

^ARTICLE 59

**MISSION HILL NEIGHBORHOOD DISTRICT**

(^Article inserted on May 9, 1996\*)

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As of March 30, 2010

\*Date of public notice: March 25, 1996 (see St. 1956, c. 665, s.5).

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**SECTION 59-1. Statement of Purpose and Objectives.** The purpose of this Article is to establish the zoning regulations for the Mission Hill Neighborhood District as required by the provisions of the Mission Hill Interim Planning Overlay District, Article 27M of this Code. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to retain and develop affordable housing compatible with adjacent areas, particularly for elderly residents; to promote the viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

**SECTION 59-2. Physical Boundaries.** The provisions of this Article are applicable only in the Mission Hill Neighborhood District. The boundaries of the Mission Hill Neighborhood District and its subdistricts are as shown on the map numbered 6D and entitled "Mission Hill Neighborhood District" (amending "Map 6 Roxbury"), all of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 59-3. Applicability.** This Article together with the rest of this Code constitutes the zoning regulation for the Mission Hill Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27M to the Mission Hill Neighborhood District is rescinded, and the Mission Hill Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Mission Hill Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

**SECTION 59-4. Prohibition of Planned Development Areas.** Within the Mission Hill Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 59-29.

**SECTION 59-5. Community Participation.** This Article has been developed with the extensive participation of the Mission Hill Planning and Zoning Advisory Committee; civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the Mission

Hill Planning and Advisory Committee, or its successor organization, and the Mission Hill civic associations, residents, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for Mission Hill.

## REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 59-6. **Establishment of Residential Subdistricts.** This Section 59-6 establishes Residential Subdistricts within the Mission Hill Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain, and promote low density two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is two (2).
2. Three-Family Residential ("3F") Subdistricts. The Three-Family Residential ("3F") Subdistricts are established to preserve low density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family Dwellings, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 3F Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is three (3) except as otherwise provided in Section 59-7.1.
3. Row House Residential Subdistricts. The Row House Subdistricts are established to preserve, maintain, and promote the existing fabric of Row House neighborhoods by allowing Row Houses and Town Houses as the sole housing types. In a Row House Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is four (4).
4. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.
5. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistrict is established to encourage medium-density multifamily areas with a variety

of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings and commercial uses.

**SECTION 59-7. Use Regulations Applicable in Residential Subdistricts.**

Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.

1. Special Provisions for Residential Development in Three-Family Residential Subdistricts. The purpose of this Section 59-7.1 is to encourage residential development in Three-Family (3F) Residential Subdistricts by allowing well-planned multifamily residential development that respects and enhances the character of the 3F Subdistricts.

In any 3F Subdistrict, multifamily dwellings are Allowed on any Lot measuring not less than one-half (1/2) acre in area, notwithstanding any contrary provision of Table A. Any Proposed Project to establish a multifamily dwelling use pursuant to this Section 59-7.1 shall be subject to Small Project Review, pursuant to Section 80E-2.1, unless such Proposed Project is subject to Large Project Review, pursuant to Section 80B-2.

**^SECTION 59-8. Dimensional Regulations Applicable in Residential Subdistricts.**

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table E of this Article.
2. Lot Frontage. Within the Two-Family Residential ("2F") Subdistricts and Three-Family Residential ("3F") Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table E of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

(^ As amended on August 22, 1996.)

## REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

### SECTION 59-9. **Establishment of Conservation Protection Subdistricts.**

This Section 59-9 establishes Conservation Protection ("CP") Subdistricts in the Mission Hill Neighborhood District. The Conservation Protection Subdistricts are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of Mission Hill.

The following Conservation Protection Subdistrict is established:

1. Harvard Quarry Conservation Protection (CP) Subdistrict

**SECTION 59-10. Use Regulations Applicable in Conservation Protection Subdistricts.** Within a Conservation Protection Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in a Conservation Protection Subdistrict.

**SECTION 59-11. Dimensional Regulations Applicable in Conservation Protection Subdistricts.** The minimum Lot Area, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table F of this Article.

**SECTION 59-12. Site Plan Approval Requirement.** In order to assure that any significant new development within a Conservation Protection Subdistrict occurs in a manner that is protective of its special natural and scenic features in accordance with a plan considering the most desirable land uses for such area, requirements for Boston Redevelopment Authority review of site plans for Proposed Projects in Conservation Protection Subdistricts apply as provided in Article 80 for the Site Plan components of Large Project Review and Small Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review), respectively.

## REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

**SECTION 59-13. Establishment of Open Space Subdistricts.** This Section 59-13 establishes Open Space ("OS") Subdistricts in the Mission Hill Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Mission Hill residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Subdistricts designated in the Mission Hill Neighborhood District are listed in Table 1 of this Section 59-13 and are of the following types:

1. Air-Right Open Space (OS-A) Subdistrict. Air-Right Open Space Subdistricts shall consist of land used as Transit Corridors owned by a Public Agency. Air-Right Open Space Subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors.
2. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
3. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof. Recreation Open Space Subdistricts are subject to the provisions of Section 33-10.
4. Urban Wild Open Space (OS-UW) Subdistrict. Urban Wild Open Space Subdistricts shall consist of land not in the City's park system that includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild Open Space Subdistricts are subject to the provisions of Section 33-12.
5. Community Garden Open Space (OS-G) Subdistrict. Community Garden Open Space Subdistricts shall consist of land appropriate for the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, and are subject to the provisions of Section 33-8.

TABLE 1

**Open Space Subdistricts in the  
Mission Hill Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Air Right	Southwest Corridor Air Right
Parkland	Hanlon Square Hillside/Calumet
Recreation	Gibbons Playground McLaughlin Playground Mission Hill Playground Riverway Jamaicaway
Urban Wild	Back of the Hill
Community Garden	Mission Community Garden Back of the Hill Community Garden

## REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

### **^SECTION 59-14. Establishment of Neighborhood Business Subdistricts.**

This Section 59-14 establishes Neighborhood Business Subdistricts within the Mission Hill Neighborhood District. There are two types of Neighborhood Business Subdistricts in the Mission Hill Neighborhood District: Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. The CC Subdistricts are further subdivided into CC-1 and CC-2 Subdistricts, the latter of which allows for a greater mix of uses and greater height and FAR in order to take advantage of highly accessible transit-oriented locations. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Mission Hill community.

The following Neighborhood Business Subdistricts are established:

1. Tremont Street Neighborhood Shopping (NS) Subdistrict
2. Huntington Avenue Neighborhood Shopping (NS) Subdistrict
3. South Huntington Avenue Neighborhood Shopping (NS) Subdistrict
4. Triangle Neighborhood Shopping (NS) Subdistrict
5. Brigham Circle Community Commercial (CC-1) Subdistrict
6. Roxbury Crossing Community Commercial (CC-2) Subdistrict

(^As amended on March 3, 2008)

**SECTION 59-15. Use Regulations Applicable in Neighborhood Business Subdistricts.** Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

**SECTION 59-16. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table G of this Article.

## REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 59-17. **Establishment of Local Industrial Subdistricts.** This Section 59-17 establishes Local Industrial ("LI") Subdistricts within the Mission Hill Neighborhood District. The purpose of Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Mission Hill Neighborhood District.

The following Local Industrial Subdistrict is established:

1. Heath Street Local Industrial (LI) Subdistrict
2. Terrace Street Local Industrial (LI) Subdistrict
3. Parker Street Local Industrial (LI) Subdistrict

SECTION 59-18. **Use Regulations Applicable in Local Industrial Subdistricts.** Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in the Local Industrial Subdistricts.

SECTION 59-19. **Dimensional Regulations Applicable in Local Industrial Subdistricts.** The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table H of this Article.

## REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

**SECTION 59-20. Establishment of Community Facilities Subdistricts.** This Section 59-20 establishes Community Facilities ("CF") Subdistricts within the Mission Hill Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the Mission Hill Neighborhood District that provide educational, health, and cultural services to the community and are an important part of the fabric of the Mission Hill community.

The following Community Facilities Subdistricts are established:

1. Tremont Community Facilities (CF) Subdistrict
2. Alleghany Community Facilities (CF) Subdistrict

**SECTION 59-21. Use Regulations Applicable in Community Facilities Subdistricts.** Within a Community Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in a Community Facilities Subdistrict.

**SECTION 59-22. Dimensional Regulations Applicable in Community Facilities Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table H of this Article.

## REGULATIONS APPLICABLE TO INSTITUTIONAL USES

**SECTION 59-23. Establishment of Institutional Subdistricts.** This Section 59-23 establishes Institutional Subdistricts within the Mission Hill Neighborhood District as designated on Map 6D "Mission Hill Neighborhood District." The purpose of the Institutional Subdistricts is to provide zoning regulations for the campuses of major institutions within the Mission Hill Neighborhood District as they exist as of the effective date of this Article. Proposed Institutional Projects located in the Mission Hill Neighborhood District, whether inside or outside an Institutional Subdistrict, are subject to the provisions of Section 59-26 (Institutional Master Plan Review Requirement). The Institutional Subdistricts are:

1. New England Baptist Hospital Institutional Subdistrict
2. Wentworth Institute of Technology Institutional Subdistrict
3. Massachusetts Mental Health Center Institutional Subdistrict

**^SECTION 59-24. Use Regulations Applicable in Institutional Subdistricts.** Except as otherwise specifically provided in this Article or Code, no land or structure within an Institutional Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in Institutional Subdistricts.

(^As amended on July 31, 1997.)

**^SECTION 59-25. Dimensional Regulations Applicable in Institutional Subdistricts.** Except as otherwise specifically provided in this Article or Code, the dimensional requirements governing land and structures in Institutional Subdistricts are as set forth in Table F of this Article.

(^As amended on July 31, 1997.)

**^SECTION 59-26. Institutional Master Plan Review Requirement.** Requirements for the review and approval of Institutional Master Plans and Proposed Institutional Projects are set forth in Article 80 for Institutional Master Plan Review. See Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of such requirements, requirements applicable to exempt projects, exemptions for small institutions, and election to include exempt projects in Institutional Master Plans.

1. Applicability of Requirement. Within the Mission Hill Neighborhood District, any Proposed Institutional Project for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, that is (or immediately after completion will be) used or occupied for an

Institutional Use shall be consistent with an approved Institutional Master Plan, within the meaning of paragraph 2(a) (Institutional Master Plan Review: Review Requirement) of Section 80D-2, unless such Proposed Institutional Project is exempt from such requirement pursuant to subsection 2 (Exempt Projects) of this Section 59-26.

