

Downtown Draft Zoning Text Amendment Summary Skyline Districts

This draft zoning amendment is based on the recommendations of the multiyear planning initiative PLAN: Downtown (approved and adopted by the BPDA Board on December 14, 2023). The draft amendment creates new zoning districts for Downtown, called **Skyline Districts**. The amendment focuses on modernizing land uses to encourage new and diverse businesses to thrive and enabling more density where appropriate to unlock new opportunities for housing Downtown.

Key Changes

- **Article 31: A new article for the Boston Zoning Code, creating the Skyline Districts.** The article describes the purpose of Skyline Districts and includes dimensional regulations and additional use and performance standards for uses listed in Article 8.
- **Article 8: Adds Skyline Districts to the recently modernized use table**, Table A, that regulates what is allowed or not allowed in each district and subdistrict. *For latest use definitions refer to Article 8 of the [Squares and Streets Zoning Text Amendment](#) (pending zoning commission approval April 17, 2024)*

Other changes

- Article 2: Adds definitions for *Ground Floor Outdoor Amenity Space*, *Stepback Height*, and *Tower*.
- Article 3: Edits to formally create Skyline Districts in the Boston Zoning Code and remove the Midtown Cultural District.
- Article 11: Adds sign regulations for the Midtown Cultural District from Article 38.
- Article 23: Parking regulations for Skyline Districts, removing any minimum parking requirements for small projects.
- Article 85: Adds restrictions on change of use or occupancy of Theater structures.

- Removal of text referencing districts, subdistricts, or areas that are being incorporated into Skyline Districts (*these text removals are not included in this draft zoning text amendment*):
 - Article 38: Removed and replaced with Skyline Districts.
 - Articles 49A, 43, and 88: Removal of references to “Midtown Cultural District” and “Midtown Cultural District Plan.”
 - Article 40: Removal of references to “Parcel-to-Parcel Linkage Development Area.”
 - Article 45: Removal of references to “Sears Crescent Protection Area,” “City Hall Medium Density Area,” “Congress/State Street Medium Density Area,” “State Street Protection Area,” “Broad Street Protection Area,” “India Street Restricted Growth Area,” “Wharf Street Restricted Growth Area,” “Old State House Protection Area,” and “State House Protection Area.”

ARTICLE 31 - SKYLINE DISTRICTS

Section 31-1. - Purpose of Skyline Districts

Skyline Districts are urban centers that serve the diverse needs of residents, employees, and visitors. The purpose of these districts is to enable job growth, new housing, and entertainment and cultural destinations near the major transportation hubs and employment centers of the larger region. These high-activity areas support a vibrant mix of uses and densities while encouraging the preservation of historic areas. Skyline districts and their purposes are listed in this Section 31-1:

- A. The SKY-LOW District is distinguished by areas of cohesive historic buildings dating to prior eras of downtown, job centers, and housing growth. These districts are regulated to ensure that new development is compatible with existing buildings in scale.
- B. The SKY District is distinguished by the city's most significant job, housing, and entertainment density and accommodates future growth near major transportation assets. These districts are regulated to ensure that new development enhances the urban vitality of the city and the public realm.

Section 31-2. - Establishment of Skyline Districts

- A. **This Section 31-2, together with Section 3-1 (Establishment of Zoning Districts) establishes two Skyline Districts (SKY and SKY-LOW).** A Skyline District is indicated by the designation "SKY" and "SKY-LOW" on any official map of the City of Boston. The provisions of this Article 31 and the remainder of this Code constitute the zoning regulations in a Skyline District. Unless otherwise specified in this Article, where conflicts exist between a provision of this Article 31 and the remainder of this Code, the provision of this Article 31 shall govern. Where a conflict exists between a provision of this Article 31 and an overlay district, the terms of Art. 3-1A shall govern which provision shall take precedence.
- B. **Use Regulations Applicable in Skyline Districts**
Use regulations for Skyline districts are set forth in Article 8 (Uses) of this code. Additional use and performance standards are set forth in Table A of this Article 31.
- C. **Dimensional Regulations Applicable in Skyline Districts**
Dimensional Regulations for Skyline districts are set forth in Table B and Sections 31-3 and 31-4.
- D. **Parking and Loading Regulations Applicable in Skyline Districts**
Parking regulations for Skyline districts are set forth in Article 23 (Off-Street Parking). Loading regulations for Skyline districts are set forth in Article 24 (Off-Street Loading).
- E. **Prohibition of Planned Development Areas.**
Within the Skyline District, no Planned Development Area ("PDA") shall be permitted, except for such Planned Development Areas that are in existence on the effective date of this Article 31.

