

ARTICLE 66

FENWAY NEIGHBORHOOD DISTRICT

Article inserted on October 22, 2004

TABLE OF CONTENTS

	<u>Page</u>
Section 66-1	Statement of Purpose, Goals, and Objectives..... 04
66-2	Physical Boundaries..... 04
66-3	Applicability..... 04
66-4	Regulation of Planned Development Areas..... 04
66-5	Community Participation..... 04
66-6	Recognition of the East and West Fenway Plans..... 05
 REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS	
Section 66-7	Establishment of Residential Subdistricts..... 06
66-8	Use Regulations Applicable in Residential Subdistricts..... 06
66-9	Dimensional Regulations Applicable in Residential Subdistricts..... 07
 REGULATIONS APPLICABLE IN NEIGHBORHOOD DEVELOPMENT AREA SUBDISTRICTS	
Section 66-10	Establishment of Neighborhood Development Area Subdistricts..... 08
66-11	Use Regulations Applicable in Neighborhood Development Area Subdistricts..... 08
66-12	Dimensional Regulations Applicable in Neighborhood Development Area Subdistricts..... 08
 REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS	
Section 66-13	Establishment of Neighborhood Business Subdistricts..... 09
66-14	Use Regulations Applicable in Neighborhood Business Subdistricts..... 09
66-15	Dimensional Regulations Applicable in Neighborhood Business Subdistricts..... 09

As of October 14, 2012

*Date of public notice: September 25, 2004 (see St. 1956, c. 665, s.5).

REGULATIONS APPLICABLE IN CULTURAL FACILITIES SUBDISTRICTS

Section	66-16 Establishment of Cultural Facilities Subdistricts.....	10
	66-17 Use Regulations Applicable in Cultural Facilities Subdistricts.....	10
	66-18 Dimensional Regulations Applicable in Cultural Facilities Subdistricts.....	10

REGULATIONS APPLICABLE IN INSTITUTIONAL SUBDISTRICTS

Section	66-19 Establishment of Institutional Subdistricts.....	11
	66-20 Use Regulations Applicable in Institutional Subdistricts.....	11
	66-21 Dimensional Regulations Applicable in Institutional Subdistricts.....	11
	66-22 Institutional Master Plan Review Requirement.....	11

REGULATIONS APPLICABLE IN NEIGHBORHOOD INSTITUTIONAL SUBDISTRICTS

Section	66-23 Establishment of Neighborhood Institutional Subdistricts.....	13
	66-24 Use Regulations Applicable in Neighborhood Institutional Subdistricts.....	13
	66-25 Dimensional Regulations Applicable in Neighborhood Institutional Subdistricts.....	13

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

Section	66-26 Establishment of Open Space Subdistricts.....	14
---------	---	----

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

Section	66-27 Establishment of Areas within Which Planned Development Areas May Be Permitted.....	16
	66-28 Planned Development Areas: Use and Dimensional Regulations.....	16
	66-29 Planned Development Area Review Requirement.....	18
	66-30 Planned Development Areas: Public Benefits.....	18

REGULATIONS APPLICABLE IN GATEWAY DEVELOPMENT AREA OVERLAY DISTRICTS

Section	66-31 Establishment of Gateway Development Area Overlay Districts.....	19
---------	---	----

REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN OVERLAY DISTRICTS

Section 66-32 Establishment of Neighborhood Design
Overlay Districts..... 20
66-33 Boston Landmarks Commission
Review Requirement..... 20

REGULATIONS APPLICABLE IN GREENBELT PROTECTION OVERLAY DISTRICTS

Section 66-34 Establishment of Greenbelt Protection
Overlay Districts..... 21

ESTABLISHMENT OF RESIDENTIAL DEVELOPMENT INCENTIVES

Section 66-35 Establishment of Residential
Development Incentives.....22
66-36 Applicability of Residential
Development Incentives.....22

REGULATIONS GOVERNING DESIGN

Section 66-37 Design Review and Design Guidelines..... 24
66-38 Roof Structure and Building Height Restrictions..... 27
66-39 Specific Design Requirements.....28
66-40 Screening and Buffering Requirements..... 30

MISCELLANEOUS PROVISIONS

Section 66-41 Sign Regulations..... 33
66-42 Off-Street Parking and Loading Requirements..... 34
66-43 Application of Dimensional Requirements..... 36
66-44 Nonconformity as to Dimensional Requirements..... 38
66-45 Regulations..... 38
66-46 Severability..... 38
66-47 Definitions..... 38
66-48 Tables..... 39

SECTION 66-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish zoning regulations for the Fenway Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to encourage the presence of families of all types in the neighborhood; to retain and develop a range of housing options, including home ownership and affordable opportunities, compatible with adjacent areas; to promote a viable neighborhood economy; to preserve, maintain, and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Fenway.

SECTION 66-2. Physical Boundaries. The provisions of this Article are applicable only in the Fenway Neighborhood District. The boundaries of the Fenway Neighborhood District and its subdistricts are as shown on Map 1Q, entitled "Fenway Neighborhood District," of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 66-3. Applicability. This Article, together with the rest of this Code, constitute the zoning regulation for the Fenway Neighborhood District. This Article applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief, in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Fenway Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal, provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 66-4. Regulation of Planned Development Areas. Planned Development Areas are permitted within the Fenway Neighborhood District to the extent provided in Section 66-27.

SECTION 66-5. Community Participation. This Article has been developed with the extensive participation of the Fenway Planning Task Force, civic associations, institutions, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that process, the Boston Redevelopment

Authority shall continue to involve the Fenway Planning Task Force, or its successor organization, if any, and Fenway civic associations, residents, and business and trade groups in an ongoing role in advising the City on land use planning for Fenway.

SECTION 66-6. Recognition of the East and West Fenway Plans. The Zoning Commission hereby recognizes (a) the East Fenway Neighborhood Strategic Plan and (b) the Fenway Special Study Areas Final Report/Land Use and Urban Design Guidelines for the West Fenway as the planning bases for the design guidelines and regulations for the Fenway Neighborhood District. The Commission additionally recognizes the Fenway Neighborhood Transportation Plan as the basis for the transportation-related aspects of this Article.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 66-7. Establishment of Residential Subdistricts. This Section 66-7 establishes Residential Subdistricts within the Fenway Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The Following Residential Subdistricts are established:

1. Multifamily Residential Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings. The MFR Subdistricts are further subdivided into MFR-1 and MFR-2 Subdistricts, the latter of which allows for moderately greater height and FAR.
2. Multifamily Residential/Local Services Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including, one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings, and ground-floor Retail and Service Uses to serve the neighborhood.

SECTION 66-8. Use Regulations Applicable in Residential Subdistricts.

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the Fenway Neighborhood District.

SECTION 66-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height, and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage,

Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table C of this Article.

2. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

REGULATIONS APPLICABLE IN NEIGHBORHOOD DEVELOPMENT AREA
SUBDISTRICTS

SECTION 66-10. Establishment of Neighborhood Development Area Subdistricts. This Section 66-10 establishes a Neighborhood Development Area ("NDA") Subdistrict within the Fenway Neighborhood District. The Neighborhood Development Area is established to create a mixed-use district that serves as a transition between adjacent residential and neighborhood commercial areas. The purpose of the Neighborhood Development Area is to promote the siting and design of any new development in a manner that is sensitive to the adjacent residential and commercial areas in the Fenway Neighborhood District.

The following Neighborhood Development Area Subdistrict is established:

1. Fenway Triangle Neighborhood Development Area Subdistrict

SECTION 66-11. Use Regulations Applicable in Neighborhood Development Area Subdistricts. Within a Neighborhood Development Area Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Neighborhood Development Area Subdistricts.

SECTION 66-12. Dimensional Regulations Applicable in Neighborhood Development Area Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Neighborhood Development Area, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 66-13. Establishment of Neighborhood Business Subdistricts.

This Section 66-13 establishes Neighborhood Business Subdistricts within the Fenway Neighborhood District. There are two types of Neighborhood Business Subdistricts: Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood, and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. In both subdistricts, Residential Uses are encouraged on upper floors. The NS Subdistricts are further subdivided into NS-1, NS-2 and NS-3 Subdistricts, the latter of which allows for moderately greater height and FAR. All types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services to, as well as jobs and entrepreneurial opportunities for, the Fenway community.

The following Neighborhood Business Subdistricts are established:

NS-1 Subdistricts

1. Massachusetts Avenue NS-1 Subdistrict
2. Westland Avenue NS-1 Subdistrict
3. South Boylston Street NS-1 Subdistrict

NS-2 Subdistricts

1. Massachusetts Avenue NS-2 Subdistrict
2. Huntington Avenue NS-2 Subdistrict
3. North Boylston Street NS-2 Subdistrict

NS-3 Subdistricts

1. North Boylston Street NS-3 Subdistrict
2. South Boylston Street NS-3 Subdistrict

CC Subdistricts

1. Brookline Avenue Community Commercial Subdistrict

(^As amended on October 24 and December 15, 2011)

SECTION 66-14. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to

the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 66-15. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table E of this Article.

REGULATIONS APPLICABLE IN CULTURAL FACILITIES SUBDISTRICTS

Section 66-16. Establishment of Cultural Facilities Subdistricts. This Section 66-16 establishes Cultural Facilities ("CUF") Subdistricts within the Fenway Neighborhood District. The purpose of the Cultural Facilities Subdistricts is to encourage the development and expansion of cultural facilities in the Fenway Neighborhood District, which are an important part of the fabric of the community, and of the city.

The following Cultural Facilities Subdistricts are established:

1. Museum of Fine Arts Cultural Facilities (CUF) Subdistrict; and
2. Boston Symphony Orchestra Cultural Facilities (CUF) Subdistrict.

