

↓ARTICLE 64

SOUTH END NEIGHBORHOOD DISTRICT

(↓Article inserted on December 16, 1998*)

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**As of March 15, 2006.

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SECTION 64-1. **Statement of Purpose, Goals and Objectives.** The purpose of this Article is to establish the zoning regulations for the comprehensive plan for the South End Neighborhood District. The goals and objectives of this Article and the South End/Lower Roxbury Development Policy Plan are to preserve and enhance the South End neighborhood; to provide housing for individuals and families of all economic levels, age groups and household types; to promote and expand neighborhood educational and cultural facilities; to promote a viable neighborhood economy, and provide for new economies and expansion of job opportunities; to preserve, enhance and create open space; to enhance the appearance of residential, commercial and industrial areas; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of the South End.

SECTION 64-2. **Recognition of the South End/Lower Roxbury Development Policy Plan.** The Commission hereby recognizes the South End/Lower Roxbury Development Policy Plan as the general plan for the South End Neighborhood District. The South End/Lower Roxbury Development Policy Plan also shall serve as the portion of the general plan for the City of Boston applicable to the South End Neighborhood District. This Article is an integral part of, and one of the means of implementing, the South End/Lower Roxbury Development Policy Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 64-3. **Physical Boundaries.** The provisions of this Article are applicable only in the South End Neighborhood District. The boundaries of the South End Neighborhood District and its subdistricts are as shown on the maps numbered 1P and entitled "South End Neighborhood District" (supplemental to "Map 1 Boston Proper") of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 64-4. **Applicability.** This Article together with the rest of this Code constitute the zoning regulation for the South End Neighborhood District and apply 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 in Article 6A. 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 to the contrary in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the South End Neighborhood District.

Proposed Projects are exempt from the provisions of this Article, and are 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 has been or thereafter is granted by the Board of Appeal; 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.

Notwithstanding any contrary provision of this Article or Code, any Institutional Use existing in an Institutional Subdistrict in the South End Neighborhood District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed allowed for all purposes under this Code, whether or not described in an Institutional Master Plan and without need for a Certification of Consistency under Institutional Master Plan Review, pursuant to Section 8OD-1 0.

Any building or structure existing within the South End Neighborhood District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article and:

- (i) used for an Institutional Use as of such date, or
- (ii) adequately described in an applicable Institutional Master Plan in accordance with Section 8OD-3.2 (Existing Property and Uses)

shall be deemed to be in compliance, as so existing, with the dimensional, parking, and loading requirements of this Article and shall not be considered dimensionally nonconforming for the purposes of Article 9.

SECTION 64-5. Prohibition of Planned Development Areas. Within the South End Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 64-28.

SECTION 64-6. Community Participation. This Article has been developed with the extensive participation of the South End/Lower Roxbury Working Group. 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 South End/Lower Roxbury Working Group or its successor organization, if any, and the South End's residents, business groups, and institutions shall continue to play an ongoing role in advising the City on land use planning for the South End.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 64-7. **Establishment of Residential Subdistricts.** This Section 58-7 establishes Residential Subdistricts within the South End 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; and 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. Within all Residential Subdistricts, Density Limitation regulations apply as set forth in Section 64-10.

The following Residential Subdistricts, are established:

1. 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, and apartments.
2. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density, multifamily areas with a variety of allowed housing types, including, two-, and three-family dwellings, row houses, apartments, and ground floor commercial uses.

SECTION 64-8. **Use Regulations Applicable in Residential Subdistricts.**

1. 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.
2. Basement Units. Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the South End Neighborhood District.

SECTION 64-9. **Dimensional Regulations Applicable in Residential Subdistricts.**

1. Lot Area, Lot Width, Lot Frontage, 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 C of this Article.

2. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of a Front Yard required by this Article, as set forth in Table F.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front or Side Lot Line.
4. Town House/Row House Extensions into Rear Yard. Notwithstanding any contrary provision of this Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension:
(a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or
(b) involves the addition of a porch or balcony, other than a roof deck, above the first story.

SECTION 64-10. Density Limitation Regulations. Within the South End Neighborhood District, the following regulations apply to: (a) any Dwelling converted for more families in separate Dwelling Units; and (b) any Lodging House converted for three or more families in separate Dwelling Units.

1. Buildings With Gross Floor Area of 2,000 or More Square Feet. In any Building having a gross floor area of 2,000 more square feet, the maximum number of Dwelling Units with usable interior living area of less than 750 feet square feet shall not exceed:
 - (a) one (1), if fewer than six stories of such Building contain Dwelling Units; or
 - (b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

2. Buildings With Gross Floor Area of Less than 2,000 Square Feet. In any Building having a gross floor area of less than 2,000 square feet, the maximum number of Dwelling Units with usable interior living area of less than 525 feet square feet shall not exceed:
 - (a) one (1), if fewer than six stories of such, Building contain Dwelling Units; or

- (b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

If a Building, after conversion, will not conform to the applicable dimensional or parking requirements of this Code, the Board of Appeal, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, may nonetheless authorize such conversion, provided that: (a) the lot area per Dwelling Unit, usable open space per Dwelling Unit, and off-street parking per Dwelling Unit each meet at least one-half the requirements of this Code; and (b) any nonconformity as to Floor Area Ratio and yard dimension is no greater than prior to conversion.

For purposes of this Section 64-10, usable interior living area is the area of a Dwelling Unit as measured by the interior faces of the walls of the unit, but excluding open porches, balconies and decks, and any areas excluded from gross floor area as defined in Article 2A.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 64-11. Establishment of Neighborhood Business Subdistricts. This Section 64-11 establishes Neighborhood Business Subdistricts within the South End Neighborhood District. There is one type of Neighborhood Business Subdistrict: Community Commercial (CC) providing a diversified commercial environment to the South End neighborhood.

The physical character and visual image of South End's commercial center is critical to its success. Appropriate signage, screening and buffering, and design guidelines, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Neighborhood Business Subdistricts.