Such extant approved Development Plan may only be amended in accordance with Section 80C-7 (Amendment of Planned Development Area Plans) of the Code. Any proposed amendment to such extant approved Development Plan shall increase the maximum building height allowed in such approved Development Plan by no more than fifteen (15) feet, and such approved Development Plan as so modified shall supersede any contrary provision for maximum building height in the underlying zoning.

TABLE A: ADDITIONAL USE AND PERFORMANCE STANDARDS

USE AND PERFORMANCE STANDARDS	SKY-LOW	SKY
STANDARDS FOR USES THAT ARE NOT ACTIVE USES		
Ground Floor Active Use Requirement (for Building Width greater than 100' along Primary Lot Frontage)	Yes ^{1,2}	
Percentage of Building Width of Ground Floor Active Use (min)	30%	
Depth (min) of Ground Floor Active Use	20'	25'
STANDARDS FOR COMMERCIAL USES		
Adult Entertainment	Forbidden	Conditional; Allowed within Adult Entertainment District, established pursuant to Section 3-1A by Map Amendment No. 130.
STANDARDS FOR RESIDENTIAL USES		
Ground Floor Dwelling Units Allowed	No	
STANDARDS FOR TRANSPORTATION AND INFRASTRUCTURE USES		
Standalone Parking Garage	An allowed use or approved conditional use that is not a Transportation Use must be located on the ground floor of the building along any lot frontage that abuts a public sidewalk, street, or park to a minimum depth of 25'; Subject to the provisions of Boston Air Pollution Control Commission Article 1: Downtown Parking Freeze	
Accessory Parking, Shared Parking	As subject to the provisions of Boston Air Pollution Control Commission Article 1: Downtown Parking Freeze	
STANDARDS FOR INDUSTRIAL AND STORAGE USES		
Food and Beverage Production	Must include a minimum of 500 sf of accessory or associated Restaurant or Retail use	Must include a minimum of 1,000 sf of accessory or associated Restaurant or Retail use

Footnotes to Table A

1. Active Use(s), as defined in Article 8 Table A, are required to occupy a minimum of the ground floor building width at the minimum depth along primary lot frontage specified in Article 31 Table A, except when the principal use(s) is a Civic Use, Open Space Use, or Shelter Facility Use, as defined in Article 8 Table A; or when a Proposed Project is an affordable housing development project in which at least 60% of units income restricted at 100% or below of AMI and reviewed under Article 80 Small or Large Project Review. Any Proposed Project that is located within the boundaries of the Greenway Overlay District shall also be subject to the requirements of Article 49A.
2. For any project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the required Ground Floor Active Use width and depth may be located along any Building Facade through such review process.

TABLE B: DIMENSIONAL REGULATIONS

BUILDING LOT STANDARDS	SKY-LOW	SKY-1
Building Lot Coverage (max)		
Lots area less than or equal to 20,000 sf	95%	95%
Lot area greater than 20,000 sf	90%	85%
Ground Floor Outdoor Amenity Space (min)		
Located along the Primary Lot Frontage for Lot Area less than 20,000 sf	0%	0%
Located along the Primary Lot Frontage for Lot Area greater than 20,000 sf	5% ¹	10% ¹
Front Yard (min)	0'	
Rear Yard (min)		
With a party wall	0'	
Without a party wall	5'	
Side Yard (min)		
With a party wall	0'	
Without a party wall	5'	
BUILDING FORM STANDARDS	SKY-LOW	SKY-1
Height in feet (max)	180', or such height that complies with the provisions of Boston Common Shadow Law (Ch. 362, 1990) and Public Garden Shadow Law (Ch. 384, 1993), whichever is lesser. ²	Such height that complies with the provisions of Boston Common Shadow Law (Ch. 362, 1990) and Public Garden Shadow Law (Ch. 384, 1993) ³
Stepback Height		
Abutting a Lot containing a non-Historic Building ⁴	155'	
Abutting a Lot containing a Historic Building ⁴	Building height of abutting Historic Building or, in the case of multiple abutting Historic Buildings, the lowest Historic Building building height	
Blank Wall of Facade (max) ³	15'	20'
Ground Floor Height (min)	14'	
Multiple Buildings Allowed Per Lot	Yes	

