

TEXT AMENDMENT NO. 463

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

1. In **ARTICLE 2 - DEFINITIONS** delete the following terms and definitions:

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

**Facility of Public Accommodation.** Auditorium, theater, concert hall, dance hall, drive-in theater, or stadium.

**Filled Tidelands.** Former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill.

**Flowed Tidelands.** Present submerged lands and tidal flats which are subject to tidal action at the time of license application under M.G.L. Chapter 91.

2. In **ARTICLE 2- DEFINITIONS** delete the existing definitions of the following terms and replace with the following:

**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.

**Downtown.** The Downtown districts, as established pursuant to Section 3-1C of this Code.

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

**Dwelling, Multifamily.** A building containing four or more dwelling units. Not including a hotel or motel.

**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.

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

**Neighborhoods.** The Neighborhood Districts, as established pursuant to Section 3-1B of this Code, and any other area of the City of Boston not included in the Downtown or the Harborpark, as defined in this Article.

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

**Open Space.** Except where otherwise specified in this Code, Open Space includes open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or open space in private ownership for active or passive recreational use or for the conservation of natural resources.

**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.

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

**Theatre.** A structure or facility where theatrical works, performing arts, motion pictures, or musical concerts are presented.

3. In **ARTICLE 2 - DEFINITIONS** insert the following terms and definitions:

**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.

4. In the following Articles:

**ARTICLE 30 - BARRIER-FREE ACCESS**

**ARTICLE 42A - HARBORPARK DISTRICT, NORTH END/DOWNTOWN WATERFRONT AND, DORCHESTER/NEPONSET RIVER WATERFRONT**

**ARTICLE 42B - HARBORPARK DISTRICT, CHARLESTOWN WATERFRONT**

**ARTICLE 42E - HARBORPARK DISTRICT, FORT POINT WATERFRONT**

**ARTICLE 42F - HARBORPARK DISTRICT, CHARLESTOWN NAVY YARD**

**ARTICLE 53 - EAST BOSTON NEIGHBORHOOD DISTRICT**

**ARTICLE 54 - NORTH END NEIGHBORHOOD DISTRICT**

**ARTICLE 55 - JAMAICA PLAIN NEIGHBORHOOD DISTRICT**

**ARTICLE 56 - WEST ROXBURY NEIGHBORHOOD DISTRICT**

**ARTICLE 58 - CITY SQUARE NEIGHBORHOOD DISTRICT**

**ARTICLE 59 - MISSION HILL NEIGHBORHOOD DISTRICT**

**ARTICLE 60 - GREATER MATTAPAN NEIGHBORHOOD DISTRICT**

**ARTICLE 61 - AUDUBON CIRCLE NEIGHBORHOOD DISTRICT**

**ARTICLE 62 - CHARLESTOWN NEIGHBORHOOD DISTRICT**

**ARTICLE 63 - BAY VILLAGE NEIGHBORHOOD DISTRICT**

**ARTICLE 64 - SOUTH END NEIGHBORHOOD DISTRICT**

**ARTICLE 65 - DORCHESTER NEIGHBORHOOD DISTRICT**

**ARTICLE 66 - FENWAY NEIGHBORHOOD DISTRICT**

**ARTICLE 67 - ROSLINDALE NEIGHBORHOOD DISTRICT**

**ARTICLE 68 - SOUTH BOSTON NEIGHBORHOOD DISTRICT**

**ARTICLE 69 - HYDE PARK NEIGHBORHOOD DISTRICT**

**ARTICLE 80 - DEVELOPMENT REVIEW AND APPROVAL**

Delete any instances of the phrases "Physically Handicapped Persons" or "physically handicapped persons" and replace with "Physically Disabled Persons" or "physically disabled persons".

5. In **ARTICLE 8 - REGULATION OF USES, TABLE A: - USE REGULATIONS**, insert the following use table item after “**Use Item No. 6**”:

**THREE-FAMILY DWELLINGS**

**Use Item No. 6A**

Dwelling occupied by not more than three families.

