

***Part 1A: Create New Definitions in Article 2.000 as set forth below, inserted in alphabetical order.***

***Retail or Consumer Service Establishment.*** An establishment whose principal purpose is the commercial provision of goods, personal services, prepared food and beverage, entertainment, recreational activities, and similar services (but excluding professional or financial services) directly to consumers. Such provision of goods and consumer services shall be conducted on-site, but may be supplemented by telephone and online transactions and delivery services.

***Convenience Store.*** A type of Retail or Consumer Service Establishment whose principal function is the retail sale of convenience goods directly to consumers, such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores, not exceeding 5,000 square feet in total sales area (excluding storage).

***Merchandise Store.*** A type of Retail or Consumer Service Establishment, not otherwise defined as a Convenience Store, Grocery Store, Cannabis Retail Store, or other use defined in this Zoning Ordinance, whose principal function is the retail sale of consumer goods on the premises and where no manufacturing, production or assembly of products occurs on the premises.

***Grocery Store.*** A type of Retail or Consumer Service Establishment whose principal function is the sale of fresh or packaged food products to consumers for use off the premises, which may additionally provide general household supplies.

***Craft Retail and Production Shop.*** A type of Retail or Consumer Service Establishment whose principal function is the sale of consumer goods that are manufactured, produced or assembled for sale on the premises for use by consumers off the premises (although such goods may additionally be distributed at wholesale), provided that all manufacturing, production, assembly, packaging, display, and sales activities are conducted within a building and do not occupy more than 10,000 square feet of Gross Floor Area (manufacturing or assembly uses exceeding such size or excluding retail sales shall be classified as Light Industry).

***Personal Services Establishment.*** A type of Retail or Consumer Service Establishment whose principal function is to provide non-professional services directly to the consumer, including but not limited to hair, skin and nail care, tailoring, repair of shoes and other household items, electronics repair, bicycle repair, self-service or drop-off laundry (including off-site dry cleaning), printing, copying, and photographic services, mailing and shipping services, or similar services, but not including the servicing of automobiles or other activities involving the use of hazardous materials on the premises.

***Restaurant.*** A type of Retail or Consumer Service Establishment whose principal function is to serve prepared food and beverages (including alcoholic beverages served with meals, if properly licensed) to be consumed on the premises using non-disposable dishware, glassware, and utensils, and providing table seating for patrons.

***Bar.*** A type of Retail or Consumer Service Establishment whose principal function is to serve alcoholic beverages, but which is not licensed to prepare or serve food.

***Craft Beverage Establishment.*** A type of Retail or Consumer Service Establishment whose principal function is to serve non-alcoholic or alcoholic (if properly licensed) beverages that are produced and consumed on the premises (although such beverages may additionally be

packaged and distributed at wholesale), provided that all production and packaging activities are conducted principally within a building and such activities do not occupy more than 10,000 square feet of Gross Floor Area (activities exceeding such size or excluding on-premises service shall be classified as Light Industry).

**Food Stand or Kiosk.** A type of Retail or Consumer Service Establishment located within a Food Hall or another indoor or outdoor gathering space open to the public serving prepared foods and/or beverages to be consumed immediately on or off the premises, for which the area devoted to food preparation and service is no greater than 1,250 square feet and for which any seating (if provided) is open to the general public or shared among multiple establishments.

**Food Hall.** A type of Retail or Consumer Service Establishment containing two or more Food Stands or Kiosks, in which seating, if provided, is located in a common area, and which may contain shared facilities devoted to food preparation and service which occupy a combined area no larger than 1,250 square feet times the number of individual Food Stands or Kiosks utilizing such facilities.

**Dance Hall or Nightclub.** A type of Retail or Consumer Service Establishment whose principal function is to provide live or recorded music and dancing for which patrons are charged a use or membership fee.

**Theater.** A type of Retail or Consumer Service Establishment whose principal function is to host live or recorded performances, lectures, or exhibitions for seated audiences, including but not limited to cinemas, performance halls, and other halls for public gatherings.

**Fitness Center.** A type of Retail or Consumer Service Establishment whose principal function is to provide space and/or equipment for physical exercise by individuals or groups, which may or may not include instructor-led fitness classes, in exchange for a use or membership fee.

**Funeral Home.** A type of Retail or Consumer Service Establishment whose principal function is to prepare the deceased for burial display and for rituals before burial or cremation, including but not limited to chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

**Animal Services Facility.** A type of Retail or Consumer Service Establishment whose principal function is to provide services related to household pets where such animals are kept on the premises, including but not limited to veterinary care, grooming, shelter, kenneling, obedience training, pet day care, or interaction with pets housed on the premises.

**Indoor Auto Sales Facility.** A type of Retail or Consumer Service Establishment whose principal function is to display new and used cars, trailers, motorcycles, or similar automotive vehicles for sale or rental, provided that all activities are conducted entirely within a building and no major repairs are made on the premises.

**Performing Arts Studio.** A room or group of rooms used by performing artists for the study, practice, or rehearsal of performing arts, including but not limited to music, dance, and theater, which may host occasional small performances by users of the space but which is not primarily intended to host performances for the general public.

**Outdoor Retail or Consumer Service Establishment.** An establishment otherwise meeting the definition of a Retail or Consumer Service Establishment but for which sales and/or services are customarily conducted partly or wholly outdoors.

**Open-Lot Retail Sales Establishment.** A type of Outdoor Retail or Consumer Service Establishment whose principal function is the sale of goods directly to consumers for use off the premises where such goods are customarily displayed in an outdoor environment, including but not limited to flowers, garden supplies, agricultural produce, landscape materials, and gravestones.

**Drive-In Food Service Establishment.** A type of Outdoor Retail or Consumer Service Establishment whose principal function is to provide prepared meals and beverages to customers who do not have to leave their cars during the transaction.

**Drive-In Consumer Service Establishment.** A type of Outdoor Retail or Consumer Service Establishment, other than a Drive-In Food Service Establishment, whose principal function is to provide retail goods or other consumer services (including, for the purpose of this definition, banking services) to customers who do not have to leave their cars during the transaction.

**Outdoor Entertainment and Recreation Facility.** A type of Outdoor Retail or Consumer Service Establishment, not including a public park or public recreation facility, whose principal function is to provide entertainment and/or recreational activities taking place partly or wholly outdoors to patrons who are charged a use, entrance, or membership fee and which does not require the use of an automobile, including but not limited to neighborhood skating rinks, climbing areas, lawn or court games, playgrounds, sports fields, or similar facilities.

**Drive-In Theater.** A type of Outdoor Retail or Consumer Service Establishment whose principal function is to show films or provide other forms of live or recorded entertainment to patrons who do not have to leave their cars.

**Outdoor Auto Sales Facility.** A type of Outdoor Retail or Consumer Service Establishment in which new and used cars, trailers, motorcycles, or similar automotive vehicles are displayed for sale or rental partly or wholly on an open-air lot, provided that no major repairs are made on the premises.

**Auto Service Station.** A type of Outdoor Retail or Consumer Service Establishment whose principal function is to provide petroleum fuel for automobiles and other vehicles within an open or partially enclosed area and/or where inspections and services such as oil changes, tire changes, and minor repairs are conducted within a building, but where no major repairs are made.

**Auto Wash.** A type of Outdoor Retail or Consumer Service Establishment whose principal function is to clean automobiles and other vehicles using mechanical equipment.

**Temporary Outdoor Retail or Consumer Service Use.** The use of an open-air lot containing another principal or accessory use (including, but not limited to, a parking lot), for the purpose of any retail and/or consumer service activities such as sales, food service, entertainment, and/or recreation, provided that:

- (a) such activities are in full compliance with federal, state and local laws, codes, and regulations, including applicable licensing and/or permitting requirements;
- (b) such activities take place during limited hours on a total of no more than 120 consecutive or non-consecutive days within a calendar year;
- (c) any temporary structures, such as tents, booths, tables, stages, or other equipment, are secured or removed during periods when not in use.

***Part 1B: Amend the Definition of “Bakery, Retail” in Article 2.000 to read as follows:***

***Bakery, Retail.*** A type of Retail or Consumer Service Establishment whose principal function is the sale of breads, pastries, cakes, pies and similar baked goods for consumption by the final customer at home whether or not final baking occurs on premises.

***Part 1C: Amend the Definition of “Commercial Recreation” in Article 2.000 to read as follows:***

***Commercial Recreation Establishment.*** A type of Retail or Consumer Service Establishment whose principal function is to provide entertainment or recreation services to the general public, wholly in an enclosed building, and for which user fees are charged and which is operated for profit, such as but not limited to a bowling alley, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, or game room, but is not a Restaurant or Bar, Dance Hall, Theater, Fitness Center, or private club with admission to facilities by limited membership only.

***Part 1D: Delete the Definition of “Fast Order Food” and Amend the Definition of “Fast Order Food Establishment” in Article 2.000 to read as follows:***

***Fast Order or Quick-Service Food Establishment.*** A type of Retail or Consumer Service Establishment, not otherwise defined as a Restaurant or Bar, Food Stand or Kiosk, or Food Hall, whose primary function is the service of food or beverages available upon a short waiting time and packaged and presented in such a manner that it can be readily eaten on or off the premises.

***Part 2: Create a new Section 4.210 following Section 4.29 to read as follows:***

**4.210 Additional Allowed Retail and Consumer Service Uses.** The following Retail and Consumer Service Uses shall be permitted as additional allowed principal uses at a property with another principal non-residential use, provided that they occupy no more than 25% of the total Gross Floor Area of the other principal use, or that they are limited in duration to no more than 25% of the total hours of operation of the other principal non-residential use on a weekly basis. Any Retail or Consumer Service Use conforming to the limitations set forth herein shall be allowed as a principal Retail or Consumer Service Use at a property but shall be exempt from the following requirements: No additional parking or loading facilities shall be required or provided for the additional Retail or Consumer Service Use (additional bicycle parking may be provided but shall not be required), and signage requirements set forth in Article 7.000 of this Zoning Ordinance shall be calculated for the property as a whole rather than individually for each component use. All Retail and Consumer Service Uses shall conform to all applicable licensing requirements and all other laws, codes, and regulations.

- (1) Sales. The display and sale of goods that are directly related to the operation of the other principal use at the property and are intended for sale to occupants, patrons, or visitors of the other principal use, including but not limited to supplies that are utilized in the operation of the other principal use or promotional materials for the other principal use.
- (2) Programs and Services. On-site activities including but not limited to minor repairs, instructional classes, presentations, workshops, consultations, or similar programs and services provided to occupants, patrons, or visitors of the other principal use.
- (3) Food and Beverage Service. The provision of meals, snacks, beverages, and other food products prepared on-site or off-site and intended for consumption on-site by occupants, patrons, or visitors of the other principal use.
- (4) Entertainment and Recreation. The provision of activities including but not limited to live or recorded music, video entertainment, other live performances, group games or contests, or other entertainment or recreational activities for the enjoyment of occupants, patrons, or visitors of the other principal use.

**Part 3A: Amend Sections 4.35 and 4.36 of the Table of Use Regulations to read as follows:**

		Open Space	Res A 1&2	Res B	Res C, C- 1, C- 1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 <sup>1</sup>	Bus A, A-4	Bus B, B- 1, B-2	Bus C	Ind A-1, A-2	Ind A	Ind B- 1, B-2	Ind B	
<b>4.35</b>	<b>Retail or Consumer Service Establishments</b>														
	Retail or Consumer Service Establishment, not otherwise defined	No	No	No	No	No	SP	SP	SP	SP	SP	SP	SP	SP	
	a-1. Convenience Store	No	No	SP <sup>59</sup>	SP <sup>59</sup>	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	a-2. Merchandise Store	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	a-3. Grocery Store	No	No	SP <sup>59</sup>	SP <sup>59</sup>	Yes <sup>12</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	b. Craft Retail and Production Shop	No	No	No	No	Yes <sup>12</sup>	SP <sup>60</sup>	SP <sup>60</sup>	Yes <sup>10</sup>	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	c. Personal Services Establishment	No	No	SP <sup>59</sup>	SP <sup>59</sup>	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	d. <i>[Deleted]</i>														
	e. <i>[Deleted]</i>														
	f-1. Restaurant	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	f-2. Bar	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes <sup>13</sup>	Yes	SP	Yes	Yes <sup>51</sup>	Yes	
	f-3. Craft Beverage Establishment	No	No	No	No	SP <sup>12</sup>	SP	SP	SP	SP	Yes	Yes	Yes	Yes	
	f-4. Food Stand or Kiosk	No	No	No	No	Yes <sup>12</sup>	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	

Potential Zoning Amendments related to Retail and Consumer Service Establishments  
 CLEAN TEXT VERSION – For Referral

		Open Space	Res A 1&2	Res B	Res C, C- 1, C- 1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 <sup>1</sup>	Bus A, A-4	Bus B, B- 1, B-2	Bus C	Ind A-1, A-2	Ind A	Ind B- 1, B-2	Ind B	
	f-5. Food Hall	No	No	No	No	SP <sup>12</sup>	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	
	g. Dance Hall or Nightclub	No	No	No	No	Yes <sup>12</sup>	SP	SP	Yes <sup>13</sup>	Yes	SP	Yes	Yes <sup>51</sup>	Yes	
	h. Theater	No <sup>11</sup>	No	No	No	Yes <sup>12</sup>	SP	SP	Yes <sup>10</sup>	Yes	SP	Yes	Yes <sup>51</sup>	Yes	
	i-1. Commercial Recreation Establishment	No <sup>11</sup>	No	No	No	Yes <sup>12</sup>	SP	SP	Yes <sup>10</sup>	Yes	SP	Yes	Yes <sup>51</sup>	Yes	
	i-2. Fitness Center	No	No	SP <sup>59</sup>	SP <sup>59</sup>	Yes <sup>12</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	j. Funeral Home	No	No	No	No	SP	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	k. <i>[Deleted]</i>														
	l. Animal Services Facility	No	No	No	No	SP <sup>12,29</sup>	SP <sup>29</sup>	SP <sup>29</sup>	SP <sup>10,29</sup>	SP	SP	SP	Yes <sup>51</sup>	SP	
	m. Indoor Auto Sales Facility	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	SP	Yes	Yes <sup>51</sup>	Yes	
	n. <i>[Deleted]</i>														
	o. Fast Order or Quick-Service Food Establishment	No	No	SP <sup>59</sup>	SP <sup>59</sup>	Yes <sup>12</sup>	SP	SP	Yes <sup>10</sup>	Yes	SP	SP	Yes <sup>51</sup>	Yes	
	p. Deleted														
	q-1. Art/Craft Studio	No	No	No	SP <sup>50</sup>	SP <sup>50</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	q-2. Performing Arts Studio	No	No	No	SP <sup>50</sup>	SP <sup>50</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	r. Bakery, Retail	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	
	s. Cannabis Retail Store	No	No	No	No	No	PB <sup>58</sup>	PB <sup>58</sup>	PB <sup>58</sup>	PB <sup>58</sup>	PB <sup>58</sup>	No	PB <sup>58</sup>	PB <sup>58</sup>	

Potential Zoning Amendments related to Retail and Consumer Service Establishments  
 CLEAN TEXT VERSION – For Referral

		Open Space	Res A 1&2	Res B	Res C, C- 1, C- 1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 <sup>1</sup>	Bus A, A-4	Bus B, B- 1, B-2	Bus C	Ind A-1, A-2	Ind A	Ind B- 1, B-2	Ind B	
<b>4.36</b>	<b>Outdoor Retail or Consumer Service Establishments</b>														
	Outdoor Retail or Consumer Service Establishment, not otherwise defined	No <sup>11</sup>	No	No	No	No	SP	SP	SP	SP	SP	SP	SP	SP	
	a. Open-Lot Retail Sales Establishment	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	b. Drive-In Food Service Establishment	No	No	No	No	No	SP	SP	No	SP	No	SP	No	SP	
	c. Drive-In Consumer Service Establishment	No	No	No	No	No	No	SP	SP <sup>13</sup>	SP	SP	SP	No	SP	
	d. Outdoor Entertainment and Recreation Facility	No <sup>11</sup>	No	No	No	Yes <sup>12</sup>	No	No	SP	SP	SP	SP	SP	SP	
	e. Drive-In Theater	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes	
	f. Outdoor Auto Sales Facility	No	No	No	No	No	No	SP	No	No	No	SP	No	SP	
	g. Auto Service Station	No	No	No	No	No	SP	SP	SP <sup>13</sup>	SP	No	Yes	SP	Yes	
	h. Auto Wash	No	No	No	No	No	No	SP	No	No	No	SP	SP	SP	
	i. <i>[Deleted]</i>														
	j. Temporary Outdoor Retail or Consumer Service Use	Yes	No	No	SP <sup>61</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	



***Part 3B: Amend Section 4.40, Footnotes to the Table of Use Regulations, as set forth below.***

- ***Amend Footnote 10 to read as follows:***

10. In a Business B-1 or Business B-2 District, this use shall be subject to the limitations specified in Section 4.27.

- ***Amend Footnote 12 to read as follows:***

12. In all Office Districts, permitted Retail or Consumer Service Establishments shall meet the following standards, which may be modified by special permit from the Board of Zoning Appeal; however, such limitations shall not apply to a cafeteria or other eating/drinking facility which is accessory to permitted uses in a building or associated group of buildings in the same ownership and which is intended primarily for employees of those uses and their guests:

- (a) Retail or Consumer Service Establishments shall be located within buildings or on lots or Development Parcels containing other permitted office and/or residential uses;
- (b) Retail or Consumer Service Establishments shall occupy no more than 25% of the total Floor Area Ratio or Gross Floor Area permitted on the lot or Development Parcel;
- (c) Retail or Consumer Service Establishments shall be located at the Ground Story with entrances accessible to pedestrians directly from public sidewalks; and
- (d) all permitted Retail or Consumer Service Establishments in Office 1 Districts shall require a special permit.

- ***Delete Footnote 14 and add the following text:***

14. *[Deleted]*

- ***Delete Footnotes 23 through 28 and add the following text:***

*[Footnotes 23-28 deleted]*

- ***Amend Footnote 29 to read as follows:***

29. Provided that, in Business and Office Districts, all animals are kept indoors and that no noise or odors are perceptible from adjoining lots.

- **Delete Footnotes 23 through 28 and add the following text:**

*[Footnotes 30-32 deleted]*

- **Create New Footnotes 59, 60, and 61 to read as follows:**

59. In Residence B, C, C-1, C-1A, 2, 2A, 2B, 3, 3A, and 3B Districts, certain Retail and Consumer Service Establishments identified in the Table of Use Regulations may be allowed by special permit from the Board of Zoning Appeal, subject to the criteria set forth in Sections 10.43 and 10.43.1 of this Zoning Ordinance, if all of the following conditions are met:
- (a) The proposed use is located within the Ground Story of a building;
  - (b) the use is proposed to occupy a space that was originally built for non-residential use and has been previously occupied by one or more non-residential uses in the past;
  - (c) the use is proposed to occupy a space that has not contained a residential use at any point within the two (2) years prior to application for a special permit;
  - (d) the special permit shall be valid only for the entity to which the special permit was issued, and shall not be transferrable to a new entity unless a new special permit is granted; and
  - (e) the special permit shall be valid for a time period of five (5) years after its date of issuance, subject to reissuance upon application to the Board of Zoning Appeal at the end of that period, or the Board of Zoning Appeal in its discretion may set forth a different time period in the conditions of the special permit decision.
60. A Craft Retail and Production Shop shall be permitted as-of-right in a BA, BA-1, BA-2, BA-3, or BA-4 District if it occupies no more than 2,500 square feet of Gross Floor Area, including storage areas, and does not involve the use of equipment that produces dust, fumes, odors, smoke, vapors, noise, vibration, flashing, light trespass, or glare outside of the premises.
61. No special permit is required for Temporary Outdoor Retail or Consumer Service Uses on municipal-owned land.

***Part 4: Amend Section 6.32.1, Parking Exemptions for Small Business, to read as follows:***

6.32.1 *Small Business.* The minimum amount of parking required by Subsection 6.36 Schedule of Parking and Loading Requirements shall be waived for any nonresidential use in an office, business, or industrial district if such use would require four (4) or fewer spaces, and such nonresidential use is located in a building or row of attached buildings which contains a total of ten thousand (10,000) square feet or less of gross floor area devoted to nonresidential use. Furthermore, for a new nonresidential use within a building in existence on or before October 19, 2020, no new accessory parking shall be required.

***Part 5: Create a new Subsection 10.43.1 following Section 10.43, Criteria for Special Permits, to read as follows:***

10.43.1 *Conditional Retail or Consumer Service Establishments.* Where a special permit is required for a Retail or Consumer Service Establishment listed in Section 4.35 or 4.36 of this Zoning Ordinance, the special permit granting authority shall consider the following factors when evaluating the criteria in Section 10.43:

- (a) Anticipated delivery and loading operations, their potential impacts on neighboring uses and the overall neighborhood, and the extent to which those impacts are mitigated;
- (b) The extent to which neighboring uses would be impacted by environmental nuisance such as dust, fumes, odors, smoke, vapors, noise, vibration, flashing, light trespass, or glare, and the extent to which those impacts are mitigated;
- (c) The extent to which storefronts and other elements of the façade visible to the public are compatible with the visual character of the surrounding area and conform to the City's urban design objectives for retail uses in the area; and
- (d) The extent to which the establishment serves a public objective identified in citywide or neighborhood plans that would offset potential adverse impacts.