The following Neighborhood Business Subdistricts are established:

1. Dartmouth/Columbus Community Commercial (CC) Subdistrict
2. Columbus/Mass. Ave. Community Commercial (CC) Subdistrict
3. Berkeley/Chandler Community Commercial (CC) Subdistrict

SECTION 64-12. Use Regulations Applicable in Neighborhood Business Subdistricts. Within a Neighborhood Business 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 B of this Article as "A" (allowed) or "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 a Neighborhood Business Subdistrict.

SECTION 64-13. 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 D of this Article.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 64-14. Establishment of Economic Development Areas. This Section 64-14 establishes an Economic Development Area ("EDA") within the South End Neighborhood District. The purposes of establishing the EDA are to encourage economic growth, including light manufacturing, research and development, and commercial activity, in a manner that is sensitive to the needs and interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood; and to encourage the diversification and expansion of Boston's and the South End's economy, with special emphasis on the creation and retention of job opportunities.

The following EDAs are established:

1. South End EDA. The establishment of the South End EDA recognizes the extent to which this area has historically served as an important manufacturing area providing jobs for South End and city residents. It also recognizes the development potential of the Albany Street area due, in large part, to its direct access to major regional transportation corridors such as the Southeast Expressway, the Massachusetts Turnpike, and the Seaport Access Road to the Third Harbor Tunnel. At such a prominent and central location, the South End EDA will serve to provide, opportunities for a broad range of business development, including retail, office, manufacturing, and related commercial uses that can provide jobs and entrepreneurial opportunities. In addition, the South End EDA expands opportunities for the growing artists community in the South End.
2. Bio Square EDA. The Bio Square EDA is established to facilitate the development of a medical/research campus in the South End to promote the development of research facilities, provide for sufficient office areas to service the medical institutional uses in the neighborhood, and provide support services such as hotel and parking uses. The establishment of research institutes and laboratories focusing on biomedical research will create significant employment opportunities for South End and Boston residents.

SECTION 64-15. Use Regulations Applicable in Economic Development Areas. Within an EDA, no land or structure shall be erected, used, 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 an EDA.

SECTION 64-16. **Dimensional Regulations Applicable in Economic Development Areas.** The minimum, allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in an EDA, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table E of this Article.

REGULATIONS APPLICABLE IN NEIGHBORHOOD DEVELOPMENT AREAS

SECTION 64-17. Establishment of Neighborhood Development Areas. This Section 64-17 establishes a Neighborhood Development Area ("NDA") within the South End Neighborhood District. The Neighborhood Development Area is established to serve as a buffer area separating residential areas from industrial areas. The purpose of the Neighborhood Development Area is to promote the siting and design of any new development in a manner that is sensitive to the adjacent residential areas in the South End Neighborhood District and to enhance the Washington Street corridor.

The following Neighborhood Development Area is established:

1. Washington Street Neighborhood Development Area (NDA)

SECTION 64-18. Use Regulations Applicable in Neighborhood Development Areas. Within a Neighborhood Development Area, 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 a Neighborhood Development Area.

SECTION 64-19. Dimensional Regulations Applicable in Neighborhood Development Areas.

1. Lot Area, Lot Width, Lot Frontage, Yard, Building Height, and FAR Requirements. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Neighborhood Development Area, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table E of this Article.
2. Dimensional Regulations Applicable to Residential Uses. Within a Neighborhood Development Area, the provisions of Section 64-9 (Dimensional Regulations Applicable in Residential Subdistricts), other than subsection 1, and the provisions of Section 64-10 (Density Limitation Regulations) shall apply to any Proposed Project for a residential use.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

SECTION 64-20. **Establishment of Community Facilities Subdistricts.** This Section 64-20 establishes Community Facilities ("CF") Subdistricts within the South End Neighborhood District. These subdistricts are established to encourage the development and expansion of important community-based facilities in the South End Neighborhood District that provide health, educational, and cultural services to the community and are an important part of the fabric of the South End community.

The following Community Facilities Subdistrict is established:

1. The Boston Center for the Arts - Franklin Institute CF Subdistrict

SECTION 64-21. **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 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 a Community Facilities Subdistrict.

SECTION 64-22. **Dimensional Regulations Applicable in Community Facilities 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 Community Facilities Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 64-23. **Establishment of Open Space Subdistricts.** This Section 64-23 designates Open Space ("OS") Subdistricts in the South End Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for the South End's 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 South End Neighborhood District are listed in Table 1 of this Section 64-23 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. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses and are subject to provisions of Section 33-14.
3. Community Garden Open Space (OS-G) Subdistrict. Community Garden Open Space Subdistricts consist of land appropriate for cultivation of herbs, fruits, flowers, or vegetables, including 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.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts are designated 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, and are subject to the provisions of Section 33-10.
5. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sifting areas, and may include Vacant Public Land. Parkland Open Space Subdistricts and are subject to the provisions of Section 33-9.
6. Urban Plaza Open Space (OS-UP). Subdistrict Urban Plaza Open Space Subdistricts consist of land appropriate for passive recreational uses and are subject to the provisions of Section 33-15.

TABLE 1

**Open Space Subdistricts
in the South End Neighborhood District**

<u>Subdistrict Designation</u>	<u>Location/Name</u>
Air-Right	Casanove & St. Charles
Cemetery	South End Burial Ground
Community Garden	Berkeley Street Garden Unity Towers Garden Rutland/Washington Garden Warren/Clarendon Garden Dartmouth Park Garden Worcester Street Garden West Springfield Garden Harrison Street Gardens RD-60 Community Garden
Recreation	Peters Park Ringold Playground Rotch Park Titus Sparrow O'Day Playground Worcester Street Playground West Concord Street Tot Lot Bradford Street Tot Lot Union Park Street Play Area Blackstone Schoolyard
Parklands	Blackstone Square Franklin Square James Hayes Park Leighton Park Union Park Square Worcester Square Southwest Corridor Park Goldweitz Park Watson Park Upton Street Park Washington and West Dedham Hiscock Park Montgomery Park Chester Park

Subdistrict Designation

Location/Name

Worcester Square
Waltham Square
Wellington Green
Braddock Park
Rutland Square
Concord Square
Harriet Tubman Square

Urban Plaza

Tremont and Chandler Street Park
Boston Center for the Arts
Castle Square
Plaza Betances
South End Library
Alan Crite Park

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

SECTION 64-24. Establishment of Institutional Subdistricts. This Section 64-24 establishes Institutional Subdistricts within the South End Neighborhood District. The purpose of the Institutional Subdistricts is to provide zoning regulations for the campuses of major Institutions within the South End Neighborhood District as they exist as of the effective date of this Article. Proposed Institutional Projects located in the South End Neighborhood District, whether inside or outside an Institutional Subdistrict, are subject to Section 64-27 (institutional Master Plan Review Requirement).

