

;ARTICLE 45

GOVERNMENT CENTER/MARKETS DISTRICT

(;Article inserted on April 1, 1991*)

TABLE OF CONTENTS

		<u>Page</u>
Section 45-1	Statement of Purpose, Goals, and Objectives	4
45-2	Recognition of the Government Center/Markets Plan.....	4
45-3	Physical Boundaries	4
45-4	Applicability	4
45-5	Establishment of Protection Areas	5
	1. Blackstone Block Protection Area	
	2. Broad Street Protection Area	
	3. Markets Protection Area	
	4. Old State House Protection Area	
	5. Pemberton Square Protection Area	
	6. Saltonstall Protection Area	
	7. Sears Crescent Protection Area	
	8. State House Protection Area	
	9. State Street Protection Area	
45-6	Establishment of Restricted Growth Areas	7
	1. Sudbury Street Restricted Growth Area	
	2. India Street Restricted Growth Area	
45-7	Establishment of Medium Density Areas	7
	1. Custom House Medium Density Area	
	2. Congress/State Street Medium Density Area	
	3. City Hall Medium Density Area	
	4. New Chardon Street Medium Density Area	
45-8	Government Center/Central Artery Area.....	9

* Date of public notice: February 25, 1991 (see St. 1956, c. 665, s. 5).

**As amended through November 21, 2013.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREA

Section 45-9 Establishment of Zone Within Which a Planned Development Area May be Permitted9

- 1. Consistency with Section 3-1A: Review and Approval Requirements
- 2. Reconstruction of Pre-existing Structures

45-10 Planned Development Area: Use and Dimensional Regulations10

- 1. Use Regulations
- 2. Dimensional Regulations
- 3. Maximum Floor Plates
- 4. Street Wall Height
- 5. Setback Requirement

45-11 Planned Development Area: Standards for Development Plan Approval10

45-12 Planned Development Area: Public Benefit Criteria10

- 1. Development Plan Approval for the Creation of New Job Opportunities
- 2. Development Plan Approval for Diversification and Expansion of Boston's Economy
- 3. Development Plan Approval for the Provision of Street Improvements

45-13 Planned Development Area: General Design and Environmental Standards.....12

- 1. Shadow Criteria
- 2. Wind
- 3. Transportation Access
- 4. Enhancement of Pedestrian Environment
- 5. Boston Civic Design Commission Review

USE REGULATIONS

Section 45-14 Government Center/Markets District Use Regulations14

1. Ground Level Uses in the Government Center/ Markets District
2. Inclusion of Day Care Facilities
3. Allowed Uses
4. Conditional Uses
5. Forbidden Uses

OPEN SPACE SUBDISTRICTS

Section 45-15 Open Space Subdistricts21

REGULATIONS GOVERNING DESIGN

Section 45-16 Specific Design Requirements22

1. Area for Recyclable Materials
2. Street Wall Continuity
3. Display Window Area Regulations

45-17 Protection Area Design Review and Design Guidelines.....24

1. Design Guidelines

MISCELLANEOUS PROVISIONS

Section 45-18 Off-Street Parking25

45-19 Off-Street Loading.....25

45-20 Regulations.....25

45-21 Severability25

45-22 Definitions25

45-23 Appendices25

1. Appendix A - Ground Level Uses
2. Appendix B - Definitions

(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 45-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the comprehensive plan for the Government Center/Markets District as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this Code. The goals and objectives of this Article and the Government Center/Markets Plan are: (1) to preserve Boston's historic resources and public spaces, which are a vital component of Boston's heritage; (2) to create new links between the built environment and the waterfront; (3) to provide for appropriately scaled development in the remaining sites where development would be appropriate; (4) to provide for infrastructure and capital improvements where necessary; and (5) to encourage pedestrian activity in the downtown.

SECTION 45-2. Recognition of the Government Center/Markets Plan. In accordance with Section 27D-18 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Government Center District (Special Study Area No. 4), the Zoning Commission hereby recognizes the Government Center/Markets District Plan as the general plan for the Government Center/Markets District and as the portion of the general plan for the City of Boston applicable to the Government Center/Markets District. This Article is one of the means of implementing the Government Center/Markets 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 45-3. Physical Boundaries. The provisions of this Article are applicable only in the Government Center/Markets District. The boundaries of the Government Center/Markets District are as shown on a map entitled, "Map 1H Government Center/Markets District (supplemental to `Map 1 Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 45-4. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Government Center/Markets District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Application of the provisions of Article 27D to the Government Center/Markets District is rescinded on the effective date of this Article, except as provided below. Where conflicts exist between this Article and the remainder of this Code, the provisions of this Article shall govern. For the Government Center/Markets District, except where specifically indicated in this Article, the provisions of this Article supersede Article 13 (except Section 13-3), and Articles 8 and 14 through 23, inclusive, of this Code. The following Proposed Projects are exempt from the provisions of this Article, and are governed by the rest of this Code, including Article 27D.

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 45-5. Establishment of Protection Areas. This Section establishes nine Protection Areas within the Government Center/Markets District. The nine Protection Areas are established in order to protect the existing scale, the quality of the pedestrian environment, and concentrations of historic buildings within and abutting the Protection Areas. The nine Protection Areas are designated in Map 1H of this Code and are identified below. Any other provision of this Article or Code notwithstanding, Proposed Projects within a Protection Area are limited to the building height and FAR specified for such Protection Area, as follows:

1. Blackstone Block Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Blackstone Block Protection Area," maximum building heights are as indicated on Map 1H, and a maximum FAR of three (3) is allowed. The purpose of these varying heights is to protect certain historic sites and structures, identified by the addresses shown below. The following site addresses are given for ease of reference only and Map 1H should be consulted to determine lot boundaries and applicable maximum building heights.