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

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

6. In **ARTICLE 8 - REGULATION OF USES, TABLE A: - USE REGULATIONS**, delete “**Use Item No. 7**” description:

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

and replace with the following:

“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”

7. In **ARTICLE 25A - COASTAL FLOOD RESILIENCE OVERLAY DISTRICT, Section 25A-11. - Appendices**, delete the following terms and definitions:

**Downtown.** Downtown - shall have the meaning given in Article 2A (Definitions Applicable in Neighborhood Districts and in Article 80, Development Review and Approval).

**Harborpark.** Harborpark - shall have the meaning given in Article 2A (Definitions Applicable in Neighborhood Districts and in Article 80, Development Review and Approval).

**Institutional Master Plan, Institutional Use, and High Impact Subuse.** Institutional Master Plan, Institutional Use, and High Impact Subuse - shall have the meanings given in

Article 2A (Definitions Applicable in Neighborhood Districts and in Article 80, Development Review and Approval).

**Proposed Project.** Proposed Project - the erection, extension, rehabilitation, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

**Zoning Relief.** Zoning Relief shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

8. **In ARTICLE 27T - EAST BOSTON INTERIM PLANNING OVERLAY DISTRICT, Section 27T-3. - Definitions, delete the following terms and definitions:**

**Applicant.** "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 27T-5, or the authorized agent of any such person or entity.

**Proposed Project.** "Proposed Project" shall mean the erection or extension of any structure or part thereof for which the Applicant is required to obtain a building permit.

**Zoning Relief.** Zoning Relief shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

9. **In ARTICLE 29 - GREENBELT PROTECTION OVERLAY DISTRICT, Section 29-2. - Definitions, delete the following terms and definitions:**

**Applicant.** Applicant shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Sections 29-3 and 29-5.

**Proposed Project.** Proposed Project shall mean any construction, reconstruction, rehabilitation, or alteration of one or more structures constituting a unified development capable of depiction on a single site plan, or site work, for which the Applicant is required to obtain a building or use permit or permits.

**Residential Uses.** Residential Uses shall mean Use Item Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, and 10, as described in Table A of Section 8-7.

10. In **ARTICLE 30 - BARRIER-FREE ACCESS, Section 30-2. - Definitions**, delete the following terms and definitions:

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

**Applicant.** Applicant shall mean any person or entity having a legal or equitable interest in a Proposed Project subject, in accordance with Section 30-3, to the provisions of this article, or the authorized agent of any such person or entity.

**Hotel Use.** Hotel Use shall mean Use Item Number 15, as defined in Table A, Section 8-7.

**Physically Handicapped Person.** Physically Handicapped Person shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.

**Proposed Project.** Proposed Project shall mean the erection or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

**Residential Uses.** Residential Use shall mean Use Item Numbers 7, 7A, 7B, 8, 8A, 10, 11, 12, 13, 13A, or 14, as defined in Table A, Section 8-7.

**Zoning Relief.** Zoning Relief shall mean any zoning variance, exception, conditional use permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

11. In **ARTICLE 32 - GROUNDWATER CONSERVATION OVERLAY DISTRICT, Section 32-2. Definitions**, delete the following terms and definitions:

**Applicant.** Applicant shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, or the authorized agent of any such person or entity.

**Proposed Project.** Proposed Project shall mean the erection, extension, rehabilitation, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

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

12. In **ARTICLE 33 - OPEN SPACE SUBDISTRICTS, Section 33-3. - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, or the authorized agent of any such person or entity.

**Proposed Project.** Proposed Project shall mean the erection, extension, or demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

**Public Agency.** Public Agency shall mean the Commonwealth or one or more political subdivision(s) of the Commonwealth, or a department, agency, board, commission, authority, or other instrumentality of the Commonwealth, or of one or more political subdivision(s) of the Commonwealth, or the United States.

