendment, so this reference is irrelevant

Section 6A-3. - Conditions Required for Approval.

The Board of Appeal shall allow an exception only if it finds:

(a) That such exception is in harmony with the general purpose and intent of this code;
(b) The exception requested is in conformity with one or more of the following, as applicable:
(i) the development plan for the planned development area or
(ii) the land assembly and redevelopment or urban renewal plan, or the low rent housing project or housing project for elderly persons of low income for the urban renewal area, or
(iii) the plan adopted by the Boston Redevelopment Authority for the downtown district involved, or for the Harborpark District, and such conformity has been certified to by the Boston Redevelopment Authority~~; or if the exception relates to a setback of parapet requirement in a B-6-90a, B-6-90b, B-8-~~

~~120a, or B-8-120c district, the Boston Redevelopment Authority has certified to the Board of Appeal that the proposed project has been subject to design review~~; or if the exception relates to the requirement of Section 25-5.8 concerning the location of a structure in a high hazard coastal (V zone) district, the project has received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency; and

ARTICLE 8 - REGULATION OF USES

Section 8-2. - General Use Provisions.

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

Section 8-3. - Use Regulations.

Table A Definitions

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

Commented [9]: capitalizing to make connection to "Dwelling" and "Dwelling Unit" definitions more clear

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

Delete full table

ARTICLE 9 - NONCONFORMING USES AND BUILDINGS

Section 9-1A. - Extension of Nonconforming Uses ~~and Reconstruction and Extension of Nonconforming Buildings~~.

~~Whenever land is being lawfully used for a use not conforming to this code, other than stone quarrying, such use may be extended on the same lot or on an adjoining lot; provided that 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 such extension; and provided further that the use as extended shall not exceed by more than twenty-five percent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.~~

~~Whenever a building or structure is being lawfully used for a use not conforming to this code, such building or structure may be reconstructed, structurally changed or extended; provided that 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 such reconstruction, structural change or extension; provided also that the building or structure as~~

~~reconstructed, structurally changed or extended shall not exceed by more than twenty-five percent either in volume or in area the building or structure existing on the effective date of this code or, in the case of a building or structure made nonconforming by an amendment of this code, on the effective date of such amendment; and provided further that the aggregate amount expended for reconstructing, structurally changing or extending a nonconforming building or structure after the effective date of this code, or, in the case of a building or structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty percent of the physical value of the building or structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration. Said limit on the amount expended for reconstructing, structurally changing or extending a nonconforming building or structure shall not apply to any alteration of a structure, or of a structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission in accordance with Chapter 772 of the Acts of 1973.~~

Whenever land or a Building or Structure is being lawfully used for a use not conforming to this code, such use may be extended on the same Lot or on an adjoining Lot or such Building or Structure may be reconstructed, structurally changed or extended, provided the following:

1. such nonconforming use is not stone quarrying;
2. 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 such reconstruction, structural change or extension;
3. the use as extended shall not exceed by more than twenty-five percent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment;
4. the aggregate amount expended for reconstructing, structurally changing or extending a Building or Structure containing a nonconforming use after the effective date of this code, or, in the case of Building or Structure made nonconforming by an amendment to this code, after the effective date of such amendment, shall not exceed fifty percent of the physical value of the Building or Structure on the effective date of this code or such amendment as determined by the Board of Appeal from its reproduction cost less physical deterioration. Said limit on the amount expended for reconstructing, structurally changing or extending a nonconforming Building or Structure shall not apply to any alteration of a Structure, or of a Structure in a district, which is listed in the National Register of Historic Places or which has been designated by the Boston Landmarks Commission in accordance with Chapter 772 of the Acts of 1973.

Section 9-1~~A~~B. - Hours of Operation of Nonconforming Use.

In any district where residential uses are allowed, an extension of the hours of operation of a nonconforming business or industrial use into the period between 12 midnight and 6 A.M. shall be deemed to constitute an extension of a nonconforming use and is subject to the provisions of Section 9-1. For purposes of this section, "business" shall include uses listed under Use Item Nos. 34 through 36A, 39 through 52, 54 through 57, 60 and 60A; "industrial" shall include uses listed under Use Item Nos. 68 through 70.