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

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## ***Retail Land Use Zoning – Potential Text Amendments***

### ***Contents:***

- 1. Amendments to Article 2.000 – Definitions.*** *These changes are intended to provide general and specific definitions for all Retail and Consumer Services Uses and amend some current definitions.*
- 2. Amendments to Article 4.000, New Section 4.210 – Additional Allowed Retail and Consumer Service Uses.*** *These changes are intended to clarify the allowances and limitations for subsidiary Retail and Consumer Service Uses that are contained within another larger non-residential use.*
- 3. Amendments to Article 4.000, Section 4.30 – Table of Use Regulations and Section 4.40 – Footnotes to the Table of Use Regulations.*** *These changes are intended to adjust current district use regulations for Retail or Consumer Service Establishments, with the overall objectives of relaxing limitations that have been particularly onerous to small businesses and establishing more permissive regulations in areas where retail is desired.*
- 4. Amendments to Article 6.000, Section 6.32 – Parking Exemptions.*** *These changes are intended to expand current exemptions from parking requirements to apply to non-residential uses in existing buildings.*
- 5. Amendments to Article 10.000, Section 10.43 – Special Permit Criteria.*** *These changes are intended to provide a set of specific considerations to guide the review of proposed special permits for Retail and Consumer Service Uses.*

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

**Part 1: Create or Amend Definitions in Article 2.000 as set forth below. Current use descriptions and proposed section headings in Section 4.30, Table of Use Regulations, are provided for reference:**

<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35	Retail Business and Consumer Service Establishments	<u>Retail or Consumer Service Establishment, not otherwise defined</u>	<u>Retail or Consumer Service Establishment. An establishment whose principal purpose is the commercial provision of goods, personal services, prepared food and beverage, entertainment, recreational activities, and similar services (but excluding professional or financial services) directly to consumers. Such provision of goods and consumer services shall be conducted on-site, but may be supplemented by telephone and online transactions and delivery services.</u>
4.35 (a-1)	Establishment providing convenience goods such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores [23. Where all display and sales are conducted within a building or where a permit has been issued by City Council for an outdoor sale, and where no manufacturing assembly, or packaging occur on the premises, except in Industrial districts as permitted elsewhere in this Ordinance.] [24. Provided that the establishment is located in a structure also containing retail uses, and that no establishment shall exceed two thousand five hundred (2,500) square feet gross floor area.]	<u>Convenience Store</u>	<u>Convenience Store. A type of Retail or Consumer Service Establishment whose principal function is the retail sale of convenience goods directly to consumers, such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores, not exceeding 5,000 square feet in total sales area (excluding storage).</u>

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35 (a-2)	Store for retail sale of merchandise / Other retail establishments [23. Where all display and sales are conducted within a building or where a permit has been issued by City Council for an outdoor sale, and where no manufacturing assembly, or packaging occur on the premises, except in Industrial districts as permitted elsewhere in this Ordinance.]	<u>Merchandise Store</u>	<u>Merchandise Store.</u> A type of Retail or Consumer Service Establishment, not otherwise defined as a Convenience Store, Grocery Store, Cannabis Retail Store, or other use defined in this Zoning Ordinance, whose principal function is the retail sale of consumer goods on the premises and <u>where no manufacturing, production or assembly of products occurs on the premises.</u>
4.35 (a-3)	[n/a]	<u>Grocery Store</u>	<u>Grocery Store.</u> A type of Retail or Consumer Service Establishment whose principal function is the sale of fresh or packaged food products to consumers for use off the premises, which may additionally provide general household supplies.
4.35 (b)	Place for the manufacturing, assembly or packaging of consumer goods [25. Provided that at least fifty (50) percent of such merchandise is sold at retail on the premises and that all display and sales are conducted within a building.]	<u>Craft Retail and Production Shop</u>	<u>Craft Retail and Production Shop.</u> A type of Retail or Consumer Service Establishment whose principal function is the sale of consumer goods that are manufactured, produced or assembled for sale on the premises for use by consumers off the premises (although such goods may additionally be distributed at wholesale), provided that all manufacturing, production, assembly, packaging, display, and sales activities are conducted within a building and do not occupy more than 10,000 square feet of Gross Floor Area (manufacturing or assembly uses exceeding such size or excluding retail sales shall be classified as Light Industry).
4.35 (c)	Barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry or other similar establishment.	<u>Personal Services Establishment</u>	<u>Personal Services Establishment.</u> A type of Retail or Consumer Service Establishment whose principal function is to provide non-professional services directly to the

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~strikethrough format~~.

<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35 (d)	Hand laundry, dry cleaning or tailoring shop [26. <i>Provided that only nonflammable solvents are used for cleaning and not more than nine (9) persons are employed.</i> ]		<u>consumer, including but not limited to hair, skin and nail care, tailoring, repair of shoes and other household items, electronics repair, bicycle repair, self-service or drop-off laundry (including off-site dry cleaning), printing, copying, and photographic services, mailing and shipping services, or similar services, but not including the servicing of automobiles or other activities involving the use of hazardous materials on the premises.</u>
4.35 (e)	Lunchroom, restaurant, cafeteria [27. <i>Provided that no alcoholic beverages are sold or consumed on the premises. Such establishments shall not exceed two thousand five hundred (2,500) square feet in the Industry A-1 districts.</i> ]	<u>Restaurant</u>	<u>Restaurant.</u> A type of Retail or Consumer Service Establishment whose principal function is to serve prepared food and beverages (including alcoholic beverages served with meals, if properly licensed) to be consumed on the premises using non-disposable dishware, glassware, and utensils, and providing table seating for patrons.
4.35 (f-1)	Lunchroom, restaurant, cafeteria where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided.		
4.35 (f-2)	Bar, saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food and where no dancing or entertainment is provided.	<u>Bar</u>	<u>Bar.</u> A type of Retail or Consumer Service Establishment whose principal function is to serve alcoholic beverages, but which is not licensed to prepare or serve food.
4.35 (f-3)	[NOT CURRENTLY PROVIDED]	<u>Craft Beverage Establishment</u>	<u>Craft Beverage Establishment.</u> A type of Retail or Consumer Service Establishment whose principal function is to serve non-alcoholic or alcoholic (if properly licensed) beverages that are produced and consumed on the premises (although such beverages may additionally be packaged and distributed at wholesale), provided that all production and packaging activities are conducted principally within a building and such activities do not occupy more than 10,000 square feet of Gross Floor Area (activities exceeding such size or excluding on-premises service shall be classified as Light Industry).

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35 (f-4)	[NOT CURRENTLY PROVIDED]	<u>Food Stand or Kiosk</u>	<u>Food Stand or Kiosk.</u> A type of Retail or Consumer Service Establishment located within a Food Hall or another indoor or outdoor gathering space open to the public serving prepared foods and/or beverages to be consumed immediately on or off the premises, for which the area devoted to food preparation and service is no greater than 1,250 square feet and for which any seating (if provided) is open to the general public or shared among multiple establishments.
4.35 (f-5)		<u>Food Hall</u>	<u>Food Hall.</u> A type of Retail or Consumer Service Establishment containing two or more Food Stands or Kiosks, in which seating, if provided, is located in a common area, and which may contain shared facilities devoted to food preparation and service which occupy a combined area no larger than 1,250 square feet times the number of individual Food Stands or Kiosks utilizing such facilities.
4.35 (g)	Bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment.	<u>Dance Hall or Nightclub</u>	<u>Dance Hall or Nightclub.</u> A type of Retail or Consumer Service Establishment whose principal function is to provide live or recorded music and dancing for which patrons are charged a use or membership fee.
4.35 (h)	Theatre or hall for public gatherings.	<u>Theater</u>	<u>Theater.</u> A type of Retail or Consumer Service Establishment whose principal function is to host live or recorded performances, lectures, or exhibitions for seated audiences, including but not limited to cinemas, performance halls, and other halls for public gatherings.



Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~strikethrough format~~.

<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35 (i-1)	Commercial recreation. Article 2.000 Definition: A bowling alley, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, game room, or other establishment where entertainment or recreation services are provided to the general public, wholly in an enclosed building, and for which user fees are charged and which is operated for profit. As used in this Ordinance, commercial recreation does not include a restaurant, bar, dance hall, theater, or private club with admission to facilities by limited membership only.	Commercial Recreation Establishment	<u>Commercial Recreation Establishment.</u> A type of Retail or Consumer Service Establishment whose principal function is to provide entertainment or recreation services to A <del>bowling alley, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, game room, or other establishment where entertainment or recreation services are provided to the general public, wholly in an enclosed building, and for which user fees are charged and which is operated for profit,</del> <u>such as but not limited to a bowling alley, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, or game room, but</u> .—As used in this Ordinance, commercial recreation does is not include a <del>r</del> Restaurant, <del>or B</del> bar, <del>d</del> Dance <del>h</del> Hall, <del>t</del> Theater, <u>Fitness Center</u> , or private club with admission to facilities by limited membership only.
4.35 (i-2)	[NOT CURRENTLY PROVIDED]	Fitness Center	<u>Fitness Center.</u> A type of Retail or Consumer Service Establishment whose principal function is to provide space and/or equipment for physical exercise by individuals or groups, which may or may not include instructor-led fitness classes, in exchange for a use or membership fee.
4.35 (j)	Mortuary, undertaking or funeral establishment.	Funeral Home	<u>Funeral Home.</u> A type of Retail or Consumer Service Establishment whose principal function is to prepare the deceased for burial display and for rituals before burial or cremation, including but not limited to chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35 (k)	Printing shop, photographer's studio.	<u>Deleted</u>	[n/a – Depending on the characteristics, would be considered a Personal Services Establishment, Art Studio, or Office]
4.35 (l)	Veterinary establishment, kennel, pet shop or similar establishment [29. <i>Provided that, in Business A and B zones, all animals are kept indoors and that no noise or odors are perceptible from adjoining lots.</i> ]	<u>Animal Services Facility</u>	<u>Animal Services Facility.</u> A type of Retail or Consumer Service Establishment whose principal function is to provide services related to household pets where such animals are kept on the premises, including but not limited to veterinary care, grooming, shelter, kenneling, obedience training, pet day care, or interaction with pets housed on the premises.
4.35 (m)	Sales place for new and used car, rental agency for autos, trailers and motorcycles [30. <i>Conducted entirely within a building and provided no major repairs are made.</i> ]	<u>Indoor Auto Sales Facility</u>	<u>Indoor Auto Sales Facility.</u> A type of Retail or Consumer Service Establishment whose principal function is to display new and used cars, trailers, motorcycles, or similar automotive vehicles for sale or rental, provided that all activities are conducted entirely within a building and no major repairs are made on the premises.
4.35 (n)	Office including display or sales space of a wholesale, jobbing or similar establishment [31. <i>Where not more than twenty-five (25) percent of the floor area is used for assembling, packaging, or storage of merchandise.</i> ]	<u>Deleted</u>	[n/a – could be categorized as Office]

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<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35 (o)	Fast Order Food Establishment	Fast Order or <u>Quick-Service</u> Food Establishment	<p><del><i>Fast Order Food.</i> Food which is (a) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.</del></p> <p><i>Fast Order or Quick-Service Food Establishment.</i> <u>A type of Retail or Consumer Service Establishment, not otherwise defined as a Restaurant or Bar, Food Stand or Kiosk, or Food Hall, whose primary function is the service of food or beverages available upon a short waiting time and packaged and presented in such a manner that it can be readily eaten on or off the premises</u><del>A specific operation separate and distinct from any other operation in the location occupied and in the kind of Fast Order Food sold, and which: (a) has as its primary business the sale to the public of Fast Order Food for consumption on or off the premises, and (b) does not meet all of the following conditions: (1) provision of nondisposable plates, cups and utensils to all patrons, (2) availability of printed individual menus for all patrons, (3) provision of seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and (4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on premises.</del></p>
4.35 (q-1)	Art/Craft Studio	Art/Craft Studio [no change]	<i>Art/Craft Studio.</i> A room or group of rooms used by artists and craftspeople in the creation of their work, including: painting, photography, sculpture, ceramics and other related arts and crafts.

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<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.35 (q-2)	[NOT CURRENTLY PROVIDED]	<u>Performing Arts Studio</u>	<u>Performing Arts Studio.</u> A room or group of rooms used by performing artists for the study, practice, or rehearsal of performing arts, including but not limited to music, dance, and theater, which may host occasional small performances by users of the space but which is not primarily intended to host performances for the general public.
4.35 (r)	Bakery, Retail	Bakery, Retail [no change]	<u>Bakery, Retail.</u> A type of Retail or Consumer Service Establishment whose principal function is <del>t</del> he sale of breads, pastries, cakes, pies and similar baked goods for consumption by the final customer at home whether or not final baking occurs on premises.
4.35 (s)	Cannabis Retail Store	Cannabis Retail Store [no change]	[no change] <u>Cannabis Retail Store.</u> An establishment authorized to sell or otherwise transfer cannabis or marijuana products to consumers for use off the premises, but not to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Retail Store may be licensed to operate as a Cannabis or Marijuana Retailer or registered as a Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or both, in accordance with applicable state laws and regulations.
4.36	<b>Open Air or Drive In Retail &amp; Service</b>	<u>Outdoor Retail or Consumer Service Establishment, not otherwise defined</u>	<u>Outdoor Retail or Consumer Service Establishment.</u> An establishment otherwise meeting the definition of a Retail or Consumer Service Establishment but for which sales and/or services are customarily conducted partly or wholly outdoors.

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.36 (a)	Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden	<u>Open-Lot Retail Sales Establishment</u>	<u>Open-Lot Retail Sales Establishment. A type of Outdoor Retail or Consumer Service Establishment whose principal function is the sale of goods directly to consumers for use off the premises where such goods are customarily displayed in an outdoor environment, including but not limited to flowers, garden supplies, agricultural produce, landscape materials, and gravestones.</u>
4.36 (b)	Automobile oriented fast order food service establishment	<u>Drive-In Food Service Establishment</u>	<u>Drive-In Food Service Establishment. A type of Outdoor Retail or Consumer Service Establishment whose principal function is to provide prepared meals and beverages to customers who do not have to leave their cars during the transaction.</u>
4.36 (c)	Drive in bank and other retail or consumer service establishment where motorist does not have to leave his or her car	<u>Drive-In Consumer Service Establishment</u>	<u>Drive-In Consumer Service Establishment. A type of Outdoor Retail or Consumer Service Establishment, other than a Drive-In Food Service Establishment, whose principal function is to provide retail goods or other consumer services (including, for the purpose of this definition, banking services) to customers who do not have to leave their cars during the transaction.</u>
4.36 (d)	Outdoor amusement park, outdoor sports facility conducted for profit	<u>Outdoor Entertainment and Recreation Facility</u>	<u>Outdoor Entertainment and Recreation Facility. A type of Outdoor Retail or Consumer Service Establishment, not including a public park or public recreation facility, whose principal function is to provide entertainment and/or recreational activities taking place partly or wholly outdoors to patrons who are charged a use, entrance, or membership fee and which does not require the use of an automobile, including but not limited to neighborhood skating rinks, climbing areas, lawn or court games, playgrounds, sports fields, or similar facilities.</u>

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<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.36 (e)	Open air or drive in theatre or other open air place of entertainment	<u>Drive-In Theater</u>	<u>Drive-In Theater.</u> A type of Outdoor Retail or Consumer Service Establishment whose principal function is to show films or provide other forms of live or recorded entertainment to patrons who do not have to leave their cars.
4.36 (f)	Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobiles, trailer, motorcycles, conducted partly or wholly outdoors	<u>Outdoor Auto Sales Facility</u>	<u>Outdoor Auto Sales Facility.</u> A type of Outdoor Retail or Consumer Service Establishment in which new and used cars, trailers, motorcycles, or similar automotive vehicles are displayed for sale or rental partly or wholly on an open-air lot, provided that no major repairs are made on the premises.
4.36 (g)	Automobile service station where no major repairs are made [32. <i>Provided that in Business and Industry C districts all lubrication and repairs are carried out within the building and further provided that in Industry C districts, the service station will be located within or attached to a parking garage or other structure as an accessory use.</i> ]	<u>Auto Service Station</u>	<u>Auto Service Station.</u> A type of Outdoor Retail or Consumer Service Establishment whose principal function is to provide petroleum fuel for automobiles and other vehicles within an open or partially enclosed area and/or where inspections and services such as oil changes, tire changes, and minor repairs are conducted within a building, but where no major repairs are made.
4.36 (h)	Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles	<u>Auto Wash</u>	<u>Auto Wash.</u> A type of Outdoor Retail or Consumer Service Establishment whose principal function is to clean automobiles and other vehicles using mechanical equipment.
4.36 (i)	Place for exhibition, lettering or sale of gravestones	<u>Deleted</u>	[n/a – Would be included under “Open-Lot Retail Sales” above]

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<b>Zoning Reference</b>	<b>Current Section 4.30 use descriptions (footnotes shown in brackets):</b>	<b>Proposed Section 4.30 Headings:</b>	<b>Create or Amend Definitions in Article 2.000 as set forth below:</b>
4.36 (k)	[NOT CURRENTLY PROVIDED]	<u>Temporary Outdoor Retail or Consumer Service Use</u>	<p><u>Temporary Outdoor Retail or Consumer Service Use. The use of an open-air lot containing another principal or accessory use (including, but not limited to, a parking lot), for the purpose of any retail and/or consumer service activities such as sales, food service, entertainment, and/or recreation, provided that:</u></p> <ul style="list-style-type: none"> <li>(a) <u>such activities are in full compliance with federal, state and local laws, codes, and regulations, including applicable licensing and/or permitting requirements;</u></li> <li>(b) <u>such activities take place during limited hours on a total of no more than 120 consecutive or non-consecutive days within a calendar year;</u></li> <li>(c) <u>any temporary structures, such as tents, booths, tables, stages, or other equipment, are secured or removed during periods when not in use.</u></li> </ul>

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

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***Part 2: Create a new Section 4.210 as set forth below:***

4.210 Additional Allowed Retail and Consumer Service Uses. The following Retail and Consumer Service Uses shall be permitted as additional allowed principal uses at a property with another principal non-residential use, provided that they occupy no more than 25% of the total Gross Floor Area of the other principal use, or that they are limited in duration to no more than 25% of the total hours of operation of the other principal non-residential use on a weekly basis. Any Retail or Consumer Service Use conforming to the limitations set forth herein shall be allowed as a principal Retail or Consumer Service Use at a property but shall be exempt from the following requirements: No additional parking or loading facilities shall be required or provided for the additional Retail or Consumer Service Use (additional bicycle parking may be provided but shall not be required), and signage requirements set forth in Article 7.000 of this Zoning Ordinance shall be calculated for the property as a whole rather than individually for each component use. All Retail and Consumer Service Uses shall conform to all applicable licensing requirements and all other laws, codes, and regulations.

- (1) Sales. The display and sale of goods that are directly related to the operation of the other principal use at the property and are intended for sale to occupants, patrons, or visitors of the other principal use, including but not limited to supplies that are utilized in the operation of the other principal use or promotional materials for the other principal use.
- (2) Programs and Services. On-site activities including but not limited to minor repairs, instructional classes, presentations, workshops, consultations, or similar programs and services provided to occupants, patrons, or visitors of the other principal use.
- (3) Food and Beverage Service. The provision of meals, snacks, beverages, and other food products prepared on-site or off-site and intended for consumption on-site by occupants, patrons, or visitors of the other principal use.
- (4) Entertainment and Recreation. The provision of activities including but not limited to live or recorded music, video entertainment, other live performances, group games or contests, or other entertainment or recreational activities for the enjoyment of occupants, patrons, or visitors of the other principal use.