Section 66-17. Use Regulations Applicable in Cultural Facilities Subdistricts. Within a Cultural Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in a Cultural Facilities Subdistrict.

Section 66-18. Dimensional Regulations Applicable in Cultural Facilities Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Cultural Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table D of this Article.

REGULATIONS APPLICABLE IN INSTITUTIONAL SUBDISTRICTS

SECTION 66-19. Establishment of Institutional Subdistricts. This Section 66-19 establishes Institutional ("I") Subdistricts in the Fenway Neighborhood District. The purpose of the Institutional Subdistricts is to provide zoning regulations for the campuses of major institutions within the Fenway Neighborhood District. Proposed Institutional Projects located in the Fenway Neighborhood District, whether inside or outside of an Institutional Subdistrict, are subject to the provisions of Section 66-22 (Institutional Master Plan Review Requirement). The following Institutional Subdistricts are established:

1. Huntington Avenue Institutional Subdistrict; and
2. Boylston East Institutional Subdistrict.

SECTION 66-20. Use Regulations Applicable in Institutional Subdistricts. Except as otherwise specifically provided in this Article or Code, no land or Structure within an Institutional Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in Institutional Subdistricts.

SECTION 66-21. Dimensional Regulations Applicable in Institutional Subdistricts. Except as otherwise specifically provided in this Article or Code, the dimensional requirements governing land and Structures in Institutional Subdistricts are as set forth in Table D of this Article.

SECTION 66-22. Institutional Master Plan Review Requirement. This Section 66-22 establishes the applicability of the Institutional Master Plan review process in the Fenway Neighborhood District

1. Applicability of Institutional Master Plan Review. Requirements for the review and approval of Institutional Master Plans and Proposed Institutional Projects are set forth in Article 80D, Institutional Master Plan Review. See Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of such requirements, requirements applicable to exempt projects, exemptions for small institutions, and election to include exempt projects in Institutional Master Plans. A Proposed Institutional Project establishing a Retail or Service Use shall not require approval through the Institutional Master Plan process if (a) for a location not within an Institutional or Neighborhood Institutional Subdistrict, (b) open to the public, and (c) otherwise allowed entirely as-of-right by the underlying zoning.
2. Time for Renewal of Institutional Master Plan. An Institutional Master Plan Notification Form (IMPNF) seeking renewal of an Institutional Master Plan pursuant to Section 80D-8 (Renewal of Institutional Master Plan) shall be

filed on or before the fifth (5th) anniversary of the date of the later of: (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required).

REGULATIONS APPLICABLE IN NEIGHBORHOOD INSTITUTIONAL SUBDISTRICTS

SECTION 66-23. **Establishment of Neighborhood Institutional Subdistricts.**

This Section 66-23 establishes Neighborhood Institutional (“NI”) Subdistricts in the Fenway Neighborhood District. The purpose of the Neighborhood Institutional Subdistricts is to identify major Institutional uses within residential neighborhoods and to provide regulations that will allow small-scale Institutional projects to proceed as of right, while requiring review of larger Institutional projects to ensure that such projects proceed in a manner that is sensitive to, and preserves the quality of life of, the surrounding residential neighborhoods.

The following Neighborhood Institutional Subdistricts are established:

1. Fenway Neighborhood Institutional (NI) Subdistrict; and
2. Hemingway Neighborhood Institutional (NI) Subdistrict.

SECTION 66-24. Use Regulations Applicable in Neighborhood Institutional Subdistricts. Within the Neighborhood Institutional Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Institutional Subdistricts.

SECTION 66-25. Dimensional Regulations Applicable in Neighborhood Institutional Subdistricts. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Institutional Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 66-26. **Establishment of Open Space Subdistricts.** This Section 66-26 designates Open Space (OS) Subdistricts in the Fenway Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Fenway residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the provisions of this Article and the applicable provisions of the remainder of this Code, including, without limitation, Article 33 (Open Space Subdistricts).

The following types of Open Space Subdistricts are designated in the Fenway Neighborhood District:

1. Community Garden Open Space (OS-G) Subdistricts. Community Garden Open Space Subdistricts shall consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, and are subject to the provisions of Section 33-8.
2. Parkland Open Space (OS-P) Subdistricts. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Spaces Subdistricts are subject to the provisions of Section 33-9.
3. Recreation Open Space (OS-RC) Subdistricts. Recreation Open Space Subdistricts are designated for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
4. Urban Plaza Open Space (OS-UP) Subdistricts. Urban Plaza Open Space (OS-UP) Subdistricts are designated for passive recreational uses, shall be directly accessible to the public from an adjoining Street, may be furnished with benches, chairs, or other seating facilities, and may contain works of art, plantings, and other features. Urban Plaza Open Space Subdistricts are subject to the provisions of Section 33-15.

TABLE 1

**Open Space Subdistricts Designated in the
Fenway Neighborhood District**

<u>Type of Open Space Subdistrict</u>	<u>Name/Location</u>
Community Garden	Symphony Road Garden
Parkland	Back Bay Fens Charlesgate Forsyth Mall Forsyth Way Ramler Park Riverway Symphony Community Park Westland Avenue Gates
Recreation	Edgerly Road Playground
Urban Plaza	Hemenway/Forsyth Square Huntington Square Higginson Park

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 66-27. Establishment of Areas within Which Planned Development Areas May Be Permitted. Planned Development Areas (“PDAs”), as described in Section 3.1A.a, are permitted within the North Boylston Street Neighborhood Shopping Subdistrict, the Fenway Triangle Neighborhood Development Area Subdistrict, the Brookline Avenue Community Commercial Subdistrict, and the Cultural Facilities Subdistricts. PDAs may also be established in the South Boylston Street Neighborhood Shopping Subdistrict for a time period not to exceed eight (8) years from the effective date of this Article. A PDA within a Cultural Facilities subdistrict may include contiguous land within an adjacent Neighborhood Shopping subdistrict, provided that the provisions of the PDA Development Plan setting forth the use and dimensional controls applicable to the area located within such adjacent subdistrict are consistent with the requirements of the underlying zoning for that subdistrict. PDAs are not permitted elsewhere in the Fenway Neighborhood District.

The purposes of establishing the subdistricts specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to enable integrated and well-designed development of projects of a more significant scope; to provide public benefits to the Fenway community, including the creation of additional housing options, with a particular emphasis on affordable housing, home ownership, and new job opportunities; and to encourage economic development within the Fenway Neighborhood District.

The following requirements shall not affect PDA Development Plans previously approved by the Boston Zoning Commission, which shall remain in full force and effect.

(^As amended on December 15, 2011)

Section 66-28. Planned Development Areas: Use and Dimensional Regulations.

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan. Notwithstanding any contrary provision of this Article or Code, such Proposed Projects shall also comply with the provisions of Table F of this Article, as well as the following specific requirements, to the extent applicable:
 - (a) Specific Requirements for Proposed Projects Located within the North and South Boylston Street Neighborhood Shopping Subdistricts. Proposed Projects within a PDA located within the North Boylston Street Neighborhood “NS-3” Shopping Subdistrict must devote at least forty percent (40%) of the Gross Floor Area included to Residential Uses, and the North Boylston Street “NS-2” and South Boylston Street Neighborhood Shopping Subdistricts must devote at least seventy percent (70%) of the

Gross Floor Area included to Residential Uses, provided, however, that this required residential component may be reduced on a pro rata basis, to a minimum of sixty percent (60%), to the extent that a portion of such a Proposed Project is devoted to one of the specific community facility uses enumerated in Section 66-28.1(b), below.

- (b) Specific Requirements for Proposed Projects Incorporating Residential Uses. The proponent of any Proposed Project within a PDA incorporating one or more Residential Uses must construct or cause the construction of either:
1. Affordable Housing, as defined in Section 66-47.1, in an amount equivalent to no less than twenty percent (20%) of the Dwelling Units included within the Proposed Project, with the appropriate on-site proportion of such Affordable Housing (which shall in no event be less than fifty percent (50%)) to be determined through the Article 80 Large Project Review process; or
 2. A combination of such Affordable Housing and another significant community benefit, consisting at a minimum of (a) on-site Affordable Housing in an amount equivalent to no less than ten percent (10%) however, said amount shall be no less than seven and one-half percent (7.5%) in the North Boylston Street Neighborhood Shopping “NS-3” Subdistrict, of the Dwelling Units included within the Proposed Project, and one of the following: (a) a contribution towards an on-site community facility or facilities, to be operated by non-profit organizations providing community healthcare, job skills training, or child or elderly daycare, or (b) a contribution towards a community benefit to be determined, and agreed upon, by the proponent and the Authority.

Said additional contribution(s) shall equal the difference required to obtain a twenty percent (20%) contribution.

- (c) Parking Ratios for Proposed Projects Incorporating Home Ownership Opportunities. To the extent that a Proposed Project offers home ownership opportunities, the maximum number of off-street parking spaces allocated per such Dwelling Unit may, if good cause is demonstrated, be increased to 1.0.
3. Dimensional Regulations. The dimensional requirements for a proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that Proposed Projects within the North and South Boylston Street Neighborhood Shopping and Fenway Triangle NDA Subdistricts shall be subject to the requirements of Footnote 5 to Table E of this Article, where applicable, and that

the Building Height, Floor Area Ratio (“FAR”), Street Wall Height, and Setback above Street Wall Height for such Proposed Projects shall not exceed the limits set forth in Table 2, below:

TABLE 2
 Fenway Neighborhood District
 Planned Development Areas
 Maximum Building Height, FAR, Street Wall
 Height, and Setback above Street Wall Height

<u>Area</u>	<u>Maximum Building Height⁽¹⁾</u>	<u>Max. FAR⁽¹⁾</u>	<u>Street Wall Height</u>	<u>Setback above St. Wall Ht.</u>
North Boylston St. NS-2, South Boylston St. NS-2, Fenway Triangle NDA, and Brookline Ave. CC Subdistricts	150’	7.0	(2)	(2)
Cultural Facilities Subdistricts	90’	5.0	(2)	(2)
North and South Boylston St. NS-3	190’	7.0	(2)	(2)

1. A PDA established within, or such portion extended into, a Gateway Development Area shall be subject to the height and FAR limitations applicable to such Gateway Development Area.
2. Consistent with adjacent Buildings, as determined through the Article 80 Small or Large Project Review process.

