

By Mr. Saltonstall of Newton, petition of Philip Nichols for an extension of the zoning law to the construction of structures other than buildings and to the use of structures other than buildings and of premises. Mercantile Affairs. Jan. 13.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Five.

An Act relative to the Power of Cities and Towns to Limit the Use of Structures and Premises in Specified Districts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section twenty-five of chapter forty
2 of the General Laws is hereby amended by insert-
3 ing after the word " buildings " in the second line
4 thereof the words:— structures and premises; by
5 striking out the word " or " in the third line
6 thereof and inserting in its place a comma; by in-
7 serting after the word " commercial " in the third
8 line thereof the words:— or other; by inserting
9 after the word " from " in the fourth line thereof
10 the words:— or prohibit any of such uses in; by
11 inserting after the word " buildings " in the fifth
12 line thereof the words:— structures or premises;
13 and by inserting after the word " buildings "
14 in the fifteenth line thereof the words:— and
15 structures and the use of premises,— so that
16 said section as amended shall read as follows:—
17 *Section 25.* A city or town may by ordinance

18 or by-law restrict buildings, structures and prem-
19 ises to be used for particular industries, trades,
20 manufacturing, commercial or other purposes to
21 specified parts of the city or town, or may exclude
22 them from or prohibit any such uses in specified
23 parts of the city or town, or may provide that such
24 buildings, structures or premises, if situated in
25 certain parts of the city or town, shall be subject
26 to special regulations as to their construction and
27 use. A city or town may also by ordinance or
28 by-law provide that certain kinds of dwelling
29 houses and tenement houses shall be restricted to
30 specified parts of the city or town, or shall be
31 excluded from specified parts of the city or town,
32 or that dwelling houses or tenement houses situated
33 in specified parts of the city or town shall conform
34 to certain regulations in respect to their construc-
35 tion or use which do not apply to such buildings
36 in other parts of the city or town. For the above
37 purpose the city or town may be divided into dis-
38 tricts or zones, and the construction and use of
39 buildings and structures and the use of premises
40 in each district and zone may be regulated as above
41 provided. The provisions of this section shall be
42 carried out in such manner as will best promote
43 the health, safety, convenience and welfare of the
44 inhabitants, will lessen the danger from fire, will
45 tend to improve and beautify the city or town, will
46 harmonize with its natural development and will
47 assist the carrying out of any scheme for municipal
48 improvement put forth by any municipal planning
49 board or board of survey or other like authority.
50 Due regard shall be paid to the characteristics of
51 the different parts of the city or town, and the

52 ordinances or by-laws established hereunder shall
53 be the same for zones, districts or streets having
54 substantially the same character.

1 SECTION 2. Section twenty-seven of chapter
2 forty of the General Laws is hereby amended by
3 inserting after the first word “ building ” in the
4 fifth line thereof the words:— or structure; by
5 inserting after the second word “ building ” in the
6 fifth line thereof the words:— or structure; and
7 by inserting after the word “ building ” in the
8 eighth line thereof the words:— structure or
9 premises,— so that said section as amended shall
10 read as follows:— *Section 27.* The superintendent
11 of buildings, or the officer or board having super-
12 vision of the construction of buildings or the power
13 of enforcing the municipal building laws, or if in
14 any town there is no such officer or board the select-
15 men, shall withhold a permit for the construction
16 or alteration of any building or structure if the
17 building or structure as constructed or altered
18 would be in violation of any ordinance or by-law
19 enacted under section twenty-five; and municipal
20 officers shall refuse any permit or license for
21 the use of a building, structure or premises which
22 use would be in violation of any ordinance or by-
23 law enacted under said section. Any person ag-
24 grieved by the refusal of a permit under this
25 section may appeal to the municipal officer or board
26 to which a right of appeal lies from decisions under
27 the building laws of the city or town, and if there
28 is no such officer or board, then the appeal shall lie
29 to the city council or the selectmen, or to such
30 officer, board, commission or committee as shall be

31 designated or appointed by the city council or by
32 the selectmen to act as a board of appeals here-
33 under.

1 SECTION 3. Section twenty-nine of chapter forty
2 of the General Laws is hereby amended by insert-
3 ing after the word "existing" in the second line
4 thereof the words:—buildings or; by inserting
5 after the first word "building" in the third line
6 thereof the words:—structure or premises; by
7 inserting after the second word "building" in the
8 third line thereof the words:—or structure; by
9 inserting after the word "building" in the fifth
10 line thereof the words:—structure or premises; and
11 by inserting after the word "building" in the tenth
12 line thereof the words:—structure or premises,—
13 so that said section as amended shall read as fol-
14 lows:—*Section 29.* An ordinance or by-law enacted
15 under section twenty-five shall not apply to existing
16 buildings or structures nor to the existing use
17 of any building, structure or premises, but it shall
18 apply to any alteration of a building or structure
19 to provide for its use for a purpose, or in a manner,
20 substantially different from the use to which it was
21 put before alteration. A building, structure or
22 premises used or to be used by a public service
23 corporation may be exempted from the operation
24 of a by-law enacted under section twenty-five if,
25 upon a petition of the corporation, the department
26 of public utilities shall, after a public hearing,
27 decide that the present or proposed situation of the
28 building, structure or premises in question is
29 reasonably necessary for the convenience and wel-
30 fare of the public.