<u>Site</u>	<u>Maximum Building Height</u>
72-86 Blackstone Street	46'
88-98 Blackstone Street	67'
100-102 Blackstone Street	56'
106 Blackstone Street	56'
108-112 Blackstone Street	44'
114-120 Blackstone Street	56'
Hancock Row, Creek Square	46'
139-149 Hanover Street	54'
10 Marshall Street	32'
11-12 Marshall Street	67'
14-22 Marshall Street	48'

<u>Site</u>	<u>Maximum Building Height</u>
1-13 Union Street	48'
15 Union Street	48'
17-21 Union Street	45'
25-27 Union Street	55'
31-35 Union Street	62'
37 Union Street	38'
41-43 Union Street	38'
45-55 Union Street	45'
16-18 North Street	70'
20-22 North Street	72'
24-60 North Street	72'

2. Broad Street Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Broad Street Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.
3. Markets Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Markets Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.
4. Old State House Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Old State House Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.
5. Pemberton Square Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Pemberton Square Protection Area," a maximum building height of one hundred and twenty-five (125) feet and a maximum FAR of eight (8) are allowed.
6. Saltonstall Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Saltonstall Protection Area," a maximum building height of fifty-five (55) feet and a maximum FAR of three (3) are allowed.
7. Sears Crescent Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Sears Crescent Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.

8. State House Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "State House Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.
9. State Street Protection Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "State Street Protection Area," a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of eight (8) are allowed.

;SECTION 45-6. **Establishment of Restricted Growth Areas**. This Section establishes the following Restricted Growth Areas in order to protect existing moderately scaled development. The three Restricted Growth Areas are designated on Map 1H of this Code and identified below. Proposed Projects within a Restricted Growth Area are limited to the building height and FAR specified for such Restricted Growth Area, as follows:

1. Sudbury Street Restricted Growth Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Sudbury Street Restricted Growth Area," a maximum building height of eighty (80) feet and a maximum FAR of six (6) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.
2. India Street Restricted Growth Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "India Street Restricted Growth Area," a maximum building height of eighty (80) feet and a maximum FAR of six (6) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.
3. Wharf Street Restricted Growth Area. Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Wharf Street Restricted Growth Area," a maximum building height of one hundred (100) feet and a maximum FAR of eight (8) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred and twenty (120) feet and a maximum FAR of twelve (12) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.

(;As amended on May 9, 1996 and November 21, 2013.)

;SECTION 45-7. **Establishment of Medium Density Areas.** This Section establishes the following Medium Density Areas within the Government Center/Markets District. The three areas are designated on Map 1H of the Code and identified below. Proposed Projects within these areas are limited to the building height and FAR specified for such areas as follows:

1. Custom House Medium Density Area. Within that portion of the Government Center/Markets District depicted on Map 1H of the Code as the "Custom House Medium Density Area," a maximum building height of one hundred and twenty-five (125) feet and a maximum FAR of eight (8) are allowed; provided that any Proposed Project shall be allowed a maximum building height and FAR in Substantial Accord with a building height of one hundred and fifty-five feet and an FAR of ten (10), 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. For purposes of calculating FAR for Proposed Projects for the Custom House Medium Density Area only, the term "Lot" is as defined in Appendix B hereto.
2. Congress/State Street Medium Density Area. Within that portion of the Government Center/Markets District depicted on Map 1H of the Code as the "Congress/State Street Medium Density Area," a maximum building height of one hundred and twenty-five (125) feet and a maximum FAR of eight (8) are allowed, provided that any Proposed Project shall be allowed a maximum building height of one hundred and fifty-five (155) and a maximum FAR of ten (10) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.
3. City Hall Medium Density Area. Within that portion of the Government Center/Markets District depicted on Map 1H of the Code as the "City Hall Medium Density Area," a maximum building height of one hundred and twenty-five (125) feet and a maximum FAR of eight (8) are allowed, provided that any Proposed Project shall be allowed a maximum building height of one hundred and fifty-five (155) and a maximum FAR of ten (10) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.
4. New Chardon Street Medium Density Area. Within that portion of the Government Center/Markets District depicted on Map 1H of the Code

as the "New Chardon Street Medium Density Area," a maximum building height of one hundred and twenty-five (125) feet and a maximum FAR of eight (8) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred and fifty-five (155) and a maximum FAR of ten (10) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.

(;As amended on May 9, 1996.)

;SECTION 45-8. Government Center/Central Artery Area.

Notwithstanding any contrary provision of this Article, the Government Center/Central Artery Area shall be governed by the applicable use, dimensional, and other requirements of Article 49, Central Artery Special District. In particular, the provisions of Sections 45-14, 45-16, 45-18, and 44-19 shall not be applicable to the Government Center/Central Artery Area. The Central Artery Special District Plan, as that term is defined in Article 49, shall be part of the general plan for the Government Center/Markets District as it applies to the Government Center/Central Artery Area.

(;As amended on June 7, 1991.)