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**Part 3: Amend Section 4.30, Table of Use Regulations, and Section 4.40, Footnotes to the Table of Use Regulations, as set forth below:**

[Notes on Color-Coding: Proposed changes in <span style="background-color: #90EE90;">green</span> would allow a use as-of-right, in <span style="background-color: #FFFF00;">yellow</span> would allow a use by special permit. Proposed changes in <span style="background-color: #FF0000;">red</span> indicate where a use has been deleted or where a district is no longer found on the Cambridge Zoning Map.]	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 <sup>1</sup>	Bus A, A-4	Bus B, B-1, B-2	Bus C <span style="background-color: #FF0000;">C-4</span>	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	<span style="background-color: #FF0000;">Ind C</span>
<b>4.35 <del>Retail Business and or</del> Consumer Service Establishments</b>														
a. <del>Store for retail sale of merchandise</del> <sup>23</sup>														
<b><u>Retail or Consumer Service Establishment, not otherwise defined</u></b>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	
a-1. <b><u>Convenience Store</u></b> <del>Establishment providing convenience goods such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores</del> <sup>24</sup>	No	No	<span style="background-color: #FFFF00;">No</span> <span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #FFFF00;">No</span> <span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">Yes</span>
a-2. <b><u>Merchandise Store</u></b> <del>Other retail establishments</del>	No	No	No	No	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	Yes	Yes	Yes <sup>10</sup>	Yes	<span style="background-color: #90EE90;">SP</span> <span style="background-color: #90EE90;">Yes</span>	Yes	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">No</span>
a-3. <b><u>Grocery Store</u></b>	<u>No</u>	<u>No</u>	<span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #90EE90;">Yes<sup>12</sup></span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	
b. <b><u>Craft Retail and Production Shop</u></b> <del>Place for the manufacturing, assembly or packaging of consumer goods</del> <sup>25</sup>	No	No	No	No	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	<span style="background-color: #90EE90;">SP<sup>60</sup></span>	<span style="background-color: #90EE90;">SP<sup>60</sup></span>	Yes <sup>10</sup>	Yes	Yes	Yes	<span style="background-color: #90EE90;">SP</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">Yes</span>
c. <b><u>Personal Services Establishment</u></b> <del>Barber shop,</del>	No	No	<span style="background-color: #FFFF00;">No</span> <span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #FFFF00;">No</span> <span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">Yes</span>

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~strikethrough format~~.

[Notes on Color-Coding: Proposed changes in <span style="background-color: #90EE90;">green</span> would allow a use as-of-right, in <span style="background-color: #FFFF00;">yellow</span> would allow a use by special permit. Proposed changes in <span style="background-color: #FF0000;">red</span> indicate where a use has been deleted or where a district is no longer found on the Cambridge Zoning Map.]	Open Space	Res A 1&2	Res B	Res C, C-1, C-2A, 2B, 3A, 3B	Off 1, 2A, 2, 3, 3A	Bus A-1, A-2, A-3 <sup>1</sup>	Bus A, A-4	Bus B, B-1, B-2	Bus C, <span style="background-color: #FF0000;">C-1</span>	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	<span style="background-color: #FF0000;">Ind C</span>
<del>beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry or other similar establishment</del>														
d. <del>[Deleted]</del> Hand laundry, dry cleaning or tailoring shop <sup>26</sup>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes<sup>30</sup></span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">No<sup>54</sup></span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>
e. <del>[Deleted]</del> Lunchroom, restaurant, cafeteria <sup>27</sup>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes<sup>30</sup></span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">No<sup>54</sup></span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>
f. Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided:														
<u>f-1. Restaurant</u> Lunchroom, restaurant, cafeteria	No	No	No	No	<span style="background-color: #90EE90;">No<sup>12</sup></span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes <span style="background-color: #90EE90;">28</span>	Yes	<span style="background-color: #90EE90;">No<sup>51</sup></span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">Yes</span>
<u>f-2. Bar</u> <del>Bar, saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food</del>	No	No	No	No	<span style="background-color: #90EE90;">No<sup>12</sup></span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	Yes	Yes	Yes <sup>13</sup>	Yes	SP <span style="background-color: #FFFF00;">28</span>	Yes	<span style="background-color: #90EE90;">No<sup>51</sup></span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">SP</span>
<u>f-3. Craft Beverage Establishment</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<span style="background-color: #FFFF00;">SP<sup>12</sup></span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	
<u>f-4. Food Stand or Kiosk</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<span style="background-color: #90EE90;">Yes<sup>12</sup></span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	
<u>f-5. Food Hall</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<span style="background-color: #FFFF00;">SP<sup>12</sup></span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~strikethrough format~~.

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g. <del>Dance Hall or Nightclub</del> Bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment	No	No	No	No	<del>No</del> <b>Yes<sup>12</sup></b>	<del>No-SP</del>	<del>No-SP</del>	Yes <sup>13</sup>	Yes	<del>No-SP</del>	Yes	<del>No</del> <b>Yes<sup>51</sup></b>	Yes	<del>PUD</del>
h. <del>Theater</del> Theatre or hall for public gatherings	No <sup>11</sup>	No	No	No	<del>No</del> <b>Yes<sup>12</sup></b>	SP	SP	Yes <sup>10</sup>	Yes	SP	Yes	<del>No</del> <b>Yes<sup>51</sup></b>	Yes	<del>PUD</del>
i-1. Commercial <del>Recreation Establishment</del>	No <sup>11</sup>	No	No	No	<del>No</del> <b>Yes<sup>12</sup></b>	SP	SP	<del>SP</del> <b>Yes<sup>10</sup></b>	<del>SP</del> <b>Yes</b>	SP	<del>SP</del> <b>Yes</b>	<del>No<sup>44</sup></del> <b>Yes<sup>51</sup></b>	<del>SP</del> <b>Yes</b>	<del>PUD</del>
i-2. <u>Fitness Center</u>	<del>No</del>	<del>No</del>	<del>SP<sup>59</sup></del>	<del>SP<sup>59</sup></del>	<del>Yes<sup>12</sup></del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	
j. <del>Funeral Home</del> Mortuary, undertaking or funeral establishment	No	No	No	No	SP	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	<del>No</del> <b>Yes<sup>51</sup></b>	Yes	<del>No</del>
k. <del>[Deleted] Printing shop, photographer's studio</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>SP</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes<sup>40</sup></del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>No<sup>54</sup></del>	<del>Yes</del>	<del>Yes</del>
l. <u>Animal Services Facility</u> <del>Veterinary establishment, kennel, pet shop or similar establishment<sup>29</sup></del>	No	No	No	No	<del>No</del> <b>SP<sup>12,29</sup></b>	SP <sup>29</sup>	SP <sup>29</sup>	SP <sup>10,29</sup>	SP	SP	SP	<del>No</del> <b>Yes<sup>51</sup></b>	SP	<del>No</del>

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	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	SP	Yes	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">PUD</span>
m. <u>Indoor Auto Sales Facility</u> <del>Sales place for new and used car, rental agency for autos, trailers and motorcycles.</del> <sup>30</sup>	No	No	No	No	Yes <sup>12</sup>	Yes	Yes	Yes <sup>10</sup>	Yes	SP	Yes	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">PUD</span>
n. <del>[Deleted]Office including display or sales space of a wholesale, jobbing or similar establishment.</del> <sup>31</sup>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">SP</span>	<span style="background-color: #FF0000;">SP</span>	<span style="background-color: #FF0000;">Yes<sup>16</sup></span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes<sup>54</sup></span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>
o. Fast Order <u>or Quick-Service</u> Food Establishment	No	No	<span style="background-color: #FFFF00;">No</span> <span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #FFFF00;">No</span> <span style="background-color: #FFFF00;">SP<sup>59</sup></span>	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	<span style="background-color: #FFFF00;">No-SP</span>	SP	<span style="background-color: #90EE90;">SP</span> <span style="background-color: #90EE90;">Yes<sup>10</sup></span>	<span style="background-color: #90EE90;">SP</span> <span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #FFFF00;">No-SP</span>	SP	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	<span style="background-color: #90EE90;">SP</span> <span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #FF0000;">PUD</span>
p. Deleted														
q-1. Art/Craft Studio	No	No	No	SP <sup>50</sup>	SP <sup>50</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>51</sup>	Yes	<span style="background-color: #FF0000;">Yes</span>
q-2. <u>Performing Arts Studio</u>	<u>No</u>	<u>No</u>	<u>No</u>	<span style="background-color: #FFFF00;">SP <sup>50</sup></span>	<span style="background-color: #FFFF00;">SP <sup>50</sup></span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes</span>	<span style="background-color: #90EE90;">Yes <sup>51</sup></span>	<span style="background-color: #90EE90;">Yes</span>	
r. Bakery, Retail	No	No	No	No	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>12</sup></span>	Yes	Yes	Yes <sup>10</sup>	Yes	Yes	Yes	<span style="background-color: #90EE90;">No</span> <span style="background-color: #90EE90;">Yes<sup>51</sup></span>	Yes	<span style="background-color: #FF0000;">PUD</span>
s. Cannabis Retail Store	No	No	No	No	No	PB <sup>58</sup>	PB <sup>58</sup>	PB <sup>58</sup>	PB <sup>58</sup>	PB <sup>58</sup>	No	PB <sup>58</sup>	PB <sup>58</sup>	<span style="background-color: #FF0000;">No</span>
4.36 <u>Outdoor Retail or Consumer Service Establishments</u> <del>Open Air or Drive In Retail &amp; Service</del>														
<u>Outdoor Retail or Consumer Service Establishment, not otherwise defined</u>	<u>No<sup>11</sup></u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	<span style="background-color: #FFFF00;">SP</span>	

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a. <b><u>Open-Lot Retail Sales Establishment</u></b> <del>Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden</del>	No	No	No	No	<span style="background-color: #00FF00;">No</span> <span style="background-color: #00FF00;">Yes</span> <sup>12</sup>	Yes	Yes	<span style="background-color: #00FF00;">No</span> <span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">No</span> <span style="background-color: #00FF00;">Yes</span>	Yes	Yes	<span style="background-color: #00FF00;">No</span> <span style="background-color: #00FF00;">Yes</span>	Yes	<span style="background-color: #FF0000;">Yes</span>
b. <b><u>Drive-In Food Service Establishment</u></b> <del>Automobile oriented fast order food service establishment</del>	No	No	No	No	No	SP	SP	No	SP	No	SP	No	SP	<span style="background-color: #FF0000;">No</span>
c. <b><u>Drive-In Consumer Service Establishment</u></b> <del>Drive in bank and other retail or consumer service establishment where motorist does not have to leave his or her car</del>	No	No	No	No	No	No	SP	SP <sup>13</sup>	SP	SP	SP	No	SP	<span style="background-color: #FF0000;">No</span>
d. <b><u>Outdoor Entertainment and Recreation Facility</u></b> <del>Outdoor amusement park, outdoor sports facility conducted for profit</del>	No <sup>11</sup>	No	No	No	<span style="background-color: #00FF00;">No</span> <span style="background-color: #00FF00;">Yes</span> <sup>12</sup>	No	No	<span style="background-color: #FFFF00;">No-SP</span>	<span style="background-color: #FFFF00;">No-SP</span>	<span style="background-color: #FFFF00;">No-SP</span>	SP	<span style="background-color: #FFFF00;">No-SP</span>	SP	<span style="background-color: #FF0000;">No</span>
e. <b><u>Drive-In Theater</u></b> <del>Open air or drive in theatre or other open air place of entertainment</del>	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes	<span style="background-color: #FF0000;">No</span>

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f. <u>Outdoor Auto Sales Facility</u> <del>Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobiles, trailer, motorcycles, conducted partly or wholly outdoors</del>	No	No	No	No	No	No	SP	No	No	No	SP	No	SP	<span style="background-color: #FF0000;">No</span>
g. <u>Auto Service Station</u> <del>Automobile service station where no major repairs are made <sup>22</sup></del>	No	No	No	No	No	SP	SP	SP <sup>13</sup>	SP	No	Yes	SP	Yes	<span style="background-color: #FF0000;">SP</span>
h. <u>Auto Wash</u> <del>Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles</del>	No	No	No	No	No	No	SP	No	No	No	SP	SP	SP	<span style="background-color: #FF0000;">No</span>
i. <del>[Deleted]</del> Place for exhibition, lettering or sale of gravestones	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">SP</span>	<span style="background-color: #FF0000;">SP</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">No</span>	<span style="background-color: #FF0000;">Yes</span>	<span style="background-color: #FF0000;">No</span>
j. <u>Temporary Outdoor Retail or Consumer Service Use</u>	<span style="background-color: #00FF00;">Yes</span>	<u>No</u>	<u>No</u>	<span style="background-color: #FFFF00;">SP<sup>61</sup></span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	<span style="background-color: #00FF00;">Yes</span>	

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#### 4.40 - FOOTNOTES TO THE TABLE OF USE REGULATIONS

1. All uses except residential uses in Section 4.31 (a)-(h) and (i) 3 shall be subject to the following limitations:
  - a. Permitted nonresidential uses must be located in a building containing the above enumerated residential uses;
  - b. Permitted nonresidential uses may not occupy more than 40%(forty percent) of the Gross Floor Area in the building; all remaining GFA must be devoted to permitted residential uses.
  - c. The permitted nonresidential uses may only be located on the first floor or basement of the building.
  - d. No accessory parking shall be provided for any nonresidential use.

[...]

10. ~~Except in~~ In a Business B-1 or Business B-2 District, this use shall be subject to the limitations specified in Section 4.27.

Explanatory note: Clarifying current language (see 4.27).
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11. The Following provisions, which modify the Table of Use Regulations, shall apply to certain uses and development in the Open Space District.

1. The establishment or development in an Open Space district of these uses, and those enumerated in Paragraph (b) below, shall be reviewed in accordance with the requirements of Section 4.25
2. The following modifications to the Table of Use Regulations shall apply:
  - a. Except that in the Open Space district a yacht, rowing or similar club or association, related to recreational boating use on a lake or river, shall be permitted by special permit. [Section 4.33h(1)]
  - b. Provided, however, that the theater or hall for public gathering is operated under the aegis of a nonprofit agency or organization and is open to the general public. [Section 4.35h]

In an Open Space district the following Commercial Recreation uses only shall be permitted, by Special Permit: a golf course; yacht club or marina; boat docks, ticket offices and other support facilities for ferry services, boat rentals and boat cruises services. [Section 4.35i]

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12. **In all Office Districts, permitted Retail or Consumer Service Establishments shall meet the following standards, which may be modified by special permit from the Board of Zoning Appeal;** ~~Yes in an Office 2 District provided that the establishment is located within a building principally containing uses listed in Subsection 4.34 and that the total gross floor area of all establishments included under items 4.35e and 4.35f in this table do not exceed ten (10) percent of the gross floor area of the building. However, this ten (10) percent floor area~~ **such** ~~limitations shall not apply to a cafeteria or other eating/drinking facility which is accessory to permitted uses in a building or associated group of buildings in the same ownership and which is intended primarily for employees of those uses and their guests-;~~
- (a) Retail or Consumer Service Establishments shall be located within buildings or on lots or Development Parcels containing other permitted office and/or residential uses;**
- (b) Retail or Consumer Service Establishments shall occupy no more than 25% of the total Floor Area Ratio or Gross Floor Area permitted on the lot or Development Parcel;**
- (c) Retail or Consumer Service Establishments shall be located at the Ground Story with entrances accessible to pedestrians directly from public sidewalks; and**
- (d) all permitted Retail or Consumer Service Establishments in Office 1 Districts shall require a special permit.**
13. No in the Business B-1 and Business B-2 Districts.
14. ~~**[Deleted]**Board of Zoning Appeal special permit in the Industry B-2 District.~~
- [...]
23. ~~**[Deleted]**Where all display and sales are conducted within a building or where a permit has been issued by City Council for an outdoor sale, and where no manufacturing assembly, or packaging occur on the premises, except in Industrial districts as permitted elsewhere in this Ordinance.~~
24. ~~**[Deleted]**Provided that the establishment is located in a structure also containing retail uses, and that no establishment shall exceed two thousand five hundred (2,500) square feet gross floor area.~~
25. ~~**[Deleted]**Provided that at least fifty (50) percent of such merchandise is sold at retail on the premises and that all display and sales are conducted within a building.~~

Explanatory note: Footnote 12 currently permits restaurants in office districts as part of mixed-use buildings, with limitations. The proposal is to expand this provision so that other selected Retail and Consumer Service Establishments (indicated in the table) would be allowed, with similar limitations. This would allow more ground-floor retail in predominantly commercial areas such as Kendall Square and Alewife.

Explanatory note: Footnotes are proposed to be deleted where they are superseded by the definitions above or where they are inconsistent with stated planning objectives in applicable districts.



Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in **underline format**, deletions are shown in ~~strikethrough format~~.

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26. ~~**[Deleted]**Provided that only nonflammable solvents are used for cleaning and not more than nine (9) persons are employed.~~
27. ~~**[Deleted]**Provided that no alcoholic beverages are sold or consumed on the premises. Such establishments shall not exceed two thousand five hundred (2,500) square feet in the Industry A-1 districts.~~
28. ~~**[Deleted]**Such establishments shall not exceed two thousand five hundred (2,500) square feet in Industry A-1 districts.~~
29. Provided that, in Business-A and B zones **and Office Districts**, all animals are kept indoors and that no noise or odors are perceptible from adjoining lots.
30. ~~**[Deleted]**Conducted entirely within a building and provided no major repairs are made.~~
31. ~~**[Deleted]**Where not more than twenty five (25) percent of the floor area is used for assembling, packaging, or storage of merchandise.~~
32. ~~**[Deleted]**Provided that in Business and Industry C districts all lubrication and repairs are carried out within the building and further provided that in Industry C districts, the service station will be located within or attached to a parking garage or other structure as an accessory use.~~

Explanatory note: Footnotes are proposed to be deleted where they are superseded by the definitions above or where they are inconsistent with stated planning objectives in applicable districts.

[...]

50. Subject to the requirements of Section 4.28.
51. Permitted in the Industry B-1 district as the use would be permitted as of right or by special permit in the Business B district subject to the following limitations:
- (a) The retail use is located on the ground floor or in the basement of a building containing other uses,
  - (b) The retail use constitutes no more than 25% of the GFA of the building in which it is located, exclusive of GFA devoted to parking uses,
  - (c) The retail use fronts on a public street and has a direct public access to that street, and
  - (d) No separately leased establishment may exceed 10,000 square feet in GFA.

[...]

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~strikethrough format~~.

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58. Subject to the provisions of Section 11.800, Cannabis Uses.

**59. In Residence B, C, C-1, C-1A, 2, 2A, 2B, 3, 3A, and 3B Districts, certain Retail and Consumer Service Establishments identified in the Table of Use Regulations may be allowed by special permit from the Board of Zoning Appeal, subject to the criteria set forth in Sections 10.43 and 10.43.1 of this Zoning Ordinance, if all of the following conditions are met:**

- (a) The proposed use is located within the Ground Story of a building;**
- (b) the use is proposed to occupy a space that was originally built for non-residential use and has been previously occupied by one or more non-residential uses in the past;**
- (c) the use is proposed to occupy a space that has not contained a residential use at any point within the two (2) years prior to application for a special permit;**
- (d) the special permit shall be valid only for the entity to which the special permit was issued, and shall not be transferrable to a new entity unless a new special permit is granted; and**
- (e) the special permit shall be valid for a time period of five (5) years after its date of issuance, subject to reissuance upon application to the Board of Zoning Appeal at the end of that period, or the Board of Zoning Appeal in its discretion may set forth a different time period in the conditions of the special permit decision.**

**60. A Craft Retail and Production Shop shall be permitted as-of-right in a BA, BA-1, BA-2, BA-3, or BA-4 District if it occupies no more than 2,500 square feet of Gross Floor Area, including storage areas, and does not involve the use of equipment that produces dust, fumes, odors, smoke, vapors, noise, vibration, flashing, light trespass, or glare outside of the premises.**

**61. No special permit is required for Temporary Outdoor Retail or Consumer Service Uses on municipal-owned land.**

Explanatory note: New footnote 59 would provide a special permit option for an existing non-conforming commercial space to be used for a limited range of Retail or Consumer Service Establishments. Currently, a retail space in a residential district would be expected to transition to residential use, or would need to seek a use variance if a new retail use were proposed.

Explanatory note: New footnote 60 would allow retail and production shops in neighborhood retail areas if the size and impacts are limited.

Explanatory note: New footnote 61 would allow temporary open-air retail, such as farmers' markets, on City-owned lots in residential districts without a special permit. This would apply to sites such as public school parking lots.

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

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**Part 4: Amend Section 6.32.1, Parking Exemptions for Small Business, as set forth below:**

**6.32 Parking Exemptions.**

**6.32.1 Small Business.** The minimum amount of parking required by Subsection 6.36 Schedule of Parking and Loading Requirements shall be waived for any nonresidential use in an office, business, or industrial district if such use would require four (4) or fewer spaces. ~~However, and~~ such nonresidential use ~~shall be~~ is located in a building or row of attached buildings which contains a total of ten thousand (10,000) square feet or less of gross floor area devoted to nonresidential use. **Furthermore, for a new nonresidential use within a building in existence on or before [EFFECTIVE DATE OF THIS AMENDMENT], no new accessory parking shall be required.**

**6.32.2 Institutions.** Where an institution provides dormitory, fraternity, faculty, employee or other residence accommodations, the number of parking spaces provided as a result thereof may be deducted from the requirements established to satisfy the needs of classrooms, libraries, lecture halls, laboratories, similar educational areas or dining facilities normally used by such residential occupants. In order to qualify for such deduction, the institutional applicant shall submit to the Building Department the institution's current residential parking plan clearly indicating the location of all existing and proposed residential parking facilities available at the institution.