Section 9-~~2~~1C. - Change in Nonconforming Use.

If on the effective date of this code or of any amendment thereof a structure or land is being lawfully used for a use not conforming to this code or such amendment, such structure or land may be used for another nonconforming use; provided that 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 such substitute nonconforming use; and provided further that upon the use of such structure or land for such substitute nonconforming use, the right to use such structure or land for the former nonconforming use shall terminate.

Section 9-~~3~~1D. - Effect of Non-Use of Nonconforming Use.

If on the effective date of this code, a structure or land is being lawfully used for a use not conforming to this code, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. So also, if on the effective date of any amendment to this code a structure or land is being lawfully used for a use not conforming to such amendment, in order not to unduly prolong the life of such nonconforming use, the subsequent non-use of such structure or land for such nonconforming use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such nonconforming use. For the purpose of this section, whenever a structure or land is not being actively used for a nonconforming use, there shall be deemed to be a non-use for such nonconforming use.

Section 9-2. - Nonconforming Buildings.

Section 9-2A. - Extension of Nonconforming Buildings.

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

Commented [10]: Moved from Article 13-3

ARTICLES 12-22

Delete Articles

ARTICLE 25A - COASTAL FLOOD RESILIENCE OVERLAY DISTRICT

Section 25A-6. - Use and Dimensional Regulations

2. Regulations for Proposed Projects Subject to Resilience Review. Notwithstanding any contrary provision of the Underlying Zoning, the following regulations apply to any Proposed Project that is subject to, or has elected to comply with, Resilience review under Section 25A-7 (Resilience Review).

(a) Building Height. Building Height shall be measured from the higher of: (a) Grade Plane, or (b) two (2) feet above the Sea Level Rise - Base Flood Elevation (SLR-BFE).

Commented [11]: Changing "Grade" to "Grade Plane" to reflect update to Article 2

ARTICLE 26 - SQUARES + STREETS DISTRICTS

TABLE B: DIMENSIONAL REGULATIONS

LOT STANDARDS	S0	S1	S2	SC	S3, S3-6	S4	S5
Building Lot Coverage (max) for Lots smaller than 11,000 sf	60%	70%	70%	70%	90%	90%	80%
Building Lot Coverage (max) for Lots greater than or equal to 11,000 sf	60%	70%	70%	70%	70%	70%	70%
Permeable Area of Lot (min) for Lots smaller than 11,000 sf	20%	15%	15%	15%	-	-	-
Permeable Area of Lot (min) for Lots greater than or equal to 11,000 sf	20%	15%	15%	15%	15%	15%	15%
Front Yard (min)[2]	8'	6'	2'[1]	2'[1]	2'[1]	2'[1]	2'[1]
Rear Yard (min) [2]							
Abutting non-residential zoning district	15'	10'	10'	10'	5'	5'	5'
Abutting residential zoning district	15'	15'	15'	15'	15'	20'	20'
Side Yard (min)[2]							
With a party wall, abutting non-residential zoning district	-	-	0'	0'	0'	0'	0'

Commented [12]: Updating footnote reference

Without a party wall, abutting non-residential zoning district	14' cumulative (3' min)	10' cumulative (3' min)	5'	5'	5'	5'	5'
Abutting a residential zoning district	14' cumulative (3' min)	14' cumulative (3' min)	15'	15'	15'	15'	15'