^SECTION 45-9. Establishment of Zones Within Which Planned Development Areas May Be Permitted. This Section establishes four zones within which a Planned Development Area ("PDA") may be permitted within the Government Center/ Markets District. The purposes for establishment of the zones within which a PDA may be permitted are: (a) to establish a more flexible zoning law for the four zones while ensuring high-quality design by providing planning and design controls; (b) to encourage redevelopment of the area bounded by New Chardon Street, Cambridge Street, Staniford Street, and Merrimac Street; (c) to encourage large scale redevelopment of the area bounded by New Chardon Street, John F. Fitzgerald Surface Road, New Sudbury Street, and Bowker Street; (d) to encourage development to activate the Rose Fitzgerald Kennedy Greenway; and (e) to encourage development which knits together the surrounding neighborhoods through a new urban design for the area.

1. Consistency with Section 3-1A; Review and Approval Requirements. The four areas in the Government Center/Markets District within which a PDA may be permitted are shown on Map 1H of this Code, and are otherwise referred to herein as the "PDA-I," "PDA-II," "PDA-III," and "PDA IV."-. No PDA is permitted within the Government Center/Markets District except within these areas. Any application for Development Plan approval for a Proposed Project within the Government Center/Markets District is subject to the provisions of

this Section and Sections 45-10 through 45-12, in addition to the provisions of Subsection 3-1A.a. See Article 80 concerning the applicability of Planned Development Area Review.

2. Reconstruction of Pre-existing Structures. A Proposed Project for the reconstruction of a structure in existence in a PDA as of the date of Development Plan approval and described in said Development Plan, or of a structure constructed pursuant to said Development Plan, shall be determined by the Boston Redevelopment Authority to be consistent with said Development Plan, provided that said reconstruction is substantially similar to the original structure. Said reconstruction, unless described as part of the original Proposed Project in said Development Plan, shall constitute a separate Proposed Project for all purposes hereunder.

(;As amended on May 9, 1996 and October 10, 2013.)

^SECTION 45-10. Planned Development Area: Use and Dimensional Regulations. The land use and dimensional regulations for a PDA are established by this Section.

1. Use Regulations. Proposed Projects within PDAs are subject to the use regulations set forth in Section 45-14, except to the extent the same are expressly modified by an approved Development Plan.
2. Dimensional Regulations. Proposed Projects within PDA-I shall be permitted a maximum FAR of eight (8) and a maximum building height of four hundred (400) feet.

The dimensional requirements for a Proposed Project within PDA-II, PDA-III and PDA-IV shall be as set forth in the applicable approved Development Plan, which shall be guided by the Greenway District Planning Study Use and Development Guidelines, as determined by the Boston Redevelopment Authority.

For the purposes of this Subsection 45-10.2, FAR shall be computed as though the land within a PDA were in single ownership, notwithstanding actual ownership patterns or changes in ownership occurring after the approval of a Development Plan for the PDA.

3. Maximum Floor Plates. Notwithstanding any provision in this Section to the contrary, for a Proposed Project within PDA-I

above a height of ninety (90) feet, no single floor of separate elements of a Proposed Project within a PDA shall exceed a maximum floor area of twenty-two thousand five hundred (22,500) square feet.

4. Street Wall Height. The Street Wall Height for Proposed Projects within PDA-I shall not exceed ninety (90) feet. The endwall of a street which is a cul-de-sac does not count as a street wall for purposes of this Section 45-10.
5. Setback Requirement. Other than decorative cornices and other surface ornamentation, any portion of a Proposed Project (including, but not limited to, mechanical equipment) within PDA-I which portion faces Merrimac Street, shall be set back by not less than one hundred and thirty-five (135) feet applicable at the Street Wall Height.

(^As amended on October 10, 2013)

;SECTION 45-11. **Planned Development Areas: Standards for Development Plan Approval**. For approval standards for Planned Development Area Development Plans, see Section 80C-4 (Standards for Planned Development Area Review Approval).

(;As amended on May 9, 1996, July 31, 1997 and October 10, 2013.)

;SECTION 45-12. **Planned Development Area: Public Benefit Criteria**. The Boston Redevelopment Authority may approve a Development Plan as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review Approval) 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) the creation or retention of job opportunities and neighborhood economic development opportunities, in accordance with the provisions of paragraph 1, below, of this Section; (b) the diversification and expansion of Boston's economy in new areas of economic activity, such as private investment in research and development of pharmaceutical and biomedical products in accordance with the provisions of paragraph 2, below, of this Section, or (c) the provision of substantial street improvements in accordance with the provisions of paragraph 3, below, of this Section.

1. Development Plan Approval for the Creation of New Job Opportunities. The Boston Redevelopment Authority may approve a Development Plan proposing creation of new job opportunities if it determines that: (a) employment positions in businesses occupying the Proposed Project are newly created in the Government

Center/Markets District; (b) the Development Plan provides for entrepreneurial assistance measures, such as (i) information, outreach, and education programs concerning new business development; (ii) general business planning and management counseling; (iii) technical assistance; and (iv) the provision of financing options; or (c) the Development Plan provides for job opportunities to facilitate community access to jobs created by the Proposed Project.