Explanatory note: This change would exempt new uses in existing buildings from having to either construct new parking spaces or seek relief from the Board of Zoning Appeal if the change in use affects the number of parking spaces normally required. A similar approach is already employed in the Harvard Square Overlay District and Central Square Overlay District zoning. Parking requirements were found to be one of the most frequent reasons for new small businesses to have to seek zoning relief.

Potential Zoning Amendments related to Retail and Consumer Service Establishments. Current text of the Zoning Ordinance is unformatted. Additions or creations are shown in underline format, deletions are shown in ~~striketrough format~~.

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***Part 5: Create a new Subsection 10.43.1 following Section 10.43, Criteria for Special Permits, as set forth below:***

10.43 *Criteria.* Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
- (e) For other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
- (f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

**10.43.1 Conditional Retail or Consumer Service Establishments. Where a special permit is required for a Retail or Consumer Service Establishment listed in Section 4.35 or 4.36 of this Zoning Ordinance, the special permit granting authority shall consider the following factors when evaluating the criteria in Section 10.43:**

- (a) Anticipated delivery and loading operations, their potential impacts on neighboring uses and the overall neighborhood, and the extent to which those impacts are mitigated;**
- (b) The extent to which neighboring uses would be impacted by environmental nuisance such as dust, fumes, odors, smoke, vapors, noise, vibration, flashing, light trespass, or glare, and the extent to which those impacts are mitigated;**
- (c) The extent to which storefronts and other elements of the façade visible to the public are compatible with the visual character of the surrounding area and conform to the City's urban design objectives for retail uses in the area; and**
- (d) The extent to which the establishment serves a public objective identified in citywide or neighborhood plans that would offset potential adverse impacts.**

Explanatory note: These criteria would supplement the general criteria in Section 10.43 when a special permit is needed for a retail establishment.
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### ***Supplement to Proposed Retail Zoning Amendments***

Overview: The proposed zoning amendments, which include definitions of Retail or Consumer Service Establishments in Article 2.000 and amendments to the Table of Use Regulations in Section 4.30, result in the need to amend other sections of the Zoning Ordinance that may contain outdated references to those Definitions or Sections. While any zoning amendment can have unintended outcomes, the changes suggested in this document are intended to maintain consistency within the language of the Zoning Ordinance and minimize potential substantive changes.

***i. In Article 3.000 Zoning Districts, amend Section 3.11 to read as follows:***

Explanatory note not to be included in zoning text: The amendments below delete “Business C-1” and “Industry C” districts, which are no longer included on the Cambridge Zoning Map, and add “Business C” which appears to have been inadvertently excluded. It also revises inaccuracies in the numbering of districts.

3.11 For the purpose of this Ordinance, the City of Cambridge is hereby divided into fifty-three classes of districts listed below in order of decreasing restrictiveness as follows:

1.	Open Space District .....	Public parks and recreation facilities and other public facilities
2.	Residence A-1 District .....	Single-family dwellings
3.	Residence A-2 District .....	Single-family dwellings
4.	Residence B District .....	Two family or semi-detached dwellings
5.	Residence C District .....	Multifamily dwellings
6.	Residence C-1 District .....	Multifamily dwellings
7.	Residence C-1A District .....	Multifamily dwellings
8.	Residence C-2 District .....	Multifamily dwellings
9.	Residence C-2B District .....	Multifamily dwellings
10.	Residence C-2A District .....	Multifamily dwellings
11.	Residence C-3A District .....	Multifamily dwellings and limited office

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12.	Residence C-3 District .....	Multifamily dwellings
13.	Residence C-3B District .....	Multifamily dwellings
14.	Office 1 District .....	Business and professional office and multifamily dwellings (Apartment house, hotel, dormitory)
15.	Office 2A District .....	Business, research and professional offices, limited research oriented manufacturing
16.	Office 2 District .....	Business, research and professional offices, limited research oriented manufacturing
17.	Office 3A District .....	Business and professional offices and multifamily dwellings
18.	Office 3 District .....	Business and professional offices and multifamily dwellings
19.	Business A-3 District .....	Neighborhood business
20.	Business A-1 District .....	Local business
21.	Business A-2 District .....	Local business
22.	Business A District .....	Local and drive in retail business offices and multifamily dwellings
23.	Business A-4 District .....	Local business
24.	Business C District .....	General business, professional offices, multifamily dwellings.
25.	Business B-1 District* .....	General business, business and professional offices, and multifamily dwellings
26.	Business B-2 District* .....	General business, business and professional offices and multifamily dwellings
27.	Business B District .....	General business
28.	Industry B-2 District .....	Office, warehouse and light manufacturing

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29.	Industry A-1 District .....	Limited impact business and industry
30.	Industry B-1 District .....	Heavy manufacturing, warehouses, and offices
31.	Industry A-2 District .....	Limited impact business and industry
32.	Industry A District .....	Warehouse, storage and light manufacturing
33.	Special Business, Office and Industrial District 1 .....	Various Uses governed by the requirements of Article 17.000
34.	Special Business, Office and Industrial District 2 .....	Various Uses governed by the requirements of Article 17.000
35.	Special Business, Office and Industrial District 3 .....	Various Uses governed by the requirements of Article 17.000
36.	Special Business, Office and Industrial District 4 and 4A .....	Various Uses governed by the requirements of Article 17.000
37.	Special Business, Office and Industrial District 5 .....	Various Uses governed by the requirements of Article 17.000
38.	Special Business, Office and Industrial District 6 .....	Various Uses governed by the requirements of Article 17.000
39.	Special Business, Office and Industrial District 7 .....	Various Uses governed by the requirements of Article 17.000
40.	Special Business, Office and Industrial District 8 .....	Various Uses governed by the requirements of Article 17.000
41.	Special Business, Office and Industrial District 8A .....	Various Uses governed by the requirements of Article 17.000
42.	Special Business, Office and Industrial District 9 .....	Various Uses governed by the requirements of Article 17.000
43.	Special Business, Office and Industrial District 10(F) .....	Various Uses governed by the requirements of Article 17.000
44.	Special Business, Office and Industrial District 10(H) .....	Various Uses governed by the requirements of Article 17.000
45.	Special Business, Office and Industrial District 11 .....	Various Uses governed by the requirements of Article 17.000
46.	Special Business, Office and Industrial District 12 .....	Various Uses governed by the requirements of Article 17.000
47.	Special Business, Office and Industrial District 13 .....	Various Uses governed by the requirements of Article 17.000
48.	Special Business, Office and Industrial District 14 .....	Various Uses governed by the requirements of Article 17.000
49.	Special Business, Office and Industrial District 15 .....	Various Uses governed by the requirements of Article 17.000

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50.	Mixed Use Development (MXD) District: Kendall Center .....	Various uses governed by the requirements of Article 14.000
51.	Cambridgeport Revitalization Development District .....	Various uses governed by the requirements of Article 15.000
52.	North Point Residence, Office and Business District .....	Various uses governed by the requirements of Article 16.000
53.	Industry B District .....	Heavy Industry

\* subject to the requirements of Sections 4.26, 11.40, and other requirements of this Ordinance.

- ii. In Article 4.000, amend the header row of Section 4.30 Table of Use Regulations by deleting the text “Bus. C, C-1” and replacing with “Bus. C”, and delete the rightmost column from the table with the heading “Ind. C”.***

Explanatory note not to be included in zoning text: As indicated above, the “Business C-1” and “Industry C” districts are no longer found on the Cambridge Zoning Map.



**iii. In Article 6.000, amend Sections 6.36.5 and 6.36.6 of the Schedule of Parking and Loading Requirements to read as follows:**

Explanatory note not to be included in zoning text: The amendments below mirror the proposed changes to the Table of Use Regulations in Section 4.30. Where these changes result in the need to create new parking, loading, and bicycle parking requirements, or to amend existing requirements, the proposed requirements are intended (a) to be consistent among uses that have similar trip-generation patterns, and (b) to use Gross Floor Area as a standard rather than occupancy or other standards that are difficult to apply through zoning.

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
<b>6.36.5</b>	<b>Retail Business and Consumer Service Establishments</b>  Retail Business and Consumer Service Establishment, not otherwise defined	n/a	1 per 500 sq. ft. <sup>6</sup> 1 per 250 sq. ft. <sup>6</sup>	1 per 700 sq. ft. <sup>6</sup> 1 per 500 sq. ft. <sup>6</sup>	1 per 900 sq. ft. <sup>6</sup> 1 per 600 sq. ft. <sup>6</sup>	B <sup>6</sup>	N4 <sup>6</sup>	N2 <sup>6</sup>
a-1.	Convenience Store	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N1
a-2.	Merchandise Store	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 500 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	B	N4	N2

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
a-3.	Grocery Store	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N1
b.	Craft Retail and Production Shop	n/a	1 per 800 sq. ft.	1 per 1200 sq. ft.	1 per 1600 sq. ft.	A	N5	N5
c.	Personal Services Establishment	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	D	N4	N2
d.	Reserved							
e.	Reserved							
f-1.	Restaurant	n/a	1 per 400 sq. ft. <sup>9</sup> 1 per 200 sq. ft.	1 per 800 sq. ft. <sup>9</sup> 1 per 400 sq. ft.	1 per 1200 sq. ft. <sup>9</sup> 1 per 600 sq. ft.	C	N3	N1
f-2.	Bar	n/a	1 per 400 sq. ft. <sup>9</sup> 1 per 200 sq. ft.	1 per 800 sq. ft. <sup>9</sup> 1 per 400 sq. ft.	1 per 1200 sq. ft. <sup>9</sup> 1 per 600 sq. ft.	C	N3	N1

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
f-3.	Craft Beverage Establishment	n/a	1 per 400 sq. ft. <sup>9</sup> 1 per 200 sq. ft.	1 per 800 sq. ft. <sup>9</sup> 1 per 400 sq. ft.	1 per 1200 sq. ft. <sup>9</sup> 1 per 600 sq. ft.	C	N3	N1
f-4.	Food Stand or Kiosk	n/a	1 per 400 sq. ft. <sup>9</sup> 1 per 200 sq. ft.	1 per 800 sq. ft. <sup>9</sup> 1 per 400 sq. ft.	1 per 1200 sq. ft. <sup>9</sup> 1 per 600 sq. ft.	C	N3	N1
f-5.	Food Hall	n/a	1 per 400 sq. ft. <sup>9</sup> 1 per 200 sq. ft.	1 per 800 sq. ft. <sup>9</sup> 1 per 400 sq. ft.	1 per 1200 sq. ft. <sup>9</sup> 1 per 600 sq. ft.	C	N3	N1
g.	Dance Hall or Nightclub	n/a	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1200 sq. ft. 1 per 600 sq. ft.	C	N3	N1
h.	Theater	n/a	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1200 sq. ft. 1 per 600 sq. ft.	F	N5	N1
i-1.	Commercial Recreation Establishment	n/a	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1200 sq. ft. 1 per 600 sq. ft.	F	N4	N1
i-2.	Fitness Center	n/a	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1200 sq. ft. 1 per 600 sq. ft.	F	N4	N1

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
j.	Funeral Home	n/a	4 per chapel, parlor or reposeing room	4 per chapel, parlor or reposeing room	4 per chapel, parlor or reposeing room	F	N4	N2
k.	Reserved							
l.	Animal Services Facility		1 per 300 sq. ft. 1 per 150 sq. ft.	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 500 sq. ft. 1 per 330 sq. ft.	F	N3	N3
m.	Sales place for new and used cars, vehicle rental agencies	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	C	N5	N5
n.	Reserved							
o.	Fast Order Food Establishment	n/a	1 per 400 sq. ft. <sup>9</sup> 1 per 200 sq. ft.	1 per 800 sq. ft. <sup>9</sup> 1 per 400 sq. ft.	1 per 1200 sq. ft. <sup>9</sup> 1 per 600 sq. ft.	C	N3	N1

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
q-1.	Art/Craft Studio <sup>13</sup>	n/a	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1000 sq. ft.	n/a	N1	N5
q-2.	Performing Arts Studio <sup>13</sup>	n/a	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1000 sq. ft.	n/a	N1	N5
r.	Bakery, Retail	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N1
s.	Cannabis Retail Store	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N2
6.36.6	<b>Outdoor Retail or Consumer Service Establishments</b>	n/a	1 per 330 sq. ft. <sup>6</sup> 1 per 170 sq. ft. <sup>6</sup>	1 per 450 sq. ft. <sup>6</sup> 1 per 230 sq. ft. <sup>6</sup>	1 per 600 sq. ft. <sup>6</sup> 1 per 400 sq. ft. <sup>6</sup>	D <sup>6</sup>	N4 <sup>6,15</sup>	N2 <sup>6,15</sup>
	Outdoor Retail or Consumer Service Establishment, not otherwise defined							
a.	Open-Lot Retail Sales Establishment	n/a	1 per 330 sq. ft. 1 per 170 sq. ft.	1 per 450 sq. ft. 1 per 230 sq. ft.	1 per 600 sq. ft. 1 per 400 sq. ft.	D	N4 <sup>15</sup>	N2 <sup>15</sup>

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
b.	Drive-In Food Service Establishment	n/a	n/a <sup>6</sup>	n/a <sup>6</sup>	n/a <sup>6</sup>	C	N3 <sup>15</sup>	N1 <sup>15</sup>
c.	Drive-In Consumer Service Establishment	n/a	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	D	N1 <sup>15</sup>	N5 <sup>15</sup>
d.	Outdoor Entertainment and Recreation Facility	n/a	n/a <sup>6</sup>	n/a <sup>6</sup>	n/a <sup>6</sup>	n/a	N4 <sup>15</sup>	N1 <sup>15</sup>
e.	Drive-In Theater	n/a	n/a	1 per 2000 sq. ft. of lot area	1 per 2000 sq. ft. of lot area	n/a	N4 <sup>15</sup>	N1 <sup>15</sup>
f.	Outdoor Auto Sales Facility	n/a	1 per 1000 sq. ft. of sales area	1 per 1400 sq. ft. of sales area	1 per 1800 sq. ft. of sales area	C	N5 <sup>15</sup>	N5 <sup>15</sup>
g.	Auto Service Station	n/a	2 spaces per bay but not less than 1 space <sup>10</sup>	2 spaces per bay but not less than 1 space <sup>10</sup>	2 spaces per bay but not less than 1 space <sup>10</sup>	D	N5 <sup>15</sup>	N5 <sup>15</sup>
h.	Auto Wash	n/a	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	D	N5 <sup>15</sup>	N5 <sup>15</sup>
i.	Reserved							

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
j.	Temporary Outdoor Retail or Consumer Service Use	No max. or min.	No max. or min.	No max. or min.	No max. or min.	No max. or min.	No max. or min.	No max. or min.

**iv. In Article 6.000, amend the Parking Table Footnotes that follow the Schedule of Parking and Loading Requirements in Section 6.36 to read as follows:**

Parking Table Footnotes

1. Required parking may be reduced if a special permit is granted by the Board of Appeals upon determination that the criteria of Subsection 6.35 will be satisfied.
2. See also Section 11.16.
3. Special permit granting authority may require visitor spaces in excess of the minimum requirement.
4. The requirement for elderly oriented housing may be reduced below the requirement specified in the table but not below one space per four dwelling units.
5. Additional parking spaces shall be provided for public restaurants in excess of two thousand (2000) square feet for a hotel or motel containing up to one hundred (100) rooms, in excess of five thousand (5000) square feet for one containing between one hundred and one (101) rooms and two hundred and fifty (250) rooms, and eight thousand (8,000) square feet in one containing more than two hundred and fifty (250) rooms. The number of such spaces shall equal fifty (50) percent of the requirement for such uses specified in Subsection 6.36.5. Additional parking spaces shall also be provided for function rooms in an amount equal to one space per three hundred (300) square feet of floor area contained in such rooms.
6. The minimum and maximum amount of parking, loading, and bicycle parking required for a use requiring a special permit may be established at the discretion of the special permit granting authority. In making its determination of required parking, the Board shall consider the size of the staff customarily occupying the premises, the nature of the client, resident, or customer population and the extent to which additional off street parking will be detrimental to the physical character of the neighborhood.

7. The required number of spaces shall be reduced by not more than fifty (50) percent if the place of worship is located within five hundred (500) feet of any public parking facility or any other parking facility where an equivalent number of spaces are available without charge during the time of services.
8. The requirement for areas devoted to fabrication shall be based on the parking requirement for the applicable industrial use category listed in Subsection 6.36.7 or 6.36.8.
9. This requirement shall not apply to accessory employee cafeterias.
10. A queue line for five (5) cars shall be provided for each window, bay, or other service providing unit. Such unit shall not block any parking spaces and shall be in addition to other applicable requirements.
11. A queue line for three (3) cars or comparable loading or live parking area shall also be provided for dropping off and picking up students.
12. *[Deleted]*
13. In Residence C, C-1, C-2, C-2A, C-2B, C-3, C-3A districts the amount of parking required for this use may be reduced at the discretion of the Board of Zoning Appeal in accordance with Section 4.28.
14. No accessory parking or loading shall be required for any permitted nonresidential use in Business A-3 district.
15. Also see Subsection 6.107.4 regarding bicycle parking for Open-Air Uses.



Explanatory note not to be included in zoning text: The remaining amendments are intended to update terminology and references used through the Zoning Ordinance to avoid inconsistency with the proposed new Definitions of Retail or Consumer Service Establishments and Outdoor Retail or Consumer Service Establishments, as well as references to Sections 4.35 and 4.36 of the Table of Use Regulations.

**v. In Article 2.000, amend the Definition of “Incentive Project” to read as follows:**

**Incentive Project.** Any new development that consists of at least thirty thousand (30,000) square feet of Gross Floor Area devoted to one or more of the following uses listed in Section 4.30 of the Zoning Ordinance: Sections 4.31 i-2 (Hotel or motel), 4.32 f (Radio and television studio), 4.33 b-5 (College or University not exempt by statute, specifically including those uses and facilities listed in Subsection 4.56 c-4, c-5, and c-6), 4.33 c (Noncommercial Research Facility), 4.33 d (Health Care Facilities), 4.33 e (Social Service Facilities), 4.34 (Office and Laboratory Use), 4.35 (Retail or Consumer Service Establishments), 4.36 (Outdoor Retail or Consumer Service Establishments), 4.37 (Light Industry, Wholesale Business and Storage), and 4.38 (Heavy Industry). For the purpose of this definition, new development shall mean (1) construction of new buildings or additions to existing buildings to accommodate uses in the above list, (2) substantial rehabilitation of buildings to accommodate uses in the above list for which the buildings were not originally used, or (3) Gross Floor Area whose use is changed from a use not included in the above list to a use included in the above list. In no case shall Gross Floor Area devoted to a Municipal Service Facility or Other Government Facility be considered an Incentive Project.

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**vi. In Article 4.000, amend Paragraph o. “Beekeeping” in Section 4.21 “Accessory Uses” to read as follows:**

- o. Beekeeping, conducted in conformance with the Standards for Urban Agriculture set forth in Article 23.000 of this Zoning Ordinance and all other applicable laws, rules and regulations, shall be considered an allowed accessory use when conducted on the lot or and in conjunction with one of the following principal uses: residential (all uses listed in Section 4.31, including transient accommodations), institutional (all uses listed in Section 4.33), office and laboratory (all uses listed in Section 4.34), Convenience Store (Section 4.35.a-1), Merchandise Store (Section 4.35 a-2), Grocery Store (4.35 a-3), Craft Retail and Production Shop (Section 4.35 b), and light industry (all uses listed in Section 4.37).

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**vii. In Article 11.000, amend Section 11.30 to read as follows:**

**11.30 - FAST ORDER OR QUICK-SERVICE FOOD ESTABLISHMENTS**

11.31 In considering applications for Special Permits for Fast Order or Quick-Service Food Establishments and Drive-In Food Service Establishments, the Board of Zoning Appeal shall find, in addition to the other criteria specified in Section 10.40, that the following requirements are met:

- (a) The operation of the establishment shall not:
  - (1) Create traffic problems,
  - (2) Reduce available parking,
  - (3) Threaten the public safety in the streets and sidewalks, or
  - (4) Encourage or produce double parking on the adjacent public street(s),

- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
  - (c) The establishment fulfills a need for such a service in the neighborhood or in the city;
  - (d) The establishment will attract patrons primarily from walk in trade as opposed to drive in or automobile related trade; however, should the Board specifically find that the district or area within which the establishment is proposed to be located does not have significant pedestrian traffic, this requirement need not be met.
  - (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof;
  - (f) The establishment shall provide convenient, suitable and well marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
  - (g) The establishment complies with all state and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.
- 11.32 Establishments seeking to relocate their operations inside the boundary line of the zoning district in which the establishment is located shall not be required to obtain a special permit if both of the following conditions will be met.
- 11.32.1 The new site shall be within five hundred (500) feet of the original site of the establishment.
- 11.32.2 There will be no increase in the gross floor area of the establishment at the new site.
- 11.33 A Special Permit issued for a Fast Order or Quick-Service Food Establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application documents or as those documents may be modified by the conditions of the Special Permit as granted.
- In granting a Special Permit under this Section 11.30 the Board shall specifically detail in its decision the types of foods for which the Permit is granted and shall also identify those other aspects of the establishment as outlined in the application documents for which alterations will require the issuance of a new Special Permit.