**Neighborhood Council.** 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.

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

13. In **ARTICLE 37 - GREEN BUILDINGS, Section 37-2. - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, or the authorized agent of any such person or entity.

**Proposed Project.** Proposed Project the erection, extension, rehabilitation, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

14. In **ARTICLE 38 - MIDTOWN CULTURAL DISTRICT, APPENDIX E to ARTICLE 38 - Definitions**, delete the following term and definition:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 38-4, or the authorized agent of any such person or entity.

15. In **ARTICLE 39 - NORTH STATION ECONOMIC DEVELOPMENT AREA, APPENDIX B to ARTICLE 39 - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 39-4, or the authorized agent of any such person or entity.

**Proposed Project.** Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

16. In **ARTICLE 40 - SOUTH STATION ECONOMIC DEVELOPMENT AREA, APPENDIX B to ARTICLE 40 - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 40-4, or the authorized agent of any such person or entity.

**Proposed Project.** Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for



which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

17. In **ARTICLE 41 - HUNTINGTON AVENUE/PRUDENTIAL CENTER DISTRICT, APPENDIX C TO ARTICLE 41 - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 41-4, or the authorized agent of any such person or entity.

**Historic Building.** Historic Building means any building listed on the Massachusetts Register of Historic Places.

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

**Proposed Project.** Proposed Project means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases and may include more than one building, structure, or use.

**State Building Code.** State Building Code means the state building code and amendments and rules and regulations thereto as promulgated by the state board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty-Three of the General Laws.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

18. In **ARTICLE 42A - HARBORPARK DISTRICT, NORTH END/DOWNTOWN WATERFRONT AND, DORCHESTER/NEPONSET RIVER WATERFRONT, APPENDIX A to ARTICLE 42A - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 42A-4, 42B-4, 42C-2, or 42D-2, as the case may be, or the authorized agent of any such person or entity.

**Boat Rental Establishment.** Boat Rental Establishment means any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels.

**Bulkhead.** A vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities.

**Chapter 91.** M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended.

**Commonwealth Tidelands.** The meaning ascribed in Chapter 91.

**Cultural Uses.** Cultural Uses means use for legitimate theater, concert hall, auditorium, museum, gallery, performance space, aquarium, or historical exhibit.

**High/Low Tide Line.** High/Low Tide Line means 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.

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

**Natural High/Low Tide Line.** Natural High/Low Tide Line means the historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding.

**Open Space.** Open Space has the meaning set forth in Section 42A-6 or Section 42B-6, as the case may be.

**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.

**Private Tidelands.** Private Tidelands has the meaning ascribed in Chapter 91.

**Proposed Project.** Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change or extension of use of any structure or land (including submerged land and Tidelands), for which the Applicant is required to obtain a building or use permit. A Proposed Project may be built in phases and may include separate or connected building elements on the same Lot.

**Public Boat Ramp.** Any ramp structure that provides public access to or egress from the water for Vessels.

**Recreational Marina.** Any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat club.

**Seasonal Dry Storage.** The storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October.

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

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

**Vessel.** Any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier.

**Vessel, Commercial.** Any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge.

**Vessel, Recreational.** Any Vessel used principally for recreational purposes.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

19. In **ARTICLE 42A - HARBORPARK DISTRICT, NORTH END/DOWNTOWN WATERFRONT AND, DORCHESTER/NEPONSET RIVER WATERFRONT, APPENDIX A to ARTICLE 42A - Definitions**, delete the definition of the following term and replace with:

**Public Agency.** Public Agency has the meaning given in Article 2 (Definitions). For the purposes of this article, the Commonwealth's proprietary interest in Tidelands shall not constitute "ownership" by a Public Agency.

20. In **ARTICLE 42E - HARBORPARK DISTRICT - FORT POINT WATERFRONT, APPENDIX A to ARTICLE 42E - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 42E-4 or the authorized agent of any such person or entity.

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

**Artists' Mixed Use.** Artists' mixed-use means the use of all or a portion of a building for both art use and habitation.

