

;ARTICLE 46

**BULFINCH TRIANGLE DISTRICT**  
(;Article inserted on March 19, 1992\*)

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\*Date of public notice: January 2, 1992 (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 46-1. Statement of Purpose, Goals, and Objectives.** The purpose of this Article is to establish the zoning regulations for the comprehensive plan for the Bulfinch Triangle 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 Bulfinch Triangle District Plan are: (1) to preserve the historic and architectural character of the Bulfinch Triangle District; (2) to restore its distinctive and significant street pattern; (3) to promote commercial, studio, residential, retail, and service uses in the Bulfinch Triangle District; and (4) to establish urban design standards which ensure that new development is compatible with existing buildings in design, scale, building materials, and landscaping.

**SECTION 46-2. Recognition of the Bulfinch Triangle District Plan.** In accordance with Section 27D-18 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Bulfinch Triangle District (Special Study Area No. 8), the Zoning Commission hereby recognizes the Bulfinch Triangle District Plan as the general plan for the Bulfinch Triangle District and as the portion of the general plan for the City of Boston applicable to the Bulfinch Triangle District. This Article is one of the means of implementing the Bulfinch Triangle 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 46-3. Physical Boundaries.** The provisions of this Article are applicable only in the Bulfinch Triangle District. The boundaries of the Bulfinch Triangle District are as shown on a map entitled "Map 1J Bulfinch Triangle District (supplemental to 'Map 1 Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 46-4. Applicability.** This Article together with the rest of this Code constitutes the zoning regulation for the Bulfinch Triangle District and applies as specified in Section 4-1 regarding the conformity of structures and land to this Code. Application of the provisions of Article 27D to the Bulfinch Triangle District is rescinded on 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 Bulfinch Triangle 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 23, 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 46-5. Bulfinch Triangle/Central Artery Area.** Notwithstanding any contrary provision of this Article, the Bulfinch Triangle/Central Artery Area, as shown on "Map 1Xa" and "Map 1Xb," both entitled "Central Artery Special District (supplemental to 'Map 1, Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended, shall be governed by the applicable use, dimensional, and other requirements of Article 49, Central Artery Special District. In particular, the provisions of Sections 46-6, 46-8, 46-9, 46-10, and 46-11 shall not be applicable to the Bulfinch Triangle/Central Artery Area. The Central Artery Special District Plan, as that term is defined in Article 49, shall be part of the general plan for the Bulfinch Triangle District as it applies to the Bulfinch Triangle/Central Artery Area.

**SECTION 46-6. Maximum Building Height and Floor Area Ratio.** A Proposed Project within the Bulfinch Triangle District is allowed a maximum building height of eighty (80) feet and a floor area ratio (FAR) of 6; provided that any Proposed Project shall be allowed a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6. In addition, any Proposed Project shall be allowed a maximum FAR of eight (8) if all uses with street frontage located on the ground level are uses described in Appendix A to this Article, and such Proposed Project is subject to or has elected to comply with Large Project Review, has received a Certification of Compliance pursuant to Section 80B-6, and complies with the provisions of this Section 46-6.

1. Building Height in Substantial Accord with Maximum Building Height and FAR. The Board of Appeal may by exception to this Code, as provided in Article 6A and this Section 46-6.1, grant exceptions for building height and FAR in excess of the maximum building height and FAR established in this Section 46-6. The Board of Appeal shall grant such an exception for building height or FAR under this Section 46-6.1 only if it finds that: (a) the proposed height and FAR for the Proposed Project are in Substantial Accord with the maximum building height and FAR established in this Section 46-6; and (b) the Proposed Project and its height and massing are compatible with the surrounding area, in accordance with the design guidelines of Section 46-8; and (c) such an exception is consistent with the Bulfinch

Triangle District Plan and the general plan for the City as a whole; and (d) such an exception is in harmony with the general purpose and intent of this Code; and (e) if such exception relates to a Development Impact Project, as defined in Section 80B-7, the Applicant shall have complied with the requirements set forth in said Section 80B-7.

(;As amended on May 9, 1996.)

**SECTION 46-7. Establishment of Planned Development Areas Prohibited.** Establishment of Planned Development Areas, as described in Section 3-1A.a of this Code, is prohibited in the Bulfinch Triangle District.

;SECTION 46-8. **Bulfinch Triangle District Design Review, Design Guidelines, and Design Requirements.** Proposed Projects within the Bulfinch Triangle District for:

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

shall be subject to Small Project Review, pursuant to paragraph (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component). 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. The provisions of Article 6A shall be applicable to the provisions of this Section 46-8.