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**viii. In Article 13.000, amend Section 13.12.4 (PUD-KS District Development Controls) to read as follows:**

- 13.12.4 Retail or Consumer Service Establishments. The following retail uses shall be permitted, provided that the total amount of retail GFA in the District does not exceed 70,000 square feet and no individual establishment exceeds ten thousand (10,000) square feet of Gross Floor Area unless the Planning Board determines in writing that more retail GFA and establishments of a greater size better serve the residents within the PUD district and in adjacent districts and better advance the policies set forth in the Eastern Cambridge Plan and the Eastern Cambridge Design Guidelines.
- (1) Merchandise Store for the sale of stationery and office supplies.
  - (2) *[Deleted]*
  - (3) Other Merchandise Store located in a structure primarily containing non-retail use provided no manufacturing, assembly or packaging occur on the premises.
  - (4) Personal Services Establishments.
  - (5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 f-1, f-2, f-3, f-4, f-5, and g.
  - (6) Theaters.

**ix. In Article 13.000, amend Section 13.32.4 (PUD-2 District Development Controls) to read as follows:**

13.32.4 Retail or Consumer Service Establishments.

- (1) Convenience Store or Merchandise Store located in a structure primarily containing non-retail uses, provided that no such establishment shall exceed two thousand five hundred (2500) square feet gross floor area and that no manufacturing, assembly or packaging occur on the premises.
- (2) Personal Services Establishments.
- (3) Restaurants or other eating and drinking establishments listed in Subsections 4.35 f-1, f-2, f-3, f-4, f-5, and g.
- (4) Theaters.

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**x. In Article 13.000, amend Section 13.42.4 (PUD-3 and PUD-3A District Development Controls) to read as follows:**

13.42.4 Retail or Consumer Service Establishments.

- (1) Merchandise Store for the sale of stationery and office supplies.
- (2) *[Deleted]*
- (3) Other Convenience Store, Merchandise Store, or Grocery Store located in a structure primarily containing nonretail use, provided that no such establishment shall exceed two thousand, five hundred (2,500) square feet gross floor area (except in a PUD-3A district, where such establishments shall not exceed 12,000 gross square feet), and that no manufacturing, assembly or packaging occur on the premises.
- (4) Personal Services Establishment.
- (5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 f-1, f-2, f-3, f-4, f-5, and g.
- (6) Theaters, including Performing Arts Centers as hereinafter defined.
- (7) Commercial Recreation Establishments.

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**xi. In Article 13.000, amend Sections 13.52.4 and 13.52.5 (PUD-4, PUD-4A, PUD-4B and PUD-4C District Development Controls) to read as follows:**

13.52.4 Retail or Consumer Service Establishments. All uses listed in Section 4.35.

13.52.5 Outdoor Retail or Consumer Service Establishments.

- (1) Open-Lot Retail Sales Establishment;
- (2) Outdoor Entertainment and Recreation Facility;
- (3) Auto Service Station located within or attached to a parking garage or other structure as accessory use.

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**xii. In Article 13.000, amend Sections 13.82.5 and 13.82.6 (PUD-5 District Development Controls) to read as follows:**

13.82.5 Retail or Consumer Service Establishments. All uses listed in Section 4.35.

13.82.6 Outdoor Retail or Consumer Service Establishments. All uses listed in Sections 4.36a. (Open-Lot Retail Sales Establishment) and 4.36f. (Outdoor Entertainment and Recreation Facility), but not including 4.36e. (Drive-In Theater).

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**xiii. In Article 13.000, amend Sections 13.92.4 and 13.92.5 (PUD-5 District Development Controls) to read as follows:**

13.92.4 Retail or Consumer Service Establishments. All uses listed in Section 4.35 with the exception of j. (Funeral Home).

13.92.5 Outdoor Retail or Consumer Service Establishments. Uses listed in Sections 4.36 a. (Open-Lot Retail Sales Establishment) and 4.36 f. (Outdoor Entertainment and Recreation Facility), but not including 4.36e. (Drive-In Theater).

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**xiv. In Article 13.000, amend Section 13.103 (PUD-8 District Development Controls) to read as follows:**

13.103 **Uses Allowed in a PUD-8 District** . The uses listed in this Section 13.103, alone or in combination with each other, shall be allowed, provided that the amount and extent of uses may be further regulated and limited as set forth elsewhere in this Section 13.100, including, without limitation, Section 13.107. This Section 13.103 shall refer to uses as they are listed in Article 4.000 and otherwise defined in this Zoning Ordinance as of the effective date of the enactment of this Section 13.100. For the avoidance of doubt, the Planning Board shall be the sole permit granting authority with respect to determining uses allowed under this Zoning Ordinance in the PUD-8 District.

(a) Residential Uses . All uses listed in Section 4.31 a-h, and i.2.

(b) Transportation, Communication and Utility Uses . All uses listed in Section 4.32, which are allowed or conditionally allowed in the base zoning district.

(c) Institutional Uses . All uses listed in Section 4.33, which are allowed or conditionally allowed in the applicable base zoning district.

(d) Office and Laboratory Uses . All uses listed in Section 4.34.

(e) Retail or Consumer Service Establishments . All uses listed in Section 4.35.

(f) Outdoor Retail or Consumer Service Establishments.

i. Open-Lot Retail Sales Establishment;

ii. Outdoor Entertainment and Recreation Facility.

(g) Light Industry, Wholesale Business and Storage . All uses listed in Section 4.37.

(h) Other Uses . Any use not listed in subsections 13.103(a) through 13.103(g) above, otherwise allowed in a Business A District, may be allowed by the Planning Board upon written determination by the Board that such use is consistent with the objectives of the PUD-8 District and is consistent with the predominant uses in the PUD-8 District.

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**xv. In Article 14.000, amend Sections 14.21.3 and 14.21.5 (MXD District Development Controls) to read as follows:**

14.21.3 Retail and Consumer Service Establishments

- (1) Store for retail sale of merchandise, including Convenience Store, Merchandise Store, and Grocery Store, but not an Indoor Auto Sales Facility except for auto rentals as provided below.
- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including Restaurant, Bar, Craft Beverage Establishment, Food Stand or Kiosk, Food Hall, and food commissary.
- (3) Fast Order or Quick-Service Food Establishment only if (i) it is not located in a separate structure, (ii) it does not exceed three thousand (3,000) square feet of gross floor area, (iii) there will be no more than fifteen (15) such establishments within the District (a maximum of eight (8) of which shall be located in the Ames Street District and a maximum of seven (7) of which shall be located in the portions of the District outside of the Ames Street District) and (iv) it is granted a Special Permit, as provided in Section 10.40 and 11.30.
- (4) Personal Services Establishment.
- (5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.
- (6) Auto Service Station, provided that it is located within or attached to a parking garage or other structure as an accessory use.

[...]

14.21.5 Entertainment and Recreational Uses.

- (1) Dance Hall or Nightclub.
- (2) Commercial Recreation Establishment, Fitness Center, or Outdoor Entertainment and Recreation Facility. Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.
- (3) Theater.
- (4) Park or playground

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***xvi. In Article 15.000, amend Sections 15.21.3 and 15.21.5 (CRDD District Development Controls) to read as follows:***

15.21.3 Retail and Consumer Service Establishments.

- (1) Convenience Store, Merchandise Store, or Grocery Store.
- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including Restaurant, Bar, Craft Beverage Establishment and food commissary.
- (3) Fast Order or Quick-Service Food Establishment subject to the Special Permit requirements of Section 11.30, unless such use is enclosed in a structure principally containing other uses and is a Food Stand or Kiosk or Food Hall.
- (4) Personal Services Establishment.
- (5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.
- (6) Auto Service Stations.

[...]

15.21.5 Entertainment and Recreational Uses.

- (1) Dance Hall or Nightclub.
- (2) Commercial Recreation Establishment, Fitness Center, or Outdoor Entertainment and Recreation Facility. Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.
- (3) Theater.
- (4) Park or playground.

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**xvii. In Article 16.000, amend Section 16.21.3 (NP District Development Controls) to read as follows:**

16.21.3 Retail or Consumer Service Establishments (Section 4.35). The following uses shall be permitted provided they are located on the first floor of the structure, front on a public way, and occupy no more than 10 (10) percent of the total Gross Floor Area of the structure in which they are located, excluding from that calculation any Gross Floor Area devoted to parking facilities located in the structure.

- (1) Convenience Store, Merchandise Store, or Grocery Store (Sections 4.35 a-1, a-2, and a-3).
- (2) Eating and /or drinking establishment, whether or not liquor is sold or consumed, including Restaurant, Bar, Craft Beverage Establishment, Food Stand or Kiosk, Food Hall, and food commissary (Sections 4.35 f-1, f-2, f-3, f-4, f-5, g).
- (3) Fast Order or Quick-Service Food Establishment subject to the Special Permit requirements of Section 11.30 (Section 4.35.o).
- (4) Personal Services Establishment (Section 4.35 c, and similar establishments).
- (5) Bank, trust company or similar financial institution located on the first floor (Section 4.34.e).

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**xviii. In Article 17.000, amend Section 17.12 (SD-1 Development Controls) to read as follows:**

17.12 *Permitted Uses* . Uses permitted in the Industry A-1 District shall be equally allowed in the Special District 1 with the exception of the following:

- (1) The following uses shall be permitted by special permit from the Board of Zoning Appeal:
  - a. Hotel and Motel Uses, Section 4.31 i (2)
  - b. Auto Wash, Section 4.36 h.
- (2) The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

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**xix. In Article 17.000, amend Section 17.23.21 (SD-2 Development Controls) to read as follows:**

17.23.21 The following nonresidential uses, not otherwise permitted in a Residence B District, shall be permitted as of right in this Special District 2 provided the conditions set forth in Section 17.23.22 are met. Nevertheless, for purposes of the Zoning Ordinance, Special District 2 shall be considered a residential district.

- (a) Section 4.34 - Office and Laboratory Use, Paragraph a (medical professional), Paragraph b (nonmedical professional), Paragraph c (agency office), Paragraph d (general office).
- (b) Section 4.35 - Retail or Consumer Service Establishments, Paragraph q-1 (Art/Craft Studio) and q-2 (Performing Arts Studio).

- (c) Section 4.36 - Outdoor Retail or Consumer Service Establishments, Paragraph a (Open-Lot Retail Sales Establishment).
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**xx. In Article 17.000, amend Section 17.32.2 (SD-3 Development Controls) to read as follows:**

17.32.2 Permitted Nonresidential Uses.

Section 4.34 - Office and Laboratory Use, Paragraphs a-f

Section 4.33 - Institutional Uses, all uses.

Section 4.35 - Retail or Consumer Service Establishments, Paragraph a, c, f-1, q-1, q-2, and r provided that no individual retail establishments exceeds one thousand and two hundred (1,200) square feet in gross floor area, except that a single retail establishment containing a grocery store or supermarket may total no more than fifty-five thousand (55,000) square feet provided that nothing in this section alters any other limitations as set forth in this district.

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**xxi. In Article 17.000, amend Section 17.52 (SD-5 Development Controls) to read as follows:**

17.52 *Permitted Uses* . Uses permitted in the Office 2 District shall be equally allowed in the Special District 5 with the exception of the following:

- a. The following additional uses shall be permitted:
    - (1) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.
    - (2) Retail or Consumer Service Establishments, Section 4.35 a-1, a-2, a-3, and b as would otherwise be permitted in a Business B District, provided such uses are in a building containing uses permitted in an Office 2 District and do not exceed in area an amount equal to ten (10) percent of the gross floor area of the building in which they are located, or twenty-five thousand (25,000) square feet, whichever is less.
    - (3) Residential Uses Section 4.31 a-h shall be permitted as of right.
  - b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.
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**xxii. In Article 17.000, amend Sections 17.81.2 and 17.82.21 (SD-8 and SD-8A Development Controls) to read as follows:**

17.81.2 *Permitted Uses* . Uses permitted in the Industry A-1 District shall be equally allowed in the Special District 8 with the exception of the following:

- a. The following additional uses shall be permitted as of right:
  - (1) Dormitory and resident fraternity or sorority, Section 4.33 b (7).
  - (2) Residential uses, Section 4.31 a-h.
  - (3) Heavy Industry, Section 4.38 e, but only if the specific use has been established on a lot on or before January 1, 1991 and which use shall remain in continuous operation thereafter. Once said industrial use has been discontinued, the lot shall only be used for those uses otherwise permitted in this Special District 8.
- b. The following uses shall be prohibited:

- (1) Parking lot or parking garage for private passenger cars, Section 4.32 b.
- (2) All Retail or Consumer Service Establishments Section 4.35 with the exception of 4.35 a-1 and 4.35 b, c, and f-1.

[...]

17.82.21 Retail, business and Consumer Service Establishments Section 4.35.a-1 and 4.35.b, c, and f-1 shall be permitted as of right provided they are located in a building with other permitted uses, are located on the first floor or the basement of the building, do not exceed twenty-five (25) percent of the total Gross Floor Area of the building in which they are located. No individual establishment may exceed two thousand and five hundred (2,500) gross floor feet in area.

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**xxiii. In Article 17.000, amend Section 17.105 (SD-10 Development Controls) to read as follows:**

17.105 *Additional Use and Gross Floor Area Provisions for Existing Nonresidential Uses and Structures*

(A) It is the intent of this Section 17.107 to encourage a gradual evolution of nonresidential uses in this Special District 10 now heavily nonresidential in character, from those least in harmony with the adjacent residential neighborhood and the residential uses ultimately desired in the district, to those nonresidential uses most compatible with residential uses and ultimately to residential uses exclusively. Therefore, in the Special District 10 the following additional uses not otherwise permitted in the Residence C District shall be permitted as of right, provided the conditions set forth below are met. Notwithstanding the provisions of Section 10.31, no variance for use shall be permitted in the Special District 10. For the purposes of Article 8.000 the Special District shall continue to be considered a residential district and therefore Section 8.22, Paragraphs a and b shall not apply.

- (1) All uses in Section 4.34, Office and Laboratory Uses, shall be permitted but only if the following conditions are met:
  - a. The building thereon, (or that portion of the building proposed to be reused) is vacant and not occupied by a residential use in the five years immediately preceding the time of application for a Certificate of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail or consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.
- (2) All uses in Section 4.35, Retail or Consumer Service Establishments, Paragraphs a-1, a-2, a-3, and c shall be permitted, but only if the following conditions are met:
  - a. The use existing at the time of application for a Certificate of Occupancy for the proposed new use, or that first legally established use immediately preceding the application for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two years immediately preceding the application for a Certificate of Occupancy), is any Retail or Consumer Service Establishment, Section 4.35; or any light Industry, wholesale business and storage use, Section 4.37; or any heavy industry use, Section 4.38; and
  - b. The use shall occupy only that gross floor area meeting the use limitations of Paragraph a above.
- (3) All uses in Section 4.37, light industry, wholesale business, and storage, Paragraphs a and b shall be permitted, but only if the following conditions are met:
  - a. The use existing at the time of application for a Certificate of Occupancy for the proposed use, or that first legally established use immediately preceding the application for a Certificate of Occupancy for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two



years immediately preceding the application for a Certificate of Occupancy), is light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38; and

- b. The use shall occupy only that gross floor area meeting the Use Limitations of Paragraph a above.
- (B) Notwithstanding the provisions of Paragraphs (A) (1) - (3) above, in any structure containing a residential use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that residential use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.107.
- (C) Notwithstanding the provisions of Paragraphs (A) (1) - (3) above, in any structure containing a use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.107.
- (D) For structures satisfying the requirements of (B) above and in existence as of January 1, 1991, the maximum gross floor area on a lot may be increased by an amount equal to twenty-five (25) percent of the gross floor area present on the lot on January 1, 1991.

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**xxiv. In Article 17.000, amend Section 17.202 (SD-11 Development Controls) to read as follows:**

17.202 *Permitted Uses* . Uses permitted in the Office 2 District shall be equally allowed in the Special District 11 with the exception of the following:

- a. The following additional uses shall be permitted:
  - (1) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.
  - (2) Retailor Consumer Service Establishments, Section 4.35 a-1, a-2, a-3, and b as would otherwise be permitted in a Business B District, provided such uses are in a building containing uses permitted in an Office 2 District and do not exceed in area an amount equal to ten (10) percent of the gross floor area of the building in which they are located, or twenty five thousand (25,000) square feet, whichever is less.
  - (3) Residential Uses Section 4.31 a-h shall be permitted as of right.
- b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

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**xxv. In Article 19.000, amend Section 19.23 (Special Permit Thresholds for Required Traffic Study) to read as follows:**

19.23 *Special Permit Threshold* . A Project Review Special Permit shall be required for new building construction of fifty thousand (50,000) gross square feet or more, in all applicable zoning districts [except that in a Business A, Business A-1, and Business A-2 districts a Project Review Special Permit shall be required for new building construction of twenty thousand (20,000) gross square feet or more], or for building construction of less than fifty thousand square feet [or twenty thousand square feet in the BA, BA-1, and BA-2 Districts] where a Table I threshold has been met, on a lot or combination of contiguous lots held in common ownership at any time after September 15, 2000. Where a mix of uses is proposed the threshold shall be determined by the application of the Mixed Use Formula set forth in Table 1.

Notwithstanding the provisions of this Section 19.23 set forth above, the Project Review Special Permit requirement shall not apply to existing gross floor area on a lot built and occupied prior to the effective date of this Article 19.000 that is demolished and subsequently rebuilt as part of a building project, provided (1) there is no change of use, (2) the reconstruction commences within two years of the start of demolition of the building, and (3) the standards of Section 19.50 are met.

Where reference is made in this Section 19.23 to Gross Floor Area thresholds as set forth in Table 1, the term shall also encompass any other measure of quantity enumerated in the Table (e.g. dwelling units, beds, acres, parking spaces).

**Table 1**  
**Thresholds for Required Traffic Study by Land Use Type**

Land Use Category	Threshold
Retail or Consumer Service Establishments: Section 4.35	25,000 sf
Outdoor Retail or Consumer Service Establishments: Section 4.36	
a. Open-Lot Retail Sales Establishment	25,000 sf
b. Drive-In Food Service Establishments	Required
c. Drive-In Consumer Service Establishments	Required
d. Outdoor Entertainment and Recreation Facility	300 seats
e. Drive-In Theater	300 seats
f. Outdoor Auto Sales Facility	25,000 sf
g. Auto Service Station	5 fueling positions
h. Auto Wash	Required

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**xxvi. In Article 20.000, amend Section 20.86.2 (Memorial Drive Overlay District Development Controls) to read as follows:**

20.86.2 Additional Permitted Uses. In any office the following retail uses shall be permitted by Special Permit from the Planning Board: Convenience Store, Merchandise Store, Restaurant, Bar, Food Stand or Kiosk, Food Hall. Such uses shall be intended to provide services to the abutting residential neighborhoods or to persons making use of the open space recreational amenities of the Charles River waterfront and its constituent parks. Such retail uses shall be subject to the following limitations and conditions.

- a. The retail use shall be located on a lot that abuts Memorial Drive.
- b. The principal entrance to the retail use shall be on Memorial Drive.
- c. The total Gross Floor Area on the lot devoted to retail uses permitted in this Section 20.86.2 shall not exceed five thousand (5,000) square feet.
- d. No additional accessory parking shall be provided for the retail use unless specifically authorized by the Planning Board. The accessory parking requirements for these uses otherwise specifically required in Article 6.000 in herein specifically waived.
- e. The use shall be located in a building principally containing uses otherwise permitted in the office or residential district.

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**xxvii. In Article 20.000, amend Section 20.110.21 (Massachusetts Avenue Overlay District Development Controls) to read as follows:**

20.110.21 Required Ground Floor Non-Residential Uses. The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

1. Range of Qualifying Uses. The required ground floor active non-residential uses shall be limited to one or a combination of the following uses, to the extent permitted in the base zoning district:
  - a. Section 4.34 a (office of a physician, dentist or other medical practitioner not located in a clinic listed under subsection 4.33(d)), b (office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists), c (real estate, insurance or other agency office), d (general office use), e (bank, trust company or similar financial institution (retail banking only));
  - b. Section 4.35 a-1 (Convenience Store), a-2 (Merchandise Store), a-3 (Grocery Store), c (Personal Services Establishment), f-1 (Restaurant), f-2 (Bar), f-3 (Craft Beverage Establishment), f-4 (Food Stand or Kiosk), f-5 (Food Hall), g (Dance Hall or Nightclub), h (Theater), i-1 (Commercial Recreation Establishment), i-2 (Fitness Center), l (Animal Services Facility), o (Fast Order or Quick-Service Food Establishment), q-1 (Art/Craft Studio), q-2 (Performing Arts Studio), r (Bakery, retail);
  - c. Section 4.36 a (Open-Lot Retail Sales Establishment);
  - d. Section 4.56 a(4) (religious or social recreation center), c(4) (college theater), e(4,5,6) (medical clinics), f (social service or community center), g(3) (museum), g(5) (public park, playground, or public recreation building), i(2) (museum or non commercial gallery).
2. Minimum Depth. The required ground floor uses shall have a minimum depth of forty (40) feet measured from the Massachusetts Avenue frontage of the building (or the full depth of the building if less than forty (40) feet).
3. Floor Elevation. The floor elevation of the required ground floor uses shall be at the mean grade of the adjacent public sidewalk.
4. Minimum Linear Frontage. The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing Massachusetts Avenue.
5. Individual Store Size.
  - a. In portions of the included BA-2 Districts north of Porter Square, any separately leased required ground floor non-residential use shall contain no more than 5,000 square feet of Gross Floor Area, which calculation of square footage shall include any floor area located below grade.

