

Offered by COUNCILORS MICHELLE WU, KIM JANEY and LYDIA EDWARDS



**CITY OF BOSTON  
IN CITY COUNCIL**

**ORDER REGARDING A TEXT AMENDMENT FOR  
BOSTON ZONING CODE**

- WHEREAS*, Small businesses and locally owned businesses contribute to the economic and social vitality of the neighborhoods throughout the City of Boston; *and*,
- WHEREAS*, The City of Boston should recognize the importance of small and locally owned businesses in its land use and planning objectives and provide a welcoming environment to allow such businesses to thrive and be successful; *and*,
- WHEREAS*, The City Council understands the need for retail variety and the most viable retail environments offer a variety of retailers; however, the proliferation of chain retail stores in neighborhoods of the City takes away from the aesthetic characteristics of the neighborhoods and adversely impacts smaller businesses and locally-owned businesses; *NOW, THEREFORE BE IT*
- ORDERED*, That the Boston City Council by and through Councilors Michelle Wu, Kim Janey and Lydia Edwards submit a petition to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, to establish formula retail uses.

Filed in Boston City Council: July 11, 2018

Text Amendment Application No. \_\_\_\_\_  
Boston City Council  
Article 2 and Article 2A inserting the term  
formula retail use; Article 8, Section 8.7, Table  
A, Use Regulations, Inserting Use Item 34C  
under Retail Uses, Formula Retail Use, and  
adding provisions that regulate the location and  
operation of formula retail uses and make  
formula retail uses a forbidden or conditional use  
in certain areas.

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by *Boston City Councilors Michelle Wu, Kim Janey and Lydia Edwards* petition to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

1. Amending Article 2 and 2A by adding the following term and definition:

“Formula Retail Use,” is hereby defined as a type of retail sales or service activity or retail sales or service establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

(1) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(3) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(4) Decor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

(5) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

(6) Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(7) Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

2. By amending Article 8 (Regulation of Uses) as follows:

- a. **In Section 8-7, Table A Use regulations,** insert the following Use Item #34C “Formula Retail Use” and insert the following use item making formula retail uses forbidden in areas regulated for residential use and conditional in areas regulated for local business.

Petitioner: \_\_\_\_\_  
Boston City Council  
By: City Councilor Michelle Wu  
City Councilor Kim Janey  
City Councilor Lydia Edwards

Address: One City Hall Square -- Fifth Floor  
Boston, MA 02201

Telephone: 617-635-3115

Date: \_\_\_\_\_

Text Amendment Application No. \_\_\_\_\_

Text Amendment No. \_\_\_\_\_

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Chairman

\_\_\_\_\_  
Vice Chairman

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In Zoning Commission

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_  
Secretary to the Zoning Commission

Text Amendment Application No. \_\_\_\_\_

Text Amendment No. \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

The foregoing amendment was presented to the Mayor on \_\_\_\_\_ and was signed by the Mayor on \_\_\_\_\_ whereupon it became effective on \_\_\_\_\_ in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest: \_\_\_\_\_  
Secretary to the Zoning Commission