1. Design Guidelines. This Section 46-8.1 establishes design guidelines for the Bulfinch Triangle District.
  - (a) Historic Buildings. The demolition of Historic Buildings is strongly discouraged. Historic Buildings should be renovated rather than replaced, so as to maintain the historic architectural character of the District. When a Historic Building is renovated, the 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. Where significant renovation occurs behind a historic building facade, the renovation should be compatible with the historic character of the facade and the facade should be protected in situ during construction.

- (b) Compatibility with Historic Context. New buildings, rooftop additions, and facade renovations should be designed such that the exterior proportions, scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the observable architectural character of the existing late 19th- and early 20th-century masonry warehouse structures in the Bulfinch Triangle 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 Bulfinch Triangle District and to continue the established rhythm of each block.
- (c) Base to Height Ratio. Proposed Projects should be consistent with the Bulfinch Triangle District's pattern of building masses, which meet the streets with discretely organized facades, each of which contains local symmetries. Vertically oriented facades, which are characteristic of the District, are encouraged.
- (d) Storefront Details and Signage. Cast-iron, masonry, and/or granite storefront details should be preserved and restored. Flush painted signs are encouraged.
- (e) Recessed Store Entrances. For all new buildings, entrances to Ground Level Uses should be recessed in a manner consistent with traditional storefront entrances in the Bulfinch Triangle District.
- (f) Base and First Floor Cornice Line. New construction 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 masonry/stone or copper, 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. 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 Bulfinch Triangle 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) Building Materials. Primary building materials should be masonry, including 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.
  - (k) Landscaping. New construction and rehabilitation should enhance the pedestrian nature of the Bulfinch Triangle District by lending human scale, texture, and interest at street level through appropriate landscaping and street furniture improvements. Such improvements include brick sidewalks, benches, clocks, and light fixtures.
2. Specific Design Requirements. All Proposed Projects within the Bulfinch Triangle District shall comply with the specific design requirements established in this Section 46-8.3.
- (a) Rooftop Additions; Rooftop Mechanical Units. No structure designed or used for human occupancy, access, or storage shall be erected or enlarged on the roof of any building within the Bulfinch Triangle District, unless after public notice and hearing and subject to Sections 6A-2, 6A-3, and 6A-4 the Board of Appeal grants permission therefor. Where rooftop additions, rooftop mechanical units, and elevator penthouses align with masonry walls of existing structures, the walls of such rooftop structures should be of masonry materials and contribute to the building's established character. Elsewhere, the walls of such rooftop structures should be of metal.
  - (b) Street Wall Continuity. 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 street line equal to that of the building line farthest from the street line of the two blocks adjacent to said block, facing onto the same street. If there is no determinable building line of either of said adjacent blocks, then (i) if the Proposed Project is subject to or has elected to comply with Large Project Review, an appropriate Street Wall location shall be determined in such review, or (ii) otherwise, 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. A Proposed Project shall comply with the requirements of this Section 46-8.3(b) with respect to each facade facing a public street, excluding alleys and private ways.

For Proposed Projects that are subject to or have elected to comply with Large Project Review, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review.

- (c) Display Window Area Regulations. The provisions of this Section 46-8.3(c) apply only to Street Walls that face Causeway Street, Merrimac Street, North Washington Street, or Canal Street, and that are part of Proposed Projects for new construction of fifty thousand (50,000) or more square feet of gross floor area. The term "Display Window Area" means that area of any such Street Wall that is between a height of: (i) two (2) feet above the ground floor, and (ii) either the Ground Floor Ceiling Height or fourteen (14) feet, whichever is lower. The Display Window Area excludes any area of Street Wall serving as ingress or egress to the interior of the Proposed Project, including off-street loading berths, accessory off-street parking, and lobby and storefront entrances; provided that no single lobby area shall occupy more than forty (40) feet of street frontage.
  - (i) Display Window Area Street Wall Transparency. The Display Window Area shall be sufficiently and appropriately glazed and transparent to augment the quality of the pedestrian environment, as certified by the Boston



Redevelopment Authority in accordance with the Urban Design Component of Large Project Review.

- (ii) Display Window Area Usage. To a depth of at least two (2) feet behind the Display Window Area Street Wall, there shall be (a) an area for the display of goods and services available for purchase on the premises, or (b) an area for exhibits and announcements. The provisions of this Section 46-8.3(c)(ii) are not applicable to foyer space for cultural uses, restaurants, or other active storefront uses.
  
- (d) Causeway Street Special Setback Regulations. On the south side of Causeway Street, building height is regulated as for the remainder of the Bulfinch Triangle District, except that if the building height of a Proposed Project is greater than eighty (80) feet, a twenty-five (25) foot setback from the Street Wall is required, beginning at a building height of sixty-five (65) feet and extending to the top of the building.