- b. In portions of the included BA-2 Districts south of Porter Square, any separately leased required ground floor non-residential use shall contain no more than 2,500 square feet of Gross Floor Area, which calculation of square footage shall exclude any floor area located below grade. However, the Planning Board may grant modifications to such Gross Floor Area limitation, pursuant to Section 20.110.22 below, to accommodate a pre-existing non-residential use of building or for other reasons that are in support of the non-residential use purposes of the Massachusetts Avenue Overlay District.
6. Minimum Ground Floor Height. For any ground floor portion of a building containing a required non-residential use the minimum ground floor height shall be fifteen (15) feet measured in the manner described in Paragraph 20.110.42. If the ground floor height is reduced below fifteen (15) feet by special permit or variance, there shall be a commensurate reduction in the total height of the building.
7. Maximum Bank Frontage. No bank, trust company or similar financial institution may occupy a building frontage of more than twenty-five (25) feet.

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**xxviii. In Article 20.000, amend Paragraphs 1, 2, and 3 of Section 20.304.5 (Central Square Overlay District Development Controls) to read as follows:**

20.304.5 Use Limitations and Restrictions. In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Central Square Overlay District:

1. Ground Floor Restrictions. The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and/or Main Street and which is on a lot which shares a common lot line with Massachusetts Avenue or Main Street shall consist of Gross Floor Area devoted to any one or combination of uses permitted in the applicable base zoning district [except that such gross floor area in buildings abutting Massachusetts Avenue and/or Main Street between Inman and Pleasant Streets on the west and Columbia and Sidney Streets on the east shall be devoted to one or a combination of the following uses: Residential Uses (Section 4.31); Office and Laboratory Uses (Section 4.34 c and e); Retail or Consumer Service Establishments (Section 4.35)], but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, and shall in addition meet the following conditions:
  - a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the abutting Massachusetts Avenue and/or Main Street at the property line except that residential uses may be located no higher than four (4) feet above the mean grade of the abutting street at the property line.
  - b. The use shall have a minimum depth of twenty (20) feet.
  - c. Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of fifty (50) percent clear glass.
2. Prohibited Uses. The following uses shall be prohibited in the Central Square Overlay District: (1) Outdoor Retail or Consumer Service Establishments, Sections 4.36 b, f, g, h.
3. Restricted Uses.
  - a. In the Central Square Overlay District, a Dance Hall or Nightclub (Section 4.35g) shall be permitted by right if the principal public entrance or entrances are directly from Massachusetts Avenue, Prospect Street between Massachusetts Avenue and Bishop Allen Drive, or Main Street, or by Special Permit from the Planning Board in the Business B (BB) district where the principal public entrance or entrances are on another side street that intersects with Massachusetts Avenue if the Board finds that such location will not adversely impact adjacent residential uses, with consideration to hours of operation, proximity to a residential neighborhood, signage, lighting, and sound mitigation.

- b. Unless specifically waived upon the granting of a special permit by the Planning Board, no individual bank or financial institution (Section 4.34e) shall occupy more than twenty-five (25) feet of building frontage facing Massachusetts Avenue or Main Street, and no more than thirty percent (30%) of a lot's aggregate building frontage facing one or more public streets may be occupied by such uses.

### ***Supplement to Proposed Retail Zoning Amendments***

Overview: The proposed zoning amendments, which include definitions of Retail or Consumer Service Establishments in Article 2.000 and amendments to the Table of Use Regulations in Section 4.30, result in the need to amend other sections of the Zoning Ordinance that may contain outdated references to those Definitions or Sections. While any zoning amendment can have unintended outcomes, the changes suggested in this document are intended to maintain consistency within the language of the Zoning Ordinance and minimize potential substantive changes.

***i. In Article 3.000 Zoning Districts, amend Section 3.11 to read as follows:***

Explanatory note not to be included in zoning text: The amendments below delete “Business C-1” and “Industry C” districts, which are no longer included on the Cambridge Zoning Map, and add “Business C” which appears to have been inadvertently excluded. It also revises inaccuracies in the numbering of districts.

3.11 For the purpose of this Ordinance, the City of Cambridge is hereby divided into fifty-three classes of districts listed below in order of decreasing restrictiveness as follows:

1.	Open Space District .....	Public parks and recreation facilities and other public facilities
2.	Residence A-1 District .....	Single-family dwellings
3.	Residence A-2 District .....	Single-family dwellings
4.	Residence B District .....	Two family or semi-detached dwellings
5.	Residence C District .....	Multifamily dwellings
6.	Residence C-1 District .....	Multifamily dwellings
7.	Residence C-1A District .....	Multifamily dwellings
8.	Residence C-2 District .....	Multifamily dwellings
9.	Residence C-2B District .....	Multifamily dwellings
10.	Residence C-2A District .....	Multifamily dwellings
11.	Residence C-3A District .....	Multifamily dwellings and limited office

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12.	Residence C-3 District .....	Multifamily dwellings
13.	Residence C-3B District .....	Multifamily dwellings
14.	Office 1 District .....	Business and professional office and multifamily dwellings (Apartment house, hotel, dormitory)
15.	Office 2A District .....	Business, research and professional offices, limited research oriented manufacturing
16.	Office 2 District .....	Business, research and professional offices, limited research oriented manufacturing
17.	Office 3A District .....	Business and professional offices and multifamily dwellings
18.	Office 3 District .....	Business and professional offices and multifamily dwellings
19.	Business A-3 District .....	Neighborhood business
20.	Business A-1 District .....	Local business
21.	Business A-2 District .....	Local business
22.	Business A District .....	Local and drive in retail business offices and multifamily dwellings
23.	Business A-4 District .....	Local business
24.	<del>Business C-1</del> <u>Business C</u> District .....	General business, professional offices, multifamily dwellings.
25.	Business B-1 District* .....	General business, business and professional offices, and multifamily dwellings
26.	Business B-2 District* .....	General business, business and professional offices and multifamily dwellings
27.	Business B District .....	General business
28.	Industry B-2 District .....	Office, warehouse and light manufacturing

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<del>29.</del>	<del>Industry C District .....</del>	<del>Office, research and light manufacturing, with optional planned unit development</del>
<del>2930.</del>	Industry A-1 District .....	Limited impact business and industry
<del>3031.</del>	Industry B-1 District .....	Heavy manufacturing, warehouses, and offices
<del>3132.</del>	Industry A-2 District .....	Limited impact business and industry
<del>3233.</del>	Industry A District .....	Warehouse, storage and light manufacturing
<del>3334.</del>	Special Business, Office and Industrial District 1 .....	Various Uses governed by the requirements of Article 17.000
<del>3435.</del>	Special Business, Office and Industrial District 2 .....	Various Uses governed by the requirements of Article 17.000
<del>3536.</del>	Special Business, Office and Industrial District 3 .....	Various Uses governed by the requirements of Article 17.000
<del>3637.</del>	Special Business, Office and Industrial District 4 and 4A .....	Various Uses governed by the requirements of Article 17.000
<del>3738.</del>	Special Business, Office and Industrial District 5 .....	Various Uses governed by the requirements of Article 17.000
<del>3839.</del>	Special Business, Office and Industrial District 6 .....	Various Uses governed by the requirements of Article 17.000
<del>3940.</del>	Special Business, Office and Industrial District 7 .....	Various Uses governed by the requirements of Article 17.000
<del>4041.</del>	Special Business, Office and Industrial District 8 .....	Various Uses governed by the requirements of Article 17.000
<del>41.</del>	Special Business, Office and Industrial District 8A .....	Various Uses governed by the requirements of Article 17.000
42.	Special Business, Office and Industrial District 9 .....	Various Uses governed by the requirements of Article 17.000
43.	Special Business, Office and Industrial District 10(F) .....	Various Uses governed by the requirements of Article 17.000
44.	Special Business, Office and Industrial District 10(H) .....	Various Uses governed by the requirements of Article 17.000
45.	Special Business, Office and Industrial District 11 .....	Various Uses governed by the requirements of Article 17.000
46.	Special Business, Office and Industrial District 12 .....	Various Uses governed by the requirements of Article 17.000
47.	Special Business, Office and Industrial District 13 .....	Various Uses governed by the requirements of Article 17.000
48.	Special Business, Office and Industrial District 14 .....	Various Uses governed by the requirements of Article 17.000



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<u>49.</u>	<u>Special Business, Office and Industrial District 15 .....</u>	<u>Various Uses governed by the requirements of Article 17.000</u>
<u>5049.</u>	<del>Cambridge Center</del> Mixed Use Development (MXD) District: <u>Kendall Center</u> .....	Various uses governed by the requirements of Article 14.000
<u>5150.</u>	Cambridgeport Revitalization Development District .....	Various uses governed by the requirements of Article 15.000
<u>5251.</u>	North Point Residence, Office and Business District .....	Various uses governed by the requirements of Article 16.000
<u>5352.</u>	Industry B District .....	Heavy Industry

\* subject to the requirements of Sections 4.26, 11.40, and other requirements of this Ordinance.

- ii. ***In Article 4.000, amend the header row of Section 4.30 Table of Use Regulations by deleting the text “Bus. C, C-1” and replacing with “Bus. C”, and delete the rightmost column from the table with the heading “Ind. C”.***

Explanatory note not to be included in zoning text: As indicated above, the “Business C-1” and “Industry C” districts are no longer found on the Cambridge Zoning Map.

**iii. In Article 6.000, amend Sections 6.36.5 and 6.36.6 of the Schedule of Parking and Loading Requirements to read as follows:**

Explanatory note not to be included in zoning text: The amendments below mirror the proposed changes to the Table of Use Regulations in Section 4.30. Where these changes result in the need to create new parking, loading, and bicycle parking requirements, or to amend existing requirements, the proposed requirements are intended (a) to be consistent among uses that have similar trip-generation patterns, and (b) to use Gross Floor Area as a standard rather than occupancy or other standards that are difficult to apply through zoning.

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
<b>6.36.5</b>	<b>Retail Business and Consumer Service Establishments</b>							
	<u>Retail Business and Consumer Service Establishment, not otherwise defined</u>	<u>n/a</u>	<u>1 per 500 sq. ft. <sup>6</sup></u> <u>1 per 250 sq. ft. <sup>6</sup></u>	<u>1 per 700 sq. ft. <sup>6</sup></u> <u>1 per 500 sq. ft. <sup>6</sup></u>	<u>1 per 900 sq. ft. <sup>6</sup></u> <u>1 per 600 sq. ft. <sup>6</sup></u>	<u>B <sup>6</sup></u>	<u>N4 <sup>6</sup></u>	<u>N2 <sup>6</sup></u>
<del>a.</del>	<del>Store for retail sale of merchandise</del>							
<u>a-1.</u>	<u>Convenience Store<sup>1</sup></u> <u>Establishment providing convenience goods<sup>1,2</sup></u>	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N1
<u>a-2.</u>	<u>Merchandise Store<sup>2</sup></u> <u>Other retail establishments</u>	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 500 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	B	N4	N2

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
a-3.	<u>Grocery Store</u>	n/a	<u>1 per 1000 sq. ft.</u> <u>1 per 500 sq. ft.</u>	<u>1 per 1400 sq. ft.</u> <u>1 per 700 sq. ft.</u>	<u>1 per 1800 sq. ft.</u> <u>1 per 1200 sq. ft.</u>	<u>B</u>	<u>N4</u>	<u>N1</u>
b.	<u>Craft Retail and Production Shop</u> <del>Place for the manufacturing, assembly or packaging of consumer goods</del>	n/a	1 per 800 sq. ft.	1 per 1200 sq. ft.	1 per 1600 sq. ft.	A	N5	N5
c.	<u>Personal Services Establishment</u> <del>Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishment</del>	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	D	N4	N2
d.	<u>Reserved</u> <del>Hand laundry, dry cleaning or tailoring shop</del>	n/a	<u>1 per 1000 sq. ft.</u> <u>1 per 500 sq. ft.</u>	<u>1 per 1400 sq. ft.</u> <u>1 per 700 sq. ft.</u>	<u>1 per 1800 sq. ft.</u> <u>1 per 1200 sq. ft.</u>	<u>D</u>	<u>N4</u>	<u>N2</u>
e.	<u>Reserved</u> <del>Lunchroom, restaurant, cafeteria</del>	<u>1 per 5 seats</u> <sup>9</sup> n/a	<u>1 per 10 seats</u> <sup>9</sup> <u>1 per 2.5 seats</u>	<u>1 per 15 seats</u> <sup>9</sup> <u>1 per 5 seats</u>	<u>1 per 10 seats</u>	<u>E</u>	<u>N3</u>	<u>N1</u>

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
f.	<del>Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided.</del>							
f-1.	<del>Restaurant</del> <u>1) Lunchroom, restaurant or cafeteria</u>	n/a	<del>1 per 5 seats</del> <u>400 sq. ft.</u> <sup>9</sup> <del>1 per 2.5 seats</del> <u>200 sq. ft.</u>	<del>1 per 10 seats</del> <u>800 sq. ft.</u> <sup>9</sup> <del>1 per 5 seats</del> <u>400 sq. ft.</u>	<del>1 per 15 seats</del> <u>1200 sq. ft.</u> <sup>9</sup> <del>1 per 10 seats</del> <u>600 sq. ft.</u>	C	N3	N1
f-2.	<del>2) Bar Saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food</del>	<del>n/a</del> <u>1 per 5 seats</u> <sup>9</sup> n/a	<del>1 per 400 sq. ft.</del> <sup>9</sup> <del>1 per 200 sq. ft.</del> <sup>1</sup> <del>1 per 10 seats</del> <sup>9</sup> <del>1 per 2.5 seats</del>	<del>1 per 800 sq. ft.</del> <sup>9</sup> <del>1 per 400 sq. ft.</del> <sup>9</sup> <del>1 per 15 seats</del> <sup>9</sup> <del>1 per 5 seats</del> <sup>1</sup> <del>per 10 seats</del>	<del>1 per 1200 sq. ft.</del> <sup>9</sup> <del>1 per 600 sq. ft.</del> <sup>1</sup> <del>per 10 seats</del>	C	N3	N1
f-3.	<u>Craft Beverage Establishment</u>	n/a	<del>1 per 400 sq. ft.</del> <sup>9</sup> <del>1 per 200 sq. ft.</del>	<del>1 per 800 sq. ft.</del> <sup>9</sup> <del>1 per 400 sq. ft.</del>	<del>1 per 1200 sq. ft.</del> <sup>9</sup> <del>1 per 600 sq. ft.</del>	<u>C</u>	<u>N3</u>	<u>N1</u>
f-4.	<u>Food Stand or Kiosk</u>	n/a	<del>1 per 400 sq. ft.</del> <sup>9</sup> <del>1 per 200 sq. ft.</del>	<del>1 per 800 sq. ft.</del> <sup>9</sup> <del>1 per 400 sq. ft.</del>	<del>1 per 1200 sq. ft.</del> <sup>9</sup> <del>1 per 600 sq. ft.</del>	<u>C</u>	<u>N3</u>	<u>N1</u>

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
f-5.	Food Hall	n/a	<u>1 per 400 sq. ft. <sup>9</sup></u> <u>1 per 200 sq. ft.</u>	<u>1 per 800 sq. ft. <sup>9</sup></u> <u>1 per 400 sq. ft.</u>	<u>1 per 1200 sq. ft. <sup>9</sup></u> <u>1 per 600 sq. ft.</u>	<u>C</u>	<u>N3</u>	<u>N1</u>
g.	<del>Dance Hall or Nightclub</del> Bar or other establishment where alcoholic beverages are sold or consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment	n/a	<u>1 per 400 sq. ft.</u> <u>1 per 200 sq. ft. <del>1</del></u> <del>per 5 seats</del> <del>1 per 2.5 seats</del>	<u>1 per 800 sq. ft.</u> <u>1 per 400 sq. ft.</u> <del>1 per 10 seats</del> <del>1 per 5 seats</del>	<u>1 per 1200 sq. ft.</u> <u>1 per 600 sq. ft. <del>1</del></u> <del>per 15 seats</del> <del>1 per 10 seats</del>	C	N3	N1
h.	<del>Theater</del> Theatre or hall for public gathering	n/a	<u>1 per 400 sq. ft.</u> <u>1 per 200 sq. ft. <del>1</del></u> <del>per 5 seats</del> <del>1 per 2.5 seats</del>	<u>1 per 800 sq. ft.</u> <u>1 per 400 sq. ft.</u> <del>1 per 10 seats</del> <del>1 per 5 seats</del>	<u>1 per 1200 sq. ft.</u> <u>1 per 600 sq. ft. <del>1</del></u> <del>per 15 seats</del> <del>1 per 10 seats</del>	F	N5	N1

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
i-1.	Commercial <del>Recreation</del> Establishment	n/a	<del>1 per 400 sq. ft. 1 per 200 sq. ft. <math>\pm</math> per 6 persons based on maximum permitted capacity</del>	<del>1 per 800 sq. ft. 1 per 400 sq. ft. 1 per 6 persons based on maximum permitted capacity</del>	<del>1 per 1200 sq. ft. 1 per 600 sq. ft. <math>\pm</math> per 6 persons based on maximum permitted capacity</del>	F	N4	N1
i-2.	<u>Fitness Center</u>	<u>n/a</u>	<u>1 per 400 sq. ft. 1 per 200 sq. ft.</u>	<u>1 per 800 sq. ft. 1 per 400 sq. ft.</u>	<u>1 per 1200 sq. ft. 1 per 600 sq. ft.</u>	<u>F</u>	<u>N4</u>	<u>N1</u>
j.	<del>Funeral Home</del> <u>Mortuary, undertaking or funeral establishment</u>	n/a	4 per chapel, parlor or reposeing room	4 per chapel, parlor or reposeing room	4 per chapel, parlor or reposeing room	F	N4	N2
k.	<del>Reserved</del> <u>Printing shop, photographer's studio</u>	<del>1 per 500 sq. ft.</del> n/a	<del>1 per 700 sq. ft. 1 per 250 sq. ft.</del>	<del>1 per 900 sq. ft. 1 per 350 sq. ft.</del>	<del>1 per 600 sq. ft.</del>	<del>F</del>	<del>N4</del>	<del>N2</del>

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
I.	Animal Services <u>Facility</u>		<u>1 per 300 sq. ft.</u> <u>1 per 150 sq. ft.</u>	<u>1 per 400 sq. ft.</u> <u>1 per 200 sq. ft.</u>	<u>1 per 500 sq. ft.</u> <u>1 per 330 sq. ft.</u>	<u>F</u>	<u>N3</u>	<u>N3</u>
	<del>1) Veterinary establishment, kennel</del>	n/a	<del>1 per 300 sq. ft.</del> <del>1 per 150 sq. ft.</del>	<del>1 per 400 sq. ft.</del> <del>1 per 200 sq. ft.</del>	<del>1 per 500 sq. ft.</del> <del>1 per 330 sq. ft.</del>	<del>F</del>	<del>N3</del>	<del>N3</del>
	<del>2) Pet shop or similar establishment</del>	n/a	<del>1 per 500 sq. ft.</del> <del>1 per 250 sq. ft.</del>	<del>1 per 700 sq. ft.</del> <del>1 per 350 sq. ft.</del>	<del>1 per 900 per</del> <del>1 per 600 sq. ft.</del>	<del>F</del>	<del>N4</del>	<del>N2</del>
m.	Sales place for new and used cars, vehicle rental agencies	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	C	N5	N5
n.	<del>Reserved Office including display or sales spaces of a wholesale jobbing or similar establishment</del>	n/a	<del>1 per 600 sq. ft.</del> <del>1 per 300 sq. ft.</del>	<del>1 per 800 sq. ft.</del> <del>1 per 400 sq. ft.</del>	<del>1 per 1000 sq. ft.</del> <del>1 per 670 sq. ft.</del>	<del>C</del>	<del>N1</del>	<del>N5</del>
o.	Fast Order Food Establishment	n/a	<u>1 per 400 sq. ft. <sup>9</sup></u> <u>1 per 200 sq. ft.</u> <del>n/a <sup>6</sup></del>	<u>1 per 800 sq. ft. <sup>9</sup></u> <u>1 per 400 sq. ft.</u> <del>n/a <sup>6</sup></del>	<u>1 per 1200 sq. ft. <sup>9</sup></u> <u>1 per 600 sq. ft.</u> <del>n/a <sup>6</sup></del>	C	N3	N1
<u>Pg-1.</u>	Art/Craft Studio <sup>13</sup>	n/a	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1000 sq. ft.	n/a	N1	N5