2. Exempt Projects. A Proposed Institutional Project is exempt from the Institutional Master Plan Review requirement set forth in subsection 1 of this Section 59-26 if such Proposed Institutional Project is located within an Institutional Subdistrict and is:
  - (i) for interior alterations to an existing building, provided that such Proposed Institutional Project does not involve the establishment or expansion of a High Impact Subuse that will affect, after such establishment or expansion, an aggregate gross floor area of more than fifty thousand (50,000) square feet (which area is not a phase of another Proposed Institutional Project); or
  - (ii) for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project does not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet (which area is not a phase of another Proposed Institutional Project).
  
3. Institutional Master Plans Approved Pursuant to Article 27M. The following Institutional Master Plan approved by the Boston Redevelopment Authority pursuant to Article 27M shall be deemed approved hereunder as though such Institutional Master Plan had been approved pursuant to the provisions of this Article and Code:

New England Baptist Hospital Master Plan 1994-1999, dated July 15, 1994, originally approved by the Boston Redevelopment Authority on July 26, 1994 and amended by "First Amendment to New England Baptist Hospital Master Plan 1994-1999," dated March 14, 1996 and approved by the Boston Redevelopment Authority on March 14, 1996.
  
4. Time for Renewal of Institutional Master Plan. An Institutional Master Plan Notification Form (IMP NF) seeking renewal of an Institutional Master Plan pursuant to Section 80D-8 (Renewal of Institutional Master Plan) shall be filed on or before the eighth (8th) anniversary of the date of the later of: (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required).

(^As amended on July 31, 1997.)

## REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

**SECTION 59-27. Establishment of Special Study Overlay Areas.** This Section 59-27 establishes Special Study Overlay Areas ("SSOA") within the Mission Hill Neighborhood District. The purpose of the Special Study Overlay Areas is to identify those areas where further comprehensive planning studies may be appropriate. Such studies are appropriate in areas that at present are largely vacant or underutilized or that are devoted principally to a single large use, because such areas lack established patterns for coordinating a mix of land uses and for integrating streets, buildings, and open space. As planning studies are undertaken, further land use regulations may be proposed to implement their recommendations. Any recommendations to the Zoning Commission to amend the underlying zoning regulations of the following Special Study Overlay District shall be adopted only after such recommendations have been reviewed by community groups within the Mission Hill Neighborhood District and a public hearing has been held by the Boston Redevelopment Authority.

The following Special Study Overlay Area is established:

1. Mission Main/Parker Street. This Special Study Overlay Area overlays a Multifamily Residential Subdistrict, the Parker Street Local Industrial Subdistrict and a portion of the Tremont Street Neighborhood Shopping Subdistrict. The Boston Housing Authority Mission Hill project comprises the Multifamily Subdistrict, and the commercial/industrial area between Parker Street and the Southwest Corridor is characterized by parking lots, vacant land, and vacant and underutilized industrial and commercial buildings. Planning for the area is presently underway by the Boston Housing Authority and Wentworth Institute, the major property owners in the Special Study Overlay Area.

**SECTION 59-28. Establishment of Greenbelt Protection Overlay Districts.** This Section 59-28 establishes Greenbelt Protection Overlay Districts ("GPOD") in the Mission Hill Neighborhood District. The following Greenbelt Roadways and their adjacent areas between the boundary lines shown on Map 6D are designated Greenbelt Protection Overlay Districts.

1. Jamaicaway GPOD
2. Riverway GPOD

Any Lot within a GPOD is subject to the provisions of this Article and Code applicable to the subdistrict within which it is located and to the provisions of Article 29 (Greenbelt Protection Overlay Districts).

(^As amended on July 31, 1997.)

## REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

**^SECTION 59-29. Establishment of Areas Within Which Planned Development Areas May be Permitted.** Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within the Massachusetts Mental Health Center Institutional Subdistrict, Conservation Protection Subdistricts, and Community Commercial Subdistricts, except that no Planned Development Area shall be permitted for any Proposed Project to which the Institutional Master Plan requirement of Section 59-26 applies. PDAs are not permitted elsewhere in the Mission Hill Neighborhood District.

The purposes of establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the Mission Hill community; to encourage economic development in a Community Commercial Subdistrict; and to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict.

(^As amended on March 30, 2010.)

### **SECTION 59-30. Planned Development Areas: Use and Dimensional Regulations.**

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height, Floor Area Ratio (FAR), and number of dwelling units per acre for such Proposed Project shall not exceed the limits set forth in Table 2, below:

^TABLE 2

**Mission Hill Neighborhood District  
Planned Development Areas  
Maximum Building Heights, Floor Area Ratios,  
and Number of Dwelling Units Per Acre**

<u>Area</u>	<u>Maximum Building Height</u>	<u>Maximum FAR</u>	<u>Maximum No. of Dwelling Units/Acre</u>
Conservation Protection Subdistricts	See Table F		
Brigham Circle Community Commercial Subdistrict (CC-1)	(1)	4.0	N/A
Roxbury Crossing Community Commercial Subdistrict (CC-2)	160 Feet	5.0	N/A
Massachusetts Mental Health Institutional Subdistrict	204 Feet	4.2	N/A

- (1) Within a PDA located in the Brigham Circle Community Commercial (CC-1) Subdistrict, no building shall extend above the elevation of the upper ledge area of the Harvard Quarry CPS near the intersection of Calumet and St. Alphonsus Streets (elevation 117). For purposes of this footnote (1) roof structures and penthouses normally built above the roof and not used or designed for human occupancy shall be included in measuring the height of a building.

(^As amended on March 3, 2000, March 3, 2008, and March 30, 2010.)

**SECTION 59-31. Planned Development Area Review Requirement.**  
Requirements for the approval of Planned Development Area Development Plans and Master Plans, and for the approval of Proposed Projects in Planned Development Areas, are set forth in Article 80 for Planned Development Area Review.

**SECTION 59-32. Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Planned Development Area as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for consistency with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including improvements to the urban design characteristics and aesthetic character of the development site and its surroundings and the enhancement of existing open space or the creation of new open space.

## REGULATIONS GOVERNING DESIGN

### SECTION 59-33. **Design Review and Design Guidelines.**

1. Applicability of Design Review. To ensure that growth in the Mission Hill Neighborhood District is compatible with the character of the buildings and urban design features of the neighborhood, design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review).

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2.1 (Applicability of Small Project Review: Design Component).

2. Design Guidelines. This Section 59-33.2 establishes the following design guidelines for the Mission Hill Neighborhood District:
  - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
  - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
  - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
  - (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.
  - (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
  - (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian

activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.

- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in building design. Consistency with the established local structure should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.
- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.

- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (o) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive, and to provide screening between business, industrial, and residential uses.
- (q) In addition to the foregoing, the design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

(^As amended on July 31, 1997.)

**SECTION 59-34. Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, the provisions of this Section 59-34 shall apply to Proposed Projects within those subdistricts specified in this Section 59-34, except to the extent that provisions for Street Walls and display windows have been addressed through Large Project Review, pursuant to Article 80 or by election, or through Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 59-34.

1. Street Wall Continuity in Neighborhood Business Subdistricts. This Section 59-34.1 shall apply within the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 59-34.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 59-34.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

For Proposed Projects that are subject to or elect to comply with the Large Project Review or Small Project Review requirements of Article 80, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review or the Design Component of Small Project Review.

2. Display Window Area Regulations in Neighborhood Business Subdistricts. This Section 59-34.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 59-34.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.
  - (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 59-34.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.

- (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
  - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
  - (iii) For Vehicular Uses involving the servicing or washing of vehicles, and for Industrial Uses, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 59-34.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

^SECTION 59-35. **Screening and Buffering Requirements.** In order to enhance the appearance of the Mission Hill Neighborhood District and to ensure that its commercial, industrial, institutional, and community facilities subdistricts are

appropriately separated from adjacent areas, the screening and buffering requirements of this Section 59-35 shall apply to those Proposed Projects described in this Section 59-35, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80 or by election. The provisions of Article 6A shall apply to the provisions of this Section 59-35.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict, Community Facilities Subdistrict, or Institutional Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict or Residential Use, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, subdistrict, or use, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Residential Use, or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 59-35.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or

vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 59-35.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a lot where screening is required along lot lines pursuant to Section 59-35.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material, except that such painting or screening shall not be required for equipment in a Local Industrial Subdistrict.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
6. Specifications for Plantings. Shrubs required by this Section 59-35 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 59-35 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.

7. Maintenance of Landscaped Areas. Landscaping required by this Section 59-35 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 59-35.

(^As amended on August 22, 1996.)

## MISCELLANEOUS PROVISIONS

SECTION 59-36. **Sign Regulations.** The provisions of this Section 59-36 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80 or by election.

1. Sign Regulations Applicable in Residential Subdistricts, Open Space Subdistricts and Conservation Protection Subdistricts. In all Residential Subdistricts, Open Space Subdistricts and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other Than Residential, Open Space, and Conservation Protection Subdistricts. In all subdistricts other than Residential Subdistricts, Open Space Subdistricts, and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 59-36. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
  - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
  - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign,

provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations and conditional for all other uses. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the Mission Hill Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

**^SECTION 59-37. Off-Street Parking and Loading Requirements.** For any Proposed Project that is subject to or has elected to comply with the provisions of Large Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table J, and the minimum required off-street loading spaces are as set forth in Table K.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.

3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
  - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 59-37. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet.
  - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 59-37 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
  - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
  - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
  - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
  - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

(^As amended on August 22, 1996.)

**SECTION 59-38. Application of Dimensional Requirements.**

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 59-38. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one half (1-1/2) inches

shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than seven (7) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.

7. Accessory Buildings in Side or Rear Yard. Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.
8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than fifteen (15) feet deep.
11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of

Appeal may grant permission for a variation from the requirements of this Section 59-38.12 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 59-38.12 were met.

13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 59-39. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 59-40. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 59-41. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 59-42. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 59-43. **Tables.** The following tables are hereby made part of this Article:

Tables A - D     Use Regulations

- A     - Residential Subdistricts
- B     - Neighborhood Business Subdistricts
- C     - Conservation Protection Subdistricts  
       Local Industrial Subdistricts  
       Community Facilities Subdistricts
- D     - Institutional Subdistricts

Tables E - I     Dimensional Regulations

- E     - Residential Subdistricts
- F     - Conservation Protection Subdistricts

G - Neighborhood Business Subdistricts

H - Local Industrial Subdistricts  
Community Facilities Subdistricts

I - Institutional Subdistricts

Tables J - K     Parking and Loading Regulations

J - Off-Street Parking

K - Off-Street Loading

TABLE A

**Mission Hill Neighborhood District  
Use Regulations in Residential Subdistricts**

Key: A = Allowed, C= Conditional, F = Forbidden  
For definitions of use categories and certain specific uses, see Article 2A.

