

STUART STREET DISTRICT

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(Editor's Note: This table of contents is added for the convenience of the user. It has not been adopted as part of this Article.)

SECTION 48-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the Stuart Street District. The goals and objectives of this Article and the Stuart Street Planning Study are to direct development in a way that provides an area for economic growth and urban vitality; promote a thriving and vibrant, live/work area by improving the district's public realm and pedestrian experience by encouraging mixed uses; allow for additional height, density, and public benefits when appropriate; improve the district's quality of character and environmental sustainability; minimize negative impacts any new development may have on shadow, wind, traffic, groundwater and public infrastructure; use existing transportation and urban infrastructure to reduce energy consumption and to improve air quality; preserve and protect both the immediate area and adjacent neighborhoods; and respect the historic context and the scale of abutting neighborhoods.

SECTION 48-2. Recognition of the Stuart Street Planning Study. The Zoning Commission hereby recognizes the Stuart Street Planning Study (adopted by the Boston Redevelopment Authority as the Stuart Street Development Review Guidelines on October 15, 2015) as the general plan for the Stuart Street District. The Stuart Street Planning Study shall also serve as the portion of the general plan for the City of Boston applicable to the Stuart Street District. The district includes several distinct areas, bound by St. James Avenue to the north, Dartmouth Street to the west, the southern property line of Back Bay Station and then Columbus Avenue to the south, and Arlington Street to the east. The area is identified by the diagonal intersection of Columbus Avenue and sits adjacent to the historic neighborhoods of Bay Village and the South End. This Article is one of the means of implementing the Stuart Street Planning Study, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Chapter 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 48-3. Physical Boundaries. The provisions of this Article are applicable only in the Stuart Street District, which includes the area bound by St. James Avenue to the north, Dartmouth Street to the west, the southern property line of Back Bay Station and then Columbus Avenue to the south, and Arlington Street to the east. The boundaries of the Stuart Street District are as shown on a map entitled, "Map 1S Stuart Street District (supplemental to `Map 1 Boston Proper`)" of the series of maps entitled "Zoning Districts - City of Boston," as amended.

SECTION 48-4. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Stuart Street District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Where conflicts between this Article and the rest of this Code exist, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Sections 13-1, 13-2, and 13-4, and Articles 8 and 14 through 24 of this Code for the Stuart Street District. The provisions of this Article, however, are not applicable to the following Proposed Projects, which are governed by the rest of this Code.

1. Any Proposed Project for which 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 for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

SECTION 48-5. Building Height and Floor Area Ratio. A Proposed Project within the Stuart Street District is allowed an as-of-right Building Height of one hundred fifty-five (155) feet and an as-of-right Floor Area Ratio (“FAR”) of ten (10). Any Proposed Project within Area 2, Area 3, or Area 4 shall be permitted an as-of-right Building Height and an as-of-right FAR as shown in Table 1, below, and which Areas are shown on Appendix A to this Article, if such Proposed Project is subject to or shall elect to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6, and if such Proposed Project complies with the specific requirements set forth in Section 48-6 and Section 48-8 of this Article.

TABLE 1 Stuart Street District Areas 1, 2, 3, and 4 Maximum Building Heights and FAR

Area	Maximum Building Height	Maximum FAR
Area 1	155’	10.0
Area 2	280’	17.5
Area 3	356’	17.5
Area 4	400’	17.5

SECTION 48-6. Specific Requirements within Areas 2, 3, and 4. Proposed Projects within Areas 2, 3, and 4 of the Stuart Street District, if such Proposed Project is subject to or shall elect to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6, in order to obtain greater Building Height and FAR, as set forth in Section 48-5 of this Article, shall comply with the specific requirements established in this section and in Section 48-8 of this Article.