The following Institutional Subdistrict is established:

1. Boston University Medical Center Institutional Subdistrict

SECTION 64-25. Use Regulations Applicable in Institutional Subdistricts. Except as otherwise specifically provided in this Article and Code, no land or structure in 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 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 an Institutional Subdistrict.

SECTION 64-26. Dimensional Regulations Applicable in Institutional Subdistricts. Except as otherwise specifically provided in this Article and Code, the dimensional requirements governing land and structures in an Institutional Subdistrict are as set forth in Table E of this Article.

SECTION 64-27. Institutional Master Review Plan 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 8OD-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. 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, located in the South End Neighborhood District, 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) (Review Requirement) of Section 8OD-2 (Applicability of Institutional Master Plan Review), unless such Proposed Institutional Project is exempt

from such requirement pursuant to subsection 2 (Exempt Projects) of this Section 64-27.

2. Exempt Projects. A Proposed Institutional Project is exempt from the requirement of subsection 1 of this Section 64-27 to be consistent with an approved Institutional Master Plan if such Proposed Institutional Project is:
 - (a) 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.
 - (b) 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. Time for Renewal of Institutional Master Plan. An Institutional Master Plan Notification Form (IMPNF) 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).

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

↑SECTION 64-28. **Establishment of Area Within Which Planned Development Areas May be Permitted.** Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within Economic Development Areas (EDAs), Neighborhood Development Areas (NDAs), Community Facilities (CF) Subdistricts, and Community Commercial (CC) Subdistricts, except that no Planned Development Area shall be permitted for any Proposed Project to which the Institutional Master Plan Review requirement of Section 64-27 applies. PDAs are not permitted elsewhere in the South End Neighborhood District, provided that a PDA overlay district and PDA Development Plan may include contiguous area within an adjacent Open Space subdistrict, provided that the provisions of the PDA Development Plan setting forth the use and dimensional controls applicable to the area located within such adjacent Open Space subdistrict are consistent with those of the underlying zoning for that subdistrict, without giving effect to the transition zoning provisions of Article 12 of this Code. The purposes of permitting PDAs in the subdistricts specified above are to provide for a more flexible zoning, law; to provide public benefits to the South End community, including the creation of new job opportunities and housing for individuals and families of all economic groups; to allow for the diversification and expansion of Boston's economy through manufacturing, commercial, and scientific research and development uses; to encourage economic development while ensuring quality urban design by providing planning and design controls; and to provide connections for the South End to the downtown economy.

(↑ As amended on November 21, 2003.)

SECTION 64-29. **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 and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2, below:

↑TABLE 2

**South End Neighborhood District
Planned Development Areas
Maximum Building Heights and Floor Area Ratios**

<u>Area</u>	<u>Maximum</u>	
	<u>Building Height</u>	<u>FAR</u>
South End EDA/North	110'	5.0
South End EDA/South	(1)	5.0
Bio Square EDA	(1)	5.0
Washington Street Neighborhood NDA	70'	4.0
Boston Center for the Arts/ Franklin Institute CF Subdistrict	110'	5.0
Dartmouth/Columbus CC Subdistrict	(2)	(2)
Massachusetts/Columbus CC Subdistrict	70'	4.0
Berkeley/Tremont Street CC Subdistrict	110'	N/A

- (1) Within 100 feet of the subdistrict boundary along Albany Street, the Building height shall not exceed one hundred ten (110) feet, and any portion of a Building above 70 feet in height shall be set back by no less than 10 feet from the Street Line of Albany Street. Between 100 feet and 160 feet of the subdistrict boundary along Albany Street, the Building Height shall not exceed one hundred fifty (150) feet.
- (2) Within the Dartmouth/Columbus Community Commercial Subdistrict, the Boston Redevelopment Authority may approve a Development Plan having Building Heights and FARs in excess of those set forth in Table D of this Article; provided, however, that each Proposed Project in such Development Plan shall be consistent with the design guidelines set forth in Appendix A to this Article.

(↑ As amended on November 21, 2003.)

SECTION 64-30. Planned Development Area Review Requirement. See Article 80 concerning the applicability of Planned Development Area Review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

SECTION 64-31. Planned Development Areas: Public Benefits. The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this

Article if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) provision of Affordable Housing available to South End and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

REGULATIONS GOVERNING DESIGN

SECTION 64-32. Design Review and Design Requirements. The South End Neighborhood District includes land designated by the Boston Landmarks Commission as the South End Landmark District, pursuant to Chapter 772 of the Acts of 1975, which is subject to standards and criteria administered by the Boston Landmarks Commission. In addition, within the South End Neighborhood District established by this Article, design review by the Boston Redevelopment Authority is required for certain Proposed Projects pursuant to this Code.

1. Applicability of Design Review. Design review by the Boston Redevelopment Authority is required for certain Proposed Projects pursuant to Article 80, which provides for Large Project Review and Small Project Review. To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review). See also Section 80E-2.1 (Applicability of Small Project Review: Design Component).
2. Design Guidelines. The Standards and Criteria for the South End Landmark District, as issued by the Boston Landmarks Commission and amended from time to time, shall apply as design guidelines for the South End Neighborhood District.

SECTION 64-33. Screening and Buffering Requirements. In order to enhance the appearance of the South End's Economic Development Areas, and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 64-33 shall apply to those Proposed Projects described in this Section 64-33, 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. The provisions of Article 6A shall apply to the provisions of this Section 64-33.