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Banking and Postal Uses</u>					
Automatic teller machine	F	F	F	F	C <sup>13</sup>
Bank	F	F	F	F	C <sup>13</sup>
Drive-in bank	F	F	F	F	F
Post office	F	F	F	F	F
<u>Community Uses</u>					
Adult education center	F	F	F	F	A <sup>13</sup>
Community center	F	F	F	C	A <sup>13</sup>
Day care center	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C	A <sup>13</sup>
Day care center, elderly	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C	A <sup>13</sup>
Library	C	C	C	A	A <sup>13</sup>
Place of worship; monastery; convent; parish house	A	A	A	A	A
<u>Cultural Uses</u>					
Art gallery	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Cultural Uses (cont'd)</u>					
Art use	F	F	F	F	F
Auditorium	F	F	F	F	F
Cinema	F	F	F	F	F
Concert hall	F	F	F	F	F
Museum	F	F	F	F	F
Public art display space	F	F	F	F	A <sup>13</sup>
Studio, arts	F	F	F	F	A <sup>13</sup>
Studio, production	F	F	F	F	A <sup>13</sup>
Theatre	F	F	F	F	F
Ticket sales	F	F	F	F	F
<u>Dormitory/Fraternity Uses</u>					
Dormitory not accessory to a use	F	F	F	F	F
Fraternity	F	F	F	F	F
<u>Educational Uses</u>					
College or university <sup>15</sup>	F	F	F	F	F
Elementary or secondary school <sup>1</sup>	C	C	C	C	C <sup>13</sup>
Kindergarten	C	C	C	C	C <sup>13</sup>
Professional school	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Educational Uses (con't.)</u>					
Trade School	F	F	F	F	F
<u>Entertainment Uses</u>					
Adult entertainment	F	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F	F
Amusement game machines in noncommercial establishment	F	F	F	F	F
Bar	F	F	F	F	F
Bar with live entertainment	F	F	F	F	F
Bowling alley	F	F	F	F	F
Billiard parlor	F	F	F	F	F
Dance hall	F	F	F	F	F
Drive-in theatre	F	F	F	F	F
Fitness center or gymnasium	F	F	F	F	C <sup>13</sup>
Private club not serving alcohol	F	F	F	F	C <sup>13</sup>
Private club serving alcohol	F	F	F	F	F
Restaurant with live entertainment not operating after 10:30 p.m.	F	F	F	F	C <sup>13</sup>
Restaurant with live entertainment operating after 10:30 p.m.	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Funerary Uses</u>					
Cemetery	F	F	F	F	F
Columbarium	F	F	F	F	F
Crematory	F	F	F	F	F
Funeral home	F	F	C	C	C <sup>13</sup>
Mortuary chapel	F	F	F	C	C <sup>13</sup>
<u>Health Care Uses</u>					
Clinic	F	F	F	C	C <sup>13</sup>
Clinical laboratory	F	F	F	F	F
Custodial care facility	F	F	F	F	F
Group care residence, general	F	F	C	C	C
Hospital <sup>15</sup>	F	F	F	F	F
Nursing or convalescent home <sup>15</sup>	F	F	C	C	C <sup>13</sup>
<u>Hotel Uses</u>					
Bed and breakfast	C	C	C	C	C
Conference center	F	F	F	F	C <sup>13</sup>
Executive suites	F	F	F	F	F
Hotel	F	F	F	F	F
Motel	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Industrial Uses</u>					
Artists' mixed-use	F	F	F	F	A <sup>13</sup>
Cleaning plant	F	F	F	F	F
General manufacturing use	F	F	F	F	F
Light manufacturing use	F	F	F	F	F
Printing plant	F	F	F	F	F
Restricted industrial use	F	F	F	F	F
<u>Office Uses</u>					
Agency or professional office	F	F	F	F	A <sup>13</sup>
General office	F	F	F	F	A <sup>13</sup>
Office of wholesale business	F	F	F	F	F
<u>Open Space Uses</u>					
Golf driving range	F	F	F	F	F
Grounds for sports, private	C	C	C	C	C
Open space	A	A	A	A	A
Open space recreational building	F	F	F	F	F
Outdoor place of recreation for profit	F	F	F	F	F
Stadium	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Public Service Uses</u> <sup>1</sup>					
√Automated telephone exchange telecommunications data distribution center	F	F	F	F	F
Courthouse	F	F	F	F	F
^Outdoor payphone	F	F	F	F	F
Fire station	A	A	A	A	A
Penal institution	F	F	F	F	F
Police station	A	A	A	A	A
Pumping station	F	F	F	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	F
Solid waste transfer station	F	F	F	F	F
Substation	F	F	F	C	C
Telephone exchange	F	F	F	F	F
(√As amended on October 20, 2000.)					
(^As inserted on March 15, 2006)					
<u>Research and Development Uses</u>					
Research laboratory	F	F	F	F	C <sup>13</sup>
Product development or prototype manufacturing	F	F	F	F	C <sup>13</sup>

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Residential Uses<sup>2</sup></u>					
Congregate living complex	F	F	F	C	C
Elderly housing	C	C	AA	A	A
Group residence, limited	A	A	A	A	A
Lodging house	F	C	C	C	C
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multifamily dwelling	F	F <sup>14</sup>	A	A	A
One-family detached dwelling	A	A	F	A	A
One-family semi-attached dwelling	A	A	F	A	A
Orphanage	C	C	C	C	C
Rowhouse	F	C	A	A	A
Temporary dwelling structure	F	F	F	F	F
Three-family detached dwelling	F	A	F	A	A
Townhouse	F	C	A	A	A
Transitional housing or homeless shelter	F	C	C	C	C
Two-family detached dwelling	A	A	F	A	A
Two-family semi-attached dwelling	F	A	F	A	A

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Restaurant Uses</u> <sup>4</sup>					
Drive-in, restaurant	F	F	F	F	F
Restaurant	F	F	F	F	C <sup>13</sup>
Take-out restaurant					
Small <sup>5</sup>	F	F	F	F	C <sup>13</sup>
Large <sup>6</sup>	F	F	F	F	F
<u>Retail Uses</u> <sup>7</sup>					
Adult bookstore	F	F	F	F	F
Bakery	F	F	F	F	F
;General retail business <sup>7a</sup>	F	F	F	F	F
Liquor store	F	F	F	F	F
Local retail business	F	F	F	F	A <sup>12,13</sup>
Outdoor sale of garden supplies	F	F	F	F	F
+Pawnshop	F	F	F	F	F

(;As amended on August 22, 1996.)  
 (+As inserted on February 16, 2001.)

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Service Uses</u> <sup>7</sup>					
Animal hospital	F	F	F	F	F
Barber or beauty shop	F	F	F	F	A <sup>12,13</sup>
;Body art establishment	F	F	F	F	F
Caterer's establishment	F	F	F	F	C <sup>13</sup>
Check cashing business	F	F	F	F	F
Container redemption center	F	F	F	F	F
Dry-cleaning shop	F	F	F	F	F
Kennel	F	F	F	F	F
Laundry, retail service	F	F	F	F	A <sup>12,13</sup>
Laundry, self-service	F	F	F	F	A <sup>12,13</sup>
Photocopying establishment	F	F	F	F	A <sup>12,13</sup>
Shoe repair	F	F	F	F	A <sup>12,13</sup>
Tailor shop	F	F	F	F	A <sup>12,13</sup>
<u>Storage Uses, Major</u>					
Enclosed storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of new materials	F	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Storage Uses, Major (con't.)</u>					
Storage of flammable liquids and gases					
Small <sup>9</sup>	F	F	F	F	F
Large <sup>9</sup>	F	F	F	F	F
Storage of transfer of toxic waste	F	F	F	F	F
√Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	F	F	F	F	F
Warehousing	F	F	F	F	F
Wrecking yard	F	F	F	F	F
(√As inserted on September 18, 2000)					
<u>Trade Uses<sup>7</sup></u>					
Carpenter's shop	F	F	F	F	F
Electrician's shop	F	F	F	F	F
Machine Shop	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
Photographer's studio	F	F	F	F	C <sup>13</sup>
Plumber's shop	F	F	F	F	F
Radio/television repair shop	F	F	F	F	C <sup>13</sup>
Upholsterer's shop	F	F	F	F	C <sup>13</sup>
Welder's shop	F	F	F	F	F
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	F
Garage with dispatch	F	F	F	F	F
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	F
Rail freight terminal	F	F	F	F	F
Railroad passenger station	F	F	F	F	F
Water terminal	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Vehicular Uses</u>					
;Airport-related remote parking facility	F	F	F	F	F
Bus servicing or storage	F	F	F	F	F
Carwash	F	F	F	F	F
Gasoline station	F	F	F	F	F
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F	F
^Indoor sale of motor vehicles	F	F	F	F	F
^Outdoor sale of new and used motor vehicles	F	F	F	F	F
Parking garage	F	F	F	F	F
Parking lot	F	F	F	F	F
Rental agency for cars	F	F	F	F	F
Rental agency for trucks	F	F	F	F	F
Repair garage	F	F	F	F	F
Truck servicing or storage	F	F	F	F	F
(;As inserted on November 21, 1996.)					
(+As amended on November 7, 1996.)					
(^As amended on March 15, 2006)					
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	F	F

TABLE A - Continued

	Two Family <u>(2F)</u>	Three Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Multifamily Residential/ Local Service <u>(MFR/LS)</u>
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Accessory and Ancillary Uses

In each subdistrict of the Mission Hill Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines

(not more than four) in commercial or noncommercial establishment	F	F	F	F	F
Accessory art use	C	C	C	C	A <sup>13</sup>
Accessory automatic teller machine	F	F	F	F	C <sup>13</sup>
Accessory bus servicing or storage	F	F	F	F	F
Accessory cafeteria	C	C	C	C	C <sup>13</sup>
Accessory cultural uses	F	F	F	F	C <sup>13</sup>
Accessory dormitory	F	F	F	F	F
Accessory drive-through restaurant	F	F	F	F	F
Accessory drive-through retail	F	F	F	F	F
Accessory family day care home	A	A	A	A	A
Accessory home occupation	A	A	A	A	A
^Accessory indoor maintenance and operation of a payphone <sup>16</sup>	F	F	F	F	F
Accessory industrial use	F	F	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F	F	F

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory keeping of laboratory animals	F	F	F	F	C <sup>13</sup>
Accessory machine shop	F	F	F	F	F
Accessory manufacture of products	F	F	F	F	F
Accessory offices	F	F	F	F	A <sup>13</sup>
Accessory outdoor cafe	F	F	F	F	C <sup>13</sup>
Accessory parking <sup>8</sup>	A	A	A	A	A
Accessory personnel quarters	F	F	F	C	A <sup>13</sup>
Accessory printing	F	F	F	F	C <sup>13</sup>
Accessory professional office in a dwelling	A	A	A	A	A
Accessory railroad storage yard	F	F	F	F	F
Accessory recycling	F	F	F	F	C <sup>13</sup>
Accessory repair garage	F	F	F	F	F
Accessory retail	F	F	F	F	A <sup>13</sup>
Accessory services for apartment and hotel residents	F	F	F	C	A
Accessory services incidental to educational uses other than a college or university use	F	F	F	C	C <sup>13</sup>
Accessory service use	F	F	F	F	C <sup>13</sup>

TABLE A - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory storage of flammable liquids and gases					
Small <sup>9</sup>	C	C	C	C	C
Large <sup>9</sup>	F	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F	F
Accessory swimming pool or tennis court <sup>10</sup>	A	A	A	A	A
Accessory trade use	F	F	F	F	C <sup>13</sup>
Accessory truck servicing or storage	F	F	F	F	F
Accessory wholesale business	F	F	F	F	F
Ancillary use <sup>11</sup>	C	C	C	C	C

TABLE A - Continued

Footnotes

1. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c.665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, substation, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
2. Where designated "A" or "C", provided that Dwelling Units are forbidden in Basements.
3. Provided that such use is located on the ground floor; otherwise F.
4. When a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
5. Total gross floor area not more than 2,500 square feet per use.
6. Total gross floor area exceeding 2,500 square feet per use.
7. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
- ;7a. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:  
(a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.  
  