BUILDING FORM STANDARDS	**S0**	**S1**	**S2**	**SC**	**S3, S3-6**	**S4**	**S5**
Building Floor Plate (max sf)	4,000	8,000	15,000	15,000	20,000	25,000	25,000
Building Width (max)	-	120'	150'	150'	150'	200'	250'
Building Height in feet (max)	50'	50'	65'	50'	85'[3]	85'	145'
Building Height in stories (max)	4	4	5	4	7[3]	7	-
Outdoor Amenity Space (min)	-	-	20%	10%	20%	25%	30%
Rear Stepback of Highest Story (min) where the rear yard abuts a residential zoning district	-	-	-	-	7'	7'	7'
Blank Wall of Facade (max)	-	-	15'	15'	15'	15'	15'
Multiple buildings (detached) allowed on lot[2]	No	No	Yes	Yes	Yes	Yes	Yes

Footnotes to Table B

1. If a dwelling unit is located on the ground floor abutting a Front Yard, as defined in Article 2~~ and Section 18-4~~, the Front Yard must have a minimum depth of 4 feet.

2. ~~In the case of attached buildings, yards are to be measured from the exterior building facade as if it was one structure.~~ If on one Lot there are two or more Buildings (which may or may not be Dwellings), the Yard requirements of this Code shall apply at each actual Lot Line and not as if each Building were on a separate Lot.

3. Unless the district is established on an official zoning map as "S3-6", in which case the maximum Building Height shall be 75 feet and 6 stories.

Commented [13]: 18-4 to be deleted in this draft, but new lot line and yard definitions maintain similar rules

Commented [14]: Added clarifying language because this differs from most existing districts

ARTICLE 31 - SKYLINE DISTRICTS

Section 31-4. - Additional Provisions for Existing Buildings and Uses in Skyline Districts.

A. ~~Reconstruction and Extension of Nonconforming Buildings.~~ ~~Notwithstanding the provisions of Section 9-1 Reconstruction and Extension of Nonconforming Buildings, a Proposed Project may alter or enlarge a building that exists on the effective date of this Article and that does not conform to the applicable dimensional requirements specified in other provisions of this article, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.~~

~~B.~~ Reconstruction and Extension of Nonconforming Uses. Notwithstanding the provisions of Section 9-1A Extension of Nonconforming Uses, a Proposed Project may result in the extension or conversion of a lawfully-existing Office use provided such extension or conversion results in the addition of less than 250,000 Gross Floor Area of Office use; and the extension or conversion of a lawfully-existing Hotel (Large) use provided such extension or conversion results in the addition of less than 50,000 Gross Floor Area or less than 50 guest rooms.

TABLE B: DIMENSIONAL REGULATIONS

BUILDING LOT STANDARDS	SKY-LOW	SKY
Building Lot Coverage (max)		
Lot Area less than or equal to 25,000 sf	95%	95%
Lot Area greater than 25,000 sf	90%	85%
Ground Floor Outdoor Amenity Space (min)		
Located along the Primary Lot Frontage for Lot Area less than 25,000 sf	0%	0%
Located along the Primary Lot Frontage for Lot Area greater than 25,000 sf	5%[~~45~~]	10%[~~45~~]
Front Yard (min)	0'[4]	
Rear Yard (min)		
With a party wall	0'[4]	
Without a party wall	5'[4] [~~56~~]	
Side Yard (min)		
With a party wall	0' [4]	
Without a party wall	5'[~~46~~] [4]	
Building Height in feet (max)	See TABLE C, Skyline Historic Dimensional Overlay	Such height as complies with State Shadow Regulations specified in Article 2, or such height as complies with FAA and Massport critical airspace maps and processes to determine maximum height, whichever is lesser.[1] [2] [3]
Stepback Height		
Abutting a Lot containing a non-Historic Building	155'[~~67~~]	
Abutting a Lot containing a Historic Building	Building Height of abutting Historic Building or, in the case of multiple abutting Historic Buildings, the lowest Building Height of the lowest such Historic Building.[~~67~~]	

Commented [15]: Moving

Reduction (min) of Building Floor Plate area of all Building Floor Plates at and above Stepback Height	-	For a Building with any Building Floor Plate greater than 12,000 sf, the average of all Building Floor Plates located above the Stepback Height must be reduced by a minimum of 20% from the average area of all Building Floor Plates below the Stepback Height.
Length of building facade (max) at and above Stepback Height	-	Any building facade located at or above the Stepback Height must be less than or equal to 200' in length.~~7~~8
Building Floor Plate (max sf) at and above Stepback Height	-	35,000
Blank Wall of Facade (max)	15'	20'
Ground Floor Height (min)	14'	
Multiple Buildings Allowed Per Lot	Yes	

Footnotes to Table B.