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
q-2.	<del>Reserved Performing Arts Studio</del> <sup>13</sup>	n/a	<u>1 per 1000 sq. ft.</u>	<u>1 per 1000 sq. ft.</u>	<u>1 per 1000 sq. ft.</u>	n/a	<u>N1</u>	<u>N5</u>
r.	<del>Reserved Bakery, Retail</del>	n/a	<u>1 per 1000 sq. ft.</u> <u>1 per 500 sq. ft.</u>	<u>1 per 1400 sq. ft.</u> <u>1 per 700 sq. ft.</u>	<u>1 per 1800 sq. ft.</u> <u>1 per 1200 sq. ft.</u>	<u>B</u>	<u>N4</u>	<u>N1</u>
s.	Cannabis Retail Store	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N2
6.36.6	<del>Open Air or Drive-In-Outdoor Retail and or Consumer Service Establishments</del> <u>Outdoor Retail or Consumer Service Establishment, not otherwise defined</u>	n/a	<u>1 per 330 sq. ft. <sup>6</sup></u> <u>1 per 170 sq. ft. <sup>6</sup></u>	<u>1 per 450 sq. ft. <sup>6</sup></u> <u>1 per 230 sq. ft. <sup>6</sup></u>	<u>1 per 600 sq. ft. <sup>6</sup></u> <u>1 per 400 sq. ft. <sup>6</sup></u>	<u>D <sup>6</sup></u>	<u>N4 <sup>6,15</sup></u>	<u>N2 <sup>6,15</sup></u>
a.	<u>Open-Lot Retail Sales Establishment</u> <del>Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden</del>	n/a	1 per 330 sq. ft. 1 per 170 sq. ft.	1 per 450 sq. ft. 1 per 230 sq. ft.	1 per 600 sq. ft. 1 per 400 sq. ft.	D	N4 <sup>15</sup>	N2 <sup>15</sup>



Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
b.	<u>Drive-In Food Service Establishment</u> <del>Automobile-oriented fast order food service establishments</del>	n/a	n/a <sup>6</sup>	n/a <sup>6</sup>	n/a <sup>6</sup>	C	N3 <sup>15</sup>	N1 <sup>15</sup>
c.	<u>Drive-In Consumer Service Establishment</u> <del>Drive in bank and other retail or consumer service establishment where motorist does not have to leave his car</del>	n/a	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	D	N1 <sup>15</sup>	N5 <sup>15</sup>
d.	<u>Outdoor Entertainment and Recreation Facility</u> <del>amusement park, outdoor sports facility conducted for profit</del>	n/a	n/a <sup>6</sup>	n/a <sup>6</sup>	n/a <sup>6</sup>	n/a	N4 <sup>15</sup>	N1 <sup>15</sup>
e.	<u>Drive-In Theater</u> <del>Open air or drive in theatre or other open air place of entertainment</del>	n/a	n/a	1 per 2000 sq. ft. of lot area	1 per 2000 sq. ft. of lot area	n/a	N4 <sup>15</sup>	N1 <sup>15</sup>

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
f.	<del>Outdoor Auto Sales Facility</del> <del>Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobile, trailers, motorcycles, conducted partly or wholly outdoors</del>	n/a	1 per 1000 sq. ft. of sales area	1 per 1400 sq. ft. of sales area	1 per 1800 sq. ft. of sales area	C	N5 <sup>15</sup>	N5 <sup>15</sup>
g.	<del>Auto Service Station</del> <del>Automobile service station where no major repairs are made</del>	n/a	2 spaces per bay but not less than 1 space <sup>10</sup>	2 spaces per bay but not less than 1 space <sup>10</sup>	2 spaces per bay but not less than 1 space <sup>10</sup>	D	N5 <sup>15</sup>	N5 <sup>15</sup>
h.	<del>Auto Wash</del> <del>Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles</del>	n/a	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	n/a <sup>6,10</sup>	D	N5 <sup>15</sup>	N5 <sup>15</sup>
i.	<del>Reserved</del> <del>Place for exhibition, lettering or sale of gravestones</del>	n/a	<del>1 per employee plus 1 per establishment</del>	<del>1 per employee plus 1 per establishment</del>	<del>1 per employee plus 1 per establishment</del>	<del>D</del>	<del>N5 <sup>15</sup></del>	<del>N5 <sup>15</sup></del>

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3 <sup>14</sup> , A-4, Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
i.	<u>Temporary Outdoor Retail or Consumer Service Use</u>	<u>No max. or min.</u>	<u>No max. or min.</u>	<u>No max. or min.</u>	<u>No max. or min.</u>	<u>No max. or min.</u>	<u>No max. or min.</u>	<u>No max. or min.</u>

**iv. In Article 6.000, amend the Parking Table Footnotes that follow the Schedule of Parking and Loading Requirements in Section 6.36 to read as follows:**

Parking Table Footnotes

1. Required parking may be reduced if a special permit is granted by the Board of Appeals upon determination that the criteria of Subsection 6.35 will be satisfied.
2. See also Section 11.16.
3. Special permit granting authority may require visitor spaces in excess of the minimum requirement.
4. The requirement for elderly oriented housing may be reduced below the requirement specified in the table but not below one space per four dwelling units.
5. Additional parking spaces shall be provided for public restaurants in excess of two thousand (2000) square feet for a hotel or motel containing up to one hundred (100) rooms, in excess of five thousand (5000) square feet for one containing between one hundred and one (101) rooms and two hundred and fifty (250) rooms, and eight thousand (8,000) square feet in one containing more than two hundred and fifty (250) rooms. The number of such spaces shall equal fifty (50) percent of the requirement for such uses specified in Subsection 6.36.5. Additional parking spaces shall also be provided for function rooms in an amount equal to one space per three hundred (300) square feet of floor area contained in such rooms.
6. The minimum and maximum amount of parking, loading, and bicycle parking required for this-a use shall requiring a special permit may be established at the discretion of the special permit granting authority. In making its determination of required parking, the Board shall consider the size of the staff customarily occupying the premises, the nature of the client, resident, or customer population and the extent to which additional off street parking will be detrimental to the physical character of the neighborhood.

7. The required number of spaces shall be reduced by not more than fifty (50) percent if the place of worship is located within five hundred (500) feet of any public parking facility or any other parking facility where an equivalent number of spaces are available without charge during the time of services.
8. The requirement for areas devoted to fabrication shall be based on the parking requirement for the applicable industrial use category listed in Subsection 6.36.7 or 6.36.8.
9. This requirement shall not apply to accessory employee cafeterias.
10. A queue line for five (5) cars shall be provided for each window, bay, or other service providing unit. Such unit shall not block any parking spaces and shall be in addition to other applicable requirements.
11. A queue line for three (3) cars or comparable loading or live parking area shall also be provided for dropping off and picking up students.
12. ~~Providing that the establishment is located in a structure also containing nonretail uses, and that no establishment shall exceed two thousand five hundred (2,500) square feet of gross floor area.~~
13. In Residence C, C-1, C-2, C-2A, C-2B, C-3, C-3A districts the amount of parking required for this use may be reduced at the discretion of the Board of Zoning Appeal in accordance with Section 4.28.
14. No accessory parking or loading shall be required for any permitted nonresidential use in Business A-3 district.
15. Also see Subsection 6.107.4 regarding bicycle parking for Open-Air Uses.

Explanatory note not to be included in zoning text: The remaining amendments are intended to update terminology and references used through the Zoning Ordinance to avoid inconsistency with the proposed new Definitions of Retail or Consumer Service Establishments and Outdoor Retail or Consumer Service Establishments, as well as references to Sections 4.35 and 4.36 of the Table of Use Regulations.

**v. In Article 2.000, amend the Definition of “Incentive Project” to read as follows:**

**Incentive Project.** Any new development that consists of at least thirty thousand (30,000) square feet of Gross Floor Area devoted to one or more of the following uses listed in Section 4.30 of the Zoning Ordinance: Sections 4.31 i-2 (Hotel or motel), 4.32 f (Radio and television studio), 4.33 b-5 (College or University not exempt by statute, specifically including those uses and facilities listed in Subsection 4.56 c-4, c-5, and c-6), 4.33 c (Noncommercial Research Facility), 4.33 d (Health Care Facilities), 4.33 e (Social Service Facilities), 4.34 (Office and Laboratory Use), 4.35 (Retail ~~Business and or~~ Consumer Service Establishments), 4.36 (~~Open Air or Drive In Outdoor~~ Retail ~~or Consumer~~ Service Establishments), 4.37 (Light Industry, Wholesale Business and Storage), and 4.38 (Heavy Industry). For the purpose of this definition, new development shall mean (1) construction of new buildings or additions to existing buildings to accommodate uses in the above list, (2) substantial rehabilitation of buildings to accommodate uses in the above list for which the buildings were not originally used, or (3) Gross Floor Area whose use is changed from a use not included in the above list to a use included in the above list. In no case shall Gross Floor Area devoted to a Municipal Service Facility or Other Government Facility be considered an Incentive Project.

**vi. In Article 4.000, amend Paragraph o. “Beekeeping” in Section 4.21 “Accessory Uses” to read as follows:**

- o. Beekeeping, conducted in conformance with the Standards for Urban Agriculture set forth in Article 23.000 of this Zoning Ordinance and all other applicable laws, rules and regulations, shall be considered an allowed accessory use when conducted on the lot or and in conjunction with one of the following principal uses: residential (all uses listed in Section 4.31, including transient accommodations), institutional (all uses listed in Section 4.33), office and laboratory (all uses listed in Section 4.34), ~~store for retail sale of merchandise~~ Convenience Store (Section 4.35.a-1), Merchandise Store (Section 4.35 a-2), Grocery Store (4.35 a-3), ~~place for the manufacturing, assembly, or packaging of consumer goods~~ Craft Retail and Production Shop (Section 4.35 Bb), and light industry (all uses listed in Section 4.37).

**vii. In Article 11.000, amend Section 11.30 to read as follows:**

11.30 - FAST ORDER ~~OR QUICK-SERVICE~~ FOOD ESTABLISHMENTS

11.31 In considering applications for Special Permits for Fast Order ~~or Quick-Service~~ Food Establishments and ~~Automobile Oriented Fast Order Drive-In~~ Food Service Establishments, the Board of Zoning Appeal shall find, in addition to the other criteria specified in Section 10.40, that the following requirements are met:

- (a) The operation of the establishment shall not:
  - (1) Create traffic problems,
  - (2) Reduce available parking,
  - (3) Threaten the public safety in the streets and sidewalks, or
  - (4) Encourage or produce double parking on the adjacent public street(s),

- (b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;
  - (c) The establishment fulfills a need for such a service in the neighborhood or in the city;
  - (d) The establishment will attract patrons primarily from walk in trade as opposed to drive in or automobile related trade; however, should the Board specifically find that the district or area within which the establishment is proposed to be located does not have significant pedestrian traffic, this requirement need not be met.
  - (e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof;
  - (f) The establishment shall provide convenient, suitable and well marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and
  - (g) The establishment complies with all state and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.
- 11.32 Establishments seeking to relocate their operations inside the boundary line of the zoning district in which the establishment is located shall not be required to obtain a special permit if both of the following conditions will be met.
- 11.32.1 The new site shall be within five hundred (500) feet of the original site of the establishment.
- 11.32.2 There will be no increase in the gross floor area of the establishment at the new site.
- 11.33 A Special Permit issued for a Fast Order ~~or Quick-Service~~ Food Establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application documents or as those documents may be modified by the conditions of the Special Permit as granted.
- In granting a Special Permit under this Section 11.30 the Board shall specifically detail in its decision the ~~kind of Fast Order Food types of foods~~ for which the Permit is granted and shall also identify those other aspects of the establishment as outlined in the application documents for which alterations will require the issuance of a new Special Permit.

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**viii. In Article 13.000, amend Section 13.12.4 (PUD-KS District Development Controls) to read as follows:**

- 13.12.4 Retail ~~Business and/or~~ Consumer Service Establishments. The following retail uses shall be permitted, provided that the total amount of retail GFA in the District does not exceed 70,000 square feet and no individual establishment exceeds ten thousand (10,000) square feet of Gross Floor Area unless the Planning Board determines in writing that more retail GFA and establishments of a greater size better serve the residents within the PUD district and in adjacent districts and better advance the policies set forth in the Eastern Cambridge Plan and the Eastern Cambridge Design Guidelines.
- (1) ~~Merchandise Store for the sale of Stationery and office supplies.~~
  - (2) ~~[Deleted] Printing and reproduction service establishment, photography studio.~~
  - (3) Other ~~Merchandise Store for retail sale of merchandise~~ located in a structure primarily containing non-retail use provided no manufacturing, assembly or packaging occur on the premises.
  - (4) ~~Personal Services Establishments Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.~~

- (5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 ~~e, f-1, f-2, f-3, f-4, f-5~~, and g.
- (6) Theater ~~s or hall for public gatherings~~.

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**ix. In Article 13.000, amend Section 13.32.4 (PUD-2 District Development Controls) to read as follows:**

13.32.4 Retail ~~Business and/or~~ Consumer Service Establishments.

- (1) ~~Convenience Store or Merchandise~~ Store ~~for retail sale of merchandise~~ located in a structure primarily containing non-retail uses, provided that no such establishment shall exceed two thousand five hundred (2500) square feet gross floor area and that no manufacturing, assembly or packaging occur on the premises.
- (2) ~~Personal Services Establishments~~ ~~Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar service establishment.~~
- (3) Restaurants or other eating and drinking establishments listed in Subsections 4.35 ~~e, f-1, f-2, f-3, f-4, f-5~~, and g.
- (4) Theater ~~s or hall for public gatherings~~.
- ~~(5) Printing shop, photographer's studio.~~

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**x. In Article 13.000, amend Section 13.42.4 (PUD-3 and PUD-3A District Development Controls) to read as follows:**

13.42.4 Retail ~~Business and/or~~ Consumer Service Establishments.

- (1) ~~Merchandise Store for the sale of S~~stationery and office suppli~~es~~y store.
- (2) ~~[Deleted] Printing and reproduction service establishment, photography studio.~~
- (3) Other ~~store for retail sale of merchandise~~ ~~Convenience Store, Merchandise Store, or Grocery Store~~ located in a structure primarily containing nonretail use, provided that no such establishment shall exceed two thousand, five hundred (2,500) square feet gross floor area (except in a PUD-3A district, where such establishments shall not exceed 12,000 gross square feet), and that no manufacturing, assembly or packaging occur on the premises.
- (4) ~~Personal Services Establishment~~ ~~Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.~~
- (5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 ~~e, f-1, f-2, f-3, f-4, f-5~~, and g.
- (6) Theater ~~s or hall for public gatherings~~, including Performing Arts Centers as hereinafter defined.
- (7) ~~Bowling alley, skating rink, tennis center or other c~~Commercial ~~r~~Recreation ~~e~~Establishments.

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**xi. In Article 13.000, amend Sections 13.52.4 and 13.52.5 (PUD-4, PUD-4A, PUD-4B and PUD-4C District Development Controls) to read as follows:**

13.52.4 Retail ~~Business and/or~~ Consumer Service Establishments. All uses listed in Section 4.35.

13.52.5 ~~Open air or Drive in Outdoor~~ Retail ~~and/or Consumer~~ Service ~~Uses~~Establishments.

- (1) ~~Open-Lot Retail Sales Establishment~~ ~~Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or warehouse;~~



- (2) ~~Open air place of entertainment~~Outdoor Entertainment and Recreation Facility;
- (3) ~~Automobile sService sStation where no major repairs are made provided that all lubrication and repairs are carried out within the building and further provided the service station will be located within or attached to a parking garage or other structure as accessory use.~~

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**xii. In Article 13.000, amend Sections 13.82.5 and 13.82.6 (PUD-5 District Development Controls) to read as follows:**

- 13.82.5 Retail ~~Business and or~~ Consumer Service Establishments. All uses listed in Section 4.35.
- 13.82.6 ~~Open Air or Drive in Outdoor~~ Retail ~~& or Consumer~~ Service Establishments. All uses listed in Sections 4.36a. (~~Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden~~Open-Lot Retail Sales Establishment) and 4.36e. (~~Open air theatre or other open air place of entertainment~~Outdoor Entertainment and Recreation Facility), but not including ~~drive in theatres~~4.36e. (Drive-In Theater).

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**xiii. In Article 13.000, amend Sections 13.92.4 and 13.92.5 (PUD-5 District Development Controls) to read as follows:**

- 13.92.4 Retail ~~Business and or~~ Consumer Service Establishments. All uses listed in Section 4.35 with the exception of j. (~~mortuary, undertaking or funeral establishment~~Funeral Home).
- 13.92.5 ~~Open Air or Drive in Outdoor~~ Retail ~~& or Consumer~~ Service Establishments. Uses listed in Sections 4.36 a. (~~Sales place for flowers, garden supplies agricultural product conducted partly or wholly outdoors, commercial greenhouse or garden~~Open-Lot Retail Sales Establishment) and 4.36 e. (~~Open air theatre or other open air place of entertainment~~Outdoor Entertainment and Recreation Facility), but not including ~~drive in theatres~~4.36e. (Drive-In Theater).

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**xiv. In Article 13.000, amend Section 13.103 (PUD-8 District Development Controls) to read as follows:**

- 13.103 **Uses Allowed in a PUD-8 District** . The uses listed in this Section 13.103, alone or in combination with each other, shall be allowed, provided that the amount and extent of uses may be further regulated and limited as set forth elsewhere in this Section 13.100, including, without limitation, Section 13.107. This Section 13.103 shall refer to uses as they are listed in Article 4.000 and otherwise defined in this Zoning Ordinance as of the effective date of the enactment of this Section 13.100. For the avoidance of doubt, the Planning Board shall be the sole permit granting authority with respect to determining uses allowed under this Zoning Ordinance in the PUD-8 District.
  - (a) Residential Uses . All uses listed in Section 4.31 a-h, and i.2.
  - (b) Transportation, Communication and Utility Uses . All uses listed in Section 4.32, which are allowed or conditionally allowed in the base zoning district.
  - (c) Institutional Uses . All uses listed in Section 4.33, which are allowed or conditionally allowed in the applicable base zoning district.
  - (d) Office and Laboratory Uses . All uses listed in Section 4.34.
  - (e) Retail ~~Business and or~~ Consumer Service Establishments . All uses listed in Section 4.35.
  - (f) ~~Open Air or Drive in Outdoor~~ Retail ~~& or Consumer~~ Service Establishments.
    - i. ~~Open-Lot Retail Sales Establishment~~Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or warehouse;



- ii. ~~Open air place of entertainment~~Outdoor Entertainment and Recreation Facility.
- (g) Light Industry, Wholesale Business and Storage. All uses listed in Section 4.37.
- (h) Other Uses. Any use not listed in subsections 13.103(a) through 13.103(g) above, otherwise allowed in a Business A District, may be allowed by the Planning Board upon written determination by the Board that such use is consistent with the objectives of the PUD-8 District and is consistent with the predominant uses in the PUD-8 District.

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**xv. In Article 14.000, amend Sections 14.21.3 and 14.21.5 (MXD District Development Controls) to read as follows:**

**14.21.3 Retail and Consumer Service Establishments**

- (1) Store for retail sale of merchandise, including Convenience Store, Merchandise Store, and Grocery Store~~grocery store, pharmacy, and market,~~ but not an Indoor Auto Sales Facility except for auto rentals as provided below~~sales place for automobiles or trucks.~~
- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including ~~R~~Restaurant, b~~Bar, lunchroom, cafeteria~~Craft Beverage Establishment, Food Stand or Kiosk, Food Hall, and food commissary.
- (3) Fast ~~order food establishment~~Order or Quick-Service Food Establishment only if (i) it is not located in a separate structure, (ii) it does not exceed three thousand (3,000) square feet of gross floor area, (iii) there will be no more than fifteen (15) such establishments within the District (a maximum of eight (8) of which shall be located in the Ames Street District and a maximum of seven (7) of which shall be located in the portions of the District outside of the Ames Street District) and (iv) it is granted a Special Permit, as provided in Section 10.40 and 11.30.
- (4) Personal Services Establishment~~Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pick-up establishment, self-service laundry, shoe repair or tailoring shop, or photography studio.~~
- (5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.
- (6) Auto~~mobile s~~Service ~~s~~Station, provided that it is located within or attached to a parking garage or other structure as an accessory use, ~~that no major repairs are made on the premises, and that all lubrication and repairs are carried out within the building.~~

[...]