**Boat Rental Establishment.** Boat Rental Establishment means any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels.

**Bulkhead.** A vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities.

**Chapter 91.** M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended.

**High/Low Tide Line.** High/Low Tide Line means 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.** "Historic Building" means any building listed from time to time in the Massachusetts Register of Historic Places.

**Landmark.** "Landmark" means any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

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

**Natural High/Low Tide Line.** Natural High/Low Tide Line means the historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding.

**Open Space.** Open Space has the meaning set forth in Section 42E-6.

**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.

**Private Tidelands.** Private Tidelands has the meaning ascribed in Chapter 91.

**Proposed Project.** Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change or extension of use of any structure or land (including submerged land and Tidelands), for which the Applicant is required to obtain a building or use permit. A Proposed Project may be built in phases and may include separate or connected building elements on the same Lot.

**Public Boat Ramp.** Any ramp structure that provides public access to or egress from the water for Vessels.

**Recreational Marina.** Any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat club.

**Seasonal Dry Storage.** The storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October.

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

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

**Vessel.** Any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier.

**Vessel, Commercial.** Any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge.

**Vessel, Recreational** Any Vessel used principally for recreational purposes.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

21. In **ARTICLE 42E - HARBORPARK DISTRICT - FORT POINT WATERFRONT, APPENDIX A to ARTICLE 42E - Definitions**, delete the definition of the following term and replace with:

**Public Agency.** Public Agency has the meaning given in Article 2 (Definitions). For the purposes of this article, the Commonwealth's proprietary interest in Tidelands shall not constitute "ownership" by a Public Agency.

22. In **ARTICLE 42F - HARBORPARK - CHARLESTOWN NAVY YARD, APPENDIX A to ARTICLE 42F - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 42F-4 or the authorized agent of any such person or entity.

**Boat Rental Establishment.** Boat Rental Establishment means any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels.

**Bulkhead.** A vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities.

**Chapter 91.** M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended.

**Commonwealth Tidelands.** The meaning ascribed in Chapter 91.

**High/Low Tide Line.** High/Low Tide Line means 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.

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

**Natural High/Low Tide Line.** Natural High/Low Tide Line means the historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding.

**Open Space.** Open Space has the meaning set forth in Section 42F-6.

**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.

**Private Tidelands.** Private Tidelands has the meaning ascribed in Chapter 91.

**Proposed Project.** Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change or extension of use of any structure or land (including submerged land and Tidelands), for which the Applicant is required to obtain a building or use permit. A Proposed Project may be built in phases and may include separate or connected building elements on the same Lot.

**Public Boat Ramp.** Any ramp structure that provides public access to or egress from the water for Vessels.

**Recreational Marina.** Any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat club.

**Seasonal Dry Storage.** The storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October.

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

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

**Vessel.** Any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier.

**Vessel, Commercial.** Any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge.

**Vessel, Recreational.** Any Vessel used principally for recreational purposes.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

23. In ARTICLE 42F - HARBORPARK - CHARLESTOWN NAVY YARD, APPENDIX A to ARTICLE 42F - Definitions, delete the definition of the following term and replace with:

**Public Agency.** Public Agency has the meaning given in Article 2 (Definitions). For the purposes of this article, the Commonwealth's proprietary interest in Tidelands shall not constitute "ownership" by a Public Agency.

24. In ARTICLE 43 - CHINATOWN, APPENDIX A to ARTICLE 43 - Definitions, delete the following terms and definitions:



**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 43-4, or the authorized agent of any such person or entity.

**Historic Building.** Historic Building means a building listed on the Massachusetts Register of Historic Places.

**Landmark.** Landmark means any building or structure designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

**Level of Service.** Level of Service means the functional capacity of a traffic intersection as measured by the ratio between the volume of vehicles passing through the intersection and the capacity of the intersection.

**Proposed Project.** Proposed Project means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases and may include more than one building, structure, or use.