(;As inserted on August 22, 1996.)
8. Except C in the Restricted Parking District where so provided in Section 3-1A.c.

TABLE A - Continued

9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
10. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
11. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.
12. Where designated "A", such use is conditional if its gross floor area exceeds 2,500 square feet.
13. Provided that in the Brigham Circle MFR/LS such use is located on the ground floor; otherwise F.
14. Except A if allowed pursuant to Section 59-7.1 (Special Provisions for Residential Development in Three-Family Residential Subdistricts).
15. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use and not as an accessory or ancillary use subject to Article 10 or as an independent use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.

See Section 80D-2.4 (Regulations Applicable to Exempt Projects) and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table A to

Institutional Uses. See also Section 59-26 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.

(;As inserted on July 31, 1997.)

^16. Provided that such use shall be forbidden unless locate within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

TABLE B

**Mission Hill Neighborhood District  
Use Regulations in Neighborhood Business Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	A	F	A	F
Bank	A	C	A	C
Drive-in bank	F	F	F	F
Post office	A	C	A	C
<u>Community Uses</u>				
Adult education center	A	A	A	A
Community center	A	A	A	A
Day care center	A	A	A	A
Day care center, elderly	A	A	A	A
Library	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Cultural Uses</u>				
Art gallery	A	A	A	A
Art use	A	A	A	A
Auditorium	F	F	C	C
Cinema	C	C	A	C
Concert hall	C	C	C	C
Museum	C	C	C	C
Public art, display space	C	C	C	C
Studios, arts	A	A	A	A
Studios, production	A	A	A	A
Theatre	C	C	C	C
Ticket sales	A	C	A	C
<u>Dormitory/Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	F
Fraternity	F	F	F	F
<u>Educational Uses</u>				
College or university <sup>14</sup>	C	C	C	C
Elementary or secondary school <sup>1</sup>	A	A	C	C

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Educational Uses (con't.)</u>				
Kindergarten	A	A	C	C
Professional school	C	C	C	A
Trade school	C	C	C	A
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	F	F	C	C
Amusement game machines in non-commercial establishment	F	F	F	F
Bar <sup>2</sup>	C	C	C	C
Bar with live entertainment <sup>2</sup>	C	C	C	C
Bowling alley	C	C	C	C
Billiard parlor	C	C	C	C
Dance hall	C	F	C	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	C	C	A	A
Private club not serving alcohol	C	C	C	C
Private club serving alcohol	C	C	C	C

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Entertainment Uses (cont'd)</u>				
Restaurant with live entertainment, not operating after 10:30 p.m.	C	C	A	A
Restaurant with live entertainment, operating after 10:30 p.m. <sup>2</sup>	C	C	C	C
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F
Funeral home	A	A	A	A
Mortuary chapel	A	A	A	A
<u>Health Care Uses</u>				
;Clinic	C	C	C	C
Clinical laboratory	C	C	C	C
Custodial care facility	F	F	F	F
Group residence, general	F	F	F	F
Hospital <sup>14</sup>	F	F	F	F
Nursing or convalescent home <sup>14</sup>	F	F	C	C

(;As amended on September 20, 1996.)

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	C	A	F	F
Conference center	F	F	A	A
Executive suites	F	F	A	A
Hotel	F	F	A	A
Motel	F	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	C	A	C	A
Cleaning plant	F	F	F	F
General manufacturing use	F	F	F	F
Light manufacturing use	F	F	F	F
Printing plant	F	F	F	F
Restricted industrial use	F	F	F	F
<u>Office Uses</u>				
Agency or professional office	A	A	A	A
General office	A	A	A	A
Office of wholesale business	A	A	A	A

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Open Space Uses</u>				
Golf driving range	F	F	F	F
Grounds for sports, private	F	F	F	F
Open space	A	A	A	A
Open space recreational building	C	C	C	C
Outdoor place of recreation for profit	C	C	F	C
Stadium	F	F	F	F
<u>Public Service Uses<sup>1</sup></u>				
√Automatic telephone exchange telecommunications data distribution center	C	C	C	C
Courthouse	C	C	C	C
Fire station	A	A	A	A
^Outdoor payphone	C	C	C	C
Penal institution	F	F	F	F
Police station	A	A	A	A
Pumping station	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F
Solid waste transfer station	F	F	F	F
Sub-station	C	C	C	C
Telephone exchange	C	C	C	C
(√As amended on October 20, 2000.)				
(^As inserted on March 15, 2006)				

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Research and Development Uses</u> <sup>3</sup>				
Research laboratory	C	C	A	A
Product development or prototype manufacturing	C	C	C	C
<u>Residential Uses</u> <sup>4</sup>				
Congregate living complex	C	A	F	F
^Elderly housing <sub>16</sub>	C	A	F	F
^Group residence, limited <sub>16</sub>	C	A	F	F
Lodging house	C	C	F	F
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
^Multi-family dwelling <sub>16</sub>	C	A	F	F
One family detached dwelling	F	F	F	F
One family semi-attached dwelling	F	F	F	F
Orphanage	F	F	F	F
^Rowhouse <sub>16</sub>	C	C	F	F
Temporary dwelling structure	F	F	F	F
Three family detached dwelling	F	F	F	F
^Townhouse <sub>16</sub>	C	C	F	F
Transitional housing or homeless shelter	F	F	F	F
Two family detached dwelling	F	F	F	F

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Residential Uses</u> <sup>4</sup> (con't.)				
Two family semi-attached dwelling	F	F	F	F
(As amended on March 3, 2008.)				
<u>Restaurant Uses</u> <sup>5</sup>				
Drive-in restaurant	F	F	F	F
Restaurant	A	A	A	A
Take-out restaurant				
Small <sup>6</sup>	C	F	A	A
Large <sup>6</sup>	C	F	A	A
<u>Retail Uses</u> <sup>7</sup>				
Adult bookstore	F	F	F	F
Bakery	A	C	A	A
;General retail business <sup>7a</sup>	A	C	A	A
Liquor store	C	F	A	A
Local retail business	A	C	A	A
Outdoor sale of garden supplies	A	C	A	A
+Pawnshop	C	C	C	C

(;As amended on August 22, 1996.)  
 (+As inserted on February 16, 2001.)

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Service Uses</u> <sup>7</sup>				
Animal hospital	C	C	C	C
Barber or beauty shop	A	C	A	A
>Body art establishment	C	C	C	C
Caterer's establishment	C	C	A	A
+Check cashing business	F	F	F	F
*Container redemption center <sup>7b</sup>	C	C	C	C
Dry-cleaning shop	A	C	A	A
Kennel	F	F	F	F
Laundry, retail service	A	C	A	A
Laundry, self-service	A	C	A	A
Photocopying establishment	A	C	A	A
Shoe repair	A	A	A	A
Tailor shop	A	A	A	A

(+As inserted on August 22, 1996.)

(\*As amended on July 31, 1997.)

(>As inserted on April 9, 2001.)

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Storage Uses, Major</u>				
Enclosed storage of solid fuel or minerals <sup>8</sup>	F	F	F	F
Outdoor storage of solid fuel or minerals <sup>8</sup>	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of flammable liquids and gases				
Small <sup>9</sup>	F	F	F	F
Large <sup>9</sup>	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F
√Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	C	C	C	C
Warehousing	F	F	F	F
Wrecking yard	F	F	F	F

(√As inserted on September 18, 2000)

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Trade Uses<sup>7</sup></u>				
Carpenters shop	A	C	F	F
Electrician's shop	A	C	F	F
Machine shop	C	C	F	F
Photographer's studio	A	A	F	F
Plumber's shop	A	C	F	F
Radio/television repair	A	A	F	F
Upholsterer's shop	A	A	F	F
Welder's shop	C	C	F	F
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal	F	F	F	F

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Vehicular Uses</u> <sup>10</sup>				
;Airport-related remote parking facility	F	F	C	C
Bus servicing or storage	F	F	F	F
Carwash	F	F	F	F
Gasoline station	C	F	C	F
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F
^Indoor sale of motor vehicles	F	F	F	F
^Outdoor sale of new and used motor vehicles	F	F	F	F
Parking garage	F	F	F	F
Parking lot	F	F	F	F
Rental agency for cars	F	F	F	F
Rental agency for trucks	F	F	F	F
Repair garage	F	F	F	F
Truck servicing or storage	F	F	F	F
(+:As amended on November 7, 1996.)				
(;As inserted on November 21, 1996.)				
(^As amended on March 15, 2006)				
<u>Wholesale Uses</u>				
Wholesale business	C	C	C	C

TABLE B - Continued

<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>

Accessory and Ancillary Uses

In each subdistrict of the Mission Hill Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	C	C	C	C
Accessory art use	C	A	C	A
Accessory automatic teller machine	A	F	A	A
Accessory bus servicing or storage	F	F	F	F
Accessory cafeteria	A	A	A	A
Accessory cultural uses	A	A	A	A
Accessory dormitory	F	F	F	F
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	A	A	F	F
Accessory home occupation	A	A	F	F
^Accessory indoor maintenance and operation of a payphone <sup>15</sup>	A	A	A	A
Accessory industrial use	F	F	F	F

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory keeping of animals other than laboratory animals	F	F	F	F
Accessory keeping of laboratory animals <sup>3</sup>	F	F	C	C
Accessory machine shop	F	F	C	C
Accessory manufacture of products	C	C	C	C
Accessory offices	A	A	A	A
Accessory outdoor cafe <sup>11</sup>	A	F	A	A
Accessory parking	A	C	A	A
Accessory personnel quarters	F	F	F	F
Accessory printing	F	F	C	C
Accessory professional office in a dwelling	A	A	F	F
Accessory railroad storage yard	F	F	F	F
Accessory recycling	C	C	C	C
Accessory repair garage	F	F	F	F
Accessory retail	A	A	A	A
Accessory services uses	A	A	A	A
Accessory services for apartment and hotel residents	C	C	C	C
Accessory services incidental to educational uses other than college or university use	C	C	C	C

TABLE B - Continued

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>	<u>Basement &amp; First Story</u>	<u>Second Story &amp; Above</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory storage of flammable liquids and gases				
Small <sup>9</sup>	A	C	A	C
Large <sup>9</sup>	C	C	C	C
Accessory storage or transfer of toxic waste	F	F	F	F
Accessory swimming pool or tennis court <sup>12</sup>	A	A	A	A
Accessory trade use	A	C	A	A
Accessory truck servicing or storage	F	F	F	F
Accessory wholesale business	F	F	C	C
Ancillary use <sup>13</sup>	C	C	C	C

TABLE B - Continued

1. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
2. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
3. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
4. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
5. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
6. Small: total gross floor area not exceeding 2,500 square feet per restaurant; Large: total gross floor area exceeding 2,500 square feet per restaurant.
7. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
- ;7a. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:  
(a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.