(^As amended on October 24, 2011, December 15, 2011, and October 14, 2012)

Section 66-29. **Planned Development Area Review Requirement.** See Article 80C concerning the applicability of Planned Development Area (“PDA”) review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in PDAs.

Section 66-30. **Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirements of Section 80C-4 (Standards for Planned Development Area Review Approval) for consistency with the applicable planning and development criteria of this Article if the Development Plan provides for public benefits, including one or more of the following: (a) diversification and expansion of the Fenway's economy and job opportunities through economic activity, such as private investment in commercial or research and development uses; (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction in fields related to such jobs; (c) improvements to the urban design characteristics and aesthetic character of the development site and its surroundings, and the enhancement of existing open space or the creation of new open space; or (d) improvements to transportation systems.

REGULATIONS APPLICABLE IN GATEWAY DEVELOPMENT AREA OVERLAY DISTRICTS

SECTION 66-31. Establishment of Gateway Development Area Overlay Districts. Owing to their prominent locations at major entrances to the neighborhood, two areas within the Fenway Neighborhood District have been identified as “Gateway Development Areas”: the Fenway Triangle Gateway Area and the North Boylston Gateway Area. The Fenway Triangle Gateway Development Area is located at the convergence of Brookline Avenue and Boylston Street, extending to Kilmarnock Street. The North Boylston Gateway Development Area is located along Ipswich Street, extending from Charlesgate West/Bowker Overpass to the corner property at Ipswich Street opposite Lansdowne Street. The purpose of the Gateway Development Area Overlay Districts is to provide zoning regulations that allow for the development of architecturally-distinctive civic landmarks at major entrances to the Fenway neighborhood.

A Proposed Project within the Fenway Triangle Gateway Area is allowed an as-of-right Building Height of one hundred thirty-five (135) feet and an as-of-right Floor Area Ratio (FAR) of seven (7), and shall be permitted a Building Height of two hundred fifty (250) feet and an as-of-right FAR of twelve (12) 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. A Proposed Project within the North Boylston Gateway Area is allowed an as-of-right Building Height of ninety-five (95) feet and an as-of-right Floor Area Ratio (FAR) of five (5), and shall be permitted a Building Height of one hundred thirty-five (135) feet and an as-of-right FAR of nine (9) 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.

Proposed Projects within a Gateway Development Area Overlay District are not eligible for the Residential Development Incentives Building Height or FAR bonuses established by Section 66-35.

REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN OVERLAY DISTRICTS

Section 66-32. **Establishment of Neighborhood Design Overlay Districts.** This Section 66-32 establishes Neighborhood Design Overlay Districts (“NDOD”) as overlays to all or portions of certain subdistricts within the Fenway Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the historic character, existing scale, and quality of the pedestrian environment of these neighborhoods, which give the Fenway area its unique architectural character. Whether through new construction or rehabilitation, development of housing within these Neighborhood Design Overlay Districts that preserves and complements the character of the existing housing stock and enhances the historic quality of these neighborhoods is encouraged.

The following Neighborhood Design Overlay Districts are established:

1. East Fenway Neighborhood Design Overlay District (NDOD); and
2. West Fenway Neighborhood Design Overlay District (NDOD).

For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Overlay Districts, see Article 80E. All use, dimensional, and other provisions of this Article applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts.

Section 66-33. **Boston Landmarks Commission Review Requirement.** Any Proposed Project within a Neighborhood Design Overlay District is subject to review by the Boston Landmarks Commission, as set forth in this Section 66-33. Within five (5) days of its receipt of the application, the Boston Redevelopment Authority shall transmit a copy of the application to the Boston Landmarks Commission for its review. The Boston Landmarks Commission may, within thirty (30) days after its receipt of the application, file with the Boston Redevelopment Authority a report with recommendations, together with maps, plans, and other materials to aid the Boston Redevelopment Authority in determining consistency with the design guidelines set forth in Section 66-37.2 of this article. The Boston Redevelopment Authority shall not transmit its findings to the Inspectional Services Department until the Boston Redevelopment Authority has received and considered the Boston Landmarks Commission report with recommendations, provided that if the Boston Redevelopment Authority has not received such report within thirty (30) days, it may transmit the Director’s certification to the Inspectional Services Department without such report.

REGULATIONS APPLICABLE IN GREENBELT PROTECTION
OVERLAY DISTRICTS

Section 66-34. **Establishment of Greenbelt Protection Overlay Districts.** This Section 66-34 establishes Greenbelt Protection Overlay Districts (“GPOD”) in the Fenway Neighborhood District. The following Greenbelt Roadway and the adjacent areas between the overlay district boundary lines are designated as a Greenbelt Protection Overlay District:

1. The Fenway/Park Drive Greenbelt Protection Overlay District (GPOD).

In addition to the other provisions of this Article and Code applicable to the subdistrict within which it is located, any Proposed Project within a GPOD is subject to the provisions of Article 80 Large and Small Project Review pertaining to Site Plan Review within a GPOD, but such Proposed Project shall not be subject to the provisions of Article 29 to the extent that such provisions require a conditional use permit.

ESTABLISHMENT OF RESIDENTIAL DEVELOPMENT INCENTIVES

Section 66-35. **Establishment of Residential Development Incentives.** This Section 66-35 establishes Residential Development Incentives to encourage the continued evolution of Boylston Street from an automobile-oriented thoroughfare to a neighborhood Main Street, with a critical mass of diverse residential options, including home ownership opportunities, capable of supporting a wide variety of local retail and service uses. The following provisions shall be applicable within the Fenway Neighborhood District, notwithstanding any contrary provision of this Article or Code, except as specified in Section 66-36, below.

Both of the following bonuses are available independently to any Proposed Project, and any Proposed Project is eligible to combine the benefits of each:

1. Residential Height and FAR Bonus. Any Proposed Project in which (a) more than fifty percent (50%) of the Gross Floor Area included, without taking into account any additional Gross Floor Area permitted pursuant to this section, is devoted to Residential Uses, and (b) no less than five percent (5%) of all Dwelling Units included qualify as Affordable Housing, shall be permitted an increase in the allowed Building Height of thirty (30) feet, and an increase in the allowed FAR of 1.0, provided that any increase in Gross Floor Area resulting from the application of this section shall be allocated to Residential Uses.
2. Additional Affordable Housing Bonus. Any Proposed Project in which (a) more than fifty percent (50%) of the Gross Floor Area included, without taking into account any additional Gross Floor Area permitted pursuant to this section, is devoted to Residential Uses, and (b) no less than ten percent (10%) of any Dwelling Units included qualify as Affordable Housing, shall be permitted an increase in the allowed Building Height of ten (10) feet and an increase in the FAR of 0.5, provided that any increase in Gross Floor Area resulting from the application of this section shall be allocated to Residential Uses.

Section 66-36. **Applicability of Residential Development Incentives.** The Residential Development Incentives are available only to Proposed Projects that are required to or elect to comply with Large or Small Project Review and have received a Certification of Compliance pursuant to Section 80B-6 or a Certification of Approval pursuant to Section 80E-6. The Residential Development Incentives are applicable within the following subdistricts:

1. North Boylston Street Neighborhood Shopping (NS-2) Subdistrict;
2. South Boylston Street Neighborhood Shopping (NS-1) Subdistrict; and
3. Fenway Triangle Neighborhood Development Area Subdistrict.

The Residential Development Incentives shall not apply within the Gateway Development Area Overlay Districts established by Section 66-31.

REGULATIONS GOVERNING DESIGN

SECTION 66-37. **Design Review and Design Guidelines.**

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

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

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2.1 (Applicability of Small Project Review: Design Component) and this Section 66-37.1. In addition to those Proposed Projects described in Section 80E-2.1, the following Proposed Projects are subject to the Design Component of Small Project Review, pursuant to paragraph (b)(iv) (Design Review Required by Underlying Zoning) of said Section 80 E-2.1:

- (a) Certain Projects in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, any Proposed Project for the erection or extension of a Building with a Gross Floor Area of three hundred (300) or more square feet, or for an exterior alteration affecting three hundred (300) or more square feet of a Building facade, if such new Building, extension, or façade alteration is visible from any public street or public open space; and
 - (b) Certain Signs. The erection, extension, or alteration of any internally-lit Sign not located inside a Building.
2. Design Guidelines. This Section 66-37.2 establishes the following general design guidelines for the Fenway Neighborhood District:
 1. Site Plan.
 - (a) Site planning, including location of Buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access to and egress from a site should minimize traffic impacts on adjacent roadways and provide visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas, and the entrance to accessory parking within a main Building, should not be located in the front of Buildings, unless there are special circumstances, such as existing

Building locations or site conditions, that make this necessary. Such areas should be located behind Buildings. Parking, storage, and disposal areas shall be adequately screened from public view by suitable fencing and vegetation.

- (d) For industrial Buildings, siting and design of new construction and rehabilitation of existing Buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.