**Public Agency.** Public Agency means a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or one or more political subdivisions of the Commonwealth, or of the United States.

**State Building Code.** State Building Code means the state building code and amendments and rules and regulations thereto as promulgated by the board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty Three of the General Laws.

**Theater.** Theater means a facility equipped for the production and presentation of performing and visual arts events.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

25. In ARTICLE 44 - LEATHER DISTRICT, APPENDIX B to ARTICLE 44 - Definitions, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 44-4, or the authorized agent of any such person or entity.

**Historic Building.** Historic Building means any building listed in the Boston Landmarks Commission Survey of Boston as a Category One, Category Two, Category Three, or Category Four building.

**Proposed Project.** Proposed Project means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases and may include more than one building, structure, or use.

**State Building Code.** State Building Code means the state building code and amendments and rules and regulations thereto as promulgated by the state board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty-Three of the General Laws.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

26. In **ARTICLE 44 - LEATHER DISTRICT, APPENDIX B to ARTICLE 44 - Definitions**, delete any instance of the phrase "Corner Parcel" and replace with "Corner Lot".

27. In **ARTICLE 45 - GOVERNMENT CENTER/MARKETS DISTRICT, APPENDIX B to ARTICLE 45 - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 45-4, or the authorized agent of any such person or entity.

**Proposed Project.** Proposed Project means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

28. In **ARTICLE 46 - BULFINCH TRIANGLE DISTRICT, APPENDIX B TO ARTICLE 46 - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 46-4, or the authorized agent of any such person or entity.

**Historic Building.** Historic Building means any building listed in the Boston Landmarks Commission Survey of Boston as a Category One, Category Two, Category Three, or Category Four building.

**Proposed Project.** Proposed Project means the erection, reconstruction, extension, alteration, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases and may include more than one building, structure, or use

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

29. In **ARTICLE 47A - CAMBRIDGE STREET NORTH DISTRICT, APPENDIX B to ARTICLE 47A - Definitions**, delete the following terms and definitions:

**Applicant.** Applicant means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 47A-4, or the authorized agent of any such person or entity

**Landmark.** Landmark means any building or structure designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

**Proposed Project.** Proposed Project means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

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

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

30. In **ARTICLE 48 - STUART STREET DISTRICT, APPENDIX B to ARTICLE 48 - Definitions**, delete the following terms and definitions:

**Applicant.** "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 48-4, or the authorized agent of any such person or entity.

**Cultural Uses.** "Cultural Uses" means the uses listed in paragraph 2 of Appendix B to this article.

**Historic Building.** "Historic Building" means any building listed from time to time in the Massachusetts Register of Historic Places.

**Landmark.** "Landmark" means any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

31. In **ARTICLE 49 - CENTRAL ARTERY DISTRICT, APPENDIX A to ARTICLE 49 - Definitions**, delete the following terms and definitions:

**Community Uses.** An indoor recreational building including ball courts; gymnasium; play areas; community meeting rooms for educational or craft activities; day care center or social service uses for the local community; exterior play areas including ball courts, tot lots, and seating areas; community health center or clinic or other social service uses; and accessory kitchen uses.

**Cultural Uses.** Museum, theatre (not including motion picture theatre), music hall or opera house, indoor or outdoor performance space, public art display space, exhibition space for educational or cultural purposes, accessory uses such as office, retail, or restaurant associated with such use.

**Historic Building.** Historic Building means any building listed in the Boston Landmarks Commission Survey of Boston as a Category One, Category Two, Category Three, or Category Four building.

**Proposed Project.** Proposed Project, the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, or the creation of open space uses permitted under Article 49, for which the Applicant is required to obtain a building or use permit.

**Residential Uses.** Limited to multifamily dwelling, lodging or boarding house, temporary housing shelters, and Group Residence Limited. Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity share cooperatives.

**Restaurant Uses.** Restaurant, lunch room, cafeteria, Cafe, or other place for the service or sale of food or beverages to the public for on-premises consumption.

