

;ARTICLE 44

**LEATHER DISTRICT**

(;Article inserted on January 28, 1991\*)

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\* Date of public notice: November 9, 1990 (see St. 1956, c. 665, s. 5)

\*\*As amended through March 15, 2006.

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

**SECTION 44-1. Statement of Purpose, Goals, and Objectives.** The purpose of this article is to establish the zoning regulations for the comprehensive plan for the Leather District as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this Code. The goals and objectives of this Article and the Leather District Plan are to preserve the historic and architectural character of the Leather District; to promote the mixed residential, office, studio, retail, and service uses of the Leather District; and to ensure that new development is compatible with existing buildings in scale, design, and choice of building and decorative materials.

**SECTION 44-2. Recognition of the Leather District Plan.** In accordance with Section 27D-18 of this Code, which required production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Leather District (Special Study Area No. 9), the Zoning Commission hereby recognizes the Leather District Plan as the general plan for the Leather District. The Leather District Plan shall also serve as the portion of the general plan for the City of Boston applicable to the Leather District. This Article is one of the means of implementing the Leather District Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

**SECTION 44-3. Physical Boundaries.** The provisions of this Article are applicable only in the Leather District. The boundaries of the Leather District are as shown on a map entitled, "Map 1C Leather District and South Station Economic Development Area (EDA) (supplemental to 'Map 1 Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 44-4. Applicability.** This Article together with the rest of this Code constitutes the zoning regulation for the Leather District and applies as specified in Section 4-1 regarding the conformity of structures and land to this Code. Exceptions to the provisions of this Article, pursuant to Article 6A, shall not be available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27D to the Leather District is rescinded, and the Leather District is deleted from the Downtown Interim Planning Overlay District, as of the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. For the Leather District except where specifically otherwise indicated in this Article, the provisions of this Article supersede Article 8 (except Section 8-6), Article 13 (except Section 13-3), and Articles 14 through 24, inclusive, of this Code. The following Proposed Projects, however, are exempt from the provisions of this Article and are governed by the rest of this Code, including Article 27D:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior

to the first notice of hearing before the Zoning Commission for adoption of this Article and for which no Zoning Relief is required.

2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

**;SECTION 44-5. Maximum Building Height and Floor Area Ratio.**

Within the Leather District, a maximum building height of eighty (80) feet and a maximum floor area ratio (FAR) of 6 are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred (100) feet and a maximum FAR of eight (8) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.

(;As amended on May 9, 1996.)

**SECTION 44-6. Rooftop Additions within the Leather District.** No roof structure designed or used for human occupancy, access, mechanical systems, or storage shall be erected or enlarged on the roof of any Building within the Leather District, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4 the Board of Appeal grants permission therefor. In reaching its decision, said Board shall consider whether such roof structure is architecturally consistent with the distinctive historical and architectural character of the Leather District. Rooftop additions that align with masonry walls of existing structures should extend masonry materials. Elsewhere, they should use metal and glass wall systems. Materials such as stucco and Glass Fibre Reinforced Concrete (GFRC) are prohibited. The Board of Appeal shall not grant any such appeal for a roof structure that is visible from any point on any public way within the District, as indicated on Map 1C, except that rooftop additions visible from a public way via a sight line down a private way are permissible, with the approval of the Board of Appeal. The Inspectional Services Department shall transmit a copy of the appeal for a conditional use pursuant to this Section 44-6 to the Boston Landmarks Commission. The Boston Landmarks Commission may, within thirty days after the date of such transmittal, file with the Board of Appeal a recommendation, provided that if no such recommendation is received within said thirty days, the Board of Appeal may render its decision without such recommendation.

**;SECTION 44-7. Specific Design Requirements.** Except as otherwise expressly provided in this Article or this Code, all Proposed Projects within the Leather District shall comply with the specific design requirements established in this Section 44-7, subject to the provisions of Article 6A.

1. Street Wall Continuity. On any street identified in Table B, a Street Wall of any Proposed Project shall be built to be coextensive with the building line as defined in clause 7A of Section 2-1, of the block on which the Street Wall faces. If there is no determinable building line of said block, then said Street Wall shall be built at a depth from the Curb Line equal to that of the building line farthest from the Curb Line of the two blocks adjacent to said block facing onto the same street. If there is no determinable building line of either of said adjacent blocks, then (a) if the Proposed Project is subject to or has elected to comply with Large Project Review, an appropriate Street Wall location shall be determined through such review; (b) otherwise, the location of the Street Wall shall be determined through the Design Component of Small Project Review.