2. Design and Architecture.

- (a) New or rehabilitated residential Buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential Structures. In this regard, applicants are encouraged to consult the reference work, "A Pattern Book of Boston Houses," published by the Department of Neighborhood Development, which is available to the public through the Boston Redevelopment Authority. The removal or alteration of historic architectural features is discouraged.
- (b) New or rehabilitated commercial Buildings should reflect and complement the patterns of height, siting, and architectural character of historically-distinctive commercial Buildings in the surrounding area.
- (c) In the rehabilitation of residential or commercial Buildings, deteriorated architectural features should be repaired rather than replaced, unless this is not practicable or appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, unless this is not practicable or appropriate, on accurate duplication of original features of the Building to be rehabilitated, or those of other Buildings of the same style and period.
- (d) Contemporary design for residential structures is allowed, provided that such design is compatible with the size, materials, and character of the surrounding neighborhood environment.
- (e) New residential construction should reflect the traditional location and relationship of Buildings on their sites. This includes setback from streets, spacing among Buildings, and orientation of facades to the neighboring structures. A facade facing a Street should not consist of

blank walls without windows. Party walls, however, should not be fenestrated. In addition, the primary entrance should face the street. The location of the Building(s) should respect significant landscape features on the site, as well.

- (f) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall Building Height and massing, relationships of primary Buildings to secondary Buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (g) Open spaces, Building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and encourage an active street life. Blank walls without windows facing onto pedestrian areas should be avoided to the extent practicable in Building design. Consistency with established local structures should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.
- (h) Storefronts and display windows should be designed to be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained. (Refer to Section 66-39 of this Article.)
- (i) Setbacks, corner treatments, and other design details should be used where appropriate to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (j) Roofs of Buildings should be designed and screened to minimize the visibility of and, where appropriate, noise produced by, roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment. Restaurant mechanical equipment should be vented through the roof unless this is impracticable.
- (k) A zone for signs on the Building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the Building facade should be located within such sign band. In Buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally-lit signs should be designed so as not to create a

hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign. (Refer to Section 66-41 of this Article.)

- (l) If a security grate is to be used on a Building, it should be a see-through grille with decorative elements rather than a roll-up steel door. Such security grate should be mounted inside rather than outside the Building, unless this design is impracticable, and if it must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner. Security grates should be integrated into the design of the facade.
- (m) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location and should enhance and reinforce any historic qualities of existing structures.

3. Landscape.

- (a) Buildings should be sited so as to respect significant landscape features on the site.
- (b) Landscaping and screening should be used to make the Neighborhood Business Subdistricts more attractive, and to provide screening between business, industrial, and residential uses.

SECTION 66-38. Roof Structure and Building Height Restrictions. In any Restricted Roof Structure Overlay District in the Fenway Neighborhood District, no roofed Structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof Structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing Building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless, after public notice and hearing, and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the Building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back

horizontally, one (1) foot for each foot of height of such appurtenant Structure, from a roof edge that faces a Street more than twenty (20) feet wide.

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

The Building Height of any Building existing as of June 1, 2003, shall determine the allowed Building Height on that lot subsequent to total or partial demolition or destruction of such Building. Any proposed construction on the Lot that would exceed the prior Height shall require Board of Appeal approval, and shall be subject to the roof Structure and Building Height restrictions of this Section 66-38 and the Building Height limits applicable to the subdistrict in which the Lot is located. In making its decision, the Board of Appeal shall consider whether such roof Structure has the potential for significantly restricting light and/or air flow to adjacent Structures and/or significantly restricting views from roofs, windows, doors, or balconies.

SECTION 66-39. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, the provisions of this Section 66-39 shall apply to Proposed Projects within those subdistricts specified in this Section, except to the extent that provisions for Street Walls and Display Windows have been addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section.

1. Street Wall Continuity in Certain Subdistricts. This Section 66-39.1 shall apply within the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new Structure or the extension of an existing Structure, where such extension changes the location of a Street Wall.

In the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts, each newly-constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two Blocks adjacent to said Block, facing the same Street.

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

Except as otherwise provided in this Section 66-39.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or fewer shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Oriel or bay windows may extend up to five (5) feet from the Street Wall plane, provided that such windows do not exceed more than forty percent (40%) of the Street Wall plane.

2. Display Window Area Regulations in Neighborhood Business and Multifamily Residential/Local Services Subdistricts. This Section 66-39.2 shall apply in the Neighborhood Business Subdistricts and Multifamily Residential/Local Services Subdistricts to any Proposed Project for the uses specified in this Section. For the purposes of these Display Window Area Regulations, the term "Display Window Area" shall mean the area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story Structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.
 - (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 66-39.2(a) to be transparent glazing shall not be more than thirty percent (30%) obstructed by signs, merchandise, displays, or other obstructions, whether temporary or permanent, on or behind such glazing.
 - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (iii) For Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no

higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises, or (ii) an area for exhibits and announcements, provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use, as the case may be, conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 66-39.2(a) to be transparent glazing shall not be obstructed by a solid, opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates shall be integrated into the design of the storefront. Unless not practicable, security grates shall be mounted inside the Building, rather than outside, and if a security grate must be mounted on the outside of the Building, the box or other housing for such grate shall be concealed in an appropriate manner.

SECTION 66-40. **Screening and Buffering Requirements.** In order to enhance the appearance of the Fenway Neighborhood District's commercial subdistricts, and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 66-40 shall apply to those Proposed Projects described in this Section, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section.

- 1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict abuts (a) a public park or (b) a Residential Subdistrict or Residential Use, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, subdistrict, or use, a strip of shrubs and trees densely planted along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line of a Neighborhood Business Subdistrict abutting a public street or public park, the fence type must be a metal picket fence. The height of the fence shall be no less than three (3)

feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Residential Use, or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking or service area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, or (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 66-40.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall be no more than fifty percent (50%) opaque, and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height, and shall contain trees of no less than three (3) inches caliper planted no more than fifteen (15) feet apart.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Interior Landscaping of Parking Areas. Parking areas must be broken up with landscaping by planting a landscape island on the interior of parking areas. Parking areas along the perimeter must be broken up with landscaping by providing a landscape island with a minimum of one (1) deciduous tree and five (5) evergreen shrubs in a planting area no less than five feet by ten feet (5'x10') to be provided after every ten (10) contiguous parking spaces. Parking areas not along the perimeter must have a landscape island with a minimum of one (1) deciduous tree and five (5) evergreen shrubs in a planting area no less than five feet by ten feet (5'x10') to be provided after every ten (10) contiguous parking spaces.
4. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, or (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 66-40.4, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a Lot where screening is required along Lot lines pursuant to Section 66-40.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be surrounded by an opaque wall or fence sufficiently high to provide effective screening from view.

5. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be located in the center of the roof and be painted to blend with adjacent or nearby building materials, or shall be screened by wood, brick, or similar material.
6. Materials for Screening Walls and Fences. Screening walls and fences shall be made of one or more materials, such as masonry (piers or walls), metal pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with opaque slats woven through it, or board-type wood. The use of chain link fencing is discouraged, except on small areas not facing a public street or public park. The use of plywood sheeting is not allowed. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
7. Specifications for Plantings. Shrubs required by this Section 66-40 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six to twelve (6-12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs shall be retained unless this is not possible. The use of bulbs, perennials, and annuals is also encouraged.
8. Maintenance of Landscaped Areas. Landscaping required by this Section 66-40 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section.

MISCELLANEOUS PROVISIONS

SECTION 66-41. Sign Regulations. The provisions of this Section 66-41 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply in the Multifamily/Local Services Subdistricts and the Neighborhood Business Subdistricts:

1. Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall used to measure the Sign Frontage.

The bottom of any such Sign shall be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall shall be located within such band unless this location is impracticable.

2. Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face.
3. Free-Standing Signs. Free-standing Signs shall be allowed only for Gasoline Stations. Where such free-standing Signs are allowed, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (a) fifteen (15) square feet, if there is one use on the Lot, or (b) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade, nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
4. Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence as of the effective date of this Article, is forbidden in the Fenway Neighborhood District.
5. Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public

purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).

6. Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, a canopy, or a marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 66-42. Off-Street Parking and Loading Requirements. The required off-street parking spaces for all Proposed Projects are set forth in Table F. For any Proposed Project that is subject to, or has elected to comply with, Large Project Review, the required loading facilities shall be determined through such review, in accordance with the provisions of Article 80. The minimum required off-street loading spaces for all other Proposed Projects are set forth in Table G.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location
 - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 66-42.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 66-42 shall be provided on the same Lot as the main use to which they are accessory, provided, however, that if the Board of Appeal shall be of the opinion that this is impracticable with respect to a particular Lot, said Board, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another

Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; or (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.

- (c) After public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types, provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
 - (d) The off-street parking spaces required by this Article for a Dwelling Unit shall be used by the vehicles for which such parking spaces are required.
5. Design. All off-street parking and loading facilities provided to comply with this Article shall, unless otherwise indicated, meet the following specifications:
- (a) Such facilities shall have car spaces and loading bays in the number specified by this Article, provide appropriate maneuvering areas located within the Lot and means of vehicular access to a Street, be so designed as not to constitute a nuisance or a hazard or an unreasonable impediment to traffic, and be accessible to physically handicapped persons. All lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) The identification and visibility of loading entrances and exits shall be achieved by the use of signs, curb cuts, and landscaping.
 - (c) Such facilities, whether open or enclosed in a Structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any Street or another Lot.
 - (d) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (e) Each car and loading space shall be located entirely on the Lot. Fifty percent (50%) of the required car spaces may be no less than seven (7)

feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives. All loading spaces shall be no less than twelve (12) feet in width and twenty-five (25) feet in length, and shall have a vertical clearance of not less than fourteen (14) feet.

6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 66-43. **Application of Dimensional Requirements.**

1. Exceptions to Minimum Lot Size Requirements. If the requirements of this Article with respect to Open Space and to Front, Rear, and Side Yards are met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction, or alteration of a one-family Dwelling, two-family Dwelling, or three-family Dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect, provided that three-fourths (3/4) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.
2. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to have been met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 66-43. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side

Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.