1. Structures built within the boundaries of the Midtown Shadow Overlay, as shown on Map 1A, shall comply with the provisions for the Midtown Cultural District set forth in the State Shadow Regulations; or such height as complies with FAA and Massport critical airspace maps and processes to determine maximum Building Height, whichever is lesser.

2. The maximum Building Height for a Proposed Project with Lot Frontage along Washington Street with less than 60% of Gross Floor Area of Residential Use is limited to 200'.

3. The maximum Building Height for a Proposed Project with Lot Frontage along Washington Street with more than 60% Gross Floor Area of Residential Use and only one Lot Line abutting another Lot within the SKY District is limited to 500', or such height as complies with the State Shadow Regulations, whichever is lesser. For the applicability of this footnote a Lot that would abut a Proposed Project if not divided by a public right of way shall be considered an abutting Lot.

4. If on one Lot there are two or more Buildings, which may or may not be Dwellings, the Yard requirements of this Code shall apply at each actual Lot Line and not as if each Building were on a separate Lot.

Commented [16]: Added clarifying language because this differs from most existing districts

For any Proposed Project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the following provisions shall apply:

5~~4~~. The required Ground Floor Outdoor Amenity Space may be located along any Lot Frontage shall be as determined through such review process.

6~~5~~. The minimum Yard may be 0' if it is determined through such review process that there is adequate and enduring separation between buildings abutting a Side or Rear Lot Line.

7~~6~~. Stepback Height may be determined through such review process provided there is adequate separation of tall building elements and improved building design to minimize impacts and any excessive wind downdrafts on significant public streets, sidewalks, and abutting structures.

8~~7~~. The maximum length of Building facade may be determined through such review process provided there is improved building design to minimize impacts on significant public streets, sidewalks, and abutting structures.

ARTICLE 36 - LIGHT MANUFACTURING DISTRICT

Section 36-9. - Dimensional Requirements

5. Minimum Front Yard: 15 feet, or the ~~modal front yard depth~~ Existing Building Alignment ~~as calculated by the method provided in Section 18-2 of this Code~~, whichever is greater

Commented [17]: "Modal front yard depth" already has the same meaning as "Existing Building Alignment" so consolidating to one term

ARTICLE 41 - HUNTINGTON AVENUE/PRUDENTIAL CENTER DISTRICT

Section 41-6. - Rooftop Additions within Protection Areas.

Each protection area in the Huntington Avenue/Prudential Center District shall constitute a Restricted Roof Structure District ~~for the purposes of Section 16-8. Reference to the "maximum height specified in Table B of Section 13-1" shall be deemed to mean.~~ In a restricted roof structure district, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants a conditional use therefor.

Commented [18]: Moving existing language from 16-8 to Articles 41 and 49 because those are the only districts where 16-8 currently applies

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that

(a) such deck is less than one foot above the highest point of such roof;
(b) the total height of the building, including such deck, does not exceed the maximum height of forty-five (45) feet ~~specified in Table B of Section 13-1 or specified on the zoning maps, the Zoning Districts City of Boston, as they may be amended from time to time~~; and
(c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and
(d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally, one foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty feet wide.

Commented [19]: Replaced reference with actual height on Table B of Section 13-1 for simplicity

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate:

(a) 330 square feet if the total roof area of the building is 3,300 square feet or less; or

(b) ten percent (10%) of the total roof area of the building if such total roof area is greater than 3,300 square feet.