Except as otherwise provided in this Subsection 44-7.1, Street Walls shall be continuous across a lot. However, design articulation involving deviations from the Street Wall Plane of two (2) feet or less shall be permitted across the Street Wall. Further, larger recesses shall be permitted as follows: For Proposed Projects neither subject to nor electing to comply with Large Project Review, recesses in Street Walls shall be permitted as set forth in Table A of this Article or as may be required under law to provide access to physically handicapped individuals. For any Proposed Project that is subject to or has elected to comply with Large Project Review, recesses shall be permitted if appropriate to the creation of visually interesting designs or if necessary to accommodate access to handicapped individuals or to accommodate a specific ground level function, such as a hotel or residential carriageway, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the block front is preserved, as determined by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review.

TABLE A

**Permitted Street Wall Recesses**

<u>Location</u>	<u>Maximum Depth from the Street Wall Plane</u>	<u>Maximum Aggregate Surface Area</u>
Below ground floor ceiling height	Ten (10) feet	Fifty percent (50%)
Above ground floor ceiling height	Ten (10) feet	Fifty percent (50%)
	Fifteen (15) feet	Thirty percent (30%)

The "maximum aggregate surface area" means the portion, expressed as a percentage, of the surface area of the specified part of the Street Wall Plane (i.e., above or below the ground floor ceiling height) affected by recesses. The areas within which recesses are permitted are not cumulative; i.e., the maximum aggregate surface area that may be affected by recesses, whether of 10 or 15 feet, is 50%.

2. Street Wall Height. The Street Wall Height of any Proposed Project within the Leather District shall not exceed eighty (80) feet or the Modal Street Wall Height, whichever is less. The endwall of a street which is a cul-de-sac does not count as a Street Wall for the purposes of this Section 44-7.
3. Display Window Area Regulations. The provisions of this Subsection 44-7.3 apply only to any Proposed Project with a gross floor area of fifty thousand (50,000) square feet or more and only to Street Walls facing onto any of the following streets:

- |                 |                       |
|-----------------|-----------------------|
| Atlantic Avenue | Lincoln Street        |
| Beach Street    | South Street          |
| East Street     | Surface Artery Street |
| Essex Street    | Tufts Street          |
| Kneeland Street |                       |

The Display Window Area, excluding any portion occupied by a permitted Lobby Entrance Area or entrance/exit to an off-street parking or loading area, shall be sufficiently and appropriately glazed and transparent, with sufficient individual storefront entrances, to encourage active pedestrian use, as determined by the Boston

Redevelopment Authority in accordance with the Urban Design Component of Large Project Review. Glazed portions of the Display Window Area, excluding storefront entrances and Lobby Entrance Areas, shall be used to a depth of at least two (2) feet for (a) the display of goods and services available for purchase on the premises, or (b) the display of exhibits and announcements. However, the provisions of the preceding sentence do not apply to foyer space for cultural uses, restaurants, or other active storefront uses.

- 4. Sky Plane Setback Requirements. Other than decorative cornices and other surface ornamentation, any portion of a Proposed Project for new construction (including, but not limited to, mechanical equipment and not including rooftop additions), which portion faces a street listed in Table B of this Article, shall be set back by not less than fifteen (15) feet.

TABLE B

**Streets on which Sky Plane Setbacks are Required**

Atlantic Avenue	Lincoln Street
Beach Street	South Street
East Street	Surface Artery Street
Essex Street	Tufts Street
Kneeland Street	

The Sky Plane Setback provisions established in this Subsection 44-7.4 are not applicable to the extent that, as a consequence of such provisions, the maximum possible gross floor area for any floor of a Proposed Project would be less than fifty percent (50%) of the gross floor area of the highest occupied floor below the Street Wall Height for a project on a Corner Parcel, or less than sixty-seven percent (67%) of the gross floor area of the highest occupied floor below the Street Wall Height for a project not on a Corner Parcel.

(;As amended on May 9, 1996.)