1. Specific Requirements for Proposed Projects Incorporating Residential Uses. Proposed Projects must create residential units within the Proposed Project's immediate impact area in an amount that exceeds the minimum level of affordability required by the Mayor's Executive Order on Inclusionary Development by two and a half (2.5%) percent. The distribution of unit types and sizes shall be determined through the Large Project Review process.
2. Ground Floor Use. For every fifty thousand (50,000) gross square feet of ground floor leasable retail space, a Proposed Project must provide up to two thousand (2,000) gross square feet of leasable space for a small retail business. Fifty to seventy (50-70%) percent street retail frontage along Columbus Avenue, Dartmouth Street, and Clarendon Street is required. Where possible, retail frontage on Stuart Street is strongly encouraged.
3. Floor Plates. For Proposed Projects above one hundred fifty-five (155) feet of street wall height, the maximum floor plate for commercial uses is thirty thousand (30,000) square feet and the average residential floor plate above two hundred (200) feet of street wall height is twelve thousand (12,000) square feet.
4. Massing Setback. For portions of a Proposed Project that extend above one hundred fifty-five (155) feet of street wall height along Berkeley and Clarendon Streets, massing must be setback from the property line at least fifteen (15) feet. For portions of a Proposed Project that extend above one hundred fifty-five (155) feet of street wall height along Dartmouth Street, massing must be setback from the property line at least twenty-five (25) feet. Portions of any Proposed Project below one hundred and fifty-five (155) feet should acknowledge adjoining cornice lines and context.
5. Sustainability. Proposed Projects shall incorporate advanced sustainability methods and/or accreditation that achieve certifiable status at LEED Gold level or net zero energy consumption or meets or exceeds comparable environmental standards in effect.
6. Public Realm Improvements. Proposed Projects shall comply with one of the following:
 - (a) Multi-Modal Access. Proposed Projects shall contribute to a Transportation Improvement Fund to allow for "Complete Streets" improvements, transit improvements, improved safety, connectivity and/or beautification of the public realm. This shall be determined in coordination with the Boston Redevelopment Authority and the Boston Transportation Department through Large Project Review and should be of a value equal to or greater than one half of one (0.50%) percent of the cost of building construction; or

- (b) Public Art. Proposed Projects shall provide publicly accessible art or provide a donation to the Fund for Boston Neighborhoods (a 501(c)3 administered by the Boston Arts Commission) in an amount that has an invoiced or appraised value equal to, or greater than, one half of one (0.50%) percent of the cost of building construction. This shall be determined through Large Project Review.
7. Publicly Accessible Space. Proposed Projects with a street frontage that is two hundred (200) feet or longer shall include a publicly accessible through block connection if such connection is possible. The connection may be indoors or outdoors. Through block corridors are encouraged to coordinate with existing corridors and open space. If a through block connection is not possible, a minimum of fifteen thousand (15,000) gross square feet of publicly accessible space is an acceptable alternative. The space may be indoors or outdoors.

SECTION 48-7. Stuart Street District Use Regulations. In the Stuart Street District, the use of land and structures is hereby regulated as provided in this section. The provisions of Article 8 apply only as specified in this section, except that Section 8-6 applies. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 48-7.

1. Ground Level and Cultural Uses. Within any Proposed Project, uses with street frontage located on the ground level or entered by stairs from a sidewalk entry, except for lobby entrances, are limited to Ground Level Uses and Cultural Uses, as listed in Appendix B to this Article. All other uses with street frontage which are allowed by this section are conditional uses when located on the ground level or entered by stairs from a sidewalk entry.
2. Inclusion of Day Care Facilities. The provisions of this paragraph shall apply only to Proposed Projects exceeding a building height of one hundred fifty-five (155) feet or an FAR of ten (10), or both. Any Proposed Project having a gross floor area, not including the floor area devoted to Residential Uses, which equals or exceeds one hundred thousand (100,000) square feet shall devote to day care facilities an amount of floor area equal to at least the amount listed below in Table 2 of the Section. For the purposes of this Subsection 48-7.2 and Table 2 only, floor area devoted exclusively to hotel or motel uses shall be multiplied by 0.5 before being used in any such calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this paragraph may fulfill its obligations under this paragraph by either:
 - (a) creating such facilities on-site; or

(b) creating such facilities, or causing such facilities to be created elsewhere in the City. The provision of day care facilities in accordance with this paragraph shall be in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. For purposes of this paragraph, the term “day care facilities” includes the finish, furnishings, and equipment required for use of the floor area of such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE 2 Provision of Day Care Facilities

Size of Proposed Project (Gross Square Feet)	Size of Proposed Project (Gross Square Feet)
100,000 up to 200,000	2% of gross floor area
200,000 up to 500,000	4,000
500,000 up to 1,000,000	8,000
More than 1,000,000	12,000

3. Allowed Uses. No land or structure in the Stuart Street District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use except under the provisions of Section 48-7.3 and Article 6, Conditional Uses, unless such use is specified in this Section 48-7.3. Any use so specified shall be allowed as a matter of right, subject only to the requirements set forth in this Section 48-7.