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

↔SECTION 46-9. **Bulfinch Triangle District Use Regulations.** In the Bulfinch Triangle District, the use of land and structures is regulated as provided in this Section 46-9. The provisions of Article 8, except Section 8-6, apply only as specified in this Section 46-9. 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 46-9.

1. Inclusion of Day Care Facilities. The provisions of this Section 46-9.1 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 those Residential Uses, Community Uses, or Cultural Uses allowed pursuant to Section 46-9.3) that equals or exceeds one hundred fifty thousand (150,000) square feet shall devote to day care facilities an amount of floor area equal to the amount listed below in Table A of this Section 46-9.1. For the purposes of this Section 46-9.1 and Table A only, floor area devoted exclusively to hotel uses shall be multiplied by 0.5 before being used in the calculation of required day care facilities. An Applicant for a Proposed Project that is subject to the provisions of this Section 46-9.1 may fulfill its obligations under this Section 46-9.1 by (a) creating such facilities on site, or (b) creating such facilities, or causing such facilities to be created elsewhere in the City. The provision of day care facilities in accordance with this Section 46-9.1 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 Section 46-9.1, 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 A

**Provision of Day Care Facilities**

<u>Size of Proposed Project (Gross Floor Area)</u>	<u>Minimum Day Care Facilities (Gross Floor Area)</u>
150,000 - 200,000 s.f.	2% of gross floor area
200,001 - 500,000 s.f.	4,000 s.f.
500,001 - 1,000,000 s.f.	8,000 s.f.
More than 1,000,000 s.f.	12,000 s.f.

- 2. Allowed Uses. No land or structure in the Bulfinch Triangle District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified (a) in this Section 46-9.2 (Allowed Uses), or (b) in Section 46-9.3 (Conditional Uses). Any use specified in this Section 46-9.2 shall be allowed as a matter of right, subject only to the provisions of this Section 46-9, including, without limitation, Section 46-9.1, provided that any use specified in this Section 46-9.2 shall be conditional when accessory or ancillary to an institutional use specified in Section 46-9.3 (Conditional Uses).
  - (a) Restaurant Uses. Lunchroom, restaurant, cafeteria, or other place for the service or sale of food or drink for on-premises consumption, but excluding take-out restaurant uses except as provided in Section 46-9.3(c).
  - (b) Cultural Uses. Concert hall, art gallery; museum; theater, not including motion picture or video theater; auditorium; performance space; music rehearsal studio; artist's studio or work space.
  - (c) Motion picture or video theater, but not drive-in theater, subject to the provisions of Section 46-9.4.
  - (d) Office Uses. Office of community service organization; medical or dental office; business or professional office; real estate, insurance, or other agency or government office; office building;

post office; bank (including automatic teller machines but not including drive-in bank); or similar establishment.

- (e) Hotel Uses.
- (f) Community Uses. Adult education center; day care center; family care center; community health center; community center, settlement house, or community service facility.
- (g) Educational Uses. Nursery school, kindergarten, elementary school, or secondary school.
- (h) Recreational Uses. Private grounds for games and sports; other social, recreational, or sports center whether or not conducted for profit; private club operated for members only (including health or athletic club and quarters of fraternal or sororal organizations); maintenance and operation of up to four (4) amusement game machines in a private club, dormitory, fraternity or sorority house, or similar noncommercial establishment, or in any commercial establishment.
- (i) Amended to a Conditional Use on October 20, 2000.
- (j) Wholesale Uses. Office or display or sales space of a wholesale, jobbing, or distributing house, provided that not more than twenty-five percent (25%) of gross floor area devoted to this purpose is used for assembling, packaging, and storing merchandise.
- (k) Service and Trade Uses. Video or film production studio; barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop, provided that in laundries and cleaning establishments, only nonflammable solvents are used for cleaning; framer's studio; caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop; key and lock shop; express mail operation; ticket outlet; funeral home; undertaker's establishment; mortuary; animal hospital or clinic; or other similar service or trade use.
- (l) Ground Level Uses. Uses described in Appendix A hereto.
- (m) Local Retail Uses. Store primarily serving the local retail business or service needs of the neighborhood, including, but

not limited to, store retailing one or more 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, furniture, books, and photographic equipment.