1. Screening and Buffering Along Property Lines Abutting Public Parks and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in an Economic Development Area abuts (a) a public park, (b) a Residential Subdistrict or Residential Use, or (c) an Institutional Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such park, subdistrict, or use, a strip of shrubs and trees densely planted along the outside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the outside 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 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 Institutional 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) an Institutional Subdistrict, shall be screened from view as provided in this Section 64-33.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the outside 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) an Institutional Subdistrict shall be screened from view as provided in this Section 64-33.3, 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 64-33.1. 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 screened by wood, brick, or similar material compatible with the building. Roof-mounted mechanical equipment shall be set back at least five (5) feet from all roof edges.
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, or stockade or board-type wood, provided that shadow box, stockade, and board-type fencing shall not be used to provide screening abutting a public street. 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 64-33 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 64-33 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 64-33 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 64-33.

SECTION 64-34. Restricted Roof Structure Regulations. In the South End Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees, excluding shed dormers, provided that: (a) such deck is less than one (1) foot above the highest point of such roof; -(b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) such deck and any appurtenant

hand rail, balustrade, hatch; or bulkhead is set back at least five (5) feet from the front and rear roof edge.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

In reaching its decision under this Section 64-34, the Board of Appeal shall consider whether such roof structure has the potential to damage the uniformity of height or architectural character of the immediate vicinity.

MISCELLANEOUS PROVISIONS

SECTION 64-35. **Sign Regulations.** The provisions of this Section 64-35 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.

1. Sign Regulations Applicable in Residential and Open Space Subdistricts. In the Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts, except that non-residential uses that are allowed or conditional in a Multifamily/Local Services Subdistrict shall be subject to the sign regulations set forth in subsection 2 of this Section
2. Sign Regulations Applicable in All Other Subdistricts. In all subdistricts; other than Residential Subdistricts; and Open Space Subdistricts, and in Multifamily/Local Services Subdistricts as provided in subsection 1 of this Section 64-35, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 64-35. 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. 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 fifteen (15) square feet. 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 South End 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 64-36. Off-Street Parking and Loading Requirements. For any Proposed Project that is subject to or has elected to comply with Large Project Review, any 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, if any, are as set forth in Table F, and the minimum required off-street loading spaces are as set forth in Table G. See also Map 1P and Section 3-1A.c, concerning regulations applicable in the Restricted Parking District.

- 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 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 the Front Yards, open space, or landscaped areas required by this Article.
 - (b) Off-street parking for a Residential Use in a Rear Yard shall be located within twenty-five (25) feet of the rear lot line.
 - (c) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 64-36 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 where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot.
 - (d) 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 (8½ 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.

SECTION 64-37. **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 (2½) 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. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any Rear Lot Line.
5. 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.
6. 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.
7. 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 ten (10) feet deep.
8. Under-ground 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.
9. 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 64-37.8 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 64-37.8 were met.

10. 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.
11. Exceptions to FAR Requirement.
 - (a) Conformity with Adjacent Buildings and Yards. A new Town House or Row House on a single Lot of 2,500 square feet or less may exceed the allowable FAR to the extent necessary to match the Building Height and the Front and Rear Yards of an adjacent Town House or Row House. Existing Building Alignment shall be used to determine Front Yard depth of the new Town House or Row House. The Rear Yard depth of the adjacent Town House or Row House shall be determined by measuring from the rear wall of the main structure, exclusive of any additions or ells, to the Rear Lot Line.
 - (b) Pre-existing Buildings. A Town House or Row House existing at the time of the adoption of this Article may exceed the allowable FAR to the extent necessary to convert existing space within the Building from space not included in the calculation of gross floor area under Article 2A (Definitions) to space included in such calculation.

SECTION 64-38. 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 64-39. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 64-40. 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 64-41. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 64-42. **Tables and Appendix.** The following tables and appendix are hereby made part of this Article:

<u>Table A - B</u>		<u>Use Regulations</u>
A	-	Residential Subdistricts Community Facilities Subdistricts
B	-	Neighborhood Business Subdistricts Economic Development Areas Neighborhood Development Areas Institutional Subdistricts
<u>Tables C-E</u>		<u>Dimensional Regulations</u>
C	-	Residential Subdistricts
D	-	Neighborhood Business Subdistricts Community Facilities Subdistricts
E	-	Economic Development Areas Neighborhood Development Areas Institutional Subdistricts
<u>Tables F-G</u>		<u>Parking and Loading Regulations</u>
F	-	Off-Street Parking
G	-	I Off-Street Loading
<u>Appendix A</u>	-	Design Guidelines for Planned Development Area Development Plans in the Dartmouth/Columbus Community Commercial Subdistrict

APPENDIX A TO ARTICLE 64

**Design Guidelines for
Planned Development Area Development Plans
in the Dartmouth/Columbus Community Commercial Subdistrict**

The following design guidelines apply to any Planned Development Area Development Plan within the Dartmouth/Columbus Community Commercial Subdistrict.

A. General Design Guidelines.

1. Proposed Projects described in the Development Plan should contribute to the architectural integrity of the South End Historic Landmark District.
2. Building design should express a building's uses and function.

B. Building Massing. The massing of buildings described in the Development Plan should be compatible with the massing -of surrounding buildings in adjacent subdistricts. The four areas described in the following guidelines are shown on Map A of this Appendix A.

1. Area 1. Within Area 1, the following guidelines apply:
 - a. Building massing and design should adhere strictly to the South End Historic Landmark District Standards and Criteria issued by the Boston Landmarks Commission.
 - b. The Dartmouth Street elevation should reflect and respond to the scale of the Tent City elevation along Dartmouth Street. Building massing along Dartmouth Street should be set back from the street line at a distance similar to that of the Tent City setback along Dartmouth Street.
2. Area 2. Within Area 2, the following guidelines apply:
 - a. Building massing should reflect the height, massing, and design scale of Tent City and other buildings adjacent to or across the street from Area 2. The Dartmouth Street elevation, in particular, should reflect and respond to the scale of the Tent City elevation along Dartmouth Street. Building massing along Dartmouth Street should be set back from the street line at a distance similar to that of the Tent City setback along Dartmouth Street.
 - b. The massing and design of buildings facing Dartmouth Street and Tent City, to the west, and Clarendon Street, to the east, should

provide distinctive architectural gateways to the South End from Back Bay.