2. Development Plan Approval for Diversification and Expansion of Boston's Economy. The Boston Redevelopment Authority may approve a Development Plan proposing diversification and expansion of Boston's economy if at least twenty percent (20%) of the gross floor area of the Proposed Project is dedicated to or supportive of uses such as, but not limited to, the following: (a) research, development, and production of pharmaceutical and biomedical products; (b) the design, development, fabricating, and testing of instruments for engineering, medical, dental, scientific, optical, or other similar professional use; or (c) other scientific research and development uses, including laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products. Examples of uses which shall be considered "supportive of" the uses enumerated in subparagraphs (a), (b), and (c) above include, but are not limited to: office space occupied by private entities engaged in such uses, or occupied by governmental entities regulating such uses; hotel, conference, or convention facilities; and educational facilities providing instruction in fields related to such uses.
3. Development Plan Approval for the Provision of Street Improvements. The Boston Redevelopment Authority may approve a Development Plan providing, either directly or through funding, for substantial street improvements to streets adjacent to and in the vicinity of the PDA. Such street improvements must be consistent with any applicable street improvement regulations or guidelines and must be sufficient, as determined by the Boston Redevelopment Authority, to improve the appearance, condition, quality of design and materials, and accessibility and useability of the affected streets by pedestrians, taking into account increased vehicular and pedestrian flows.
4. Development Plan Approval for the Support and Maintenance of The Rose Fitzgerald Kennedy Greenway. The Boston Redevelopment Authority may approve a Development Plan providing, either directly or through funding, support for The Rose Fitzgerald Kennedy Greenway including long-term care and maintenance and public programming and activation of the parkland. Support for the

Greenway must contribute in a meaningful way to the vitality of the parks and the public's investment in them as determined by the Boston Redevelopment Authority.

(;As amended on May 9, 1996 and October 10, 2013.)

;SECTION 45-13. Planned Development Area: General Design and Environmental Standards. In addition to the Large Project Review requirements set forth in Article 80 of this Code, Proposed Projects submitted as part of an application for Development Plan approval under Planned Development Area Review shall comply with the District general design and environmental impact standards described herein. Compliance with these additional standards shall be determined through Large Project Review. The purpose of these additional standards is to maintain and improve the quality of life in the Government Center/Markets District.

1. Shadow Criteria. Each Proposed Project shall be arranged and designed in a way to minimize, to the extent reasonably practicable, shadows on any portion of dedicated public parkland and publicly accessible open space. Shadow studies shall be conducted in connection with any Proposed Project demonstrating compliance with the foregoing standard.
2. Wind. Buildings shall be designed to avoid excessive and uncomfortable downdrafts on pedestrians. Each Proposed Project shall be shaped, or other wind-baffling measures shall be adopted, so that the Proposed Project will not cause ground-level ambient wind speeds to exceed the standards in Table A of this Section.

TABLE A

Pedestrian Safety/Comfort Wind Standards

Permitted	Effective	Annual
<u>Occurrence</u> <u>Activity Area</u> <u>Frequency</u>	<u>Gust Velocity*</u>	
Limit for All Pedestrian Areas	13.8 m/sec (31 mph)	1%
Major Walkways - Especially Principal Egress Path for High-Rise Buildings	13.8 m/sec	1%
Other Pedestrian Walkways - Including Street and Arcade Shopping Areas	11.2 m/sec (25 mph)	5%
Open Plazas and Park Areas, Walking and Strolling Areas	6.3 m/sec (14.1 mph)	15%
Open Plaza and Park Areas, Open-Air Restaurants	4.0 m/sec (9 mph)	20%

* The effective gust velocity (egv) is defined as $egv = U + 1.5 fvc$, where U is the mean windspeed at a particular location and fvc is the root mean square of the fluctuating velocity component measured at the same location over the same time interval.

3. Transportation Access. Each Proposed Project that is subject to Large Project Review shall be subject to a Transportation Access Plan providing for effective transportation access and mitigation measures designed to minimize adverse traffic impacts on the Government Center/Markets District and surrounding neighborhoods and improve traffic flow and access within the affected area. Such Transportation Access Plan shall also provide for effective parking management measures to minimize adverse parking effects within the Government Center/Markets District and surrounding neighborhoods.

4. Enhancement of Pedestrian Environment. Each Proposed Project shall enhance the pedestrian environment, by means such as:
 - (a) pedestrian pathways connecting to mass transit stations;
 - (b) spaces accommodating pedestrian activities and public art;
 - (c) materials, landscaping, public art, lighting, and furniture that enhance the pedestrian environment;
 - (d) interior retail uses;
 - (e) pedestrian systems that encourage more trips on foot;
 - (f) sidewalk and street improvements that improve pedestrian flow and increase pedestrian safety on sidewalks and crosswalks;
 - (g) other attributes that improve the pedestrian environment and pedestrian access to mass transit stations;
 - (h) appropriate management and maintenance of public space within the Proposed Project; and
 - (i) exterior or interior pedestrian passageways.

5. Boston Civic Design Commission Review. In addition to complying with the above standards, each Proposed Project shall be subject to review by the Boston Civic Design Commission, in accordance with the provisions of Article 28.

(;As amended on May 9, 1996.)

↔SECTION 45-14. **Government Center/Markets District Use Regulations.** In the Government Center/Markets District the use of land and structures is hereby regulated as provided in this Section. The provisions of Article 8, except Section 8-6, apply only as specified in this Section. 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 45-14, subject to any modification to such use provisions as may expressly be set forth in the approved Development Plan for a Proposed Project located within a PDA.

1. Ground Level Uses in the Government Center/Markets District. Within any Proposed Project in the Government Center/Markets District, uses with street frontage on streets listed in Table B, and located on the ground level or entered by a ramp or stairs from a sidewalk entry, except for lobby entrances, are limited to Ground Level Uses, as listed in Appendix A of this article. All other uses with such street frontage which are otherwise allowed by this Section are conditional uses when located on the ground level or entered by a ramp or stairs from a sidewalk entry.