(;As inserted on August 22, 1996.)

TABLE B - Continued

\*7b. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.

(\*As inserted on July 31, 1997.)

8. Provided that all dust and dirt incident to storage or handling is effectively confined to the Lot, and provided also that any material stored outdoors to a height greater than four (4) feet above Grade level is surrounded by a wall or tight fence not less than seven (7) feet high.
9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
10. Where such use is designated "A", or "C", provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
11. Except conditional in Rear Yard abutting a Residential Subdistrict.
12. Provided such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE B - Continued

- ;14. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table B. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use and not as an accessory or ancillary use subject to Article 10 or as an independent use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.

See Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table B to Institutional Uses. See also Section 59-26 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.

(;As inserted on July 31, 1997.)

- ^15. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

- ^16. Except Allowed in the Roxbury Crossing Community Commercial (CC-2) Subdistrict.

(^As inserted on March 3, 2008.)

TABLE C

**Mission Hill Neighborhood District  
Use Regulations  
Conservation Protection Subdistrict, Local Industrial Subdistricts and  
Community Facilities Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

For summary of requirements applicable to Institutional Uses, see Note 1.

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	F	A	F	F
Bank	F	A <sup>2</sup>	F	F
Drive-in bank	F	C	F	F
Post office	F	A	F	F
<u>Community Uses</u>				
Adult education center	F	A	A	A
Community center	F	C	A	A
Day care center	F	C	A	A
Day care center, elderly	F	C	A	A
Library	F	C	A	A

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Community Uses (con't.)</u>				
Place of worship; monastery; convent; parish house	A	A	A	A
<u>Cultural Uses</u>				
Art gallery	F	A	A	A
Art use	F	A	A	A
Auditorium	F	C	C	F
Cinema	F	C	C	F
Concert hall	F	F	C	F
Museum	F	C	A	C
Public art, display space	C	A	A	A
Studios, arts	F	A	A	A
Studios, production	F	A	A	A
Theatre	F	C	A	F
Ticket sales	F	A	F	F
<u>Dormitory and Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	F
Fraternity	F	F	F	F

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Educational Uses</u>				
College or university <sup>1</sup>	F	F	F	C
Elementary or secondary school <sup>3</sup>	F	F	A	A
Kindergarten	F	F	A	A
Professional school	F	A	F	C
Trade school	F	A	F	C
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	F	C	F	F
Amusement game machines in non-commercial establishment	F	C	F	F
Bar <sup>4</sup>	F	C	F	F
Bar with live entertainment <sup>4</sup>	F	C	F	F
Bowling alley	F	A	F	F
Billiard parlor	F	A	F	F
Dance hall	F	C	F	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	F	C	F	F
Private club not serving alcohol	F	C	F	F

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Alleghany Community Facilities (CF)</u>
<u>Entertainment and Recreational Uses (con't.)</u>				
Private club serving alcohol	F	C	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. <sup>4</sup>	F	A	F	F
Restaurant with live entertainment, operating after 10:30 p.m. <sup>4</sup>	F	C	F	F
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F
Funeral home	F	F	F	F
Mortuary chapel	F	F	F	F
<u>Health Care Uses</u>				
Clinic	F	C	F	C
Clinical laboratory	F	A	F	C
Custodial care facility	F	C	F	F
Group residence, general	F	F	C	C
Hospital <sup>1</sup>	F	F	F	F
Nursing or convalescent home <sup>1</sup>	F	F	C	C

TABLE C - Continued

	Conservation Protection <u>(CP)</u>	Local Industrial <u>(LI)</u>	Tremont Community Facilities <u>(CF)</u>	Allegheny Community Facilities <u>(CF)</u>
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	F	F	C	F
Conference center	F	F	C	F
Executive suites	F	F	C	F
Hotel	F	F	C	F
Motel	F	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	F	A	F	F
Cleaning plant	F	C	F	F
General manufacturing use	F	C	F	F
Light manufacturing use	F	A	F	F
Printing plant	F	A	F	F
Restricted industrial use	F	F	F	F
<u>Office Uses</u>				
Agency or professional office	F	A <sup>5</sup>	A	A
General office	F	A <sup>5</sup>	A	A
Office of wholesale business	F	A <sup>5</sup>	F	F

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Open Space Uses</u>				
Golf driving range	C	F	F	F
Grounds for sports, private	F	C	F	F
Open space	A	A	A	A
Open space recreational building	A	A	A	A
Outdoor place of recreation for profit	F	C	F	F
Stadium	F	F	F	F
<u>Public Service Uses</u>				
√Automatic telephone exchange telecommunications data distribution center <sup>3</sup>	C	C	C	C
Courthouse <sup>3</sup>	F	A	C	F
Fire station <sup>3</sup>	F	A	A	F
^Outdoor payphone	C	C	C	C
Penal institution <sup>3</sup>	F	F	F	F
Police station <sup>3</sup>	F	A	A	A
Pumping station <sup>3</sup>	F	A	C	C
Recycling facility (excluding toxic waste)	F	A	F	F
Solid waste transfer station	F	F	F	F
Sub-station <sup>3</sup>	F	A	C	F
Telephone exchange	F	A	C	F

(^As inserted on March 15, 2006)

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Research and Development Uses<sup>6</sup></u>				
Research laboratory	F	A	F	A
Product development or prototype manufacturing	F	A	F	C
<u>Residential Uses<sup>7</sup></u>				
Congregate living complex	F	F	A	F
Elderly housing	F	F	A	F
Group residence, limited	F	F	F	F
Lodging house	F	F	C	F
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
Multi-family dwelling	A	F	A	F
One family detached dwelling	F	F	F	F
One family semi-attached dwelling	F	F	F	F
Orphanage	F	F	C	F
Rowhouse	A	F	F	F
Temporary dwelling structure	F	F	F	F
Three family detached dwelling	F	F	F	F
Townhouse	A	F	F	F
Transitional housing or homeless shelter	F	F	F	F
Two family detached dwelling	F	F	F	F
Two family semi-attached dwelling	F	F	F	F

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Restaurant Uses</u>				
Drive-in restaurant	F	F	F	F
Restaurant	F	A	C	F
Take-out restaurant				
Small	F <sup>8</sup>	C <sup>8</sup>	F <sup>9</sup>	F <sup>9</sup>
Large	F <sup>8</sup>	C <sup>8</sup>	F <sup>9</sup>	F <sup>9</sup>
<u>Retail Uses</u> <sup>10</sup>				
Adult bookstore	F	F	F	F
Bakery	F	A	F	F
;General retail business <sup>7a</sup>	F	C	F	F
Liquor store	F	C	F	F
Local retail business	F	A <sup>2</sup>	F	F
Outdoor sale of garden supplies	F	A	F	F
+Pawnshop	F	C	C	C
<p>(;As amended on August 22, 1996.)  (+As inserted on February 16, 2001.)</p>				
<u>Service Uses</u> <sup>10</sup>				
Animal hospital	F	C	F	F
Barber or beauty shop	F	A <sup>2</sup>	F	F

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Alleghany Community Facilities (CF)</u>
<u>Service Uses</u> <sup>10</sup> (con't.)				
>Body art establishment	F	C	C	C
Caterer's establishment	F	A	F	F
+Check cashing business	F	F	F	F
*Container redemption center <sup>7b</sup>	F	A	F	F
Dry-cleaning shop	F	A <sup>2</sup>	F	F
Kennel	F	A	F	F
Laundry, retail service	F	A <sup>2</sup>	F	F
Laundry, self-service	F	A	F	F
Photocopying establishment	F	A	F	F
Shoe repair	F	A <sup>2</sup>	F	F
Tailor shop	F	A <sup>2</sup>	F	F
(+As inserted on August 22, 1996.)				
(*As amended on July 31, 1997.)				
(>As inserted on April 9, 2001.)				
<u>Storage Uses, Major</u>				
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Storage Uses, Major (con't.)</u>				
Outdoor storage of junk and scrap	F	F	F	F
Storage of flammable liquids and gases				
Small <sup>11</sup>	F	A	F	F
Large <sup>11</sup>	F	C	F	F
Storage or transfer of toxic waste	F	F	F	F
√Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	C	C	C	C
Warehousing	F	A	F	F
Wrecking yard	F	F	F	F

TABLE C - Continued

	Conservation Protection <u>(CP)</u>	Local Industrial <u>(LI)</u>	Tremont Community Facilities <u>(CF)</u>	Allegheny Community Facilities <u>(CF)</u>
<u>Trade Uses</u> <sup>10</sup>				
Carpenters shop	F	A	F	F
Electrician's shop	F	A	F	F
Machine shop	F	A	F	F
Photographer's studio	F	A	F	F
Plumber's shop	F	A	F	F
Radio/television repair	F	A	F	F
Upholsterer's shop	F	A	F	F
Welder's shop	F	A	F	F
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	C	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal	F	F	F	F

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Allegheny Community Facilities (CF)</u>
<u>Vehicular Uses</u>				
;Airport-related remote parking facility	F	C	F	F
Bus servicing or storage	F	F	F	F
Carwash <sup>12</sup>	F	A <sup>13</sup>	F	F
Gasoline station <sup>12</sup>	F	A <sup>13</sup>	F	F
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	A	F	F
^Indoor sale of motor vehicles	F	A	F	F
^Outdoor sale of new and used motor vehicles	F	C	F	F
Parking garage	F	A	F	F
Parking lot	F	C	F	F
Rental agency for cars	F	C	F	F
Rental agency for trucks	F	C	F	F
Repair garage	F	C	F	F
Truck servicing or storage	F	C	F	F

(+As amended on November 7, 1996.)