- c. On the Clarendon Street side of Area 2, building massing and design should enhance the View of the block from the east and should provide an entrance of equal importance to that on the Dartmouth Street side.

3. Area 3. Within Area 3, the following guidelines apply:

- a. Area 3 should provide a transition zone in which the massing of the Proposed Project steps down in gradation from the higher scale of Area 1 to the lower scale of Area 2.
- b. The building massing within Area 3 should reflect the height, massing, and design scale of Tent City and other buildings facing this area.

4. Area 4. Within Area 4, the following guidelines apply:

- a. Building massing and design should adhere strictly to the South End Historic Landmark District Standards and Criteria issued by the Boston Landmarks Commission.
- b. In Area 4, the upper portion of any building should be set back at a distance sufficient to allow for reasonable access to sunlight for buildings adjacent to Area 4.

C. Transportation and Pedestrian Access.

1. Dartmouth Street is the least favored point of access for deliveries and loading; efforts should be made to use other points of entry for deliveries and loading.
2. Direct internal access from the Back Bay MBTA Station into the Proposed Project should be considered and explored.
3. Project design and decisions regarding pedestrian and vehicular access to the Proposed Project should be coordinated with ongoing MBTA efforts to redesign the Clarendon Street bus loop.

TABLE A

**South End Neighborhood District
Use Regulations in
Residential 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>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Banking and Postal Uses</u>			
Automatic teller machine,	F	A ²	A
Bank	F	A ²	A
Drive-in bank	F	F	F
Post office	F	C ²	C
<u>Community Uses</u>			
Adult education center	C	C	A
Community center	C	C	A
Day care center	C	C	A
Day care center, elderly	C	C	A
Library	C	C	A
Place of worship; monastery; convent; parish house	A	A	A

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Cultural Uses</u>			
Art gallery	F	A ²	A
Art use	F	C	A
Auditorium	F	F	A
Cinema	F	F	A
Concert hall	F	F	A
Museum	F	F	A
Public art, display space	C ²	F	A
Studios, arts	F	F	A
Studios, production	F	F	A
Theatre	F	F	A ¹²
Ticket sales	F	F	A
<u>Dormitory/Fraternity Uses</u>			
Dormitory not accessory to a use	F	F	F
Fraternity	F	F	F
<u>Educational Uses</u>			
College or university ¹	F	F	F
Elementary or secondary school ³	C	F	A
Kindergarten	C	F	A
Professional school	F	F	A
Trade School	F	F	A

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</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 non-commercial establishment.	F	F	F
Bar	F	F	C
Bar with live entertainment	F	F	C
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	A
Private club not serving alcohol	F	F	A
Private club serving alcohol	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	C
Restaurant with live entertainment, operating after 10:30 p.m.	F	F	C
<u>Funerary Uses</u>			
Cemetery	F	F	F
Columbarium	F	F	F

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Funerary Uses (cont.)</u>			
Crematory	F	F	F
Funeral home	F	C	C
Mortuary chapel	F	F	C
<u>Health Care Uses</u>			
Clinic	F	C	F
Clinical laboratory	F	F	F
Custodial care facility	F	F	F
Group care residence, general	F	F	F
Hospital'	F	F	F
Nursing or convalescent home ¹	A	C	F
<u>Hotel and Conference Center Uses</u>			
Bed and breakfast	A	A	F
Conference center	F	F	C
Executive suites	F	F	C
Hotel	F	F	A
Motel	F	F	F

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Industrial Uses</u>			
Artists' mixed-use	C	C	A
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
<u>Office Uses</u>			
Agency or professional office	F	A ²	A
General office	F	A ²	A
Office of wholesale business	F	F	C
<u>Open Space Uses</u>			
Golf driving range	F	F	F
Grounds for sports, private	F	F	F
Open space	A	A	A
Open space recreational building	C	C	A
Outdoor place of recreation for profit	F	F	F
Stadium	F	F	F

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Public Service Uses³</u>			
Automatic telephone exchange or telecommunications data distribution center	F	F	C
Courthouse	F	F	C
Fire station	C	C	C
^Outdoor payphone	F	F	C
Penal institution	F	F	F
Police station	C	C	C
Pumping station	F	F	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F
Solid waste transfer station	F	F	F
Sub-station	F	F	C
Telephone exchange	F	F	F
(^As inserted on March 15, 2006)			
<u>Research and Development Uses⁴</u>			
Research laboratory	F	F	F
Product development or prototype manufacturing	F	F	F

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Residential Uses</u> ⁵			
Congregate living complex	C	C	C
Elderly housing	C	C	C
Group residence, limited	A	A	C
Lodging house	C	C	C
Mobile home	F	F	F
Mobile home park	F	F	F
Multi-family dwelling	A	A	A
One family detached dwelling	F	F	F
One family semi-attached dwelling	F	F	F
Orphanage	C	F	C
Rowhouse	A	A	C
Temporary dwelling structure	C	C	F
Three family detached dwelling	F	F	F
Townhouse	A	A	C
Transitional housing or homeless shelter	C	C	F
Two family detached dwelling	F	F	F
Two family semi-attached dwelling	F	F	F
<u>Restaurant Uses</u>			
Drive-in restaurant	F	F	F
Restaurant	F	C	A
Take-out restaurant			
Small ⁶	F	C	C
Large ⁷	F	F	F

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Retail Uses</u> ⁸			
Adult bookstore	F	F	F
Bakery	F	A ²	A
General retail business	F	F	A
Liquor store	F	F	C
Local retail business	F	A ²	A
Outdoor sale of garden supplies	F	F	C
↔Pawnshop	C	C	C
(↔ Inserted on February 16, 2001.)			
<u>Service Uses</u> ⁸			
Animal hospital	F	F	F
Barber or beauty shop	F	A ²	A
↔Body Art Establishment	F	F	C
Caterer's establishment	F	C	C
Check cashing business	F	C ²	C
Container redemption center	F	F	F
Dry-cleaning shop	F	A ²	A
Kennel	F	F	F
Laundry, retail service	F	A ²	F
Laundry, self-service	F	A ²	F
Photocopying establishment	F	A ²	A
Shoe repair	F	A ²	A
Tailor shop	F	A ²	A
(↔ Inserted on April 9, 2001.)			