**;SECTION 44-8. Leather District Design Review and Design Guidelines.** Within the Leather District, any Proposed Project for any of the following shall be subject to Small Project Review, pursuant to paragraph (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component):

- (a) A rooftop addition that is not visible from a street within the Leather District;

- (b) the erection of a new building or an addition to or extension of an existing building;
- (c) exterior alteration of an existing building affecting more than five hundred (500) square feet of the Street Wall Facade above the Ground Floor Ceiling Height;
- (d) exterior alteration changing the cornice line, height of the Street Wall or Building Height of an existing building.

Notwithstanding any contrary provision of Section 80E-2.1, such review shall be applicable whether or not any such Proposed Project is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

1. Design Guidelines. In reaching its decision, pursuant to the Urban Design Component of Large Project Review or the Design Component of Small Project Review, the Boston Redevelopment Authority shall consider whether the Proposed Project is consistent with the design guidelines herein and the District's historic character and current mixed residential, office, artists' studio, retail, and service uses. In addition, the Boston Redevelopment Authority shall consider whether the Proposed Project meets the following special design considerations; these are intended as recommended guidelines, and original alternatives will be considered provided that they meet the same goals and undergo a public review process.
  - (a) Historic Building Facades. Historic Buildings should be renovated rather than replaced, and existing facades must be used, if reasonably possible, so as to maintain the historic architectural contribution of the District. Existing facade fenestration should be retained and/or restored. In the event that restoration is not possible, replacement units should replicate the essential architectural characteristics of the existing windows, such as mullion depth and width, color, and predominant shadow lines.
  - (b) Compatibility with Historic Context. New buildings, rooftop additions, and facade renovations should be designed so that the exterior proportions, scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the observable architectural character of the existing late-nineteenth-century masonry warehouse structures in the Leather District. To preserve a lot-by-lot appearance, facade



ornamentation should be varied, and facades should be divided into modules to reflect the lot width established by Historic Buildings within the Leather District and to continue the established rhythm of each block.

- (c) Base to Height Ratio. Proposed Projects should be consistent with the Leather District's conglomeration of small building masses which meet the streets with discretely organized facades, each of which contains local symmetries and other ordering principles. Vertically oriented facades, typical but not exclusive in the District, are encouraged.
- (d) Storefront Details and Signage. Granite storefront details should be preserved and restored. Cast iron storefront details and flush painted signs are encouraged.
- (e) Recessed Store Entrances. For all new buildings with a building height of sixty (60) or more feet, entrances to Ground Level Uses should be recessed in a manner consistent with traditional storefront entrances in the Leather District.
- (f) Base and First Floor Cornice Line. New development should have a pronounced cornice line or belt course separating the ground floor from the upper floors and should create a visually strong base.
- (g) Upper Cornice. New structures should have pronounced upper cornices which are consistent with upper cornices on existing structures and which create a sense of finality to the building's top. Typical cornice materials, such as copper or masonry/stone, should be used.
- (h) Solid to Void Ratios. Solid to void ratios should emphasize the strong vertical and horizontal patterns that are characteristic of historic architecture in the District.
- (i) Windows which recede from the face of the building, arched windows or window heads, and windows accented by lintels and sills are encouraged to the extent that they are consistent with and reinforce the architectural and historic character of the District. Large, undifferentiated panes of glass are not appropriate except for storefronts. New masonry window openings in existing buildings are discouraged, particularly to the extent that they are incompatible with the character of the traditional building facades in the District.

- (j) Rooftop Mechanical Units. Rooftop mechanical units must be located so as not to be visible from a public way within the District as indicated on Map 1C, except that units which are visible from a public way via a sight line down a private way are permissible, with approval of the Board of Appeal.
- (k) Building Materials. Primary building materials should be masonry, including any of the following: brick, limestone, terra cotta, sandstone, and granite. New materials (e.g., architectural precast concrete) should be consistent in surface texture and color with existing traditional materials.

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

**SECTION 44-9. Establishment of Planned Development Areas Prohibited.** Establishment of Planned Development Areas, as described in Section 3-1A.a, is prohibited in the Leather District.

↔**SECTION 44-10. Leather District Use Regulations.** In the Leather District, the use of land and structures is regulated as provided in this Section 44-10. The provisions of Article 8 apply only as specified in this Section, except that Section 8-6 applies. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section.