In the restricted roof structure districts mapped ~~in the South End, Bay Village and~~ along St. Botolph Street, the above restrictions shall apply only to residential structures or to structures originally built for residential use. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

~~In the restricted roof structure district mapped in the North End, the above and the following restrictions shall apply to all buildings. The height of any building existing as of the effective date of this regulation shall determine the allowed height on that site subsequent to total or partial demolition or destruction of said building. Any proposed construction on the site that would exceed the prior height would require Board of Appeal approval, and would be subject to the restricted roof structure district regulations and any height limits in place in the district. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or significantly restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in "**Grade**" of Section 2-1, respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.~~

The restrictions set forth in this Section 41-6 ~~Section 16-8~~ shall apply only to residential structures or structures originally built for residential use within said protection areas. In considering any appeal for a conditional use pursuant to this Section 41-6 ~~this section and Section 16-8~~, the Board of Appeal shall consider whether a proposed roof structure is architecturally consistent with the distinctive historical and architectural character of the protection area. The Inspectional Services Department shall transmit a copy of any appeal for a conditional use pursuant to this Section 41-6 ~~this section and Section 16-8~~ to the Boston Landmarks Commission. The Boston Landmarks Commission may, within thirty days after the date of such transmittal, file with the Board of Appeal a recommendation, provided that if no such recommendation is received within said thirty days, the Board of Appeal may render its decision without such recommendation.

ARTICLE 42

APPENDIX A to ARTICLE 42A, APPENDIX A to ARTICLE 42E, APPENDIX A to ARTICLE 42F - Definitions

Building Height, notwithstanding the provisions of **"Height of Building"** of Section 2-1, means

(a) for a flat roof, the vertical distance from the ~~g~~Grade Plane to the top of the highest point of the roof beams excluding mechanical roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy, and

(b) for a pitched roof, the vertical distance from ~~g~~Grade Plane to the lower

  (i) of the mean level of the highest gable or of the slope of a hip roof or

  (ii) of the top of the structure of the highest occupied floor. A mansard roof shall be considered a flat roof. For Piers, ~~g~~Grade Plane shall be measured from the top of the deck of the Pier.

Mansard Roof. A sloping roof having a pitch of more than sixty (60) degrees to the horizontal. The floor under a mansard roof shall be considered a story as defined in "Story".

Commented [20]: This geography is not covered by Article 41 and so is not relevant

Commented [21]: This geography is not covered by Article 41 and so is not relevant

Commented [22]: Changing "Grade" to "Grade Plane" to reflect update to Article 2

Commented [23]: Changing "Grade" to "Grade Plane" to reflect update to Article 2

Commented [24]: Changing "Grade" to "Grade Plane" to reflect update to Article 2

Commented [25]: Moving mansard roof definition as this is the only part of the code where it will be relevant now (since it's been removed it from the Article 2 height definition)

Sides of a Pier. The edges of the Pier other than the edge connecting the Pier with dry land and other than the End of the Pier.

Commented [26]: Moved from Article 2 because these are the only articles where this is relevant

APPENDIX A to ARTICLE 42A, APPENDIX A to ARTICLE 42F - Definitions

FAR means floor area ratio, as defined in Section 2-1~~, subject to the provisions of Section 15-1 regarding calculation of the area of the Lot~~.

Commented [27]: 15-1 to be deleted

ARTICLE 45 - GOVERNMENT CENTER/MARKETS DISTRICT

APPENDIX B to ARTICLE 45 - Definitions

Substantial Accord means, with respect to building height, that the vertical distance from ~~g~~Grade Plane to the top of the structure of the highest occupied floor of a Proposed Project shall not exceed the specified height limit for the site by more than ten (10) feet.

Commented [28]: Changing "Grade" to "Grade Plane" to reflect update to Article 2

ARTICLE 49 - CENTRAL ARTERY SPECIAL DISTRICT

Section 49-11. - Regulations Applicable to the Government Center/Central Artery Area.