(a) Residential Uses. Limited to multifamily dwelling, artists' live/work space, apartment hotel, lodging or boarding house, temporary housing shelters, group residence, limited, as defined in clause (22B) of Section 2-1, and any dwelling converted for more families where structures after conversion will conform to this code. Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity share cooperatives.

- (b) Restaurant and Entertainment Uses. Limited to the service or sale of food or drink for on-premises consumption; concert hall; Theater, commercial or nonprofit (including motion picture or video Theater, but not drive-in Theater); art galleries, nonprofit or for profit.
- (c) Office Uses. Limited to offices of cultural groups; offices of community service organizations; business or professional offices; real estate, insurance, or other agency or government office; office building; post office; bank (other than drive-in bank) or similar establishment; dance, Theater, or music rehearsal studio; artist studio or work space.
- (d) Hotel or motel.
- (e) Day care center, family care center, nursery school, kindergarten, elementary or secondary school, or community health center or clinic.
- (f) Recreational and Community Uses. Limited to private grounds for games and sports not conducted for profit; other social, recreational, or sports center conducted for profit; private club (including quarters of fraternal or sororal organizations) operated for members only; adult education center or community center building; settlement house; the maintenance and operation of any amusement game machine in a private club, dormitory, fraternity or sorority house, or similar noncommercial establishment, or in any commercial establishment.
- (g) Service Uses. Limited to video or film production studio; barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop; framer's studio; caterer's establishment; photographer's studio; printing plant; radio or television studio; or similar use provided that in laundries and cleaning establishments, only nonflammable solvents are used for cleaning; animal hospital or clinic.
- (h) Retail Uses. Limited to store primarily serving the local retail business needs of the neighborhood; artist supply store; grocery store; department store, furniture store, general merchandise mart or other store serving the general retail business needs of a major part of the city, including accessory storage.
- (i) Uses specified in Appendix B hereto.

- (j) Institutional Uses. Limited to place of worship, monastery, convent, or parish house; elderly care facility; nonprofit library or museum, not accessory to another institutional use; or clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot, provided that such use will occupy interior space being used by the same institution for another institutional use at the time such change is proposed.
 - (k) Accessory Uses subject to the limitations and restrictions of Article 10, limited to: (i) a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential use, a hotel or motel, a group care residence, or a dormitory, fraternity, or sorority house; (ii) a swimming pool or tennis court; (iii) the storage of flammable liquids and gases incidental to a lawful use; (iv) the manufacture, assembly, or packaging of products sold on the lot; (v) the maintenance and operation of not more than four amusement game machines accessory to eating and drinking establishments; (vi) any use ancillary to, and ordinarily incident to, a lawful main use, provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is accessory.
4. Conditional Uses. No land or structure in the Stuart Street District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in this Section 48-7.4. The granting of a permit for any use so specified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the requirements set forth in this Section 48-7. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.
- (a) Residential Uses. Limited to orphanage, and any dwelling converted for more families, provided that, after conversion, any nonconformity as to floor area ratio is no greater than prior to conversion.
 - (b) Group Care Residence. Unless otherwise allowed pursuant to paragraph 5(a) of this section.
 - (c) Parking lot or parking garage.
 - (d) Fast Food Restaurant Uses. Limited to sale over the counter, not wholly incidental to a use listed under paragraph 3(b) or 3(i) of this section, of on-premises prepared food or drink for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.

- (e) Rental motor vehicle and trailer agency accessory to a hotel or motel, provided that no rental vehicles or trailers are parked on the street and that exterior lighting is arranged to shine downward and away from residences.
- (f) Transportation Uses. Limited to bus terminal, bus station, subway station, or shuttle service to airlines.
- (g) Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; 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.
- (h) Institutional Uses. Fraternity or sorority house or dormitory; trade, professional, or other school; hospital, sanatorium, or similar institution not for correctional purposes, whether or not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons; clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot, providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons; library or museum not conducted for profit and accessory to another institutional use not allowed under paragraph 3(j) of this section; research laboratory not accessory to another institutional use; clinic not accessory to a main use.
- (i) Accessory Uses. Limited to: (i) a garage or parking space for occupants, employees, customers, students, and visitors, such use not accessory to a residential use, a hotel or motel, a group care residence, or a dormitory, fraternity, or sorority house; (ii) the keeping of animals, other than household pets, provided that every enclosure is sufficient to prevent a nuisance to any adjacent residences or eleemosynary institutions; and (iii) in educational institutions with more than four hundred (400) full-time students, and in hospitals with more than fifty (50) beds, incidental uses and services ordinarily found in connection therewith and primarily for the patients and staff or students and faculty, when conducted wholly within a building and entered from within the building where there is but one building on the lot or from an entrance not directly facing a street or lot line where there is more than one building on a lot, unless accessory to a hospital or sanatorium or clinic which is an allowed use.
- (j) Public Service Uses. Limited to public service pumping station, substation, automatic telephone exchange, or telecommunications data distribution center subject to St. 1956, c. 665, s. 2.