Footnotes to Table A

1. For any project that is subject to or has elected to comply with Large Project Review under the provisions of Article 80, the required Ground Floor Outdoor Amenity Space may be located along any lot frontage through such review process.
2. If in a Skyline Historic Overlay see TABLE C
3. Structures built within the boundaries of the Midtown Shadow Overlay, as shown on map 1A, shall abide by the restrictions of Chapter 362. AN ACT PROTECTING CERTAIN PUBLIC COMMONS (1990) Section 2C and Chapter 384. AN ACT PROTECTING THE BOSTON PUBLIC GARDEN (1993) Section 2B.
4. For any project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the maximum Blank Wall of Facade may be established on any lot frontage through such review process.
5. For projects that are subject to or have elected to comply with Large Project Review under the provisions of Article 80, such Stepback Height may be determined through such review.

Section 31-3. - Building Floor Plate Reduction and Stepback Requirements for Tower Separation

The following requirements apply to Towers, as defined by Article 2, located in SKY districts:

1. Reduction of Floor Plate Area

The building floor plate shall be reduced for all stories of a building that are located above the Stepback Height. At least 50% of the reduction in floor plate area must be located along any lot frontage that abuts a public sidewalk, street, or park.

The floor plate area must be reduced by the following:

- a. For buildings with greater than or equal to 50% of gross floor area residential use as defined in Article Table A: average of all building floor plates located above the stepback height must be reduced by a minimum 15% from the average area of all floor plates below the Stepback Height.
- b. For all other buildings: The average of all building floor plates located above the stepback height must be reduced by a minimum of 20% from the average area of all floor plates below the Stepback Height.

2. Building Stepbacks for Towers

When a proposed project includes a building subject to the provisions of Section 31-3 that abuts the lot of an existing Tower, the following stepbacks are required for all stories above the Stepback Height:

- a. For buildings with greater than or equal to 50% of gross floor area residential use as defined in Article Table A "Uses": A minimum of 30 feet stepback along abutting lot line that contains an existing Tower.
- b. For all other buildings: A minimum of 20 feet stepback along any abutting lot that line contains an existing Tower.

Section 31-4. - Establishment of Skyline Historic Overlays

This Section 31-4, establishes Skyline Historic Overlays as overlays to SKY-LOW Districts in order to set height and building floor plate standards that help maintain the scale and historic character of existing areas within SKY-LOW districts. Skyline Historic Overlays are indicated by the designation "SKY-LOW-D" on any official zoning map of the City of Boston. The provisions of this Section 31-4 are in addition to the requirements of Table B Dimensional Regulations.

The following Skyline Historic Overlays are established:

- A. **Downtown (SKY-LOW-D):** The Downtown Historic Overlay includes the following two areas:

- a. Ladder Blocks: The Ladder Blocks are an architecturally- and historically-significant area of Downtown. Connecting Downtown and the Boston Common, the Ladder Blocks have a rich mix of notable 18th- and 19th- century buildings. Bounded by Washington and Tremont Streets, the area is named for the cross streets that create a street grid resembling a ladder.
- b. India and Broad Street Area: This area of the larger Wharf District is distinguished by its small urban fabric and mix of historic brick and masonry structures.

A Proposed Project within any such overlay shall comply with the Dimensional Regulations Applicable set forth in Table B, as modified by Table C, of this Article 31:

TABLE C: SKYLINE HISTORIC OVERLAYS

HISTORIC OVERLAY	Height in feet (max)	Building Floor Plate (max sf)
Downtown ¹	155', or such height that complies with the provisions of the Boston Common Shadow Law (Ch. 362, 1990), and Public Garden Shadow Law (Ch. 384, 1993), whichever is lesser. ¹	20,000

Footnotes to Table C

- 1. Structures built within the boundaries of the Midtown Shadow Overlay, as shown on map 1A, shall abide by the restrictions of Chapter 362. AN ACT PROTECTING CERTAIN PUBLIC COMMONS (1990) Section 2C and Chapter 384. AN ACT PROTECTING THE BOSTON PUBLIC GARDEN (1993) Section 2B.