5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to have been met.
6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than five (5) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
7. Accessory Buildings in Side or Rear Yards. Accessory Buildings may be erected in a Side or Rear Yard, provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any Side or Rear Lot Line.
8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to have been met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot, provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.

11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building, and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 66-43.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met.
13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings or Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 66-44. **Nonconformity As to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 66-45. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 66-46. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 66-47. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A of this Code, except for the following words and phrases, which shall have the meanings given in the following clauses:

1. **Housing, Affordable**, housing affordable to households earning between eighty percent (80%) and one hundred twenty percent (120%) of the Boston Metropolitan Statistical Area median income, allocated in such proportion within this range as is determined during Article 80 Large or Small Project Review.

SECTION 66-48. **Tables.** The following tables are hereby made part of this Article:

Tables A - B Use Regulations

- A - Residential Subdistricts
- Neighborhood Development Area Subdistricts

- B - Cultural Facilities Subdistricts
- Neighborhood Business Subdistricts
- Institutional Subdistricts
- Neighborhood Institutional Subdistricts

Tables C - E Dimensional Regulations

- C - Residential Subdistricts

- D - Cultural Facilities Subdistricts
- Neighborhood Development Area Subdistricts
- Institutional Subdistricts
- Neighborhood Institutional Subdistricts

- E - Neighborhood Business Subdistricts

Tables F - G Parking and Loading Regulations

- F - Off-Street Parking

- G - Off-Street Loading

TABLE A
Fenway Neighborhood District
Use Regulations in Residential and Neighborhood
Development Area Subdistricts

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

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Banking and Postal Uses</u>			
Automatic teller machine	F	C	A
Bank	F	F	A
Drive-in bank	F	F	F
Post office	F	F	A
<u>Community Uses</u>			
Adult education center	A	A	A
Community center	A	A	A
Day care center	A	A	A
Day care center, elderly	A	A	A
Library	A	A	A
Place of worship; monastery; convent; parish house	A	A	A
<u>Cultural Uses</u>			
Art gallery	C	C	A
Art use	F	F	A
Auditorium	F	F	A
Cinema	F	F	A
Concert hall	F	F	A
Museum	A	A	A
Public art, display space	C	C	A
Studios, arts	F	C	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Cultural Uses (cont'd)</u>			
Studios, production	F	F	A
Theater	F	F	A
Ticket sales	F	F	A
<u>Dormitory/Fraternity Uses</u>			
Dormitory not accessory to a use	C	C	C
Fraternity	C	C	C
<u>Educational Uses</u>			
College or university ⁽¹⁾	C	C	C
Elementary or secondary school ⁽²⁾	A	A	A
Kindergarten	A	A	A
Professional school	C	C	A
Trade school	C	C	A
<u>Entertainment and Recreational Uses⁽¹⁶⁾</u>			
Adult entertainment	F	F	F
Amusement game machines in commercial establishment	F	F	A
Amusement game machines in non-commercial establishment	F	F	A
Bar ⁽³⁾	F	F	A
Bar with live entertainment ⁽³⁾	F	F	A
Bowling alley	F	F	A
Billiard parlor	F	F	A
Dance hall	F	F	A
Drive-in theater	F	F	F
Fitness center or gymnasium	F	F	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Entertainment and Recreational Uses</u> ⁽¹⁶⁾ (cont'd)			
Private club not serving alcohol	C	C	A
Private club serving alcohol	C	C	A
Restaurant with live entertainment, not operating after 10:30 p.m. ⁽³⁾	F	F	A
Restaurant with live entertainment, operating after 10:30 p.m. ⁽³⁾	F	F	A
<u>Funerary Uses</u>			
Cemetery	C	C	F
Columbarium	A ⁽⁴⁾	A ⁽⁴⁾	F
Crematory	A ⁽⁴⁾	A ⁽⁴⁾	F
Funeral home	C	C	F
Mortuary chapel	A ⁽⁴⁾	A ⁽⁴⁾	F
<u>Health Care Uses</u>			
Clinic	F	F	C
Clinical laboratory	F	F	C
Custodial care facility	F	F	F
Group care residence, general	C	C	F
Hospital ⁽¹⁾	C	C	C
Nursing or convalescent home ⁽¹⁾	A	A	C
<u>Hotel and Conference Center Uses</u> ⁽¹⁶⁾			
Bed and breakfast	A	A	A
Conference center	F	F	A
Executive suites	C	C	A
Hotel	C	C	A
Motel	C	C	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Industrial Uses</u>			
Artists' mixed-use	C	C	A
Cleaning plant	F	F	F
General manufacturing use	F	F	F
Light manufacturing use	F	F	F
Printing plant	F	F	F
Restricted industrial use	F	F	F
<u>Office Uses</u>			
Agency or professional office	F	A	A
General office	F	C	A
Office of wholesale business	F	F	C
<u>Open Space Uses</u>			
Golf driving range	F	F	F
Grounds for sports, private	A	A	C
Open space	A	A	A
Open space recreational building	C	C	C
Outdoor place of recreation for profit	C	C	C
Stadium	F	F	A
<u>Public Service Uses</u>			
Automatic telephone exchange	C	C	C
Courthouse ⁽²⁾	F	F	A
Fire station ⁽²⁾	A	A	A
^Outdoor payphone	F	F	C
Penal institution	F	F	F
Police station ⁽²⁾	A	A	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Public Service Uses (cont'd)</u>			
Pumping station ⁽²⁾	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F
Solid waste transfer station	F	F	F
Sub-station ⁽²⁾	C	C	C
Telecommunication data distribution center	F	F	C
Telephone exchange	F	F	C
(^As inserted on March 15, 2006)			
<u>Research and Development Uses⁽⁵⁾</u>			
Product development or prototype manufacturing	F	F	C
Research laboratory	F	F	C
<u>Residential Uses⁽⁶⁾</u>			
Congregate living complex	A	A	A
Elderly housing	A	A	A
Group residence, limited	A	A	A
Lodging house	A	A	A
Mobile home	F	F	F
Mobile home park	F	F	F
Multi-family dwelling	A	A	A
One-family detached dwelling	C	C	C
One-family semi-attached dwelling	A	A	C
Orphanage	A	A	C
Rowhouse	A	A	A
Temporary dwelling structure ⁽⁷⁾	C	C	C

TABLE A - Continued

<u>Residential Uses</u> ⁽⁶⁾ (cont'd)	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Service (MFR/LS)</u>	<u>Neighborhood Development Area (NDA)</u>
Three-family detached dwelling	C	C	C
Townhouse	A	A	A
Transitional housing or homeless shelter	C	C	C
Two-family detached dwelling	C	C	C
Two-family semi-attached dwelling	A	A	C
<u>Restaurant Uses</u> ⁽¹⁶⁾			
Drive-in restaurant	F	F	F
Restaurant	F	C	A
Take-out restaurant			
Small ⁽⁸⁾	F	C	C
Large ⁽⁸⁾	F	F	C
<u>Retail Uses</u> ^{(9), (10), (11)}			
Adult bookstore	F	F	F
Bakery	F	A	A
General retail business	F	F	A
Liquor store	F	F	A
Local retail business	F	A	A
Outdoor sale of garden supplies	F	C	C
Pawnshop	F	F	C
<u>Service Uses</u> ^{(10), (11)}			
Animal hospital	F	F	C
Barber or beauty shop	F	A	A
Body art establishment	F	F	C

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Service Uses</u> ^{(10), (11)} (cont'd)			
Caterer's establishment	F	F	A
Check cashing business	F	F	C
Container redemption center	F	F	C
Dry-cleaning shop	F	A	A
Kennel	F	F	C
Laundry, retail service	F	A	A
Laundry, self-service	F	A	A
Photocopying establishment	F	C	A
Shoe repair	F	A	A
Tailor shop	F	A	A
<u>Storage Uses, Major</u>			
Enclosed storage of solid fuel or minerals	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F
Outdoor storage of junk and scrap	F	F	F
Outdoor storage of new materials	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F
Storage of Dumpsters	F	F	F
Storage of flammable liquids and gases			
Small ⁽¹²⁾	F	F	F
Large ⁽¹²⁾	F	F	F
Storage or transfer of toxic waste	F	F	F
Warehousing	F	F	F
Wrecking yard	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Trade Uses</u> ^{(10), (11)}			
Carpenter's shop	F	C	A
Electrician's shop	F	C	A
Machine shop	F	F	C
Photographer's studio	F	C	A
Plumber's shop	F	F	A
Radio/television repair	F	C	A
Upholsterer's shop	F	C	A
Welder's shop	F	F	C
<u>Transportation Uses</u>			
Airport	F	F	F
Bus terminal	F	F	F
Garage with dispatch	F	F	F
Helicopter landing facility	F	F	F
Motor freight terminal	F	F	F
Rail freight terminal	F	F	F
Railroad passenger station	F	F	F
Water terminal	F	F	F
<u>Vehicular Uses</u>			
Airport-related remote parking facility	F	F	F
Bus servicing or storage	F	F	F
Carwash	F	F	F
Gasoline station	F	F	F
Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Vehicular Uses (cont'd)</u>			
^Indoor sale of motor vehicles	F	F	F
^Outdoor sale of new and used motor vehicles	F	F	F
Parking garage	F	F	C
Parking lot	F	F	C
Rental agency for cars	F	F	A
Rental agency for trucks	F	F	F
Repair garage	F	F	F
Truck servicing or storage	F	F	F

(^As amended on March 15, 2006)