TABLE B

Streets with Required Ground Level Uses

Atlantic Avenue	New Chardon Street
Blackstone Street	North Street

Broad Street
Cambridge Street
Court Street
Cross Street

Park Street
State Street
Tremont Street
Union Street

2. Inclusion of Day Care Facilities. The provisions of this Section 45-14.2 apply only to Proposed Projects which exceed a height of one hundred twenty-five (125) feet, or an FAR of eight (8), or both. Any Proposed Project having a gross floor area (not including the floor area devoted to Residential Uses, Cultural Uses, or Community Uses as those uses are described in Subsections 3 and 4 of this Section) 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 C of this Section. For the purposes of this Section 45-14.2 and Table C only, floor area devoted exclusively to hotel and restaurant uses and uses accessory thereto shall be multiplied by 0.2 before being used in the calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this Section 45-14.2 may fulfill its obligations under this paragraph by (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 Section 45-14.2 shall be in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this paragraph, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE C

Provision of Day Care Facilities

<u>Size of Proposed Project*</u> <u>(Gross Square Feet)</u>	<u>Minimum Day Care Facilities</u> <u>(Gross Square Feet)</u>
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

Exclusive of floor area devoted to Residential, Cultural, or Community Uses.

3. Allowed Uses. No land or structure in the Government Center/Markets District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified (a) in this Subsection 3, (b) in an approved Development Plan (except uses therein identified as conditional uses) for land or structures in a PDA, or (c) in of Section 45-14.4 subject to the provisions of Article 6. Any use so specified in this Subsection 3 shall be allowed as of right, subject only to the regulations set forth in this Section 45-14 including without limitation, Subsections 1 and 2, or in the case of a PDA, the approved Development Plan.
- (a) Residential Uses. Limited to multifamily dwelling; artists' live/work space; apartment house; group residence, limited; lodging or boarding house, and any dwelling converted for more families, where structures after conversion will conform to this Code. Residential uses may 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 Uses. Limited to lunchroom, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, but excluding Take-Out Restaurant Uses, except as provided in paragraph 45-14.3(u).
 - (c) Cultural Uses. Limited to concert hall; art gallery; museum; cultural or historical exhibition; theater, not including motion picture or video theatre; performance space; music rehearsal studio; artist studio or work space.
 - (d) Motion picture or video theatre, but not drive-in theater, subject to the provisions of Section 45-14.5.
 - (e) Office Uses. Limited to offices of community service organizations; medical or dental office; business or professional offices; real estate, insurance, or other agency or government office; office building; post office; bank (including automatic teller machines but not including drive-in bank) or similar establishment.
 - (f) Hotel Uses.
 - (g) Educational Uses. Nursery school, kindergarten, elementary or secondary school.

- (h) Recreational Uses. Limited to private grounds for games and sports or other social, recreational, or sports center conducted for profit; private club (including health or athletic club and quarters of fraternal or sororal organizations) operated for members only.
- (i) Community Uses. Limited to adult education center; community center building, settlement house; day care center, family care center, community health center.
- (j) Amended to a Conditional Use on October 20, 2000.
- (k) Wholesale Uses. Limited to office or display or sales space of a wholesale, jobbing, or distributing house, provided that not more than twenty-five percent (25%) of gross floor area devoted to this use is used for assembling, packaging, and storing merchandise.
- (l) Service and Trade 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, provided that in laundries and cleaning establishments only nonflammable solvents are used for cleaning; framer's studio; caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop; key and lock shop; express mail operation; ticket outlet; funeral home; undertaker's establishment; mortuary; or other similar service or trade use; animal hospital or clinic.
- (m) General Retail Uses. Limited to 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.
- (n) Local Retail Uses. Limited to store primarily serving the local retail business or service needs of the neighborhood including, but not limited to, store retailing one of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint and other artists' supplies, hardware and other minor household appliances, furniture, and photographic equipment.
- (o) Vehicle Rental Uses. Limited to rental motor vehicle service, van or shuttle service, and trailer rental service accessory to a

hotel or motel, provided that no rental vehicles or trailers are parked on the street.

- (p) Uses specified in Appendix A hereto.
- (q) Institutional Uses. Limited to place of worship, monastery, convent, or parish house; library not accessory to a conditional institutional use; elder care facility, orphanage, or similar institution not for correctional purposes, not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.
- (r) Research Laboratory, not accessory to a conditional institutional use.
- (s) Communications Uses. Limited to radio and television studio, operation of fiber optic and other related communication equipment; telecommunication operations; data retrieval and transmission operations.
- (t) Urban Plazas. Limited to passive and recreational uses accessible from adjoining streets, with facilities and structures appropriate to urban plazas, including benches and other seating facilities, pools, fountains, works of art, planting and other features.
- (u) 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 under Section 45-14.3(a) or hotel use under Section 45-14.3(f); (ii) accessory swimming pool, health club, tennis court; (iii) sale over the counter, wholly incidental to a use listed under Section 45-14.3, of food or drink prepared on premises for off-premises consumption, provided that such use is accessory to a hotel or restaurant use if, as so sold, such food or drink is ready for take-out; (iv) the storage of flammable liquids and gases incidental to a lawful use; (v) the manufacture, assembly, or packaging of products sold on the lot; (vi) the maintenance and operation of not more than four amusement game machines in a private club, dormitory, fraternity, or sorority house, or similar noncommercial establishment, or in any commercial establishment; (vii) 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;

the maintenance and operation of an indoor payphone, provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