- (k) Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpsters repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility

SECTION 48-8. **Specific Design Requirements.** Proposed Projects within the Stuart Street District shall comply with the specific design requirements established in this section. Except as provided in Article 6A, no Zoning Relief shall be granted from the provisions of this section.

1. Building Preservation. Proposed Projects over fifty thousand (50,000) gross square feet are required to preserve any building on the development site that meets National Register criteria for individual listing at the time of the filing of a Project Notification Form under Article 80, in a manner that respects the architectural character of the original building, pursuant to consultation with Boston Landmarks Commission staff.
2. Street Wall Frontage. Proposed Projects shall infill at least seventy-five (75%) percent of the street frontage to achieve a continuous ground level experience for pedestrians. Street frontage should either meet the property line or be aligned to adjacent buildings, except when the sidewalk does not meet the complete streets standards. The height of the street frontage shall reflect that of adjacent buildings or those in close proximity. Active programmed open space that engages with the sidewalk may be included in the street frontage percentage.
3. Transparency. Proposed Projects shall maintain fifty to sixty (50–60%) percent transparency of ground floor street wall along Columbus Avenue, Dartmouth Street, Clarendon Street, Berkeley Street and Arlington Street. Transparency calculations do not include garage entrances, loading docks, egress doors, utility vaults, and service areas.
4. Ground Floor Pedestrian Entrances. The average distance between ground-level pedestrian entrances should be no more than seventy-five (75) feet, subject to Boston Redevelopment Authority review.
5. Shadow Performance. Each Proposed Project shall be arranged and designed in a way to assure that it does not cast net new shadows for more than two (2) hours from 8:00 a.m. through 2:30 p.m., on any day from March 21 through October 21, in a calendar year, on any portion of Copley Square Park (bounded by Boylston Street, Clarendon Street, St. James Avenue and Dartmouth Street, excluding land occupied by Trinity Church).

6. Wind Performance. For each Proposed Project, wind studies shall be conducted which demonstrate that there will be, on average, a net overall positive impact on existing conditions or conditions which would result from the construction of structures built to one hundred fifty-five (155) feet. After issuance of an Occupancy Permit, evaluation of wind impact at key locations, such as building entries, is required. Mitigation shall be required if the building is determined to have worsened pedestrian conditions at key locations. Key locations, such as building entries, exterior seating areas, and crosswalks, will be identified through the Large Project Review Process.

SECTION 48-9. **Design Review and District Design Guidelines.**

1. Design Review. Any Proposed Project for exterior alteration or construction shall be subject to Small Project Review, pursuant to paragraph (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component). Notwithstanding any contrary provision of Section 80E-2.1, such review shall be applicable whether or not any such Proposed Project is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

To be consistent with the design guidelines established in this Section 48-9, a Proposed Project shall be designed such that the exterior proportions, scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the observable historical and architectural character of other buildings in the area within which the Proposed Project is located, and with streets and open spaces to which it is visually related, as identified in the Stuart Street District Plan. To preserve a lot-by-lot appearance, facade ornamentation should be varied, and facades should be divided into modules or bays to reflect the lot width established by historic buildings within each area and to continue the established bay rhythm of each block.

2. Design Guidelines. This Section 48-9.2 establishes the following design guidelines and incorporates the Stuart Street Planning Study Guidelines for the Stuart Street District.
 - (a) Advanced sustainability methods and/or accreditation that achieve status at LEED Gold level or equivalent in other environmental standards, whichever meet or exceed environmental standards in effect should be incorporated into Proposed Projects.