3. **Parcel 9**

a. **Use Regulations.** Allowed uses on Parcel 9 are Residential Uses and Local Retail/Service Uses.

b. **Dimensional Regulations.** On Parcel 9, the maximum allowed FAR is four (4), and the maximum allowed building height is fifty-five (55) feet. ~~Any building on Parcel 9 is subject to the provisions of Section 16-8, Restricted Roof Structure Districts, applicable to the North End. In a restricted roof structure district, n.~~ Parcel 9 is in a restricted roof structure district and subject to the following provisions. No roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants a conditional use therefor.

Commented [29]: Moving existing language from 16-8 to Articles 41 and 49 because those are the only districts where 16-8 currently applies

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that

(a) such deck is less than one foot above the highest point of such roof;

(b) the total height of the building, including such deck, does not exceed fifty-five (55) feet ~~the maximum height specified in Table B of Section 13-1 or specified on the zoning maps, the Zoning Districts City of Boston, as they may be amended from time to time~~; and

(c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and

(d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally, one foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate:

(a) 330 square feet if the total roof area of the building is 3,300 square feet or less; or

(b) ten percent (10%) of the total roof area of the building if such total roof area is greater than 3,300 square feet.

~~In the restricted roof structure districts mapped in the South End, Bay Village and along St. Botolph Street, the above restrictions shall apply only to residential structures or to structures originally built for residential use. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.~~

In the restricted roof structure district mapped in the North End, the above and the following restrictions shall apply to all buildings. The height of any building existing as of the effective date of this regulation shall determine the allowed height on that site subsequent to total or partial demolition or destruction of said building. Any proposed construction on the site that would exceed the prior height would require Board of Appeal approval, and would be subject to the restricted roof structure district regulations and any height limits in place in the district. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or significantly restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in **"Grade Plane"** of Section 2-1, respecting the definition of the term "Grade Plane," if a building abuts more than one street, "Grade Plane" is the average elevation of the street with the lowest elevation.

Section 54-6. - North End/Central Artery Area.

The North End/Central Artery Area is shown on "Map 1Xa" and "Map 1Xb," both entitled "Central Artery Special District (supplemental to 'Map 1 Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended, and is further described in Article 49.

Commented [30]: Replaced reference with actual height on Table B of Section 13-1 for simplicity

Commented [31]: This geography is not covered by Article 49 and so is not relevant

Commented [32]: Changing term from Grade to Grade Plane to reflect change to Article 2

Notwithstanding any contrary provision of this Article, the North End/Central Artery Area is governed by the applicable use, dimensional, and other requirements of Article 49, Central Artery Special District. The provisions of Sections 54-9 and 54-10 (Use and Dimensional Regulations in Residential Subdistricts), Sections 54-12 and 54-13 (Use and Dimensional Regulations in Neighborhood Business Subdistricts), Section 54-19 (Specific Design Requirements), and Section 54-21 (Off-Street Parking and Loading Requirements) are not applicable in the North End/Central Artery Area. All other provisions of this Article are applicable within the North End/Central Artery Area, in addition to the provisions of Article 49, except that the provisions of Section 54-17 (Design Review and Design Guidelines) shall apply only within that portion of the North End/Central Artery Area identified in Article 49 as Parcels 11 and 11A. Where conflicts exist between the provisions of this Article and those of Article 49, the provisions of Article 49 shall govern, except that the provisions of Section 54-18 (Roof Structure and Building Height Restrictions) shall apply to all parcels within the North End/Central Artery Area~~, superseding Section 16-8 (Restricted Roof Structure Districts)~~, notwithstanding any contrary provision of Article 49.

Commented [33]: 16-8 deleted

The Central Artery Special District Plan, as that term is defined in Article 49, shall be part of the general plan for the North End Neighborhood District as it applies to the North End/Central Artery Area.

ARTICLE 53 - EAST BOSTON NEIGHBORHOOD DISTRICT

Section 53-5. - Regulations Applicable in Residential Subdistricts.