Section 31-5. - Provisions for Design Review in Skyline Historic Overlays

- 1. Any Proposed Project for the erection or extension of one or more buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet, (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component). Notwithstanding any contrary provision of Section 80E-2.1, such review shall be applicable whether or not any such Proposed Project is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

**ARTICLE 8
REGULATION OF USES**

Section 8-3. Use Regulations.

TABLE A: USE REGULATIONS

Key:

Districts.

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S = Squares + Streets

SKY = Skyline

Status.

A*, A-G | C*, A-G | F*, C*, or C-G | F* = Subject to district Use and Performance Standards

ALLOWED

A = Allowed

A-G | C = Allowed only on basement or ground floor (Conditional on upper stories)

A-G | F = Allowed only on basement or ground floor (Forbidden on upper stories)

CONDITIONAL

C = Conditional

C-G | F = Conditional only on basement or ground floor (Forbidden on upper stories)

FORBIDDEN

F = Forbidden

See Section 3-1 (Division of the City into Districts) for listing of districts.

	Squares + Streets (S)					Skyline	
	S0	S1	S2	S3	S4, S5	SKY-LOW	SKY
OPEN SPACE USES							
Cemetery	F	F	F	F	F	F	F
Private Open Space	C	C	C	C	C	C	C
Publicly Accessible Open Space	A	A	A	A	A	A	A
CIVIC USES							
Child Care/Adult Day Health Center	A	A	A	A	A	A	A
Municipal Use	A	A	A	A	A	A	A
Place of Worship	A	A	A	A	A	A	A
School, K through 12	A	A	A	A	A	A	A
RESIDENTIAL USES							
Artists' Live-Work	A*	A	A*	A*	A*	A*	A*
Fraternity or Sorority	F	F	F	F	F	C	C
Household Living - 1-4 units	A	A	A*	A*	A*	C*	C*

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	Squares + Streets (S)					Skyline	
	S0	S1	S2	S3	S4, S5	SKY-LOW	SKY
Household Living - 5-8 units	A	A	A*	A*	A*	A*	C*
Household Living - 9-14 units	A	A	A*	A*	A*	A*	A*
Household Living - 15+ units	F	A	A*	A*	A*	A*	A*
Lodging House	F	C	C*	C*	A*	A*	A*
Mobile Home Establishment	F	F	F	F	F	F	F
Shelter Facility	F	F	F	F	F	A*	A*
Supportive Housing	A*	A	A*	A*	A*	A*	A*
ACTIVE USES							
Community Center	C	A	A	A	A	A	A
Grocery Store - Small	C	A	A	A	A	A	A
Grocery Store - Large	F	F	C	C	A	A	A
Entertainment/Events - Extra Small	C-G F	A-G F	A-G F	A-G C	A	A	A
Entertainment/Events - Small	F	C-G F	A-G F	A-G C	A	A	A
Entertainment/Events - Medium	F	F	C-G F	A-G C	A	A	A
Entertainment/Events - Large	F	F	F	C	C	C	A
Entertainment/Events - Extra Large	F	F	F	F	F	F	C
Makerspace	F	A	A	A	A	A	A
Museum	F	A	A	A	A	A	A
Restaurant - Small	C-G F	A-G F	A-G F	A	A	A	A
Restaurant - Large	F	C-G F	A	A	A	A	A