- (b) Any Proposed Project of new development over fifty thousand (50,000) new gross square feet should include the surrounding area bordered by Storrow Drive to the north, Harrison Avenue to the south, Massachusetts Avenue to the west, and Albany Street to the east in their traffic impact analysis, or as determined by the Boston Transportation Department.
- (c) Curb cuts should be minimized in locating service and parking access points. A maximum entrance width of thirty (30) feet and a minimum distance between entrances of sixty (60) feet are preferable. Careful consideration should be given to evening illumination levels of parking garage entries. Service doors, when not in use, should be closed to maintain the street wall.
- (d) Proposed Projects should include at least one (1) car share space per fifty (50) parking spaces, at least one (1) parking space for vanpool parking, and at least one (1) parking space per fifty (50) parking spaces for zero emission vehicles (for example: hybrids, electric vehicles), as well as parking for scooters and motorcycles.
- (e) Bicycle racks should be provided in secure sheltered spaces as per Boston Transportation Department ratios. No fewer than five (5) outside bicycle spaces per building are strongly encouraged. A minimum number of shower stalls should be provided based on the number of commercial building occupants or the equivalent of free access to on-site health club shower facilities. Bicycle parking locations should be as accessible as the closest automobile space, or within fifty (50) feet of the primary entrance of a retail establishment.
- (f) Proposed Projects over fifty thousand (50,000) gross square feet are strongly encouraged to join the local Transportation Management Association and participate in their programs such as “Guaranteed Ride Home” and car pools.
- (g) Applicants should work with the Boston Transportation Department to determine appropriate public right-of-way streetscape improvements to be designed and built in the vicinity of the Proposed Project, including at a minimum the sidewalks along each side.
- (h) Applicants should provide pre-payroll deductions and distribution for MBTA passes.
- (i) Incorporation of the development review criteria set forth in the Stuart Street Planning Study in Proposed Projects are strongly encouraged.

SECTION 48-10. Off-Street Parking Requirements. Within the Stuart Street District, off-street parking is not required in Proposed Projects. The maximum ratios are: 1.0 space per dwelling unit; 0.50 space per 1,000 square feet of commercial development; and 0.40 space per hotel key. There are no parking minimum requirements. Parking should not be visible from any location on the street. Except for access to parking, service and parking areas must be set back a minimum of twenty (20) feet from the building face. This “liner” space should contain active building uses.

SECTION 48-11. Off-Street Loading. Article 24 provides the regulations governing provision and design of off-street loading facilities for the use of any structure or land not subject to Large Project Review. For Proposed Projects that elect to comply with, or are, subject to Large Project Review, shall provide off-street loading to minimize on-street commercial vehicle activity. Parking and loading access, where possible, will be provided off of alleys to enhance pedestrian safety, maximize commercial frontage, and accommodate queuing.

SECTION 48-12. Regulations. The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 48-13. Severability. The provisions of this Article are severable, and if any such provision or provisions 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 48-14. Appendices. The following appendices are incorporated herein:

- Appendix A – Map of Stuart Street District Areas 1, 2, 3, and 4
- Appendix B - Ground Level Uses and Cultural Uses
- Appendix C - Definitions

APPENDIX B to ARTICLE 48

Ground Level Uses and Cultural Uses

1. Ground Level Uses

The following uses are Ground Level Uses and are allowed uses within the Stuart Street District. This list is intended to be illustrative of Ground Level Uses and not exclusive, and includes uses and space accessory to ground level uses.

Antique stores
Appliances, sales
Artists' supply and music stores
Athletic goods stores
Bakeries and pastry shops
Bank branch offices
Barber shops
Beauty parlors
Bicycle shops: sales, rental, or repair
Book stores and card stores*
Cafes
Candy stores
Churches
Cigar stores
Clock sales or repair shops
Clothing retail establishments
Clothing stores (men's, women's, children's apparel)
Clubs, noncommercial
Coffee shops
Community centers
Dance halls, public
Day care centers
Delicatessens

* Subject to the provisions of Sections 48-7.3 (Allowed Uses).