1. Inclusion of Day Care Facilities. The provisions of this Section apply only to Proposed Projects which exceed a building height of eighty (80) feet or an FAR of six (6) or both. Any Proposed Project having a gross floor area (not including the floor area devoted to Residential Uses, Community Uses, or Cultural Uses, as those uses are described in Subsection 4 of this Section 44-10), which equals or exceeds one hundred thousand (100,000) square feet shall devote to day care facilities an amount of floor area equal to the amount listed below in Table D of this Article. For the purposes of this Subsection 44-10.2 and Table D only, floor area devoted exclusively to hotel or motel uses shall be multiplied by 0.5 before being used in the calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this Subsection may fulfill its obligations under this Subsection by (a) creating such facilities on site; or (b) creating such facilities, or causing such facilities to be created elsewhere in the City. The provision of day care facilities in accordance with this Subsection shall be in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this paragraph, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for

such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE D

**Provision of Day Care Facilities**

<u>Size of Proposed Project (Gross Floor Area)</u>	<u>Minimum Day Care Facilities (Gross Floor Area)</u>
100,000 up to 200,000 sq. ft.	2% of gross floor area
200,001 up to 500,000 sq. ft.	4,000 sq. ft.
500,001 up to 1,000,000 sq. ft.	8,000 sq. ft.
More than 1,000,000 sq. ft.	12,000 sq. ft.

2. Ground Level Uses in the Leather District. Within a Proposed Project, uses with street frontage on Atlantic Avenue or Beach, East, Essex, Kneeland, Lincoln, South, Surface Artery, or Tufts Street, either located on the ground level or entered by stairs from a sidewalk entry, are limited to the permissible Ground Level Uses, as listed in Appendix A to this Article. A display window physically contiguous to a Ground Level Use, or with exhibits or displays operated and maintained by an occupant of the building in which said window is located, is allowed as a Ground Level Use. All other uses with street frontage which are otherwise allowed by this Section 44-10 are conditional uses when located on the ground level or entered by stairs from a sidewalk entry.
  
3. Allowed Uses. No land or structure in the Leather District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use except in accordance with the provisions of this Subsection 44-10.4 or Subsection 44-10.5. Any use specified in this Subsection 44-10.4 is allowed as a matter of right, subject only to the provisions of this Section 44-10 including, without limitation, Subsections 1 and 2 thereof.
  - (a) Residential Uses. Limited to multifamily dwelling, lodging or boarding house, temporary housing shelter, or group residence, limited, as defined in clause (22B) of Section 2-1. Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity share cooperatives.
  
  - (b) Restaurant Uses. Limited to the service or sale of food or drink for on-premises consumption, with or without entertainment,

provided that uses described in Use Item No. 38A of Section 8-7 are forbidden.

- (c) Cultural and Entertainment Uses. Library or museum open to the general public, art gallery (nonprofit or for profit), legitimate theater (commercial or nonprofit) including motion picture or video theater, but not drive-in theater; auditorium, concert hall, performance space, artist's studio, music or performance practice spaces; provided that uses described in Use Item No. 38A of Section 8-7 are forbidden.
- (d) Office Uses. Limited to business or professional offices; real estate, insurance, or other agency office; office building; post office; or bank (other than drive-in bank) or similar establishment.
- (e) Hotel or Motel Uses. Limited to hotel and motel uses and uses ordinarily incidental thereto, including, without limitation, conference facilities.
- (f) Community Uses. Day care center, family care center, nursery school, kindergarten, elementary or secondary school, community health center or clinic; community center, settlement house, adult education center, or other community service facility.
- (g) Recreational Uses. Limited to private grounds for games and sports; other social, recreational, or sports center conducted for profit; private club operated for members only (including quarters of fraternal or sororal organization).
- (h) Amended to Conditional Use on October 20, 2000.
- (i) Wholesale Uses. Limited to office or display or sales space of a wholesale, jobbing, or distributing houses; provided that not more than twenty-five percent (25%) of the gross floor area devoted to this use is used for assembling, packaging, and storing merchandise.
- (j) Service Uses. Limited to video or film production studio; barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop; framer's studio; caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair

shop; funeral home; undertaker's establishment; mortuary; research laboratory; radio or television studio; animal hospital or clinic; kennel; or similar use; provided that in laundries and cleaning establishments, only nonflammable solvents are used for cleaning.