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	Squares + Streets (S)					Skyline	
	S0	S1	S2	S3	S4, S5	SKY-LOW	SKY
Retail Cannabis Establishment	F	C-G F	C-G F	C-G F	C	C	C
Retail Store - Small	C-G F	A-G F	A-G C	A	A	A	A
Retail Store - Medium	F	C-G F	A-G C	A	A	A	A
Retail Store - Large	F	F	C	A-G C	A-G C	A	A
Retail Store - Extra Large	F	F	F	F	C	C	C
Indoor Recreation	F	F	F	A-G C	A	A	A
Service Establishment - Small	C-G F	A	A	A	A	A	A
Service Establishment - Large	F	F	C	A	A	A	A
Social Club	C	A	A	A	A	A	A
COMMERCIAL USES							
Adult Entertainment	F	F	F	F	F	F	C*
Art Studios	F	A	A	A	A	A	A
Bank	F	C-G F	C-G F	C	C	A	A
Check Cashier	F	F	F	F	F	C	A
Drive-in	F	F	F	F	F	F	F
Funeral Home	F	C	C	C	C	F	F
Hotel - Small	F	F	C	A	A	A	A
Hotel - Large	F	F	F	C	C	C	C
Office - Small	C-G F	A-G F	A-G C	A	A	A	A
Office - Medium	F	A-G F	A-G C	A	A	A	A
Office - Large	F	F	F	C	C	C	C
Research Laboratory	F	F	F	F	F	F	C
Standalone ATM	F	C	C	C	C	C	C

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	Squares + Streets (S)					Skyline	
	S0	S1	S2	S3	S4, S5	SKY-LOW	SKY
HIGHER EDUCATION USES							
College or University Use	F	F	C	C	C	C	C
School, Trade or Professional	F	F	C	C	A	A	A
HEALTH CARE USES							
Clinic	F	A-G C	A-G C	A	A	A	A
Hospital Use	F	F	F	F	C	C	C
Nursing Home Use	C	C	C	A	A	A	A
TRANSPORTATION USES							
Airport-Related Remote Parking Facility	F	F	F	F	F	F	F
Gasoline Station	F	F	F	F	F	F	F
Major Transportation Facility	F	C	C	C	C	C	C
Motor Vehicle Rentals	F	F	F	C	C	C	C
Motor Vehicle Sales	F	F	F	F	F	F	F
Standalone Parking Garage	F	F	F	C*	C*	C*	C*
Standalone Parking Lot	F	F	C	C	C	F	F
Vehicular Services	F	F	F	F	F	F	F
INDUSTRIAL AND STORAGE USES							
Crematory	F	F	F	F	F	F	F
Food and Beverage Production	F	F	F	C*	A*	A*	A*
General Industrial	F	F	F	F	F	F	F
Light Manufacturing or Trade Establishment	F	F	F	F	C*	F	C*

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	Squares + Streets (S)					Skyline	
	S0	S1	S2	S3	S4, S5	SKY-LOW	SKY
Non-retail Cannabis Establishment	F	F	F	F	F	F	C*
Restricted Industrial	F	F	F	F	F	F	F
Self-Storage	F	F	F	F	F	F	F
Storage of Fuel or Minerals	F	F	F	F	F	F	F
Storage of Supplies and Scrap	F	F	F	F	F	F	F
Urban Agriculture	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89	See Article 89
Warehouse or Distribution Center	F	F	F	F	F	F	F
<i>Accessory uses must comply with the provisions of Section 8-2.5</i>							
ACCESSORY USES							
Accessory Drive-Through	F	F	F	F	F	F	F
Accessory Dwelling Unit (Detached)	C	C	F	F	F	F	F
Accessory Dwelling Unit (non-Detached)	C	C	F	F	F	F	F
Accessory Electrical Vehicle Charging	A	A	A	A	A	A	A
Accessory Entertainment/Events	C	A	A	A	A	A	A
Accessory Family Day Care Home	A	A	A	A	A	A	A
Accessory Helicopter Landing Facility	F	F	F	F	F	F	C
Accessory Home Occupation	A	A	A	A	A	A	A
Accessory Keeping of Animals	C	C	C	C	C	C	C
Accessory Keeping of Laboratory Animals	F	F	F	F	F	F	C
Accessory Motor Vehicle Rental	A	A	A	A	A	A	A
Accessory Office	F	A	A	A	A	A	A
Accessory Parking	A	A	A	A	A	A*	A*

	Squares + Streets (S)					Skyline	
	S0	S1	S2	S3	S4, S5	SKY-LOW	SKY
Accessory Personnel Quarters	F	C	C	C	C	C	C
Accessory Smoking	F	F	F	C	C	C	C
Shared Parking	A	A	A	A	A	A*	A*

ARTICLE 2 - DEFINITIONS

Abutting. To be next to or share a common boundary with a building or an area of land such as a lot, street, or zoning district.