4. Conditional Uses. No land or structure in the Government Center/ Markets 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 45-14.4, or within a PDA, is identified as a conditional use in the applicable Development Plan. 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 regulations set forth in this Section 45-14.4, or may be allowed by the Zoning Commission in its approval of a Development Plan for a PDA. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.
 - (a) Residential Uses. Limited to temporary dwelling structure; group care residence, general; 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) Light Manufacturing Uses (as identified in Subsection 36-4.1); kennel or pound.
 - (c) Parking lot or parking garage, repair garage, gasoline service station, car wash.
 - (d) Wholesale Uses. Limited to wholesale business, including accessory storage in roofed structures or office or display or sales space of a wholesale, jobbing, or distributing house where more than twenty-five percent (25%) of gross floor area devoted to this use is used for assembling, packaging, and storing merchandise.
 - (e) Take-Out Restaurant Uses. Limited to sale over the counter, not wholly incidental to a restaurant or hotel use listed under Subsection 3 of this Section, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.
 - (f) The change of use of any residential use to another use.

- (g) Transportation Uses. Limited to bus terminal, bus station, subway station, or railroad passenger station, helicopter landing facility.
- (h) The maintenance and operation of more than four (4) amusement game machines in a private club, dormitory, fraternity or sorority home, or similar noncommercial establishment, or any commercial establishment.
- (i) Institutional Uses. College or university granting degrees by authority of the Commonwealth; fraternity or sorority house or dormitory; trade, professional, or other school; hospital, sanatorium, library accessory to another institutional use not allowed pursuant to paragraph 3(q) of this section; research laboratory accessory to a conditional institutional use; penal or correctional institution; detention home; machine shop or other noisy activity accessory to a school, college, or university, adequately sound-insulated to protect the neighborhood from unnecessary noise; elder care facility, orphanage, or similar institution not for correctional purposes providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons; clinic not accessory to a main use.
- (j) Service Uses. Check cashing business.
- (k) 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.
- (l) Accessory Uses. Subject to the limitation and restrictions of Article 10, 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 a dormitory, fraternity, or sorority house; (ii) car wash, valet service, and automobile repair service accessory to a parking garage and contained entirely within said parking garage; (iii) the keeping of laboratory animals, other than household pets, provided that every enclosure is sufficient to prevent a nuisance to any adjacent residences or eleemosynary institutions, provided that all resulting noise, dust, fumes, gases, odors, and refuse are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to public health or safety; (iv) clinical or

professional offices accessory to a hospital or sanatorium on the same lot.

- (m) Public Service Uses. Limited to police station, fire station, public service pumping station, substation, or automatic telephone exchange, telecommunications data distribution center, outdoor payphone, subject to St. 1956, c. 665, s. 2.
- (n) Storage if dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility.
- (o) Pawnshops
- (p) Body Art Establishment

- 5. Forbidden Uses. No land or structure in the Government Center/Markets District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified in Sections 45-14.3 and 45-14.4 as an allowed or conditional use, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9. Without limitation, uses described in Use Items No. 34A and No. 38A of Table A of Section 8-7 shall be forbidden uses in the Government Center/Markets District.

(↔As amended on September 30, 1993, October 6, 1994, September 20 and November 21, 1996, May 30, 2000, September 18 and October 20, 2000, February 16 and April 9, 2001, March 15, 2006.)

SECTION 45-15. Open Space Subdistricts. This section establishes open space subdistricts within the Government Center/Markets District as indicated in Table D, and as shown on Map 1H of this Code. Such subdistricts are subject to the provisions of this Section and Article 33 of the Code. Notwithstanding any other provisions to the contrary, the open space subdistricts are not subject to the provisions of Article 45-14.

TABLE D

Open Space Subdistricts

<u>Location</u>	<u>Subdistrict Designation</u>
Cambridge Street Park	Urban Plaza (OS-UP)
Cardinal Cushing Park	Urban Plaza (OS-UP)
City Hall Plaza	Urban Plaza (OS-UP)
Dock Square Park	Urban Plaza (OS-UP)
Merrimac Street Plaza	Urban Plaza (OS-UP)
Old Granary Burial Ground	Cemetery (OS-CM)
Pemberton Square	Urban Plaza (OS-UP)
Somerset Street Plaza	Urban Plaza (OS-UP)
State House Park	Parkland (OS-P)
Union Street Park	Parkland (OS-P)

;SECTION 45-16. **Specific Design Requirements.** Proposed Projects within the Government Center/Markets District shall comply with the specific design requirements established in this Section. The provisions of Article 6A shall be applicable to the requirements of this Section.

1. Area for Recyclable Materials. The provisions of this Subsection apply only to a Proposed Project for which off-street loading facilities are being constructed as part of said Proposed Project or which includes a Residential Use of twelve (12) or more dwelling units. Any such Proposed Project shall provide an area located within the vicinity of a loading bay, if any, or trash storage area for the separation, temporary storage, and collection of recyclable materials.