(;As inserted on November 21, 1996.)

(^As amended on March 15, 2006)

Wholesale Uses

Wholesale business	F	A	F	F
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TABLE C - Continued

Conservation Protection <u>(CP)</u>	Local Industrial <u>(LI)</u>	Tremont Community Facilities <u>(CF)</u>	Allegheny Community Facilities <u>(CF)</u>
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Accessory and Ancillary Uses

In each subdistrict of the Mission Hill Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table C and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines

(not more than four) in commercial or non-commercial establishment	F	A	F	F
Accessory art use <sup>14</sup>	A	A	A	A
Accessory automatic teller machine	F	A	A	A
Accessory bus servicing or storage	F	C	F	F
Accessory cafeteria	F	A	A	A
Accessory cultural uses	F	A	A	A
Accessory dormitory	F	F	C	F
Accessory drive-through restaurant	F	C	F	F
Accessory drive-through retail	F	C	F	F
Accessory family day care home	A	F	A	F
Accessory home occupation	A	F	A	F

TABLE C - Continued

	Conservation Protection <u>(CP)</u>	Local Industrial <u>(LI)</u>	Tremont Community Facilities <u>(CF)</u>	Allegheny Community Facilities <u>(CF)</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
^Accessory indoor maintenance and operation of a payphone <sup>18</sup>	A	A	A	A
Accessory industrial use	F	A	F	F
Accessory keeping of animals other than laboratory animals	F	C	F	F
Accessory keeping of laboratory animals	F	A	F	A
Accessory machine shop	F	A	F	F
Accessory manufacture of products	F	A	C	F
Accessory offices	F	A	A	A
Accessory outdoor cafe <sup>15</sup>	F	A	A	C
Accessory parking	A	A	A	A
Accessory personnel quarters	F	C	A	F
Accessory printing	F	A	C	C
Accessory professional office in a dwelling	A	F	A	F
Accessory railroad storage yard	F	F	F	F
Accessory recycling	F	A	A	A
Accessory repair garage	F	C	F	F
Accessory retail	F	A	A	F
Accessory service uses	F	A	A	A

TABLE C - Continued

	<u>Conservation Protection (CP)</u>	<u>Local Industrial (LI)</u>	<u>Tremont Community Facilities (CF)</u>	<u>Alleghany Community Facilities (CF)</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory services for apartment and hotel residents	F	F	A	F
Accessory services incidental to educational uses other than a college or university use	F	C	A	A
Accessory storage of flammable liquids and gases				
Small <sup>11</sup>	F	A	C	C
Large <sup>11</sup>	F	C	F	F
Accessory storage or transfer of toxic waste	F	F	F	F
Accessory swimming pool or tennis court <sup>16</sup>	C	A	A	A
Accessory trade use	F	A	A	A
Accessory truck servicing or storage	F	C	F	F
Accessory wholesale business	F	A	F	F
Ancillary use <sup>17</sup>	F	C	C	C

TABLE C - Continued

- ;1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table C. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use and not as an accessory or ancillary use subject to Article 10 or as an independent use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.

See Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table C to Institutional Uses. See also Section 59-26 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.

(; As amended on July 31, 1997.)

2. Where designated "A," provided that the total gross floor area does not exceed one thousand (1,000) square feet per use; otherwise conditional.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
5. Provided that such use shall not exceed forty percent (40%) of the gross floor area allowed within a Lot.

TABLE C - Continued

6. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
7. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
- ;7a. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:  
(a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.  
  
(;As inserted on August 22, 1996.)
- \*7b. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.  
  
(\*As inserted on July 31, 1997.)
8. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
9. Small: total gross floor area not exceeding 2,500 square feet per restaurant; Large: total gross floor area exceeding 2,500 square feet per restaurant.
10. Where a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors, or if such establishment is open to the public after 12 midnight or before 6:00 a.m.

TABLE C - Continued

11. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
12. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
13. Except conditional if within one hundred (100) feet of a Residential Subdistrict.
14. Where designated "A," provided that art classes as part of an accessory art use are conditional in a Conservation Protection Subdistrict.
15. Except conditional in Rear Yard abutting a Residential Subdistrict.
16. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
17. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which is it ancillary.
- ^18. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

TABLE D

**Mission Hill Neighborhood District  
Use Regulations  
Institutional Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

For requirements applicable to Institutional Uses, see Note 1.

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Banking and Postal Uses</u>			
Automatic teller machine	F	F	F
Bank	F	F	F
Drive-in bank	F	F	F
Post office	F	F	F
<u>Community Uses</u>			
Adult education center	F	F	A
Community center	F	F	A
Day care center	F	F	A
Day care center, elderly	A <sup>14</sup>	F	A
Library	F	F	A
Place of worship; monastery; convent; parish house	F	F	A

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Cultural Uses</u>			
Art gallery	F	F	F
Art use	F	F	F
Auditorium	F	F	F
Cinema	F	F	F
Concert hall	F	F	F
Museum	F	F	F
Public art, display space	F	F	F
Studios, arts	F	F	F
Studios, production	F	F	F
Theatre	F	F	F
Ticket sales	F	F	F
<u>Dormitory and Fraternity Uses</u>			
Dormitory not accessory to a use	F	F	F
Fraternity	F	A	F
<u>Educational Uses</u>			
College or university <sup>1</sup>	A <sup>13</sup>	A	A
Elementary or secondary school <sup>2</sup>	F	F	A
Kindergarten	F	F	A
Professional school	A <sup>13</sup>	A	A
Trade school	F	A	A

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Entertainment and Recreational Uses</u>			
Adult entertainment	F	F	F
Amusement game machines in commercial establishment	F	F	F
Amusement game machines in noncommercial establishment	F	F	F
Bar <sup>3</sup>	F	F	F
Bar with live entertainment <sup>3</sup>	F	F	F
Bowling alley	F	F	F
Billiard parlor	F	F	F
Dance hall	F	F	F
Drive-in theatre	F	F	F
Fitness center or gymnasium	F	F	F
Private club not serving alcohol	F	F	F
Private club serving alcohol	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. <sup>3</sup>	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m. <sup>3</sup>	F	F	F
<u>Funerary Uses</u>			
Cemetery	F	F	F
Columbarium	F	F	F
Crematory	F	F	F
Funeral home	F	F	F
Mortuary chapel	F	F	F

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Health Care Uses</u>			
Clinic	A	F	A
Clinical laboratory	A	F	A
Custodial care facility	F	F	C
Group care residence, general	F	F	C
Hospital <sup>1</sup>	A	F	A
Nursing or convalescent home <sup>1</sup>	A	F	A
<u>Hotel and Conference Center Uses</u>			
Bed and breakfast	F	F	F
Conference center	F	F	C
Executive suites	F	F	C
Hotel	F	F	C
Motel	F	F	F
<u>Industrial Uses</u>			
Artists' mixed-use	F	F	F
Cleaning plant	F	F	F
General manufacturing use	F	F	F
Light manufacturing use	F	F	F
Printing plant	F	F	F
Restricted industrial use	F	F	F

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Office Uses</u>			
Agency or professional office	F	F	A
General office	F	F	A
Office of wholesale business	F	F	F
<u>Open Space Uses</u>			
Golf driving range	F	F	F
Grounds for sports, private	F	F	C
Open space	A	A	A
Open space recreational building	F	F	A
Outdoor place of recreation for profit	F	F	F
Stadium	F	F	F
<u>Public Service Uses</u>			
√Automatic telephone exchange telecommunications data distribution center	C	C	C
Courthouse <sup>2</sup>	F	F	F
Fire station <sup>2</sup>	F	A	A
^Outdoor payphone	C	C	C
Penal institution <sup>2</sup>	F	F	F
Police station <sup>2</sup>	A	A	A
Pumping station <sup>2</sup>	F	A	C

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Public Service Uses</u> (con't.)			
Recycling facility (excluding facilities handling toxic waste)	F	F	F
Solid waste transfer station	F	F	F
Substation <sup>2</sup>	C	C	C
Telephone exchange	F	F	F
(√As amended on October 20, 2000.)			
(^As inserted on March 15, 2006)			
<u>Research and Development Uses</u> <sup>4</sup>			
Research laboratory	F	F	A
Product development; prototype manufacturing	F	F	A
<u>Residential Uses</u>			
Congregate living complex	F	F	A
Elderly housing	F	F	A
Group residence, limited	F	F	A
Lodging house	F	F	C
Mobile home	F	F	F
Mobile home park	F	F	F
Multifamily dwelling	F	F	A
One family detached dwelling	F	F	F
One family semi-attached dwelling	F	F	F

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Residential Uses (con't.)</u>			
Orphanage	F	F	C
Rowhouse	F	F	A
Temporary dwelling structure	F	F	C
Three-family detached dwelling	F	F	A
Townhouse	F	F	A
Transitional housing or homeless shelter	F	F	C
Two-family detached dwelling	F	F	C
Two-family semi-attached dwelling	F	F	C
<u>Restaurant Uses</u>			
Drive-in restaurant	F	F	F
Restaurant	F	F	C
Take-out restaurant			
Small <sup>5</sup>	F	F	C
Large <sup>6</sup>	F	F	F

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Retail Uses</u> <sup>7</sup>			
Adult bookstore	F	F	F
Bakery	F	F	F
;General retail business <sup>7a</sup>	F	F	F
Liquor store	F	F	F
Local retail business	F	F	F
Outdoor sale of garden supplies	F	F	F
+Pawnshop	C	C	
(;As amended on August 22, 1996.)			
(+As inserted on February 16, 2001)			
<u>Service Uses</u> <sup>7</sup>			
Animal hospital	F	F	C
Barber or beauty shop	F	F	F
>Body art establishment	C	C	
Caterer's establishment	F	F	F
+Check cashing business	F	F	F
*Container redemption center <sup>7b</sup>	F	F	F
Dry-cleaning shop	F	F	F
Kennel	F	F	F
Laundry, retail service	F	F	F
Laundry, self-service	F	F	F
Photocopying establishment	F	F	F
Shoe repair	F	F	F
Tailor shop	F	F	F

TABLE D - Continued

New England  
Baptist Hospital

Wentworth  
Institute

Mass. Mental  
Health

(+As inserted on August 22, 1996.)

(\*As amended on July 31, 1997.)

(>As inserted on April 9, 2001.)