Wholesale Uses

Wholesale business	F	F	F
--------------------	---	---	---

Accessory and Ancillary Uses

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

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	F	F	A
Accessory art use	A	A	A
Accessory automatic teller machine	F	C	A
Accessory bus servicing or storage	F	F	F
Accessory cafeteria	F	F	A
Accessory cultural uses	A	A	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Accessory and Ancillary Uses (cont'd)</u>			
Accessory dormitory	C	C	C
Accessory drive-through restaurant	F	F	F
Accessory drive-through retail	F	F	F
Accessory family day care home	A	A	A
Accessory home occupation	A	A	A
^Accessory indoor maintenance and operation of a payphone ¹⁵	F	F	A
Accessory industrial use	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F
Accessory keeping of laboratory animals ⁽⁵⁾	F	F	A
Accessory machine shop	F	F	C
Accessory manufacture of products	F	F	C
Accessory offices	F	F	A
Accessory outdoor cafe ⁽¹⁶⁾	F	C	A
Accessory parking	A	A	A
Accessory personnel quarters	C	C	A
Accessory professional office in a dwelling	A	A	A
Accessory railroad storage yard	F	F	F
Accessory recycling	A	A	A
Accessory repair garage	F	F	F
Accessory retail	F	C	A
Accessory service uses	F	C	A
Accessory services for apartment and hotel residents	A	A	A
Accessory services incidental to educational uses other than college or university use	A	A	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/ Local Service (MFR/LS)	Neighborhood Development Area (NDA)
<u>Accessory and Ancillary Uses (cont'd)</u>			
Accessory storage of flammable liquids and gases			
Small ⁽¹²⁾	C	C	C
Large ⁽¹²⁾	F	F	C
Accessory storage or transfer of toxic waste	F	F	F
Accessory swimming pool or tennis court ⁽¹³⁾	A	A	A
Accessory trade uses	F	C	A
Accessory truck servicing or storage	F	F	C
Accessory wholesale business	F	F	A
Ancillary use ⁽¹⁴⁾	C	C	C

Footnotes

1. Notes regarding Institutional Uses. The Institutional categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use" are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as is the pertinent Institutional Use. To determine whether the substitution of a single such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.
2. Provided that, where such use is located in an area where Residential Uses are permitted: (1) the requirements of St. 1956, c. 665, S.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, substation, or automatic telephone exchange, no storage building or yard is maintained.
3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
4. Where located within a cemetery; otherwise, forbidden.

TABLE A - Continued

5. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
6. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
7. Provided that, where such use is designated "C," such Structure shall be removed from the Lot no later than six (6) months from the date the Structure is placed on the Lot; otherwise forbidden.
8. Small: total gross floor area not exceeding one thousand (1,000) square feet per Restaurant. Large: total gross floor area exceeding one thousand (1,000) square feet per Restaurant.
9. Where a Retail Use is designated "A," any single such use located on a ground floor shall be conditional if its total Gross Floor Area exceeds thirty-five thousand (35,000) square feet, provided that, in the case of a supermarket, such use shall be conditional only if its total Gross Floor Area exceeds fifty thousand (50,000) square feet.
10. Where a Retail, Service, or Trade Use is designated "A," this use shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public at any point between midnight and 6:00 a.m.
11. Where designated "A" or "C," provided that such use is located on the ground floor, or in the basement with a separate entrance; otherwise forbidden.
12. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases. Large: storage of thirty thousand (30,000) or more gallons of flammable liquids or ten thousand (10,000) or more cubic feet of gases.
13. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.
- ^15. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.
(^As inserted on March 15, 2006)
- ^16. Where designated "A", such use shall be conditional if there is any outdoor rooftop expansion of outdoor dining, seating and/or outdoor rooftop standing area.
(^As inserted on July 14, 2011)

TABLE B

**Fenway Neighborhood District
Use Regulations
Cultural Facilities, Neighborhood Business, Institutional,
and Neighborhood Institutional Subdistricts**

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

	<u>Cultural Facilities</u>	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>		<u>Institutional</u>	<u>Neighborhood Institutional</u>
		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
<u>Banking and Postal Uses</u>							
Automatic teller machine	A	A	C	A	C	A	A
Bank	A	A	A	A	A	A	F
Drive-in bank	F	F	F	F	F	F	F
Post office	A	A	C	A	C	A	F
<u>Community Uses</u>							
Adult education center	A	A	A	A	A	A	A
Community center	A	A	A	A	A	A	A
Day care center	A	A	A	A	A	A	A
Day care center, elderly	A	A	A	A	A	A	A
Library	A	A	A	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A	A	A	A
<u>Cultural Uses</u>							
Art gallery	A	A	A	A	A	A	C
Art use	A	A	A	A	A	A	C
Auditorium	A	C	A	A	A	A	F
Cinema	A	C	A	A	A	A	F
Concert hall	A	C	A	A	A	A	F

TABLE B - Continued

	<u>Cultural Facilities</u>	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>		<u>Institutional</u>	<u>Neighborhood Institutional</u>
		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
<u>Cultural Uses (cont'd)</u>							
Museum	A	C	A	A	A	A	C
Public art, display space	A	A	A	A	A	A	A
Studios, arts	A	A	A	A	A	A	C
Studios, production	A	F	F	A	A	A	C
Theatre	A	C	C	A	A	A	C
Ticket sales	A	A	A	A	A	A	C
<u>Dormitory and Fraternity Uses</u>							
Dormitory not accessory to a use	F	F	F	F	F	A	C
Fraternity	F	F	F	F	F	A	C
<u>Educational Uses</u>							
College or university ⁽¹⁾	C	F	A ⁽²⁾	F	F	A	A
Elementary or secondary school ⁽³⁾	A	A	A	A	A	A	A
Kindergarten	A	A	A	A	A	A	A
Professional school	A	C	A	C	A	A	A
Trade school	A	C	A	C	A	A	A
<u>Entertainment and Recreational Uses⁽²²⁾</u>							
Adult entertainment	F	F	F	F	F	F	F
Amusement game machines in commercial establishment	A	C	C	C	C	C	F
Amusement game machines in non-commercial establishment	A	C	C	C	C	C	C
Bar ⁽⁴⁾	C	F	F	C	C	C	F
Bar with live entertainment ⁽⁴⁾	C	F	F	C	C	C	F
Bowling alley	A	A	A	A	A	A	F

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Entertainment and Recreation Uses</u> ⁽²²⁾ (cont'd)							
Billiard parlor	A	A	A	A	A	A	F
Dance hall	A	C	C	A	A	F	F
Drive-in theater	F	F	F	F	F	F	F
Fitness center or gymnasium	C	A	A	A	A	A	C
Private club not serving alcohol	A	A	C	A	A	C	F
Private club serving alcohol	A	C	C	A	A	C	F
Restaurant with live entertainment, not operating after 10:30 p.m. ⁽⁴⁾	A	C	C	A	A	C	F
Restaurant with live entertainment, operating after 10:30 p.m. ⁽⁴⁾	A	F	F	C	C	C	F
<u>Funerary Uses</u>							
Cemetery	F	F	F	F	F	F	F
Columbarium	F	F	F	F	F	F	F
Crematory	F	F	F	F	F	F	F
Funeral home	F	A	A	A	A	F	F
Mortuary chapel	F	F	F	F	F	F	F
<u>Health Care Uses</u>							
Clinic	C	F	F	C	C	C	A
Clinical laboratory	C	C	C	C	C	C	C
Custodial care facility	C	F	F	F	F	F	C
Group care residence, general	F	C	C	C	C	F	C
Hospital ⁽¹⁾	C	F	A ⁽²⁾	F	F	C	A
Nursing or convalescent home ⁽¹⁾	C	C	A ⁽²⁾	C	C	A	A

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Hotel and Conference Center Uses⁽²²⁾</u>							
Bed and breakfast	A	C	C	C	C	A	A
Conference center	A	F	F	C	C	C	C
Executive suites	A	C	C	A	A	A	A
Hotel ⁽⁵⁾	A	A	A	A	A	A	C
Motel	F	C	C	A	A	A	F
<u>Industrial Uses</u>							
Artists' mixed-use	A	A	A	A	A	A	C
Cleaning plant	F	F	F	F	F	F	F
General manufacturing use	F	F	F	F	F	F	F
Light manufacturing use	F	F	F	F	F	F	F
Printing plant	F	F	F	F	F	F	F
Restricted industrial use	F	F	F	F	F	F	F
<u>Office Uses</u>							
Agency or professional office	A	A	A	A	A	A	C
General office ⁽⁶⁾	A	A	A	A	A	A	C
Office of wholesale business	F	C	A	A	A	F	F
<u>Open Space Uses</u>							
Golf driving range	F	F	F	F	F	F	F
Grounds for sports, private	C	F	F	F	F	C	F
Open space	A	A	A	A	A	A	A
Open space recreational building	C	C	C	C	C	C	F
Outdoor place of recreation for profit	C	F	F	F	F	F	F
Stadium	F	F ⁽⁷⁾	F ⁽⁷⁾	A	A	F	F

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Public Service Uses</u>							
Automatic telephone exchange	A	C	C	C	C	C	C
Courthouse ⁽³⁾	A	C	C	C	C	F	F
Fire station ⁽³⁾	A	A	A	A	A	A	A
^Outdoor payphone	C	C	C	C	C	C	C
Penal institution	F	F	F	F	F	F	F
Police station ⁽³⁾	A	A	A	A	A	A	A
Pumping station ⁽³⁾	C	C	C	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	F	F	F
Solid waste transfer station	F	F	F	F	F	F	F
Sub-station ⁽³⁾	C	C	C	C	C	C	C
Telecommunication data distribution center	C	C	C	C	C	C	F
Telephone exchange	C	C	C	C	C	F	F
<u>Research and Development Uses⁽⁸⁾</u>							
Product development or prototype manufacturing	F	F	F	C	C	A	F
Research laboratory	F	F	F	C	C	A	F
<u>Residential Uses⁽⁹⁾</u>							
Congregate living complex	A	C	C	C	C	A	A
Elderly housing	A	C	A	C	A	A	A
Group residence, limited	A	C	A	C	A	A	A
Lodging house	A	C	C	C	C	A	A
Mobile home	F	F	F	F	F	F	F
Mobile home park	F	F	F	F	F	F	F
Multi-family dwelling	A	C	A	C	A	A	A
One-family detached dwelling	C	C	C	C	C	C	A