Blank Wall of Facade. On the Ground Floor of a building, the width of the facade that does not have windows or a pedestrian entrance facing the Primary Lot Frontage.

Building Width. The greatest distance between the right most and left most parts of a Building, measured from the Building faces most closely aligned to the right and left Lot lines. The measurement of Building Width includes Bay Windows and permanently covered porches and balconies.

Ground Floor. The lowest story of which sixty-five percent (65%) or more of the height is above grade. See also Story, First.

Ground Floor Active Use Depth. The depth of the Ground Floor interior space devoted to an Active Use, as defined in Article 8, Table A. The Ground Floor Active Use Depth is measured as the distance from the building facade towards the interior of the building.

Ground Floor Outdoor Amenity Space: An at grade space open to the outdoor air directly accessed from the ground floor of a building or from a pedestrian accessway, that is designed for active or passive recreational use such as playing, gathering, and seating. Ground Floor Outdoor Amenity Space may include overhead structures that provide shade or protection from the elements, but are otherwise open to the outdoor air, such as pergolas and canopies. When the Code requires a Proposed Project to provide Ground Floor Outdoor Amenity Space, the following types of spaces qualify as Ground Floor Outdoor Amenity Space:

1. Publicly Accessible Open Space, as defined in Article 8
2. Publicly accessible sidewalk provided on the lot
3. Outdoor space for tenants or customers, including restaurant seating or outdoor event and performance areas
4. Publicly accessible through-block pedestrian connections of a width not less than ten (10) feet

Party Wall. Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings.

Primary Lot Frontage. The lot line along a Street that is the primary focus of pedestrian activity and building orientation, as generally evidenced by having the greatest volume of pedestrian traffic, the presence of pedestrian entrances, and the greatest number of building facades facing that Street. For a Proposed Project that is subject to or has elected to comply with Small or Large Project Review under Article 80 (Development Review and Approval), the Primary Lot Frontage shall be designated through that review.

Principal Structure. The structure designed, used, or occupied for the main or principal uses(s) of the lot.

Stepback. The distance by which an upper story facade is recessed from the facade of the story below.

Stepback Height: The building height at which a building floor plate must be reduced or the height above which all upper stories must be recessed from the facade of the story below.

Tower: A building with a building height greater than 155' and floorplate greater than 10,000 sf.

ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

Section 3-1. Division of City Into Districts.

- (f) **Downtown Districts**
- | | |
|--|---|
| Cambridge Street North District | Leather District |
| Bulfinch Triangle District | Midtown Cultural District |
| Chinatown District | North Station Economic Development Area |
| Government Center/Markets District | South Station Economic Development Area |
| Huntington Avenue/Prudential Center District | Stuart Street District |
| Skyline District | |

ARTICLE 11 - SIGNS

~~Section 38-20A.~~ Section 11-10. Design Review for Signs in the Downtown Crossing District.

All signs within the ~~Midtown Shadow Overlay~~, as shown on map 1A, shall be subject to design review through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80.

~~Section 38-20B.~~ Section 11-11-. Sign Regulations in the Downtown Crossing District.

The provisions of this Section ~~38-20B~~ 11-11 shall apply to all signs in the ~~Midtown Shadow Overlay~~, as shown on map 1A, 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 Article 11 to the contrary, the following regulations shall apply:

- 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 1.5, excepting that a use with less than fourteen feet of sign frontage may have a maximum of twenty feet of permanent signs. Permanent signs on ground floor windows or inside a building and within ten feet of the storefront must be included in total sign area.
- Signs Parallel to Building Wall.** A wall sign attached parallel to a building may not project from the building surface and letters on any such sign shall not project more than 6 inches.
- Signs - Attached at Right Angles to Building.** A Sign attached at right angles to a Building shall not:
 - project more than four feet, plus a reasonable allowance for field fastening, from the Building, or half of the sidewalk width, whichever is less, but Signs that are banners shall not project more than three feet; and
 - exceed fifteen square feet on either side. Flags, except for United States of America flags, are Forbidden on Washington Street.
- Free-standing Signs.** Free-standing signs, including sandwich boards, are Forbidden.
- Billboards.** Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is Forbidden in the Downtown Crossing District.
- Display of Permit Number and Posting Date.** Each permanent Sign, including any Sign painted on or affixed to any awning, canopy, or marquee, shall display the Sign's building permit number

clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

7. **Removal.** Any on-premises Sign which advertises a use or business that either ceases to exist or is no longer in existence must be removed within 30 days of the discontinuance of such use or business. The use or re-use of any such Sign by a subsequent owner or tenant is shall be allowed only if approved by the Boston Redevelopment Authority.
8. The lettering on any Sign shall not exceed twenty-four inches in height.
9. The registered trademark of a specific commodity may occupy no more than ten percent of the area of a sign, except that if the sale of said commodity on the major business conducted on the premises, there shall be no such restriction.

ARTICLE 23 - PARKING

Section 23-6. Off-Street Parking Not Required in Certain Cases.

- (a) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 8.0 or 10.0, off-street parking facilities are not required for such lot.
- (b) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.8, 1.0, 2.0, 3.0, 4.0, or 5.0, off-street parking facilities are not required for such lot if the lot is devoted to residential uses and no more than two car spaces are required by Section 23-1 or if the lot is devoted to non-residential uses and no more than four car spaces are required by other provisions of this Article.
- (c) When the maximum floor area ratio specified in Table B of Section 13-1 for a lot is 0.3 or 0.5, off-street parking facilities are not required for such lot if the lot is devoted to non-residential uses and no more than two car spaces are required by other provisions of this Article.
- (d) When a use occurs on a lot located in a Squares + Streets District specified in Article 26 or Skyline District specified in Article 31 and designated on any official Boston Zoning Map, off-street parking facilities are not required for such lot and such use.

ARTICLE 85 - DEMOLITION DELAY

Section 85-1. - Statement of Purpose.

The purpose of this Article is to establish a predictable process for reviewing requests to demolish certain buildings in order to: (1) establish an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City; (2) provide an opportunity for the public to comment on the issues regarding the demolition of a particular building; and (3) minimize the number and extent of building demolitions where no immediate re-use of the site is planned.

This article also establishes Restrictions on Change of Use or Occupancy of Theater Structures .

~~Section 38-24.~~ Section 85-9. - Restrictions on Change of Use or Occupancy of Theater Structures.

The Commissioner of the Inspectional Services Department shall not issue a change of use or occupancy permit for any Theatre located in a Historic Building and listed in TABLE A except in accordance with the provisions of this section.

1. **Demolition of Unsafe Theaters.** The Commissioner of the Inspectional Services Department may issue a demolition permit where the Theater is unsafe and demolition is required pursuant to the provisions of the Commonwealth of Massachusetts State Building Code.
2. **Authorized Change of Use or Occupancy of Theaters.** Excepting the provisions of paragraph 1 of this section, the Commissioner of the Inspectional Services Department shall issue a change of use or occupancy permit for any Theater in **TABLE A** under the provisions of Article 6 only if the Board of Appeal finds, after reviewing the recommendations, if any, of appropriate City departments and agencies, and appropriate community and neighborhood organizations in **TABLE A**, and in addition to all other conditions required under Section 6-3, Section 6-3A, and Section 6-4, where applicable, that:
 - a. change of use or occupancy of the Theater structure will not unduly diminish the character of the **area**, taking into consideration:
 - i. current physical characteristics of the Theater structure that affect its suitability for use as a Theater, including but not limited to seating capacity, interior configuration, and location;
 - ii. history of its use as a Theater;
 - iii. any such plans for Entertainment/Events uses such as performance arts, theatrical works, or musical concerts will be included in the proposed project;
 - iv. Any such mitigation as established pursuant to Article 80 Small or Large Project Review.

TABLE A: THEATER STRUCTURES SUBJECT TO SECTION 85-9

BUILDING	ADDRESS
Charles Playhouse	74 Warrenton St
Colonial Theatre	106 Boylston St
Cutler Majestic Theatre	219 Tremont St
Modern Theatre	525 Washington St
Opera House	539 Washington St
Orpheum Theatre	1 Hamilton Pl
Paramount Center	559 Washington St
Shubert Theatre	265 Tremont St