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Storage Uses, Major</u>			
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 dumpsters not accessory 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	C
Storage of flammable liquids and gases			
Small ⁹	F	F	F
Large ⁹	F	F	F
Storage or transfer of toxic waste	F	F	F
Warehousing	F	F	F
Wrecking yard	F	F	F

(↔ Inserted September 18, 2000.)

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Trade Uses⁸</u>			
Carpenters shop	F	F	F
Electrician's shop	F	F	F
Machine shop	F	F	F
Photographer's studio	F	F	A
Plumber's shop	F	F	F
Radio/television repair	F	F	F
Upholster's shop	F	F	F
Welder's shop	F	F	F
<u>Transportation Uses</u>			
Airport	F	F	F
Bus terminal	F	F	F
Garage with dispatch	F	F	F
Helicopter landing facility	F	F	F
Motor freight terminal	F	F	F
Rail freight terminal	F	F	F
Railroad passenger station	F	F	F
Water terminal	F	F	F

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Vehicular Uses</u>			
Airport-related remote parking facility	F	F	F
Bus servicing or storage	F	F	F
Carwash	F	F	F
Gasoline station	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	C
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 amended on March 15, 2006)			
<u>Wholesale Uses</u>			
Wholesale business	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Accessory and Ancillary Uses</u>			
<p>In each subdistrict of the South End 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 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.</p>			
Accessory amusement game machines in (not more than four) commercial or non-commercial establishment	F	F	F
Accessory art use	A	A	A
Accessory automatic teller machine	F	A ²	A
Accessory bus servicing or storage	F	F	F
Accessory cafeteria	F	F	A
Accessory cultural uses	A ²	A ²	A
Accessory dormitory	F	F	F
Accessory drive-through restaurant	F	F	F
Accessory drive-through retail	F	F	F
Accessory family day care home	A	A	C
Accessory home occupation	A	A	C
^Accessory indoor maintenance and operation of a payphone ¹⁴	F	F	A
Accessory industrial use	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F

TABLE A - Continued

	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Community Facilities Subdistricts (CF)</u>
<u>Accessory and Ancillary Uses (cont.)</u>			
Accessory keeping of laboratory animals ⁴	F	F	F
Accessory machine shop	F	F	A
Accessory manufacture of products	F	F	F
Accessory offices	F	A ²	A
Accessory outdoor cafe	F	C	A
Accessory parking ¹³	A	A	A
Accessory personnel quarters	A	A	A
Accessory printing	F	F	A
Accessory professional office in a dwelling	A	A	C
Accessory railroad storage yard	F	F	F
Accessory repair garage	F	F	F
Accessory retail	F	A ²	A
Accessory recycling	F	F	F
Accessory services for apartment and hotel residents	F	A	A
Accessory services incidental to educational uses other than a college or university use	F	F	A
Accessory service uses	F	C	A
Accessory storage of flammable liquids and gases			
Small ⁹	F	F	F
Large ⁹	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Accessory and Ancillary Uses (cont.)</u>			
Accessory storage or transfer of toxic waste	F	F	F
Accessory swimming pool or tennis Court ¹⁰	A	A	A
Accessory trade uses	F	F	A
Accessory truck servicing or storage	F	F	F
Accessory wholesale business	F	F	C
Ancillary use ¹¹	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 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. 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 64-4 (Applicability), 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 64-24 (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.

2. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.

TABLE A - Continued

3. Where designated "A," provided that: (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 any 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. Provided that Dwelling Units are forbidden in Basements.
6. Total gross floor area not more than 2,500 square feet per restaurant.
7. Total gross floor area exceeding 2,500 square feet per restaurant.
8. 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.
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 is it ancillary.
12. Provided that such use has not more than 500 seats; otherwise conditional.

TABLE A - Continued

13. See Map 1P and Section 3-1A.c concerning regulations applicable in a Restricted Parking District.
- ^14. 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 B

South End Neighborhood District

**Use Regulations in
Economic Development Areas, Neighborhood Development Areas and Institutional 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>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	A	A	A	A
Bank	A	A	A	A
Drive-in bank	C	F	F	F
Post office	A	A	A	A
<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>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Cultural Uses</u>				
Art gallery	A	A	A	A
Art use	A	A	A	A
Auditorium	A	C	C	C
Cinema	A	C	C	F
Concert hall	A	C	C	F
Museum	A	C	C	A
Public art, display space	A	A	A	A
Studios, arts	A	A	A	C
Studios, production	A	A	A	C
Theatre	A	C	C	C
Ticket sales	A	C	C	C
<u>Dormitory and Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	C
Fraternity	F	F	F	C

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Educational Uses</u>				
College or university ¹	C	F ¹⁵	F	A ¹
Elementary or secondary school ²	C	A	C	A
Kindergarten	C	A	C	A
Professional school	A	A	F	A
Trade school	A	A	F	A
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	C	F	F	F
Amusement game machines in non-commercial establishment	C	F	F	F
Bar ³	C	F	F	F
Bar with live entertainment'	C	F	F	F
Bowling alley	A	C	F	A
Billiard parlor	A	C	F	A
Dance hall	C	C	F	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	A	C	F	C
Private club not serving alcohol	A	F	F	F
Private club serving alcohol	C	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. ³	A	C	F	C

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Entertainment and Recreational Uses (cont.)</u>				
Restaurant with live entertainment, operating after 10:30 p.m. ³	C	C	F	C
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F
Funeral home	A	C	F	F
Mortuary chapel	A	F	F	F
<u>Health Care Uses</u>				
Clinic	A	C	C	A
Clinical laboratory	C	C	F	A
Custodial care facility	C	C	F	C
Group care residence, general	C	F	F	C
Hospital ¹	C	F	F	A ¹
Nursing or convalescent home ¹	C	C	C	A ¹
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	A	A	A	A
Conference center	A	A	C	A
Executive suites	A	A	C	A