- (k) General Retail Uses. Department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage; provided that uses described in Use Item No. 34A of Section 8-7 are forbidden.
- (l) Local Retail Uses. Store primarily serving the local retail business or service needs of the neighborhood including, but not limited to store retailing one of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint and other artist's supplies, hardware and other minor household appliances, books, and photographic equipment; provided that uses described in Use Item No. 34A of Section 8-7 are forbidden.
- (m) Institutional Uses. Limited to place of worship, monastery, convent, or parish house; elderly care facility; clinic or professional offices accessory to a hospital or sanatorium; nursing or rest home, orphanage, or similar institution not for correctional purposes.
- (n) Accessory Uses, subject to the limitations and restrictions of Article 10, limited to: a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential use under Subsection 4(a) of this Section 44-10 or a hotel or motel; a swimming pool or tennis court; the storage of flammable liquids and gases incidental to a lawful use; the manufacture, assembly, or packaging of products sold on the lot; the maintenance and operation of an indoor payphone, provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.
- (o) Light Manufacturing Uses. Subject to the proviso that all machinery and equipment shall be so installed and maintained, and all activity in connection with each use shall be so conducted, in such manner that noise, smoke, dust, odor, and all other similar objectionable factors shall not cause a nuisance or injury to other persons in the vicinity of the site, limited to

- (1) the design, development, packaging, assembly, repairing, servicing, renting, testing, fabrication or handling of products including the following:
  - (i) ceramic products, including pottery and glazed tile;
  - (ii) electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances;
  - (iii) instruments for engineering, medical, dental, scientific, photographic, optical, or other similar professional use;
  - (iv) furniture or musical instruments;
  - (v) photographic supplies;
  - (vi) supplies related to printing or engraving;
  - (vii) garment assembly and alteration;
  - (viii) distribution of paper products, or plumbing and interior decorating supplies and equipment;
  - (ix) leather cutting and/or assembly, but not leather tanning or coloring.
- (2) Scientific research and development uses: laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products prior to preclinical testing;
- (3) Printing, engraving, and related production processes;
- (4) Publishing or distribution of books, newspapers, or other printed material;
- (5) Wholesale and distribution uses: facilities for display, transfer, consolidation, handling, inventory, or protection of manufactured products, components, preassembled parts, or other goods;

- (6) Warehousing and storage as an adjunct to operating business uses, except as specifically forbidden in Section 36-7.6;
  - (7) Art use; and
  - (8) Artists' mixed-use space.
4. Conditional Uses. No land or structure in the Leather District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in this Subsection 44-10.5. The granting of a permit for any use so specified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the regulations set forth in this Section 44-10.
- (a) Residential Uses, Group care residence, general.
  - (b) Parking. Parking lot or parking garage except as accessory uses allowed under Subsection 4(n) of this Section 44-10.
  - (c) Fast Food Restaurant Uses. Limited to sale over the counter, not wholly incidental to a use listed under paragraph 4(b), 4(k), or 4(l) of this Section 44-10, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.
  - (d) Vehicle Rental Uses. Rental motor vehicle and trailer agency accessory to a hotel or motel, provided that no rental vehicles or trailers are parked on the street and that exterior lighting is arranged to shine downward and away from residences.
  - (e) Transportation Uses. Limited to bus terminal, bus station, subway station, railroad passenger station, or airline shuttle service.
  - (f) Institutional Uses. Limited to college or university granting degrees by authority of the Commonwealth; trade, professional, or other school; machine shop or other noisy activity accessory to a school, college, or university adequately sound-insulated to protect the neighborhood from unnecessary noise; library or museum not open to the general public; hospital, sanatorium or clinic; professional office accessory to a hospital or sanatorium and located on the same lot; clinic not accessory to a main use.

- (g) Service Uses. Check cashing business.
  - (h) Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.
  - (i) The change of use of any allowed residential use to any other use.
  - (j) Public Service Uses. Limited to public service pumping station, sub-station, automatic telephone exchange, telecommunications data distribution center, fire station or police station, outdoor payphone, subject to St. 1956, c. 665, s. 2.
  - (k) Storage of dumpster not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility.
  - (l) Pawnshops
  - (m) Body Art Establishment
5. Forbidden Uses. No land or structure in the Leather District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use described in Use Item No. 34A or No. 38A or for any use not specified in Subsections 3, 4, or 5 of this Section 44-10 as an allowed or conditional use, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9.