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Residential Uses</u> ⁽⁹⁾ (cont'd)							
One-family semi-attached dwelling	C	C	C	C	C	C	A
Orphanage	C	C	C	C	C	C	A
Rowhouse	A	C	C	C	C	C	A
Temporary dwelling structure ⁽¹⁰⁾	C	C	C	C	C	C	C
Three-family detached dwelling	C	C	C	C	C	C	A
Townhouse	A	C	C	C	C	C	A
Transitional housing or homeless shelter	C	C	C	C	C	C	C
Two-family detached dwelling	C	C	C	C	C	C	A
Two-family semi-attached dwelling	C	C	C	C	C	C	A
<u>Restaurant Uses</u> ⁽²²⁾							
Drive-through restaurant	F	F	F	F	F	F	F
Restaurant	A	A	A	A	A	A	F
Take-out restaurant							
Small ⁽¹¹⁾	C	A	A	A	A	A	F
Large ⁽¹¹⁾	C	C	C	C	C	C	F
<u>Retail Uses</u> ^{(12), (13)}							
Adult bookstore	F	F	F	F	F	F	F
Bakery	A	A	A	A	A	A	F
General retail business	C	C	C	A	A	C	F
Liquor store	C	C	C	C	C	C	F
Local retail business	A	A	A	A	A	A	F
Outdoor sale of garden supplies	C	A	C	A	C	C	F
Pawnshop	C	C	C	C	C	C	C

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Service Uses</u> ⁽¹³⁾							
Animal hospital	C	F	F	A	A	F	F
Barber or beauty shop	A	A	A	A	A	A	F
Body art establishment	C	C	C	C	C	C	C
Caterer's establishment	A	A	A	A	A	A	F
Check cashing business	C	C	C	C	C	C	F
Container redemption center ⁽¹⁵⁾	C	C	C	C	C	C	F
Dry-cleaning shop	A	A	A	A	A	A	F
Kennel	C	F	F	A	A	F	F
Laundry, retail service	A	A	A	A	A	A	F
Laundry, self-service	A	A	A	A	A	A	F
Photocopying establishment	A	A	A	A	A	A	F
Shoe repair	A	A	A	A	A	A	F
Tailor shop	A	A	A	A	A	A	F
<u>Storage Uses, Major</u>							
Enclosed storage of solid fuel or minerals	F	F	F	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F	F	F	F
Outdoor storage of new materials	F	F	F	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F	F	F
Storage of Dumpsters	C	C	C	C	C	C	C
Storage of flammable liquids and gases							
Small ⁽¹⁶⁾	F	C	F	C	F	F	F
Large ⁽¹⁶⁾	F	F	F	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F	F	F	F
Warehousing	F	F	F	F	F	F	F
Wrecking yard	F	F	F	F	F	F	F

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Trade Uses⁽¹³⁾</u>							
Carpenter's shop	A	A	A	A	A	A	F
Electrician's shop	A	A	A	A	A	A	F
Machine shop	C	A	A	A	A	F	F
Photographer's studio	A	A	A	A	A	A	F
Plumber's shop	A	A	A	A	A	A	F
Radio/television repair	A	A	A	A	A	A	F
Upholsterer's shop	A	A	A	A	A	A	F
Welder's shop	C	A	A	A	A	F	F
<u>Transportation Uses</u>							
Airport	F	F	F	F	F	F	F
Bus terminal	F	F	F	F	F	F	F
Garage with dispatch	F	F	F	F	F	F	F
Helicopter landing facility	F	F	F	F	F	F	F
Motor freight terminal	F	F	F	F	F	F	F
Rail freight terminal	F	F	F	F	F	F	F
Railroad passenger station	F	F	F	F	F	F	F
Water terminal	F	F	F	F	F	F	F
<u>Vehicular Uses</u>							
Airport-related remote parking facility	F	F	F	F	F	F	F
Bus servicing or storage	F	F	F	F	F	F	F
Carwash ⁽¹⁷⁾	F	C	F	C	F	F	F
Gasoline station ⁽¹⁷⁾	F	F	F	F	F	F	F
Indoor sale, with or without installation, of automotive parts, accessories, and supplies	F	C	F	C	F	F	F
^Indoor sale of motor vehicles	F	F	F	C	C	F	F

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Vehicular Uses (cont'd)</u>							
^Outdoor sale of new and used motor vehicles	F	F	F	F	F	F	F
Parking garage	F	F	F	C	C	C	F
Parking lot	F	F	F	C	F	C	F
Rental agency for cars	C	C	C	C	C	A	F
Rental agency for trucks	F	F	F	C	C	F	F
Repair garage ⁽¹⁷⁾	F	F	F	F	F	F	F
Truck servicing or storage	F	F	F	F	F	F	F

(^As amended on March 15, 2006)

Wholesale Uses

Wholesale business	F	F	F	F	F	F	F
--------------------	---	---	---	---	---	---	---

Accessory and Ancillary Uses

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

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	C	A	C	A	C	A	A
Accessory art use	A	A	A	A	A	A	A
Accessory automatic teller machine	A	A	C	A	C	A	A
Accessory bus servicing or storage ⁽¹⁷⁾	C	F	F	F	F	C	C
Accessory cafeteria ⁽⁴⁾	A	A	A	A	A	A	A
Accessory cultural uses	A	A	A	A	A	A	A
Accessory dormitory	A	C	C	C	C	A	A
Accessory drive-through restaurant	F	F	F	F	F	F	F
Accessory drive-through retail	F	F	F	F	F	F	F

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Accessory and Ancillary Uses (cont'd)</u>							
Accessory family day care home	A	A	A	A	A	A	F
Accessory home occupation	A	A	A	A	A	A	F
^Accessory indoor maintenance and operation of a payphone ²¹	A	A	A	A	A	A	A
Accessory industrial use	C	C	C	C	C	C	C
Accessory keeping of animals other than laboratory animals	C	C	C	C	C	C	C
Accessory keeping of laboratory animals ⁽⁸⁾	C	C	C	C	C	A	A
Accessory machine shop	A	A	A	A	A	A	A
Accessory manufacture of products	C	C	C	C	C	C	C
Accessory offices	A	A	A	A	A	A	A
Accessory outdoor cafe ^{(18) (22)}	A	A	A	A	A	A	A
Accessory parking	A	A	A	A	A	A	A
Accessory personnel quarters	A	C	C	C	C	A	A
Accessory professional office in a dwelling	A	A	A	A	A	A	A
Accessory railroad storage yard	F	F	F	F	F	F	F
Accessory recycling	A	A	A	A	A	A	A
Accessory repair garage ⁽¹⁷⁾	C	F	F	F	F	C	C
Accessory retail	A	A	A	A	A	A	A
Accessory service uses	A	A	A	A	A	A	A
Accessory services for apartment and hotel residents	A	A	A	A	A	A	A
Accessory services incidental to educational uses other than college or university use	A	A	A	A	A	A	A
Accessory storage of flammable liquids and gases							
Small ⁽¹⁶⁾	A	A	A	A	A	A	A
Large ⁽¹⁶⁾	C	C	F	C	F	C	C

TABLE B - Continued

	Cultural Facilities	Neighborhood Shopping		Community Commercial		Institutional	Neighborhood Institutional
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
<u>Accessory and Ancillary Uses (cont'd)</u>							
Accessory storage or transfer of toxic waste	A	F	F	F	F	A	A
Accessory swimming pool or tennis court ⁽¹⁹⁾	A	A	A	A	A	A	A
Accessory trade uses	A	A	A	A	A	A	A
Accessory truck servicing or storage	C	F	F	F	F	C	C
Accessory wholesale business	A	C	F	C	F	F	F
Ancillary use ⁽²⁰⁾	C	C	C	C	C	C	C

Footnotes

1. Notes regarding Institutional Uses. The Institutional categories “College or University Use,” “Hospital Use,” and “Nursing or Convalescent Home Use” are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as is the pertinent Institutional Use. To determine whether the substitution of a single such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.
2. Provided that such use shall (a) be conditional to the extent that it exceeds forty percent (40%) of the Gross Floor Area of any Building, and (b) not include any High Impact Subuses, which are forbidden.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, S.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, substation, or automatic telephone exchange, no storage building or yard is maintained.
4. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
5. Where designated “A,” such hotel use shall be conditional to the extent that the hotel contains more than two hundred (200) rooms.

TABLE B - Continued

6. Where designated "A," such office use shall be conditional in the North and South Boylston Streets NS subdistricts to the extent that it exceeds forty percent (40%) of the Gross Floor Area of any Building.
7. Except that such use shall be allowed in the North Boylston Neighborhood Shopping District.
8. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
9. Provided that Dwelling Units are forbidden in Basements.
10. Provided that where such use is designated "C," such structure shall be removed from the lot no later than six months from the date the structure is placed on the lot; otherwise forbidden.
11. Small: total gross floor area not more than two thousand, five hundred (2,500) square feet per restaurant in a Neighborhood Business Subdistrict, or one thousand (1,000) square feet per restaurant in a Cultural Facilities Subdistrict. Large: total gross floor area exceeding two thousand, five hundred (2,500) square feet per restaurant in a Neighborhood Business Subdistrict, or one thousand (1,000) square feet per restaurant in a Cultural Facilities Subdistrict.
12. Where designated "A," provided that such use, if located on a ground floor, shall be conditional if its total Gross Floor Area exceeds thirty thousand (30,000) square feet in a NS subdistrict or thirty-five thousand (35,000) square feet in a CC subdistrict. In the case of a supermarket, such use shall be conditional only if its total Gross Floor Area exceeds fifty thousand (50,000) square feet.
13. Where a Retail, Service or Trade Use is designated "A," this use shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public at any point between midnight and 6:00 a.m.
14. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it: (a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes the use of seventy-five thousand (75,000) or more square feet of gross floor area to General Retail Business; (c) enlarges a General Retail Business so as to increase its gross floor area by seventy-five thousand (75,000) or more square feet.
15. Provided that all storage of beverage containers shall be located entirely within a Building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, or Open Space District or Subdistrict.
16. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) or more gallons of flammable liquids or ten thousand (10,000) or more cubic feet of gases.
17. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound-insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke, and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled, or unregistered motor vehicles for a period of more than one month; otherwise, forbidden.