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Hotel and Conference Center Uses (cont.)</u>				
Hotel	A	A	C	A
Motel	C	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	A	A	A	C
Cleaning plant	F	C	F	F
General manufacturing use	F	C	F	F
Light manufacturing use	F	A	F	F
Printing plant	F	C	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	C	F
<u>Open Space Uses</u>				
Golf driving range	C	F	F	F
Grounds for sports, private	C	C	C	F
Open space	A	A	A	A
Open space recreational building	A	C	C	F

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Open Space Uses (cont.)</u>				
Outdoor place of recreation for profit	C	G	C	F
Stadium	C	F	F	F
<u>Public Service Uses²</u>				
Automatic telephone exchange Or telecommunications data Distribution center	C	C	C	C
Courthouse	C	A	A	F
Fire station	A	A	A	A
^Outdoor payphone	C	C	C	C
Penal institution	C	F	F	F
Police station	A	A	A	A
Pumping station	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	C	F	F
Solid waste transfer station	F	F	F	F
Sub-station	C	C	C	C
Telephone exchange	C	C	C	F

(^As inserted on March 15, 2006)

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Research and Development Uses⁴</u>				
Research laboratory	C	C	F.	A
Product development; prototype manufacturing	C	A	F	A
<u>Residential Uses⁵</u>				
Congregate living complex	C	C	C	A
Elderly housing	C	C	C	A
Group residence, limited	C	A	A	A
Lodging house	C	C	C	F
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
Multi-family dwelling	A	A	A	F
One family detached dwelling	C	F	F	F
One family semi-attached dwelling	C	F	F	F
Orphanage	C	F	C	F
Rowhouse	A	A	A	F
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	C	F	F	F
Townhouse	A	A	A	F
Transitional housing or homeless shelter	C	C	F	C
Two family detached dwelling	C	F	F	F
Two family semi-attached dwelling	C	F	F	F

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Restaurant Uses</u>				
Drive-in restaurant	C	F	F	F
Restaurant	A	A	C	A
Take-out restaurant				
Small ⁶	A	C	C	C
Large ⁷	C	C	C	C
<u>Retail Uses⁸</u>				
Adult bookstore	F	F	F	F
Bakery	A	A	A	F
General retail business ¹³	A	C	C	F
Liquor store	A	F	F	F
Local retail business	A	A	A	C
Outdoor sale of garden supplies	A	A	C	F
↔Pawnshop	C	C	C	C
(↔ Inserted on February 16, 2001.)				
<u>Service Uses⁸</u>				
Animal hospital	A	C	F	C
Barber or beauty shop	A	A	A	A
↔Body Art Establishment	C	C	C	C
Caterer's establishment	A	A	A	F
Check cashing business	C	F.	F	C

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Service Uses</u> ⁸ – cont.				
Container redemption center ⁹	C	C	F	C
Dry-cleaning shop	A	A	A	A
Kennel	A	F	F	F
Laundry, retail service	A	A	A	F
Laundry, self-service	A	A	A	F
Photocopying establishment	A	A	A	A
Shoe repair	A	A.	A	A
Tailor shop	A	A	A	A

(↔ Inserted on April 9, 2001.)

Storage Uses, Major

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
Outdoor storage of junk and scrap	F	F	F	F
Storage of certain materials	F	F	F	F

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Storage Uses, Major – cont.</u>				
↔Storage of dumpsters not accessory 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
Storage of flammable liquids and gases				
Small ¹⁰	C	C	F	F
Large ¹⁰	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F
Warehousing	F	C	F	F
Wrecking yard	F	F	F	F
(↔ Inserted on September 18, 2000.)				
<u>Trade Uses⁸</u>				
Carpenters shop	A	A	C	F
Electrician's shop	A	A	C	F
Machine shop	A	A	C	F
Photographer's studio	A	A	A	C
Plumber's shop	A	A	C	F

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Trade Uses</u> ^{8 – cont.}				
Radio/television repair	A	A	C	F
Upholsterer's shop	A	A	C	F
Welder's shop	A	A	C	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 ¹⁵	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	A	F	F	F
<u>Vehicular Uses</u>				
Airport-related remote parking facility	C	C	F	C
Bus servicing or storage	F	F	F	F
Carwash ¹¹	C	F	F	F
Gasoline station ¹¹	C	C	F	F

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Vehicular Uses (cont.)</u>				
Indoor sale, with or without installation, of automotive parts, accessories and supplies	C	C	F	F
^Indoor sale of motor vehicles	C	C	F	F
^Outdoor sale of new and used motor vehicles	C	F	F	F
Parking garage	C	C	C ¹⁶	C
Parking lot	C	F ¹⁶	F	F
Rental agency for cars	C	C	F	F
Rental agency for trucks	C	C	F	F
Repair garage ¹¹	C	C	F	F
Truck servicing or storage	F	F	F	F
(^As amended on March 15, 2006)				
<u>Wholesale Uses</u>				
Wholesale business	F	A	C	F

TABLE B – Continued

<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
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Accessory and Ancillary Uses

In each subdistrict of the South End 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 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	C	F	F	C
Accessory art use	A	A	A	A
Accessory automatic teller machine	A	A	A	A
Accessory bus servicing or storage	C	C	F	C
Accessory cafeteria	A	A	A	A
Accessory cultural uses	A	C	C	A
Accessory dormitory	F	F	F	C
Accessory drive-through restaurant	C	F	F	F
Accessory drive-through retail	C	F	F	F
Accessory family day care home	A	A	A	F
Accessory home occupation	A	A	A	F
^Accessory indoor maintenance and operation of a payphone ¹⁸	A	A	A	A
Accessory industrial use	A	A	F	F
Accessory keeping of animals, other than laboratory animals	A	C	F	F