(;As amended on February 22, 1991, September 30, 1993, October 6, 1994, September 20 and November 21, 1996, May 30, 2000, September 18 and October 20, 2000, February 16 and April 9, 2001, March 15, 2006.)

**SECTION 44-11. Off-Street Parking.** Within the Leather District, off-street parking facilities are not required in any Proposed Project, except for Proposed Projects involving the construction of new buildings for residential, hotel, or motel use. For such Proposed Projects, parking shall be provided for residential uses at the rate of one (1) space per dwelling unit and for hotel or motel uses at the rate specified in Section 23-1. The off-street parking requirements stated as applicable to a specific floor area ratio set forth in Table B of Section 13-1 shall also apply to the same floor area ratio set forth in this Article. Further, the



provisions of Sections 23-8, 23-9, and 23-10 shall govern any Proposed Project in the Leather District for which off-street parking is required.

;SECTION 44-12. **Off-Street Loading.** Within the Leather District, Article 24 provides the regulations governing the provision and design of off-street loading facilities for the use of any structure or land not subject to Large Project Review. Where a use specified in this Article is not included in any use item number listed in Article 24, off-street loading facilities shall be provided in accordance with the requirements for the Use Item number listed in Article 24 which is most similar to such use. The provision and design of off-street loading facilities for the use of any structure or land that is subject to Large Project Review shall be determined through such review, and mitigative measures, as appropriate, shall be required through such review to minimize the deleterious effects of any off-street loading facilities on adjacent properties.

(;As amended on May 9, 1996.)

SECTION 44-13. **Regulations.** The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 44-14. **Severability.** The provisions and requirements of this Article are severable, and if any such requirement or provision shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 44-15. **Definitions.** Words and phrases defined in Appendix B to this Article, when capitalized in this Article, shall have the meanings set forth in said Appendix B.

SECTION 44-16. **Appendices.** The following appendices are incorporated in this article:

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

APPENDIX A to ARTICLE 44

**Ground Level Uses**

1. The following uses are Ground Level Uses and are allowed uses within the Leather District, provided that the uses described in Use Items No. 34A and No. 38A are forbidden. This list is intended to be illustrative of Ground Level Uses and not exclusive.

Antique stores  
Appliances, repair shops  
Appliances, sales  
Art galleries, commercial and nonprofit  
Art metal craft shops  
Art needle work shops  
Artists' supply and music stores  
Athletic goods stores  
Auditoriums  
Bakeries or pastry shops  
Bank branch offices  
Bank machines, provided that the ground level street frontage of a bank facility containing only bank machines is limited to twenty (20) feet.  
Barber shops  
Beauty parlors  
Bicycle stores, rental or repair  
Book stores or card stores  
Cafes  
Candy stores  
Carpet, rugs, linoleum, or other floor covering stores  
Churches  
Cigar stores  
Clock or watch stores or repair shops  
Clothing retail establishments  
Clothing stores (men's, women's, children's apparel)  
Clubs, noncommercial  
Coffee shops  
Coin stores  
Community centers  
Costume rental establishments  
Dance halls, public  
Day care centers  
Delicatessen stores  
Department stores  
Diners  
Dressmaking shops, custom

APPENDIX A to ARTICLE 44 (continued)

Drug stores  
Dry cleaning establishments or laundromats  
Dry goods or fabric stores  
Eating or drinking places, provided that Fast Food Restaurant Uses, as described in Subsection 44-10.5(c), are conditional as provided in Section 44-10.5, and subject to the provisions of Section 44-10.6.  
Electronic, video or audio sales or repair  
Entrance/exit to off-street parking or loading area provided that it occupies not more than thirty (30) feet of ground level street frontage.  
Entrance/exit to public transit facilities  
Fabric or yarn stores  
Fire Stations  
Fishing tackle or equipment stores, or rental establishments  
Florist shops  
Food stores, including supermarkets, produce and grocery stores, markets, health foods, delicatessens, prepared food/special food, spices and herbs, coffees, teas, meat, fish, poultry, and cheese stores  
Furniture stores  
Furrier shops, custom  
Gift shops  
Hair products for headwear  
Hardware stores  
Health club or gym (only a Lobby Entrance Area not occupying more than twenty (20) feet of ground level street frontage)  
Historical exhibits, open to the public generally  
Hobby shops  
Hotel or motel (only a Lobby Entrance Area not occupying more than twenty (20) feet of ground level street frontage)  
Housewares  
Household appliance repair shops  
Ice cream stores  
Interior decorating establishments  
Jewelry shops  
Kitchenware  
Lamp shops  
Leather goods or luggage stores  
Libraries, open to the public generally  
Locksmith shops  
Luggage stores  
Millinery shops  
Motion picture or video production studios  
Museums, open to the public generally  
Music stores