TABLE B - Continued

18. Where such use is designated "A," except conditional in a Rear Yard abutting a Residential Subdistrict.
19. Provided that such use is more than four (4) feet from every Lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a Lot line, the fence is concealing to a height of at least six (6) feet.
20. 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.
- ^21. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.
(^As inserted on March 15, 2006)
- ^22. Where designated "A", such use shall be conditional if there is any outdoor rooftop expansion of outdoor dining, seating and/or outdoor rooftop standing area.
(^As inserted on July 14, 2011)

Table C

**Fenway Neighborhood District
Residential Subdistricts Dimensional Regulations**

	Lot Area Min. for Dwell. Unit(s) Specified (Sq. Ft.)	Additional Lot Area for Ea. Add'l Dwell. Unit (Sq. Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height Maximum Stories	Feet	Usable Open Space ⁽¹⁾ Minimum Sq. Ft. Per Dwelling Unit	Front Yard ⁽²⁾ Minimum Depth (Feet)	Side Yard Min. Width (Feet)	Rear Yard Min. Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Building (Percent)
Multifamily Residential Subdistrict												
<u>MFR-1</u>												
Any Dwelling	none	none	none	none	4.0	N/A	60	100	(3)	none	20	25
Other Use	none	none	none	none	4.0	N/A	60	N/A	(3)	none	20	25
<u>MFR-2 and MFR/LS</u>												
Any Dwelling	none	none	none	none	4.0	N/A	75	100	(3)	none	20	25
Other Use	none	none	none	none	4.0	N/A	75	N/A	(3)	none	20	25

Footnotes

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

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

All or a portion of the usable open space requirement may be met by unenclosed porches (with or without roofs) or by suitably designed and accessible space on the roofs of Main Buildings, or on the roofs of Accessory Buildings.
2. See Section 66-43.2, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.

TABLE D

**Fenway Neighborhood District
Cultural Facilities, Neighborhood Development
Area, Institutional, and Neighborhood
Institutional Subdistricts**

Dimensional Regulations⁽¹⁾

	<u>Cultural Facilities Subdistricts</u>	<u>Neighborhood Development Area Subdistricts</u>	<u>Institutional Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
Maximum Floor Area Ratio	4.0	5.0	4.0/8.0 ⁽²⁾	4.0
Maximum Building Height or No. of Stories	75 N/A	95 8	75/90 ⁽²⁾ N/A	60 N/A
Street Wall Height (Lesser of Ft./Stories)	N/A	75/6	N/A	N/A
Setback above Street Wall Height	N/A	15	none	none
Minimum Lot Size (sq. ft.)	none	none	none	none
Minimum Usable Open Space per Dwelling Unit (sq. ft.)	75	75	75	75
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard	none ^{(3),(4)}	none ^{(3),(4)}	none ^{(3),(4)}	none ^{(3),(4)}
Minimum Side Yard	none	none	none	none
Minimum Rear Yard	none ⁽⁵⁾	none ⁽⁵⁾	none ⁽⁵⁾	none ⁽⁵⁾

Footnotes:

1. All dimensional regulations are expressed in units of feet, unless otherwise specified.
2. The former, more restrictive dimensional regulation shall apply to subdistricts located on the north side of Huntington Avenue; the latter, less restrictive dimensional regulation shall apply to those located on the south side of Huntington Avenue.

TABLE D (Continued)

3. See Section 66-39.1, Street Wall Continuity.
4. In a required front yard, no plaza, terrace or public access to a basement (other than as required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.
5. Rear Yards are required only in Lots with Rear Lot Lines abutting a Residential Subdistrict. In such Lots, a minimum Rear Yard depth of twenty (20) feet shall be required.

^TABLE E

**Fenway Neighborhood District
Neighborhood Business Subdistricts**

Dimensional Regulations⁽¹⁾

	<u>Neighborhood Shopping Subdistricts</u>		<u>Community Commercial Subdistricts</u>
	<u>NS-1</u>	<u>NS-2 and NS-3</u>	
Maximum Floor Area Ratio	4.0	5.0	4.0
Maximum Building Height or No. of Stories	75 6	90 ⁽²⁾ 8	95 8
Street Wall Height (Lesser of Ft./Stories) ⁽³⁾	75/6	75/6	75/6
Setback above Street Wall Height	15	15	15
Minimum Lot Size (sq. ft.)	none	none	none
Minimum Usable Open Space ⁽⁴⁾ per Dwelling Unit (sq. ft.)	75	75	75
Minimum Lot Width	none	none	none
Minimum Lot Frontage	none	none	none
Minimum Front Yard	none ^{(5),(6)}	none ^{(5),(6)}	none ^{(5),(6)}
Minimum Side Yard	none ⁽⁷⁾	none ⁽⁷⁾	none ⁽⁷⁾
Minimum Rear Yard	none ^{(8),(9)}	none ^{(8),(9)}	none ^{(8),(9)}

Footnotes:

1. All dimensional regulations are expressed in units of feet, unless otherwise specified.
2. Provided that, in the North Boylston Neighborhood Shopping Subdistrict, the maximum Building Height shall be ninety-five (95) feet.

TABLE E (Continued)

- ^3. In the South Boylston NS-1, North Boylston NS-2, North Boylston NS-3, South Boylston Street NS-3 and Brookline Avenue CC Subdistricts. In all other such subdistricts, Street Wall Height shall be consistent with that of the nearest Buildings that constitute portions of the pertinent Street Wall, including the Buildings, if any, to either side along the pertinent Street. Where such Building Heights are inconsistent, Street Wall Height shall be consistent with the average Building Height among such Buildings, unless determined otherwise through Article 80 Large or Small Project Review.
4. In a Neighborhood Business Subdistrict, all or a portion of the usable open space requirement may be met by unenclosed porches (with or without roofs) or by suitably designed and accessible space on the roofs of Main Buildings, or on the roofs of Accessory Buildings.
5. See Section 66-39.1, Street Wall Continuity. Within any Lot fronting on Boylston Street, the required setback shall be fifteen (15) feet. Oriel or bay windows may extend up to five (5) feet from the Street Wall plane into the area of such setback from Boylston Street, provided that such windows do not occupy more than 40% of the Street Wall plane. Where practicable, multiple, smaller bays shall be provided rather than a single, continuous projection.
6. In a required front yard, no plaza, terrace, or public access to a basement (other than as required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

In a Neighborhood Business Subdistrict, every Front Yard required by this code shall be at grade level along every Lot line on which such yard abuts.
7. In a Neighborhood Business Subdistrict, no Side Yard is required except in the case of a Lot with a side Lot line abutting a Residential Subdistrict, which shall have Side Yards as if it were in such abutting district. Every Side Yard so required that does not abut a street line shall, along every Lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy, or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
8. Rear Yards are required only in Lots with Rear Lot Lines abutting a Residential Subdistrict. In such Lots, a minimum Rear Yard depth of twenty (20) feet shall be required.

TABLE E (Continued)

9. In a Neighborhood Business Subdistrict, every Rear Yard required by this code that does not abut a street line shall, along every Lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy, or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

(^As amended on October 24 and December 15, 2011)

TABLE F

**Fenway Neighborhood District
Off-Street Parking Requirements⁽¹⁾**

	<u>Minimum</u>	<u>Maximum</u>
<u>Residential Uses</u>	0.75 spaces per dwelling unit ⁽²⁾	0.75 spaces per dwelling unit ⁽²⁾
<u>Other Uses</u>	None	0.75 spaces per 1,000 gross square feet

Footnotes:

1. The provisions of this Table F shall apply to all Proposed Projects. See Section 66-42 (Off-Street Parking and Loading Requirements). Proposed Projects subject to Large Project Review with Transportation Access Plans that include a Parking Management Element, pursuant to Section 80B-3.1a, shall assess in such Parking Management Element the need for alternative parking options, including car sharing, bicycle parking, and carpool/vanpool parking, as a means of minimizing the number of accessory spaces, promoting a more sustainable pattern of development and efficient use of land, and promoting good design. The following guidelines shall apply in determining the need for alternative parking spaces:
 - (a) Proposed projects with a gross floor area of 100,000 square feet or more should provide at least two (2) car sharing spaces;
 - (b) Proposed Projects should provide bicycle parking spaces, in compliance with Boston Transportation Department (BTD) standards, equal to at least 0.5 spaces per Dwelling Unit (see Footnote 2, below), in the case of Residential Uses, or, in the case of other uses, ten percent (10%) of the number of vehicular spaces. Bicycle parking shall include both short- and long-term spaces, as defined by BTD; and
 - (c) Carpool/vanpool parking spaces should be provided, as needed, in accordance with BTD standards.

2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.

TABLE G

**Fenway Neighborhood District
Off-Street Loading Requirements⁽¹⁾**

<u>Gross Floor Area</u>	<u>Required Off-Street Loading Bays</u>
0-15,000 square feet	0.0
15,001-49,999 square feet	1.0

Footnote

1. The provisions of this Table G do not apply to Proposed Projects that are subject to Large Project Review. See Section 66-42 (Off-Street Parking and Loading Requirements).