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Accessory and Ancillary Uses (cont.)</u>				
Accessory keeping of laboratory Animals ⁴	C	C	F	A
Accessory machine shop	A	A	F	A
Accessory manufacture of products	C	A	C	F
Accessory offices	A	A	A	A
Accessory offices for university	C	F ¹⁵	F	A
Accessory outdoor cafe	A	A	C	A
Accessory parking ¹⁷	A	A	A	A
Accessory personnel quarters	C	A	A	A
Accessory printing	A	A,	A	A
Accessory professional office in a dwelling	A	A	A	F
Accessory railroad storage yard	F	F	F	F
Accessory recycling	C	C	C	C
Accessory repair garage	C	C	F	C
Accessory retail	A	A	A	A
Accessory service uses	A	C	C	A
Accessory services for apartment and hotel residents	A	A	A	A
Accessory services incidental to educational uses other than college or university use	A	A	C	A
Accessory storage of flammable liquids and gases small ¹⁰	A	A	C	A
Large ¹⁰	C	C	C	C

TABLE B – Continued

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Accessory and Ancillary Uses (cont.)</u>				
Accessory storage or transfer of toxic waste	F	C	F	A
Accessory swimming pool or tennis court ¹²	A	A	A	A
Accessory trade uses	A	A	C	A
Accessory truck servicing or storage	C	C	C	C
Accessory wholesale business	C	A	A.	F
Ancillary use ¹³	C	C	C	C

1. Note regarding Institutional Use. 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. 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 64-4 (Applicability), Section 8013-2.4 (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 64-24 (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 B - 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 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.
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. Provided that Dwelling Units are forbidden in Basements.
6. Total gross floor area not more than 1,000 square feet per restaurant.
7. Total gross floor area exceeding 1,000 square feet per restaurant.
8. In an Economic Development Area, Neighborhood Development Area, or Community Commercial Subdistrict, 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.

In an Institutional Subdistrict, where a Retail, Service, or Trade Use is designated "A," it shall be forbidden 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.
9. 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 B - Continued

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Except conditional in the Bio Square EDA.
16. Provided that such parking is located: (1) underground, or (2) above the ground floor in a structure in which the ground floor is occupied by retail, service or office uses; otherwise forbidden.
17. See Map 1P and Section 3-1A.c concerning regulations applicable in a Restricted Parking District.

TABLE B - Continued

[^]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

South End Neighborhood District
Neighborhood Business Subdistricts and
Community Facilities Subdistricts
Dimensional Regulations¹

	<u>Community Facilities Subdistricts</u>	<u>Community Commercial Subdistricts</u>
Maximum Floor Area Ratio ²	4.0	4.0
Maximum Building Height ²	70	70
Minimum Lot Size	none	none
Minimum Lot Area Per Dwelling Unit	none	none
Minimum Usable Open Space per Dwelling Unit	200	200
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard ³	none	none
Minimum Side Yard ⁴	none	none
Minimum Rear Yard ⁵	20	20

TABLE D - Continued

Footnotes:

1. For applicability of the dimensional regulations of this Table D to buildings and structures used for Institutional Uses, see Section 64-4 (Applicability), Section 64-24 (institutional Master Plan Review Requirement), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-1 1 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements). See also Section 64-24 (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 buildings and structures.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 64-29. See also Section 64-28 (Establishment of Areas in which Planned Development Areas May be Permitted).
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.

Every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
4. 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.
5. 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.

TABLE E

South End Neighborhood District

**Economic Development Areas, Neighborhood Development Areas, and Institutional Subdistricts
Dimensional Regulations (1)**

	<u>South End EDA/North</u>	<u>Bio Square EDA and South End EDA/South</u>	<u>Washington Street Neighborhood Development Area</u>	<u>Institutional Subdistricts</u>
Maximum Floor Area Ratio (2)	4.0	4.0	3.0	4.0
Maximum Building Height (2)	70	150 (3)	70	120
Residential Use	(4)	(4)	(4)	(4)
Other Use				
Minimum Lot Size	none	none	none	none
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard	none	none	none	none
Minimum Side Yard	none	none	none	none
Minimum Rear Yard	20 (5)	20 (5)	20 (5)	20 (5)

TABLE E - Continued

1. For applicability of the dimensional regulations of this Table E to buildings and structures used for Institutional Uses, see Section 64-4 (Applicability), Section 64-24 (Institutional Master Plan Review Requirement), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements). See also Section 64-24 (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 buildings and structures.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 64-29. See also Section 64-28 (Establishment of Areas in which Planned Development Areas May be Permitted).
3. Except that within 100 feet of the subdistrict boundary along Albany Street, the maximum Building Height shall be one hundred ten (110) feet and, for any Building over 70 feet in height, all parts of the Building above 70 feet shall be set back by no less than ten (10) feet from the Street Line of Albany Street.
4. For any Residential Use, the requirements for the MFR and MFR/LS Subdistricts, as set forth in Table C (Residential Subdistricts: Dimensional Regulations), shall be applicable.
5. Except that any Rear Yard for any Proposed Project that is subject to or has elected to comply with the provisions of Large Project Review shall be determined through such review.

TABLE F

**South End Neighborhood District
Off-Street Parking Requirements (1)**

Residential and Related Uses

	<u>Off Street Parking Requirement (space per dwelling unit)^{2,3}</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	0.7
<u>Residential Uses³</u>	
Elderly Housing	0.5
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses ^{4,5}	0.7

1. The provisions of this Table F do not apply to Proposed Projects that are subject to Large Project Review. See Section 64-33 (Off-Street Parking and Loading Requirements).
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) persons, each group of four (4) beds shall constitute a Dwelling Unit.
3. Any dwelling converted for more families in separate dwelling units must meet not less than one-half the off-street parking requirements of this Table F.
4. Off-street parking facilities are not required unless more than two car spaces are required by this Table F.
5. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement shall be 0.7 parking spaces per Dwelling Unit.

TABLE G

**South End Neighborhood District
Off-Street Loading Requirements¹**

<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

([^]As amended on December 22, 2003.)

1. The provisions of this Table G do not apply to Proposed Projects that are subject to Large Project Review. See Section 64-33 (Off-Street Parking and Loading Requirements).