APPENDIX A to ARTICLE 44 (continued)

Musical instruments, repair  
Newsstands, enclosed  
Office or business machine stores, sales or rental  
Offices (only a Lobby Entrance Area of an office or office building, not occupying more than twenty (20) feet of ground level street frontage)  
Optician or optometrist establishments  
Orthopedic stores  
Paint stores  
Parish houses  
Parks, public or private  
Party shops  
Perfume shops  
Pet shops  
Photographic developing  
Photographic equipment stores  
Photographic studios  
Photographic supply stores  
Photostating establishments  
Picture framing stores  
Police stations  
Post offices  
Printing establishments  
Radio appliance shops, repair or sales  
Record stores  
Recreational centers (noncommercial)  
Residences (only a Lobby Entrance Area of a residential building, not occupying more than twenty (20) feet of ground level street frontage)  
Sewing machine stores, selling household machines  
Shoe repair and shoeshine shops  
Shoe stores  
Sign painting shops  
Skating rinks, outdoor ice  
Sporting goods stores  
Sports shops  
Stamp stores  
Stationery stores  
Studios: music, dancing, visual arts, or theatrical  
Tailor shops, custom  
Telegraph, FAX, or Express Mail offices  
Television repair shops  
Theater  
Ticket sales

APPENDIX A to ARTICLE 44 (continued)

Tobacco stores  
Tour operator  
Toy stores  
Typewriter stores  
Typewriter or other small business machine repair stores  
Variety or convenience stores  
Video or motion picture store sales or rentals  
Wallpaper stores

## APPENDIX B to ARTICLE 44

### Definitions

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

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 44-4, or the authorized agent of any such person or entity.
2. "Corner Parcel" means a parcel located at the intersection of two public streets.
3. "Curb Line" means the line of the curb or other structure or indication separating the portion of the street devoted to vehicular traffic from the sidewalk.
4. "Ground Floor Ceiling Height" means the height of the underside of the floor structure of the second floor.
5. "Display Window Area" means that portion of the Street Wall between (i) a height of two (2) feet above the ground floor and (ii) the height of the underside of the floor structure of the second floor, or fourteen (14) feet, whichever is less.
6. "Ground Level Uses" means the uses listed in Appendix A to this article.
7. "Historic Building" means any building listed in the Boston Landmarks Commission Survey of Boston as a Category One, Category Two, Category Three, or Category Four building.
8. "Lobby Entrance Area" means the frontage at street level of the lobby of an office, residential, hotel, motel, or other structure.
9. "Leather District Plan" means the zoning regulations applicable to the Leather District and the plan for the District as evidenced by applicable development precedents and planning studies and any applicable comprehensive plan for the District, adopted by the Boston Redevelopment Authority pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952, and Section 27D-18 of the code.
10. "Leather District" means the area, so entitled, depicted on Map 1C of this Code.

APPENDIX B to ARTICLE 44 (continued)

11. "Modal Street Wall Height" means the Street Wall Height calculated as follows:
  - (1) For each developed lot on the same side of the same street, the height above grade of the Street Wall is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.
  - (2) The widths of all lots with the same Street Wall Height are added up.
  - (3) The Street Wall Height with the largest total lot width is the Modal Street Wall Height for the block. If two or more Street Wall Heights, as thus computed, have equal lot widths, the one closest to the Proposed Project shall be the Modal Street Wall Height.
12. "Proposed Project" means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases and may include more than one building, structure, or use.
13. "State Building Code" means the state building code and amendments and rules and regulations thereto as promulgated by the state board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty-Three of the General Laws.
14. "Street Wall" means the portion of the exterior wall (including recesses, bays, windows, doors, and other features) of a Proposed Project that fronts on a public street (excluding public alleys) and is below the Street Wall Height, determined pursuant to Section 44-7.
15. "Street Wall Plane" means the planar surface of the Street Wall (disregarding recesses, bays, windows, doors, etc.) required pursuant to Section 44-7.
16. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.