APPENDIX B to ARTICLE 48 (continued)

Department stores
Diners
Dressmaking shops, custom
Drug stores
Dry cleaning establishments
Dry goods stores
Eating or drinking places, in accordance with the provisions of Use Item No. 38*
Fabric stores
Fire stations**
Florist shops
Food stores, including supermarkets, produce and grocery stores, markets,
health foods, delicatessens, prepared food/special food, spices and herbs,
coffees, teas, meat, fish, poultry, and cheese stores
Furniture stores
General merchandise mart
Gift shops
Hair products or headwear
Hardware stores
Historical exhibits
Hobby shops
Housewares stores
Household appliance repair shops
Ice cream stores
Interior decorating establishments
Jewelry shops
Kitchenware stores
Lamp shops
Laundromats
Leather goods stores
Libraries
Locksmith shops
Luggage stores
Millinery shops
Newsstands, enclosed
Office or business machine stores: sales or rental

* Subject to the provisions of Sections 48-7.3 (Allowed Uses).

**Subject to St. 1956, c. 665, s. 2.

APPENDIX B to ARTICLE 48 (continued)

Offices (only lobby space is allowed at grade on streets bounding blocks)
Optician and optometrist establishments
Orthopedic stores
Paint stores
Parish houses
Parks, public or private
Party shops
Perfume shops
Pet shops
Photographic equipment stores
Photographic studios
Photographic supply stores
Picture framing stores
Police stations**
Post offices
Printing establishments
Record stores
Recreational centers (noncommercial)
Residences (only lobby space is permitted at grade on streets bounding blocks)
Schools
Sewing machine stores selling household machines
Shoe repair and shoeshine shops
Shoe stores
Sign painting shops
Skating rinks, outdoor ice
Sporting goods stores
Sports shops
Stamp stores
Stationery stores
Tailor shops, custom
Telegraph offices
Television repair shops
Tobacco stores
Tour operators
Toy stores

**Subject to St. 1956, c. 665, s.2.

APPENDIX B to ARTICLE 48 (continued)

Variety or convenience stores
Video or motion picture store, sale or rentals
Watch sales or repair shops

2. Cultural Uses

The following uses are Cultural Uses, and are allowed uses within the Stuart Street District. This list is intended to be illustrative of Cultural Uses and is not exclusive.

Art galleries, commercial and nonprofit
Art metal craft shops
Art needle work shops
Auditoriums
Motion picture or video production studio
Museums
Music stores
Musical instruments, repair
Philanthropic and nonprofit institutions which provide direct support to the arts
Public Art, display space
Studios: music, dancing, visual arts, or theatrical
Theater*
Ticket sales

* Subject to the provisions of Sections 48-7.3 (Allowed Uses).

APPENDIX C to ARTICLE 48

Definitions

For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Adjusted Income" is defined as it is in 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with Section 48-12.
2. "Affordable" means either an owner-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate-Income Household for mortgage and insurance payments, real estate taxes, and condominium fees of not more than thirty percent (30%) of its Adjusted Income to occupy the unit, or a renter-occupied dwelling unit, requiring the expenditure by a Low-Income or Moderate-Income Household for rent payments of not more than thirty percent (30%) of its Adjusted Income.
3. "Annual Income" is defined as it is in 24 CFR Section 813.106 (1986), as amended, or as set forth in regulations adopted in accordance with Section 48-12.
4. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 38-4, or the authorized agent of any such person or entity.
5. "Cultural Uses" means the uses listed in paragraph 2 of Appendix B to this article.
6. "Ground Level Uses" means the uses listed in paragraph 1 of Appendix B to this article.
7. "Historic Building" means any building listed from time to time in the Massachusetts Register of Historic Places.
8. "Landmark" means any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.
9. "Low-Income Household" means any household whose Annual Income does not exceed fifty percent (50%) of the Median Gross Income of households in the Boston Standard Metropolitan Statistical Area.

APPENDIX C to ARTICLE 48 (continued)

10. "Median Gross Income" is defined as it is by the United States Department of Housing and Urban Development, pursuant to 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with Section 48-12.
11. "Stuart Street Planning Study" means the comprehensive plan, adopted by the Boston Redevelopment Authority on October 15, 2015, pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952, which sets forth the planning policies, development controls, and design guidelines for the Stuart Street District.
12. "Stuart Street District" means the area depicted on a map entitled "Map 1S Stuart Street" of the series of maps entitled "Zoning Districts - City of Boston" as amended.
13. "Moderate-Income Household" means any household whose Annual Income does not exceed eighty percent (80%) of the Median Gross Income of households in the Boston Standard Metropolitan Statistical Area.
14. "Street Wall" means the exterior wall or portion of the exterior wall of a Proposed Project that faces a street on which such Proposed Project is located, determined pursuant to Section 48-8.1.