1. **Use Regulations.** See Table A of this Article for use regulations in a Residential Subdistrict.
2. **Additional Dwelling Units.** Within the East Boston Neighborhood District, an Additional Dwelling Unit shall be subject to the Use Regulations set forth in Table A of this Article; however said Additional Dwelling Unit shall be an Allowed Use where it may otherwise be Conditional or Forbidden provided that it is the addition of no more than one (1) dwelling unit to the existing structure; and shall be exempt from all requirements of this Code except Section 53-19 provided that the Additional Dwelling Unit does not involve any bump out, extension or construction to the existing envelope of the structure which results in the addition of Gross Floor Area and that the residential structure to which the conversion is occurring is owner-occupied and registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion.
3. **Dimensional Regulations.** See Table F of this Article for dimensional regulations in a Residential Subdistrict.
4. **Location of Main Entrances.** Within Residential Subdistricts, if a Dwelling is located outside the Coastal Flood Resilience Overlay District (CFROD), the main entrance of the Dwelling shall face the Primary Front Lot Line. For a Dwelling within the CFROD, see Section 53-19 (Applicability of CFROD in East Boston) and Section 25A-6.2(e) (CFROD Use and Dimensional Regulations).

Commented [34]: Clarifying that CFROD applies

Commented [35]: add bolding

Section 53-29. - Application of Dimensional Requirements.

14. Measurement of Lot Frontage on Corner Lot. The Lot Frontage on a Corner Lot shall be measured along one Lot line abutting a public right of way. Where more than one Lot line abuts a public right of way, the Lot Frontage shall be measured along the Lot line on which the Building's main entrance fronts.

Commented [36]: Not necessary because of clarification of the Lot Frontage and Primary Front Lot Line definitions

Section 53-30. - Nonconformity as to Dimensional Requirements.

1.General Rule. The general rules for nonconforming Buildings are found in Section 9-2A. A Building or use existing on the effective date of this Article and not conforming to any such applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered, enlarged, or extended, provided that, unless otherwise provided in subsection 2 of this Section 53-30, any enlargement itself:

(a) does not increase any such dimensional nonconformity; and

(b) otherwise conforms to the dimensional requirements of this Article.

Commented [37]: moving to Article 9

2.**Exceptions to Section 9-2A.**

(a) Horizontal Extensions. A Building existing on the effective date of this Article with a nonconforming Side Yard or Rear Yard may be extended horizontally, provided that the extension does not encroach any farther than the existing Building into the same nonconforming Yard.:

(i) does not encroach any farther than the Side Yard or Rear Yard established by the existing nonconformity into the same Side Yard or Rear Yard; and

(ii) does not encroach farther than the existing Building into a required Front Yard.

(b) Vertical Extensions. A Building existing on the effective date of this Article with a nonconforming dimension, including, but not limited to, a Front Yard, Side Yard, Rear Yard, Building Floor Plate, or Building Lot Coverage, may be extended vertically, provided that the extension:

(i) does not extend beyond the existing Building Floor Plate; and

(ii) does not exceed the greater of: (1) the Building's maximum existing Building Height or (2) the maximum Building Height allowed by zoning; and

(iii) complies with any Stepback or reduction in Building Floor Plate required by the provisions of this Article.

ARTICLE 53 - TABLES

Throughout tables, replace "Mid-Block" with "non-Corner"

ARTICLE 55 - TABLES

TABLE I - Jamaica Plain Neighborhood District - Neighborhood Institutional Subdistricts - Dimensional Regulations

1. For the purpose of determining Building Height, the average elevation of the nearest sidewalk at the line of South Huntington Avenue shall be used to determine Grade Plane.

Commented [38]: Changing "Grade" to "Grade Plane" to reflect update to Article 2

ARTICLE 68 - TABLES

Footnotes to Table D

1. The Front Yard Setback shall be determined through Small or Large Project Review if applicable, but shall be a minimum of 5 feet along First Street to provide additional pedestrian right of way, or the ~~modal front yard depth~~ Existing Building Alignment ~~as calculated by the method provided in Section 18-2 of this Code~~, whichever is greater.
2. Where a lot is less than 1,000 square feet in area, the maximum number of dwelling units shall be one (1).