**14.21.5 Entertainment and Recreational Uses.**

- (1) Dance Hall or Nightclub~~Indoor commercial entertainment establishments including but not limited to cinema, theater, concert hall, cabaret and night club.~~
- (2) Commercial Recreation Establishment, Fitness Center, or Outdoor Entertainment and Recreation Facility~~facilities including bowling alley, indoor or outdoor tennis courts, public recreation building, health club, or skating rink.~~ Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.
- (3) Theater~~Hall, auditoriums and similar spaces used for public gatherings.~~
- (4) Park or playground

**xvi. In Article 15.000, amend Sections 15.21.3 and 15.21.5 (CRDD District Development Controls) to read as follows:**

15.21.3 Retail and Consumer Service Establishments.

- (1) Convenience Store, Merchandise Store, or Grocery Store~~Store for retail sale of merchandise.~~
- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including ~~r~~Restaurant, ~~b~~Bar, ~~lunchroom, cafeteria~~Craft Beverage Establishment and food commissary.
- (3) Fast ~~order food establishment~~Order or Quick-Service Food Establishment subject to the Special Permit requirements of Section 11.30, unless such use is enclosed in a structure principally containing other uses and is ~~included in a "food court" or similar specialized area~~Food Stand or Kiosk or Food Hall.
- (4) Personal Services Establishment~~Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pickup establishment, self service laundry, and shoe repair or tailoring shop, or photography studio.~~
- (5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.
- (6) Auto~~mobile s~~Service ~~s~~Stations~~where no major repairs are made.~~

[...]

15.21.5 Entertainment and Recreational Uses.

- (1) Dance Hall or Nightclub~~Indoor commercial entertainment establishments including but not limited to cinema, theater, concert hall, cabaret and night club.~~
- (2) Commercial Recreation Establishment, Fitness Center, or Outdoor Entertainment and Recreation Facility~~facilities including bowling alley, indoor or outdoor tennis courts, public recreation building, health club, or skating rink.~~ Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.
- (3) Theater~~Hall, auditoriums and similar spaces used for public gatherings.~~
- (4) Park or playground.

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**xvii. In Article 16.000, amend Section 16.21.3 (NP District Development Controls) to read as follows:**

16.21.3 Retail ~~and or~~ Consumer Service Establishments (Section 4.35). The following uses shall be permitted provided they are located on the first floor of the structure, front on a public way, and occupy no more than 10 (10) percent of the total Gross Floor Area of the structure in which they are located, excluding from that calculation any Gross Floor Area devoted to parking facilities located in the structure.

- (1) Convenience Store, Merchandise Store, or Grocery Store~~Store for retail sale of merchandise [ (Section 4.35 a-(1), a-2, and (2)a-3)].~~
- (2) Eating and /or drinking establishment, whether or not liquor is sold or consumed, including ~~r~~Restaurant, ~~b~~Bar, ~~lunchroom, cafeteria~~Craft Beverage Establishment, Food Stand or Kiosk, Food Hall, and food commissary- (Sections 4.35 ~~e, f-1, f-2, f-3, f-4, f-5, g).~~
- (3) Fast Order or Quick-Service Food Establishment ~~order food establishment~~ subject to the Special Permit requirements of Section 11.30 (Section 4.35~~.0q~~).

- (4) ~~Personal Services Establishment Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pickup establishment, self service laundry, shoe repair or tailoring shop, or photography studio~~ (Section 4.35 c, ~~d~~, and similar establishments).
- (5) Bank, trust company or similar financial institution located on the first floor (Section 4.34.e).

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**xviii. In Article 17.000, amend Section 17.12 (SD-1 Development Controls) to read as follows:**

- 17.12 *Permitted Uses* . Uses permitted in the Industry A-1 District shall be equally allowed in the Special District 1 with the exception of the following:
- (1) The following uses shall be permitted by special permit from the Board of Zoning Appeal:
    - a. Hotel and Motel Uses, Section 4.31 i (2)
    - b. ~~Auto Wash~~~~Car washing establishments using mechanical equipment for the purposes of cleaning automobiles and other vehicles~~, Section 4.36 h.
  - (2) The following uses shall be prohibited:
    - Parking lot or parking garage for private passenger cars, Section 4.32 b.

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**xix. In Article 17.000, amend Section 17.23.21 (SD-2 Development Controls) to read as follows:**

- 17.23.21 The following nonresidential uses, not otherwise permitted in a Residence B District, shall be permitted as of right in this Special District 2 provided the conditions set forth in Section 17.23.22 are met. Nevertheless, for purposes of the Zoning Ordinance, Special District 2 shall be considered a residential district.
- (a) Section 4.34 - Office and Laboratory Use, Paragraph a (medical professional), Paragraph b (nonmedical professional), Paragraph c (agency office), Paragraph d (general office).
  - (b) Section 4.35 - Retail ~~Business and/or~~ Consumer Service Establishments, Paragraph ~~q-1 (aArts and eCrafts sStudio)~~ and ~~q-2 (Performing Arts Studio)~~.
  - (c) Section 4.36 - ~~Open Air or Drive-In Outdoor~~ Retail ~~and or Consumer~~ Service Establishments, Paragraph a (~~sale of flowers, garden supplies, and commercial greenhouses~~~~Open-Lot Retail Sales Establishment~~).

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**xx. In Article 17.000, amend Section 17.32.2 (SD-3 Development Controls) to read as follows:**

17.32.2 Permitted Nonresidential Uses.

Section 4.34 - Office and Laboratory Use, Paragraphs a-f

Section 4.33 - Institutional Uses, all uses.

Section 4.35 - Retail ~~Business and/or~~ Consumer Service Establishments, Paragraph a, c, ~~d, e, f, (-1), q-1, q-2~~, and r provided that no individual retail establishments exceeds one thousand and two hundred (1,200) square feet in gross floor area, except that a single retail establishment containing a grocery store or supermarket may total no more than fifty-five thousand (55,000) square feet provided that nothing in this section alters any other limitations as set forth in this district.

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**xxi. In Article 17.000, amend Section 17.52 (SD-5 Development Controls) to read as follows:**

17.52 *Permitted Uses* . Uses permitted in the Office 2 District shall be equally allowed in the Special District 5 with the exception of the following:

- a. The following additional uses shall be permitted:
  - (1) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.
  - (2) Retail, ~~Business and or~~ Consumer Service Establishments, Section 4.35 a-1, a-2, a-3, and b as would otherwise be permitted in a Business B District, provided such uses are in a building containing uses permitted in an Office 2 District and do not exceed in area an amount equal to ten (10) percent of the gross floor area of the building in which they are located, or twenty-five thousand (25,000) square feet, whichever is less.
  - (3) Residential Uses Section 4.31 a-h shall be permitted as of right.
- b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

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**xxii. In Article 17.000, amend Sections 17.81.2 and 17.82.21 (SD-8 and SD-8A Development Controls) to read as follows:**

17.81.2 *Permitted Uses* . Uses permitted in the Industry A-1 District shall be equally allowed in the Special District 8 with the exception of the following:

- a. The following additional uses shall be permitted as of right:
  - (1) Dormitory and resident fraternity or sorority, Section 4.33 b (7).
  - (2) Residential uses, Section 4.31 a-h.
  - (3) Heavy Industry, Section 4.38 e, but only if the specific use has been established on a lot on or before January 1, 1991 and which use shall remain in continuous operation thereafter. Once said industrial use has been discontinued, the lot shall only be used for those uses otherwise permitted in this Special District 8.
- b. The following uses shall be prohibited:
  - (1) Parking lot or parking garage for private passenger cars, Section 4.32 b.
  - (2) All Retail, ~~Business and or~~ Consumer Service Establishments Section 4.35 with the exception of 4.35 a-1-(1) and 4.35 b, c, and -ef-1.

[...]

17.82.21 Retail, business and Consumer Service Establishments Section 4.35.a(-1) and 4.35.b, c, and f-1-e shall be permitted as of right provided they are located in a building with other permitted uses, are located on the first floor or the basement of the building, do not exceed twenty-five (25) percent of the total Gross Floor Area of the building in which they are located. No individual establishment may exceed two thousand and five hundred (2,500) gross floor feet in area.

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**xxiii. In Article 17.000, amend Section 17.105 (SD-10 Development Controls) to read as follows:**

17.105 *Additional Use and Gross Floor Area Provisions for Existing Nonresidential Uses and Structures*

- (A) It is the intent of this Section 17.107 to encourage a gradual evolution of nonresidential uses in this Special District 10 now heavily nonresidential in character, from those least in harmony with the adjacent residential neighborhood and the residential uses ultimately desired in the district,

to those nonresidential uses most compatible with residential uses and ultimately to residential uses exclusively. Therefore, in the Special District 10 the following additional uses not otherwise permitted in the Residence C District shall be permitted as of right, provided the conditions set forth below are met. Notwithstanding the provisions of Section 10.31, no variance for use shall be permitted in the Special District 10. For the purposes of Article 8.000 the Special District shall continue to be considered a residential district and therefore Section 8.22, Paragraphs a and b shall not apply.

- (1) All uses in Section 4.34, Office and Laboratory Uses, shall be permitted but only if the following conditions are met:
  - a. The building thereon, (or that portion of the building proposed to be reused) is vacant and not occupied by a residential use in the five years immediately preceding the time of application for a Certificate of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail ~~business~~ business-and-or consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.
- (2) All uses in Section 4.35, Retail ~~Business~~ Business-and-or Consumer Service Establishments, Paragraphs ~~a-1, a-2, a-3, - and c~~ a-1, a-2, a-3, - and c and ~~d~~ shall be permitted, but only if the following conditions are met:
  - a. The use existing at the time of application for a Certificate of Occupancy for the proposed new use, or that first legally established use immediately preceding the application for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two years immediately preceding the application for a Certificate of Occupancy), is any ~~Retail business~~ business-and-or Consumer Service Establishment, Section 4.35; or any light Industry, wholesale business and storage use, Section 4.37; or any heavy industry use, Section 4.38; and
  - b. The use shall occupy only that gross floor area meeting the use limitations of Paragraph a above.
- (3) All uses in Section 4.37, light industry, wholesale business, and storage, Paragraphs a and b shall be permitted, but only if the following conditions are met:
  - a. The use existing at the time of application for a Certificate of Occupancy for the proposed use, or that first legally established use immediately preceding the application for a Certificate of Occupancy for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two years immediately preceding the application for a Certificate of Occupancy), is light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38; and
  - b. The use shall occupy only that gross floor area meeting the Use Limitations of Paragraph a above.
- (B) Notwithstanding the provisions of Paragraphs (A) (1) - (3) above, in any structure containing a residential use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that residential use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.107.
- (C) Notwithstanding the provisions of Paragraphs (A) (1) - (3) above, in any structure containing a use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.107.
- (D) For structures satisfying the requirements of (B) above and in existence as of January 1, 1991, the maximum gross floor area on a lot may be increased by an amount equal to twenty-five (25) percent of the gross floor area present on the lot on January 1, 1991.

**xxiv. In Article 17.000, amend Section 17.202 (SD-11 Development Controls) to read as follows:**

17.202 *Permitted Uses* . Uses permitted in the Office 2 District shall be equally allowed in the Special District 11 with the exception of the following:

a. The following additional uses shall be permitted:

- (1) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.
- (2) Retail, ~~Business and/or~~ Consumer Service Establishments, Section 4.35 a-1, a-2, a-3, and b as would otherwise be permitted in a Business B District, provided such uses are in a building containing uses permitted in an Office 2 District and do not exceed in area an amount equal to ten (10) percent of the gross floor area of the building in which they are located, or twenty five thousand (25,000) square feet, whichever is less.
- (3) Residential Uses Section 4.31 a-h shall be permitted as of right.

b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

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**xxv. In Article 19.000, amend Section 19.23 (Special Permit Thresholds for Required Traffic Study) to read as follows:**

19.23 *Special Permit Threshold* . A Project Review Special Permit shall be required for new building construction of fifty thousand (50,000) gross square feet or more, in all applicable zoning districts [except that in a Business A, Business A-1, and Business A-2 districts a Project Review Special Permit shall be required for new building construction of twenty thousand (20,000) gross square feet or more], or for building construction of less than fifty thousand square feet [or twenty thousand square feet in the BA, BA-1, and BA-2 Districts] where a Table I threshold has been met, on a lot or combination of contiguous lots held in common ownership at any time after September 15, 2000. Where a mix of uses is proposed the threshold shall be determined by the application of the Mixed Use Formula set forth in Table 1.

Notwithstanding the provisions of this Section 19.23 set forth above, the Project Review Special Permit requirement shall not apply to existing gross floor area on a lot built and occupied prior to the effective date of this Article 19. 000 that is demolished and subsequently rebuilt as part of a building project, provided (1) there is no change of use, (2) the reconstruction commences within two years of the start of demolition of the building, and (3) the standards of Section 19.50 are met.

Where reference is made in this Section 19.23 to Gross Floor Area thresholds as set forth in Table 1, the term shall also encompass any other measure of quantity enumerated in the Table (e.g. dwelling units, beds, acres, parking spaces).

**Table 1**  
**Thresholds for Required Traffic Study by Land Use Type**

Land Use Category	Threshold
Retail <del>Business and/or</del> Consumer Service Establishments: Section 4.35	25,000 sf



<u>Open Air or Drive in Outdoor Retail and or Consumer Service Establishments</u> : Section 4.36	
a. <u>Open-Lot Retail Sales Establishment</u> <del>place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden</del>	25,000 sf
b. <u>Drive-In Automobile-oriented fast order food service establishments</u>	Required
c. <u>Drive-In in bank and other retail or consumer service establishments where motorist does not have to leave his car</u>	Required
d. <u>Outdoor Entertainment and Recreation Facility</u> <del>amusement park, outdoors sports facility conducted for profit</del>	300 seats
e. <u>Drive-In Theater</u> <del>Open air or drive in theatre or other open air place of entertainment</del>	300 seats
f. <u>Outdoor Auto Sales Facility</u> <del>Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobile, trailers, motorcycles, conducted partly or wholly outdoors.</del>	25,000 sf
g. <u>Auto Service Station</u> <del>mobile service station where no major repairs are made</del>	5 fueling positions
h. <u>Auto Wash</u> <del>Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles</del>	Required

**xxvi. In Article 20.000, amend Section 20.86.2 (Memorial Drive Overlay District Development Controls) to read as follows:**

20.86.2 Additional Permitted Uses. In any office the following retail uses shall be permitted by Special Permit from the Planning Board: Convenience Store, Merchandise Store, Restaurant, Bar, Food Stand or Kiosk, Food Hall~~Store for retail sale of merchandise, Section 4.35a, Lunchroom, restaurant, cafeteria, Section 4.35e; establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided, Section 4.35f.~~ Such uses shall be intended to provide services to the abutting residential neighborhoods or to persons making use of the open space recreational amenities of the Charles River waterfront and its constituent parks. Such retail uses shall be subject to the following limitations and conditions.

- a. The retail use shall be located on a lot that abuts Memorial Drive.
- b. The principal entrance to the retail use shall be on Memorial Drive.

- c. The total Gross Floor Area on the lot devoted to retail uses permitted in this Section 20.86.2 shall not exceed five thousand (5,000) square feet.
- d. No additional accessory parking shall be provided for the retail use unless specifically authorized by the Planning Board. The accessory parking requirements for these uses otherwise specifically required in Article 6.000 in herein specifically waived.
- e. The use shall be located in a building principally containing uses otherwise permitted in the office or residential district.

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**xxvii. In Article 20.000, amend Section 20.110.21 (Massachusetts Avenue Overlay District Development Controls) to read as follows:**

20.110.21 Required Ground Floor Non-Residential Uses. The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

1. Range of Qualifying Uses. The required ground floor active non-residential uses shall be limited to one or a combination of the following uses, to the extent permitted in the base zoning district:
  - a. Section 4.34 a (office of a physician, dentist or other medical practitioner not located in a clinic listed under subsection 4.33(d)), b (office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists), c (real estate, insurance or other agency office), d (general office use), e (bank, trust company or similar financial institution (retail banking only));
  - b. Section 4.35 ~~a-1 (retail sales)~~ Convenience Store, a-2 (Merchandise Store), a-3 (Grocery Store), c (Personal Services Establishment) ~~barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry or other similar establishment~~, ~~d (hand laundry, dry cleaning or tailoring shop)~~, ~~e (lunchroom, restaurant, cafeteria)~~, ~~f-1 (Restaurant)~~, ~~f-2 (-or-b Bar)~~, f-3 (Craft Beverage Establishment), f-4 (Food Stand or Kiosk), f-5 (Food Hall), g (entertainment) Dance Hall or Nightclub, ~~h (theater or hall for public gatherings)~~ Theater, i-1 (eCommercial Recreation Establishment), i-2 (Fitness Center), ~~k (printing shop, photographer's studio)~~, l (Animal Services Facility) ~~veterinary establishment, kennel, pet shop or similar establishment~~, o (Fast Order or Quick-Service Food Establishment) ~~fast order food establishment~~, q-1 (aArt/eCraft sStudio), q-2 (Performing Arts Studio), ~~r (bBakery, retail)~~;
  - c. Section 4.36 a (Open-Lot Retail Sales Establishments) ~~sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden~~);
  - d. Section 4.56 a(4) (religious or social recreation center), c(4) (college theater), e(4,5,6) (medical clinics), f (social service or community center), g(3) (museum), g(5) (public park, playground, or public recreation building), i(2) (museum or non commercial gallery).
2. Minimum Depth. The required ground floor uses shall have a minimum depth of forty (40) feet measured from the Massachusetts Avenue frontage of the building (or the full depth of the building if less than forty (40) feet).
3. Floor Elevation. The floor elevation of the required ground floor uses shall be at the mean grade of the adjacent public sidewalk.
4. Minimum Linear Frontage. The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing Massachusetts Avenue.
5. Individual Store Size.



- a. In portions of the included BA-2 Districts north of Porter Square, any separately leased required ground floor non-residential use shall contain no more than 5,000 square feet of Gross Floor Area, which calculation of square footage shall include any floor area located below grade.
  - b. In portions of the included BA-2 Districts south of Porter Square, any separately leased required ground floor non-residential use shall contain no more than 2,500 square feet of Gross Floor Area, which calculation of square footage shall exclude any floor area located below grade. However, the Planning Board may grant modifications to such Gross Floor Area limitation, pursuant to Section 20.110.22 below, to accommodate a pre-existing non-residential use of building or for other reasons that are in support of the non-residential use purposes of the Massachusetts Avenue Overlay District.
6. Minimum Ground Floor Height. For any ground floor portion of a building containing a required non-residential use the minimum ground floor height shall be fifteen (15) feet measured in the manner described in Paragraph 20.110.42. If the ground floor height is reduced below fifteen (15) feet by special permit or variance, there shall be a commensurate reduction in the total height of the building.
  7. Maximum Bank Frontage. No bank, trust company or similar financial institution may occupy a building frontage of more than twenty-five (25) feet.

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**xxviii. In Article 20.000, amend Paragraphs 1, 2, and 3 of Section 20.304.5 (Central Square Overlay District Development Controls) to read as follows:**

20.304.5 Use Limitations and Restrictions. In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Central Square Overlay District:

1. Ground Floor Restrictions. The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and/or Main Street and which is on a lot which shares a common lot line with Massachusetts Avenue or Main Street shall consist of Gross Floor Area devoted to any one or combination of uses permitted in the applicable base zoning district [except that such gross floor area in buildings abutting Massachusetts Avenue and/or Main Street between Inman and Pleasant Streets on the west and Columbia and Sidney Streets on the east shall be devoted to one or a combination of the following uses: Residential Uses (Section 4.31); Office and Laboratory Uses (Section 4.34 c and e); Retail, ~~Business and or~~ Consumer Service Establishments (Section 4.35)], but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, and shall in addition meet the following conditions:
  - a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the abutting Massachusetts Avenue and/or Main Street at the property line except that residential uses may be located no higher than four (4) feet above the mean grade of the abutting street at the property line.
  - b. The use shall have a minimum depth of twenty (20) feet.
  - c. Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of fifty (50) percent clear glass.
2. Prohibited Uses. The following uses shall be prohibited in the Central Square Overlay District: (1) ~~Open Air or Drive-In Outdoor~~ Retail ~~or Consumer~~ Service ~~Establishments~~, Sections 4.36 b, f, g, h, ~~i~~.
3. Restricted Uses.
  - a. In the Central Square Overlay District, a ~~Dance Hall or Nightclub~~ establishment where ~~alcoholic beverages are consumed and where dancing and entertainment is provided, dance hall or similar place of entertainment~~ (Section 4.35g) shall be permitted by right if the

principal public entrance or entrances are directly from Massachusetts Avenue, Prospect Street between Massachusetts Avenue and Bishop Allen Drive, or Main Street, or by Special Permit from the Planning Board in the Business B (BB) district where the principal public entrance or entrances are on another side street that intersects with Massachusetts Avenue if the Board finds that such location will not adversely impact adjacent residential uses, with consideration to hours of operation, proximity to a residential neighborhood, signage, lighting, and sound mitigation.

- b. Unless specifically waived upon the granting of a special permit by the Planning Board, no individual bank or financial institution (Section 4.34e) shall occupy more than twenty-five (25) feet of building frontage facing Massachusetts Avenue or Main Street, and no more than thirty percent (30%) of a lot's aggregate building frontage facing one or more public streets may be occupied by such uses.