2. Street Wall Continuity. The provisions of this Subsection apply to all Proposed Projects except for a Proposed Project located adjacent to the City Hall Plaza OS-UP or Pemberton Square (OS-UP Subdistrict or within the Custom House Medium Density Area. The Street Wall of any Proposed Project subject to the provisions of this Subsection shall be built to be coextensive with the building line, as defined in Clause 7A of Section 2-1, of the block on which the Street Wall faces. If there is no determinable building line of said block, then said Street Wall shall be built at a depth from the curb line equal to that of the building line farthest from the curb line of the two blocks adjacent to said block, facing onto the same street. If there is no determinable building line of either of said adjacent blocks, then (i) if the Proposed Project is subject to or elects to comply with Large Project Review, an appropriate Street Wall location shall be determined in Large Project

Review, or (ii) otherwise, the Proposed Project shall be deemed subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location. The foregoing notwithstanding, within a PDA a Street Wall of any Proposed Project shall be built at the depth from the curb line stipulated in the applicable Development Plan. A Proposed Project shall comply with the requirements of this Section 45-16.2 with respect to each facade facing a public street, but excluding alleys and private ways.

Except as otherwise provided in this Section 45-16.2, Street Walls shall be continuous across a lot. However, design articulation involving deviations for the Street Wall Plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses and bays in street walls shall be permitted as follows. For Proposed Projects neither subject to nor electing to comply with Large Project Review, the Street Wall may be recessed by ten (10) feet for up to fifty percent (50%) of the maximum aggregate surface area of the Street Wall below the ground floor ceiling height. Above the ground floor ceiling height the Street Wall may be recessed by ten (10) feet for up to fifty percent (50%) of the maximum aggregate surface area of the Street Wall, or up to fifteen (15) feet for up to thirty percent (30%) of the maximum aggregate surface area of the Street Wall. The areas within which recesses are permitted are not cumulative, so that the maximum aggregate surface area that may be affected by recesses, whether of ten (10) or fifteen (15) feet, is fifty percent (50%). Bay windows shall be permitted to extend from the Street Wall Plane above the ground floor ceiling height provided that such bay windows do not affect more than forty percent (40%) of the Street Wall Plane.

For Proposed Projects that are subject to or elect to comply with Large Project Review, notwithstanding anything to the contrary elsewhere in this Code, recesses, bays, cantilevers, and other design articulation shall be permitted if appropriate to the creation of visually interesting designs, provided that the façade remains compatible with its historical and architectural surroundings and visual continuity in the block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review.

3. Display Window Area Regulations. The provisions of this Subsection apply only to Proposed Projects of new construction of fifty thousand (50,000) or more square feet and not within the boundaries of any National Register District. The term "Display Window Area" means that area of any such Proposed Project that is between a height of

two (2) feet above the ground floor and the height of the underside of the floor structure of the second floor of the Proposed Project, or fourteen (14) feet, whichever is less. The Display Window Area excludes any area of Street Wall serving as ingress or egress to the interior of the Proposed Project, including off-street loading berths or accessory off-street parking, or lobby or storefront entrances; provided that no single lobby area shall occupy more than forty (40) feet of street frontage.

- (a) Display Window Area Street Wall Transparency. The Display Window Area Street Wall shall be appropriately glazed and transparent for attractiveness to pedestrians, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review. Article 11 of this Code applies to any painting or signs on the Display Window Area Street Wall, and to signs in the Display Window Area.
- (b) Display Window Area Usage. To a depth of at least two (2) feet behind the Display Window Area Street Wall there shall be: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements. The provisions of this Section are not applicable to foyer space for cultural activities, restaurants, lobbies, or other active storefront uses.

(;As amended on May 9, 1996, July 31, 1997 and November 21, 2013.)

;SECTION 45-17. **Protection Area Design Review and Design Guidelines.** Within the Broad Street Protection Area, the Blackstone Block Protection Area, the Markets Protection Area, and the State House Protection Area, depicted on Map 1H of this Code any Proposed Project for (a) the erection of a new building or addition or extension to an existing building or (b) exterior alteration changing the cornice line or Building Height of an existing building 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).

- 1. Design Guidelines. To be consistent with the design guidelines established in this Section 45-17, a Proposed Project shall be designed such that the exterior proportions, scale, massing, facade design, 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 Government Center/Markets District Plan. To preserve the character of the historical development pattern, facade

design 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. The retention of original or integral door and window elements is encouraged. Replaced elements shall follow historic precedents. Moving openings, closing them, or altering their size or shape shall be avoided. Bricked in or filled openings that were open in the original design shall be restored whenever possible. New building entrances are encouraged, as long as they are consistent with the organization of the building's facade elements. Awnings, canopies, and shutters are encouraged if appropriate to the design of the building, and the design of such elements shall respect the historic elements in materials, size, scale, color, and the manner in which they are attached to the building. Materials, design, and colors for sash, doors, and jambs should be appropriate to the style of the building.

(;As amended on May 9, 1996.)

SECTION 45-18. Off-Street Parking. Within the Government Center/Markets District, off-street parking facilities are not required in any Proposed Project. The provisions of Sections 23-9 and 23-10 shall govern any Proposed Project in the District for which off-street parking is provided.

;SECTION 45-19. **Off-Street Loading.** Within the Government Center/Markets District, Article 24 of the Code shall govern the provision and design of off-street loading facilities for any structure or land not subject to Large Project Review. The provision and design of off-street loading facilities for the use of any structure or land which is subject to Large Project Review shall be determined through such review. Mitigation measures, as appropriate, may be required through Large Project Review to minimize the deleterious effects of any off-street loading facilities on adjacent properties.