ARTICLES 50, 51, 54, 55, 56, 59, 60, 61, 63, 65, 66, 67, 68, 69

Throughout the "Specific Design Requirements," ***replace*** "Grade" ***with*** "Grade Plane"

ARTICLES 50, 53, 54, 55, 56, 59, 60, 62, 65, 67, 68, 69, 90

Under "Off-Street Parking and Loading Requirements" ***replace*** "that portion of the Front Yard that lies between the side yard and the Front Lot Line" ***with*** "that part of a Front Yard that overlaps with a Side Yard"

Commented [39]: Changing because yard definitions have been changed so that they overlap

ARTICLE 51

Under "Off-Street Parking and Loading Requirements" ***replace*** "the Front Yard along one of the side Lot lines" ***with*** "that part of a Front Yard that overlaps with a Side Yard"

Commented [40]: Changing because yard definitions have been changed so that they overlap

ARTICLES 50, 51, 54, 55, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 90

Nonconformity as to Dimensional Requirements.

~~A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.~~ See Section 9-2A.

Commented [41]: moving to article 9

ARTICLES 70, 71, 72, 73

Nonconformity as to Dimensional Requirements.

~~A Building or Structure existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.~~ See Section 9-2A.

Commented [42]: moving to article 9

ARTICLES 51, 54, 56, 59, 61, 62, 63, 65, 66, 67, 68, 69

"Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Primary Front Lot Line"

ARTICLES 55

"Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling should face the Primary Front Lot Line"

ARTICLES 50, 51, 53, 54, 55, 56, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 90

Under "Application of Dimensional Requirements." delete the paragraph labeled "Special Provisions for Corner Lots"

ARTICLES 50, 51, 53, 54, 55, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69

Under "Application of Dimensional Requirements." delete the paragraph labeled "Rear Yards of Through Lots."

APPLICIBILITY

Commented [43]: Applicability changes:
-removing language to supersede Articles 13-22 because these Articles will be deleted
-removing references to to Section 6-6 because because this references mistakenly left from previous amendment which moved "Extension of Conditional Use" section from Article 8 to Article 6

ARTICLES 50, 51, 53, 54, 55, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 90

the provisions of this Article supersede Section 8-3 (Use Regulations) and Articles ~~13 through~~ 23 and 24

ARTICLES 72, 73

the provisions of this Article supersede Section 8-3 (Use Regulations), Articles ~~13 through~~ 23 and 24, and Article 27M

ARTICLES 39, 40, 41, 48

the provisions of this article supersede ~~Sections 13-1, 13-2, and 13-4, and~~ Articles 8 ~~and 14 through~~, 23, and 24

ARTICLES 42A, 42E, 42F, 44

the provisions of this Article supersede Article 8 ~~(except Section 6-6 (Extension of Conditional Use)), Article 13 (except Section 13-3),~~ and Articles ~~14 through~~ 23 and 24

ARTICLES 42B

the provisions of this Article supersede Article 8 ~~(except Section 6-6 (Extension of Conditional Use)), Article 13 (except Section 13-3)~~ and Articles ~~14 through~~ 23 and 24

ARTICLES 45

the provisions of this Article supersede ~~Article 13 (except Section 13-3), and~~ Articles 8 and ~~14 through~~ 23

ARTICLES 46, 47a

the provisions of this Article supersede Article 8 ~~(except Section 6-6 (Extension of Conditional Use)), Article 13 (except Section 13-3),~~ and Article~~s 14 through~~ 23

ARTICLES 49

the provisions of this Article supersede Section 8-3 (Use Regulations) and Articles 11 ~~and 13 through~~, 23, and 24

ARTICLES 41

~~However, the exclusions from building height limitations set forth in Section 16-2 are applicable to building height limitations established in this article, unless expressly otherwise provided.~~

APPENDICES TO ZONING CODE

APPENDIX 2 - ILLUSTRATIONS

Delete full appendix

Commented [44]: relevant illustrations moving to base code district article