Storage Uses, Major

Enclosed storage of solid fuel or minerals	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F
Outdoor storage of new materials	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F
Outdoor storage of junk and scrap	F	F	F
Storage of flammable liquids and gases			
Small <sup>8</sup>	F	F	F
Large <sup>8</sup>	F	F	F
Storage or transfer of toxic waste	F	F	F
√Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	C	C	C
Warehousing	F	F	F
Wrecking yard	F	F	F

TABLE D - Continued

New England  
Baptist Hospital

Wentworth  
Institute

Mass. Mental  
Health

(√As inserted on September 18, 2000)

Trade Uses<sup>7</sup>

Carpenters shop	F	F	F
Electrician's shop	F	F	F
Machine shop	F	F	F
Photographer's studio	F	F	F
Plumber's shop	F	F	F
Radio/television repair	F	F	F
Upholsterer's shop	F	F	F
Welder's shop	F	F	F

Transportation Uses

Airport	F	F	F
Bus terminal	F	F	F
Garage with dispatch	F	F	F
Helicopter landing facility	C	F	F
Motor freight terminal	F	F	F
Rail freight terminal	F	F	F
Railroad passenger station	F	F	F

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Vehicular Uses</u>			
;Airport-related remote parking facility	C	C	C
Bus servicing or storage	F	F	F
Carwash <sup>9</sup>	F	F	F
Gasoline station <sup>9</sup>	F	F	F
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F
^Indoor sale of motor vehicles	F	F	F
^Outdoor sale of new and used motor vehicles	F	F	F
Parking garage	F	F	F
Parking lot	F	F	F
Rental agency for cars	F	F	F
Rental agency for trucks	F	F	F
Repair garage	F	F	F
Truck servicing or storage	F	F	F
(;As inserted on November 21, 1996.)			
(+As amended on November 7, 1996.)			
(^As amended on March 15, 2006)			
<u>Wholesale Uses</u>			
Wholesale business	F	F	F

TABLE D - Continued

New England  
Baptist Hospital

Wentworth  
Institute

Mass. Mental  
Health

Accessory and Ancillary Uses

In each subdistrict of the Mission Hill Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table D and (ii) not designated "A" or "C" in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or noncommercial establishment	C	C	C
Accessory art use	A	A	A
Accessory automatic teller machine	A	A	A
Accessory bus servicing or storage	A	A	A
Accessory cafeteria	A	A	A
Accessory cultural uses	A	A	A
Accessory dormitory	A	A	A
Accessory drive-through restaurant	F	F	F
Accessory drive-through retail	F	F	F
Accessory family day care home	F	F	A
Accessory home occupation	F	F	A
^Accessory indoor maintenance and operation of a payphone <sup>15</sup>	A	A	A
Accessory industrial use	C	C	C
Accessory keeping of laboratory animals <sup>4</sup>	A	A	A

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Accessory and Ancillary Uses (cont'd.)</u>			
Accessory keeping of animals, other than laboratory animals	F	F	F
Accessory machine shop	A	A	A
Accessory manufacture of products	C	C	C
Accessory offices	A	A	A
Accessory outdoor cafe	A	A	A
Accessory parking	C	C <sup>10</sup>	A
Accessory personnel quarters	A	A	A
Accessory printing	A	A	A
Accessory professional office in a dwelling	F	F	A
Accessory railroad storage yard	F	F	F
Accessory recycling	A	A	A
Accessory repair garage	A	A	A
Accessory retail	A	A	A
Accessory service uses	A	A	A
Accessory services for apartment and hotel residents	F	F	A
Accessory services incidental to educational uses other than college or university use	F	A	A
Accessory storage of flammable liquids and gases			
Small <sup>8</sup>	A	A	A
Large <sup>8</sup>	C	C	C

TABLE D - Continued

	<u>New England Baptist Hospital</u>	<u>Wentworth Institute</u>	<u>Mass. Mental Health</u>
<u>Accessory and Ancillary Uses (cont'd)</u>			
Accessory storage or transfer of toxic waste	A	A	A
Accessory swimming pool or tennis court <sup>11</sup>	A	A	A
Accessory trade uses	A	A	A
Accessory truck servicing or storage	A	A	A
Accessory wholesale business	F	F	F
Ancillary use <sup>12</sup>	C	C	C

- 
1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table D. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use and not as an accessory or ancillary use subject to Article 10 or as an independent use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.

See Section 80D-2.4 (Regulations Applicable to Exempt Projects) and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table D to Institutional Uses. See also Section 59-26 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.

TABLE D - Continued

2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
3. Provided that, where such use exists on the effective date of this Article and is designated "F," any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
4. Provided that such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Total gross floor area not more than 1,000 square feet per restaurant.
6. Total gross floor area exceeding 1,000 square feet per restaurant.
7. If a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m. and such establishment has direct public access to a public way or sidewalk.
- ;7a. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:  
(a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.  
  
(;As inserted on August 22, 1996.)
- \*7b. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.

TABLE D - Continued

(\*As inserted on July 31, 1997.)

8. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
9. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
10. Except allowed if accessory to a residential use, dormitory or fraternity use, or hotel or conference center use (all as defined in Article 2A, and including any dwelling converted for more families in separate dwelling units).
11. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
12. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
13. Provided that any such educational use is related to health care services including accessory and ancillary uses.
14. Provided that such use is affiliated with an Institutional use, as defined in Article 2A, that is located within the Subdistrict.
- ^15. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

TABLE E

**Mission Hill Neighborhood District  
Residential Subdistricts Dimensional Regulations**

Front Yard <sup>4</sup> Minimum	Lot Area, Minimum Side for Dwell. Yard <sup>5</sup> Unit(s) Minimum Specified Depth (Sq.Ft.)	Additional Rear Lot Area for Yard Ea. Addit'l Minimum Dwell. Unit Width (Sq.Ft.)	Maximum Occupancy Lot Width by Accessory Minimum Depth (Feet)	Lot Frontage Minimum Buildings (Feet)	Floor Area Ratio Maximum (Feet)	Usable Building Open Space <sup>3</sup>			Minimum Sq. Ft. Per Dwelling Unit (Percent)
						Height <sup>2</sup> Maximum Stories (Feet)	Feet (Feet)	Feet (Feet)	
<u>Two-Family Residential Subdistrict</u>									
<u>2F-3000<sup>1</sup></u>									
1 & 2 Family Detached	3,000 for 1 or 2 units	N/A	40	40	0.9	2-1/2	35	600	7
Other Use	3,000	N/A	40	40	0.9	2-1/2	35	600	7
<u>2F - 4000<sup>1</sup></u>									
1 or 2 Family Detached	4,000 for 1 or	N/A	40	40	0.7	2-1/2	35	600	10

	2 units								
Other Use	4,000	N/A	40	40	0.7	2-1/2	35	none	10

TABLE E (Continued)

Front Yard <sup>4</sup> Minimum Depth	Lot Area, Minimum Side for Dwell. Yard <sup>5</sup> Unit(s) Minimum Specified Width (Sq.Ft.)	Additional Rear Lot Area for Yard Ea. Addit'l Minimum Dwell. Unit Depth (Sq.Ft.)	Maximum Occupancy Lot Width by Accessory Minimum Buildings (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum (Feet)	Usable Building Open Space <sup>3</sup>			Minimum Sq. Ft. Per Dwelling Unit (Percent)
						Height <sup>2</sup> Maximum Stories (Feet)	Feet (Feet)	Minimum	
<u>2F - 5000<sup>1</sup></u>									
1 & 2 Family Detached	5,000 for 1 or 2 units	N/A	45	45	0.6	2-1/2	35	800	15
Other Use	5,000	N/A	45	45	0.6	2-1/2	35	none	15
<u>Three-Family Residential Subdistrict</u>									
<u>3F-2,000<sup>1</sup></u>									
Semi-attached Dwelling, Row House Building, or	1,000 for 1 unit	1,000	25	25	1.0	3	35	400	5

Town House  
Building

Any other  
Dwelling or  
Use

2,000 for  
1 or 2  
units

1,000

35

35

1.0

3

35

400

5

TABLE E (Continued)

Front Yard <sup>4</sup> Minimum Depth	Lot Area, Minimum Side for Dwell. Yard <sup>5</sup> Unit(s) Minimum Specified Width (Sq.Ft.)	Additional Rear Lot Area for Yard Ea. Addit'l Minimum Dwell. Unit Depth (Sq.Ft.)	Maximum Occupancy Lot Width by Accessory Minimum Buildings (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum (Feet)	Usable Building Open Space <sup>3</sup>			Minimum Sq. Ft. Per Dwelling Unit (Percent)
						Height <sup>2</sup> Maximum Stories (Feet)	Feet (Feet)	Feet (Feet)	
<u>3F-3,000<sup>1</sup></u>									
Semi-attached Dwelling, Row House Building, or Town House Building	1,500 for 1 unit	1,500	25	25	0.8 <sup>6</sup>	3	35	600	10
Any other Dwelling or Use	3,000 for 1 or 2 units	1,500	45	45	0.8 <sup>6</sup>	3	35	600	10
<u>RH</u>									
Row House Building or Town House Building	1,400 for for up to 2 units	700	15	15	1.0	3	35	200	5

Any other use	1,400 for up to 2 units	700	15	15	1.0	3	35	200	5
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TABLE E (Continued)

Front Yard <sup>4</sup> Minimum Depth	Lot Area, Minimum Side for Dwell. Yard <sup>5</sup> Unit(s) Minimum Specified Width (Sq.Ft.)	Additional Rear Lot Area for Yard Ea. Addit'l Minimum Dwell. Unit Depth (Sq.Ft.)	Maximum Occupancy Lot Width by Accessory Minimum Buildings (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum (Feet)	Usable Building Open Space <sup>3</sup>			Minimum Sq. Ft. Per Dwelling Unit (Percent)
						Height <sup>2</sup> Maximum Stories (Feet)	Feet (Feet)	Feet (Feet)	
<b>Multi-Family Residential Subdistrict</b>									
<b><u>MFR-1</u></b>									
1, 2 or 3 Family Detached	2,000 for 1 or 2 units	1,000	20	20	1.0	3	35	300	20
Semi-attached Dwelling Row House Building or Town House Building	1,000 for 1 unit	1,000 for 1 unit	20	20	1.0	3	35	300	20
Any other Dwelling or	2,000 for first 2	1,000	40	40	1.0	3	35	200	20

Use	units									
<u>MFR-2</u>										
Any Dwelling	none	none	none	none	2.0	--	55	200	20	
Other Use	none	none	none	none	2.0	--	55	none	20	

TABLE E (Continued)

Front Yard <sup>4</sup> Minimum Depth	Lot Area, Minimum Side for Dwell. Yard <sup>5</sup> Unit(s) Minimum Specified Width <u>(Sq.Ft.)</u>	Additional Rear Lot Area for Yard Ea. Addit'l Minimum Dwell. Unit Depth <u>(Sq.Ft.)</u>	Maximum Occupancy Lot Width by Accessory Minimum Buildings <u>(Feet)</u>	Lot Frontage Minimum <u>(Feet)</u>	Floor Area Ratio <u>Maximum</u> <u>(Feet)</u>	Usable Building Open Space <sup>3</sup>			15
						Height <sup>2</sup> Maximum <u>Stories</u> <u>(Feet)</u>	Minimum Sq. Ft. Per <u>Dwelling Unit</u> <u>(Percent)</u>	20	
<u>MFR-3</u>									
Any Dwelling	none	none	none	none	3.0	--	75	100	15
Other Use	none	none	none	none	3.0	--	75	none	15
<u>MFR/LS</u>									
Any Dwelling	none	none	none	none	1.0	--	35	200	20
Other Use	none	none	none	none	1.0	--	35	none	20

Footnotes

1. See Map 6D, and Section 59-6. In a 2F subdistrict, the maximum number of dwelling units allowed in a single structure shall be two (2). In a 3F subdistrict, the maximum number of dwelling units allowed in a single structure shall be three (3) except

as otherwise provided in Section 59-7.1 (Special Provisions for Residential Development in Three-Family Residential Subdistricts).

2. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.

TABLE E - Continued

3. The minimum usable open space requirement is applicable only to Residential Uses and Dormitory and Fraternity Uses.

For any lot that exceeds the minimum lot area specified in this Table E, the required number of square feet of usable open space per dwelling unit shall be calculated by adding: (a) the minimum usable open space per dwelling unit specified in this Table E, and (b) twenty-five percent (25%) of the lot area in excess of the required minimum lot area specified in this Table E for the lot.

All ground level open space used to satisfy the minimum usable open space requirements specified in this Table E must have an unobstructed length of not less than ten (10) feet and an unobstructed width of not less than ten (10) feet, except that, for yards used to meet the open space requirements of this Table E, shorter or narrower dimensions are allowed where specifically permitted by the provisions of Section 59-38 (Application of Dimensional Requirements).

In the MFR Subdistricts, up to twenty-five percent (25%) of the usable open space requirement may be met by unenclosed porches (with or without roofs) or by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings, provided that any such space on a porch, balcony, or roof has an unobstructed length of not less than six (6) feet and an unobstructed width of not less than six (6) feet.

4. See Section 59-38.1, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.
5. Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.
6. Provided that the maximum FAR shall be 1.0 for any Proposed Project for multifamily dwellings in a 3F-3,000 Subdistrict allowed pursuant to Section 59-7.1 (Special Provisions for Residential Development in Three-Family Subdistricts).

TABLE F

**Mission Hill Neighborhood District**  
**Conservation Protection Subdistricts**  
**Dimensional Regulations(1)**

	<u>Conservation Protection Subdistrict</u>
Maximum Floor Area Ratio(2)	0.3
Maximum Building Height(2)	35
Maximum number of dwelling units/acre	3 (2)
Minimum Lot Size	
Residential use	1 acre (3)
Other use	none
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard	50 (4)
Minimum Side Yard	50 (4)
Minimum Rear Yard	50 (4)

(;As amended on March 3, 2000.)

1. A Proposed Project in a Conservation Protection Subdistrict may be subject to the Site Plan component of Large Project Review or Small Project Review, pursuant to Section 80B-2 or 80E-2.
- ;2. For a Proposed Project in a Planned Development Area, the maximum building height, Floor Area Ratio, and number of dwelling units per acre are as follows:

Maximum Building Height	45
Maximum Floor Area Ratio	0.5
Maximum number of dwelling units per acre:	

4 units/acre if the Lot contains less than 15 acres; and  
6 units/acre if the Lot contains 15 or more acres;

provided, however, that for a Proposed Project to establish a residential use in a building legally in existence prior to March 3, 2000, the Planned Development Area Development Plan may provide for a greater number of dwelling units/acre.

(;As amended on March 3, 2000.)

- ;3. If a Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) as of March 3, 2000 does not meet the minimum Lot Size requirement, the Board of Appeal may authorize the construction of: (a) one dwelling unit, if the Lot meets at least one-third of the minimum Lot Size requirement, or (b) two units, if the Lot meets at least two-thirds of the minimum Lot Size requirement.

(;As amended on March 3, 2000.)

- ;4. Except where the Site Plan Component of Small Project Review or Large Project Review determines that a smaller yard dimension would more effectively protect the significant natural features on the Lot without substantially increasing the Proposed Project's impacts outside the Lot.

(;As amended on March 3, 2000.)

TABLE G

**Mission Hill Neighborhood District**  
**Neighborhood Business Subdistricts**  
**Dimensional Regulations**

	Neighborhood Shopping Subdistricts	Community Commercial Subdistricts	
		CC-1	CC-2
Maximum Floor Area Ratio	2.0	3.0	4.0 (1)
Maximum Building Height	45	55 (1)	65 (1)
Minimum Lot Size	none	none	none
Minimum Lot Area Per Dwelling Unit	N/A	N/A	N/A
Minimum Usable Open Space (2) per Dwelling Unit (sq. ft.)	50	50	50
Minimum Lot Width	none	none	none
Minimum Lot Frontage	none	none	none
Minimum Front Yard (3)	none (4)	none (4)	none (4)
Minimum Side Yard (5)	none	none	none
Minimum Rear Yard (6)	20	20	20

TABLE G (Continued)

**Footnotes:**

- ^1. For maximum Building Heights and Floor Area Ratio for Planned Development Areas, see Section 59-30.
2. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
3. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.  
  
In a Neighborhood Business Subdistrict, every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
4. See Section 59-34.1, Street Wall Continuity.
5. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
6. In a Neighborhood Business Subdistrict, every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

(^As amended on March 3, 2008.)

TABLE H

**Mission Hill Neighborhood District**

**Local Industrial Subdistricts and Community Facilities Subdistricts  
Dimensional Regulations**

	<u>Local Industrial Subdistrict</u>	<u>Tremont Street Community Facilities</u>	<u>Alleghany Community Facilities</u>
Maximum Floor Area Ratio	2.0	3.0	2.0
Maximum Building Height	40	55	40
Minimum Lot Size	none	none	none
Minimum Lot Area Per Dwelling Unit	none		
Minimum Usable Open Space (Square Feet per Dwelling Unit)	50	50	50
Minimum Lot Width	none	none	none
Minimum Lot Frontage	none	none	none
Minimum Front Yard	none	none	none
Minimum Side Yard	none	none	none
Minimum Rear Yard	20	20	20

TABLE I

**Mission Hill Neighborhood District  
Institutional Subdistricts  
Dimensional Regulations (1)**

	<u>New England Baptist Hospital Subdistrict</u>	<u>Wentworth Institute Subdistrict</u>	<u>Mass. Mental Health Center Subdistrict</u>
Maximum Floor Area Ratio	2.0	2.0	2.0
Maximum Building Height	65	55	55
Other Use			
Minimum Lot Size	none	none	none
Minimum Lot Width	none	none	none
Minimum Lot Frontage	none	none	none
Minimum Front Yard	20	20	20
Minimum Side Yard	none	none	none
Minimum Rear Yard	none	none	none

TABLE I - Continued

**Mission Hill Neighborhood District  
Institutional Subdistricts  
Dimensional Regulations (1)**

1. This Table I sets forth the underlying zoning dimensions for the Institutional Subdistricts in the Mission Hill Neighborhood District. See Section 80D-2.4 (Regulations Applicable to Exempt Projects) and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the dimensional regulations of this Table I to buildings and structures used for Institutional Uses. See also Section 59-26 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review.

TABLE J

**Mission Hill Neighborhood District  
Off-Street Parking Requirements (1)**

	<u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u>
<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	1.0
<u>Educational Uses</u>	
Day Care Center	0.7
Elementary or Secondary School	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Health Care Uses</u>	1.0
<u>Industrial Uses</u>	0.5
<u>Office Uses</u>	2.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	1.0
<u>Retail Uses</u>	2.0
<u>Service and Trade Uses</u>	2.0

TABLE J- Continued

**Mission Hill Neighborhood District  
Off-Street Parking Requirements (1)**

	<u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u>
<u>Storage Uses, Major</u>	0.5
<u>Transportation Uses</u>	0.25
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

- ;1. The provisions of this Table J do not apply to Proposed Projects that are subject to Large Project Review. See Section 59-37 (Off-Street Parking and Loading Requirements).

(;As amended on July 31, 1997.)

TABLE J - Continued

**Mission Hill Neighborhood District  
Off-Street Parking Requirements (1)**

	<u>If there are seats: (spaces per seat) (2)</u>	<u>If there are no seats (spaces per 1,000 square feet of public floor area in structures)</u>
<u>Cultural Uses</u>	0.2	2.0
<u>Entertainment Uses</u>	0.3	4.0
<u>Funerary Uses</u>		
Funeral home	0.1	3.0
Mortuary chapel	0.1	3.0
All other funerary uses	none	none
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>	NA	3.0
<u>Open Space Uses</u>		
Stadium	0.2	N/A
Other Open Space Uses	0.2	2.0

;1. The provisions of this Table J do not apply to Proposed Projects that are subject to Large Project Review. See Section 59-37 (Off-Street Parking and Loading Requirements).

(;As amended on July 31, 1997.)

2. Where benches are used, each two (2) linear feet of bench shall constitute one (1) seat.

TABLE J - Continued

**Mission Hill Neighborhood District  
Off-Street Parking Requirements (1)**

**Residential and Related Uses**

	<u>Spaces per Dwelling Unit(2)</u>
<u>Dormitory/Fraternity Uses</u>	2.0
<u>Hotel and Conference Center Uses</u>	0.7
Bed and Breakfast	1.0
Conference Center	2.0 (4)
Executive Suites	0.7
Hotel	0.7
Motel	1.0
<u>Residential Uses</u>	
Elderly Housing	0.2
Group Care, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses (3)	1.0

1. The provisions of this Table J do not apply to Proposed Projects that are subject to Large Project Review. See Section 59-37 (Off-Street Parking and Loading Requirements).  
  
(;As amended on July 31, 1997.)
2. Where a use is not divided into Dwelling Units:
  - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
  - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.
3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.
4. Spaces per 1,000 square feet of Gross Floor Area.

TABLE K

**Mission Hill Neighborhood District  
Off Street Loading Requirements (1)**

<u>Gross Floor Area</u>	<u>Required Off-Street Loading Bays</u>
0-15,000 square feet	0
15,001-49,999 square feet	1.0

1. The provisions of this Table K do not apply to Proposed Projects that are subject to Large Project Review. See Section 59-37 (Off-Street Parking and Loading Requirements).

(;As amended on July 31, 1997.)