(;As amended on May 9, 1996.)

SECTION 45-20. Regulations. The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 45-21. 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 45-22. **Definitions.** Words and phrases defined in Appendix B to this Article shall have the meanings set forth in said Appendix B.

SECTION 45-23. **Appendices.** The following appendices are incorporated herein:

1. Appendix A - Ground Level Uses
2. Appendix B - Definitions

APPENDIX A to ARTICLE 45

Ground Level Uses

The following uses are Ground Level Uses, and are allowed uses within the Government Center/Markets District, provided that uses described in Use Item Numbers 34A and 38A of Table of Section 8-7 are forbidden. This list is intended to be illustrative of ground level uses and not exclusive.

- Antique stores
- Appliances, repair shops
- Appliances, sales
- Artists' supply and music stores
- Athletic goods stores
- Bakeries or pastry shops
- Bank branch offices
- Bank machines, limited to 25 linear feet
- Barber shops
- Beauty parlors
- Bicycle stores, rental or repair
- Book stores or card stores
- Cafes
- Candy stores
- Carpet, rugs, linoleum, or other floor covering stores
- Churches
- Cigar stores
- Clock or watch stores or repair shops
- Clothing stores, (men's, women's, children's apparel)
- Clubs, noncommercial
- Coffee shops
- Coin stores
- Community centers
- Dance halls, public
- Day care centers
- Delicatessen stores
- Department stores
- Diners
- Dressmaking shops, custom
- Drug stores
- Dry-cleaning establishments or laundromats
- Dry goods or fabric stores
- Fabric or yarn store
- Fire stations
- Fishing tackle or equipment stores or rental establishments

APPENDIX A to ARTICLE 45 (continued)

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
Furrier shops, custom
Gift shops
Hardware stores
Health clubs
Historical exhibits
Hobby shops
Hotels
Housewares
Household appliance repair shops
Ice cream stores
Interior decorating establishments
Jewelry shops
Kitchenware
Lamp shops
Leather goods or luggage stores
Liquor stores
Locksmith shops
Luggage stores
Millinery shops
Newsstands, enclosed
Office or business machine stores, sales or rental
Offices (only lobby space is allowed at grade on streets bounding blocks)
Optician or optometrist establishments
Orthopedic stores
Paint stores
Parish houses
Parks, public or private
Party shops
Perfume shops
Pet shops
Pharmacies
Phonographic repair shops
Photographic developing or printing establishments
Photographic equipment stores
Photographic studios
Photographic supply stores
Photostating establishments
Picture framing stores

APPENDIX A to ARTICLE 45 (continued)

Police stations
Post offices
Printing establishments
Radio appliance shop, repair or sales
Record stores
Recreational centers (noncommercial)
Residential uses as described in Section 45-14.3 (only lobby space is permitted at grade of streets bounding blocks)
Restaurants, not including take-out restaurant uses except as allowed in Section 45-14.3(u)
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 shop
Stamp stores
Stationery stores
Tailor shops, custom
Taxi or limousine service, limited to 25 linear feet
Telegraph offices
Television repair shops
Ticket agency, limited to 25 linear feet
Tobacco stores
Tour operator
Toy stores
Travel agency, limited to 25 linear feet
Typewriter stores
Typewriter or other small business machine repair stores
Variety or convenience stores
Vehicle rental
Video or motion picture store, sale or rentals
Wallpaper stores

APPENDIX B to ARTICLE 45

Definitions

For the purposes of this Article only, except as provided herein, the following words and phrases shall have the meanings indicated.

1. "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 45-4, or the authorized agent of any such person or entity.
2. "Government Center/Markets District Plan" means the comprehensive plan, adopted on January 16, 1991, by the Boston Redevelopment Authority pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952, and Section 27D-18 of the Code, which sets forth the planning policies, development controls, and design guidelines for the Downtown.
3. "Government Center/Markets District" means the area depicted in Map 1H of this Code.
4. "Ground Floor Ceiling Height" means the height of the building or structure under the floor structure of the second floor.
5. "Ground Level Uses" means the uses listed in Appendix A to this Article.
6. "Lot" as applied to Proposed Projects in the Custom House Area of the Government Center/Markets District, means a parcel or parcels whether or not platted, in single ownership or multiple ownership if a single person or entity is entitled to use or possess such parcels pursuant to leasehold or easement rights, and including the portion of any street where such person or entity may erect, rehabilitate or maintain any structure, including structures on, over or under such street, and all such area shall be included within the lot for purposes of calculating FAR. No structure lawfully existing shall become unlawful or nonconforming on account of the termination of such leasehold or easement rights. Elsewhere in the Government Center/Markets Districts, "Lot" has the meaning set forth in Article 2 of the Code.
7. "Maximum Aggregate Surface Area" means the portion, expressed as a percentage, of the surface area of the specified part of the Street Wall Plane, either above or below the ground floor ceiling height, affected by recesses, subject to the provisions of Section 45-16.2.

APPENDIX B to ARTICLE 45 (continued)

8. "Proposed Project" means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.
9. "Street Wall" means the exterior wall or portion of the exterior wall of a Proposed Project that faces a street (excluding public alleys) on which such Proposed Project is located.
10. "Substantial Accord" means, with respect to building height, that the vertical distance from grade to the top of the structure of the highest occupied floor of a Proposed Project shall not exceed the specified height limit for the site by more than ten (10) feet.
11. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.