32. In **ARTICLE 49 - CENTRAL ARTERY DISTRICT**, insert the following appendix:

#### **APPENDIX B to ARTICLE 49 - USE CATEGORIES**

**The following uses are regulated pursuant to Sections 49-9 through 49-13.**

1. **Community Uses.** An indoor recreational building including ball courts; gymnasium; play areas; community meeting rooms for educational or craft activities; day care center or social service uses for the local community; exterior play areas including ball courts, tot lots, and seating areas; community health center or clinic or other social service uses; and accessory kitchen uses.
2. **Cultural Uses.** Museum, theatre (not including motion picture theatre), music hall or opera house, indoor or outdoor performance space, public art display space, exhibition space for educational or cultural purposes, accessory uses such as office, retail, or restaurant associated with such use.
3. **Residential Uses.** Limited to multifamily dwelling, lodging or boarding house, temporary housing shelters, and Group Residence Limited. Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity share cooperatives.

- 4. Restaurant Uses.** Restaurant, lunch room, cafeteria, cafe, or other place for the service or sale of food or beverages to the public for on-premises consumption.

**33. In ARTICLE 49A - GREENWAY OVERLAY DISTRICT, APPENDIX B to ARTICLE 49A - Definitions, delete the following terms and definitions:**

**Applicant.** "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 49A-3, or the authorized agent of any such person or entity.

**Proposed Project.** "Proposed Project" means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.

**Zoning Relief.** Zoning Relief means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

**34. In ARTICLE 85 - DEMOLITION DELAY, Section 85-2. - Definitions, delete the following terms and definitions:**

**Applicant.** Applicant means the person or persons filing an application for review under this Article.

**Harbor Park.** Harborpark means the areas governed by the zoning district identified as the Harborpark District in Section 3-1(f) of this Code.

**State Building Code.** State Building Code means the Massachusetts State Building Code, 780 CMR, as amended.

**35. In ARTICLE 87 - SMART GROWTH OVERLAY DISTRICTS, Section 87-2. - Definitions, delete the following terms and definitions:**

**Applicant.** Applicant - any person or entity having a legal or equitable interest in a Proposed Project subject to the provision of this Code, or the authorized agent of any such person or entity.

**Authority.** Authority - the Boston Redevelopment Authority.

**Proposed Project.** Proposed Project - a residential or mixed use development undertaken within an SGOD in accordance with the requirements of the smart growth zoning and that involves the erection, extension, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit, and the details of which are set forth in the Smart Growth Development Plan.

Text Amendment Application No. 513

Text Amendment No. 463

DocuSigned by:

Jay Hurley

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Chairman

Vice Chairman

DocuSigned by:

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DocuSigned by:

Jill Hatton

781A34A88BFG46F...

DocuSigned by:

Nelson Arroyo

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DocuSigned by:

Michael

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DocuSigned by:

Midori Morikawa

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Ricardo Austrieh

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In Zoning Commission

Adopted: 08/09/2023

Attest:

DocuSigned by:

Jeff Hampton

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Executive Secretary

Jeffrey Hampton



Text Amendment Application No. 51

Text Amendment No. 463

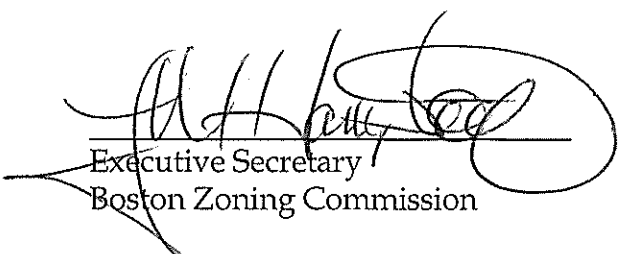


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Mayor, City of Boston

Date: 8/16/03

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The foregoing amendment was presented to the Mayor on AUGUST 16, 2003, and was signed by her on AUGUST 16, 2003, whereupon it became effective on AUGUST 16, 2003, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



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Executive Secretary  
Boston Zoning Commission