- (n) 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.
- (o) Institutional Uses. Place of worship, monastery, convent, or parish house; library; elder care facility, orphanage, or similar institution not for correctional purposes and not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.
- (p) Research laboratory, provided that, for the keeping of laboratory animals, other than household pets, every enclosure is sufficient to prevent a nuisance to any adjacent residence or eleemosynary institution, all resulting noise, dust, fumes, gases, odors, and refuse are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to public health or safety, and such use complies with all applicable guidelines and standards promulgated by the National Institutes of Health for the care and use of laboratory animals.
- (q) Communications Uses. Radio and television studio; operation of fiber optic and other related communication equipment; telecommunication operations; data retrieval and transmission operations.
- (r) Urban Plazas and Parks. Passive and recreational uses accessible from adjoining streets, with facilities and structures appropriate to urban plazas and parks, including benches and other seating facilities, pools, fountains, works of art, plantings, and other features.
- (s) Light Manufacturing Uses. The design, development, packaging, assembly, repairing, servicing, testing, fabrication, or handling of products, including, but not limited to, the following, provided that all machinery and equipment shall be so installed and maintained, and all activity in connection with such use shall be so conducted, that noise, smoke, dust, odor, and all other similar objectionable factors shall not cause a nuisance or injury to persons in the vicinity:

- (1) ceramic products, including pottery and glazed tile
  - (2) electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances
  - (3) instruments for engineering, medical, dental, scientific, photographic, optical, or other similar professional use
  - (4) furniture or musical instruments
  - (5) photographic supplies
  - (6) supplies related to printing or engraving
  - (7) pharmaceutical or diagnostic products
  - (8) distribution of paper products, plumbing and interior decorating supplies and equipment
- (t) Accessory Uses. Subject to the limitations and restrictions of Article 10, and limited to: (i) a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a hotel use allowed under Section 46-9.2(e); (ii) accessory swimming pool, health club, or tennis court; (iii) sale over the counter, wholly incidental to a restaurant or hotel use allowed under Section 46-9.2(a) or (e), of food or drink prepared on premises for off-premises consumption; (iv) the storage of flammable liquids and gases incidental to a lawful use; and (v) 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.

3. Conditional Uses. No land or structure in the Bulfinch Triangle District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in this Section 46-9.3. 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 46-9. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.

- (a) Parking Uses. Parking lot or parking garage, except for accessory parking uses allowed under Section 46-9.2(t).
- (b) Vehicular Uses. Repair garage, gasoline service station, or car wash, provided that all working, painting, lubricating, and making of repairs is carried on inside a building; that any auto body shop, car wash, repair shop, or paint shop is sufficiently sound-insulated to confine all noise to the lot; and that all flashing, fumes, gases, smoke, and vapor are effectively confined to the lot; and further provided that there is no outside storage of damaged, disabled, or unregistered motor vehicles for a period of more than one month, and that there is no dismantling of motor vehicles or sale of used parts on the lot.
- (c) Take-Out Restaurant Uses. Sale over the counter, not wholly incidental to a restaurant or hotel use allowed under Section 46-9.2(a) or (e), 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) Residential Uses. Multifamily dwelling; artist's live/work space; apartment house; group residence, limited; lodging or boarding house; temporary dwelling structure; group care residence, general; and any dwelling converted for more families, provided that any nonconformity of such structure as to floor area ratio is no greater after conversion than prior to conversion. Residential uses include any affordable dwelling units, including but not limited to rental units, condominiums, and limited equity share cooperatives.
- (e) Wholesale Uses. Wholesale business, including accessory storage in roofed structures; or office, display, or sales space of a wholesale, jobbing or distributing house where more than twenty-five percent (25%) of gross floor area devoted to this use is used for assembling, packaging, and storing merchandise.
- (f) Transportation Uses. Bus terminal; bus station; subway station; railroad passenger station; airline shuttle service; or helicopter landing facility.
- (g) Recreational Uses. The maintenance and operation of more than four (4) amusement game machines in a private club, dormitory, fraternity or sorority house, or similar noncommercial establishment, or in any commercial establishment.

- (h) Institutional Uses. College or university granting degrees by authority of the Commonwealth; fraternity or sorority house or dormitory; trade, professional, or other school; machine shop or other noisy activity accessory to a school, college, or university, provided that such use is adequately sound-insulated to protect the neighborhood from unnecessary noise; library accessory to an institutional use that is not allowed pursuant to Section 46-9.2(o); research laboratory accessory to an institutional use that is not allowed pursuant to Section 46-9.2(o), provided that, for the keeping of laboratory animals, other than household pets, every enclosure is sufficient to prevent a nuisance to any adjacent residence or eleemosynary institution, all resulting noise, dust, fumes, gases, odors, and refuse are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to public health or safety, and such use complies with all applicable guidelines and standards promulgated by the National Institutes of Health for the care and use of laboratory animals; hospital or sanatorium; detention home; elder care facility, orphanage, or similar institution not for correctional purposes providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons; clinic not accessory to a main use.
- (i) Service Uses. Check cashing business.
- (j) Changes of Use. Any change of use from a residential use to a non-residential use.
- (k) Accessory Uses. Subject to the limitations and restrictions of Article 10, and limited to (i) a garage or parking space for occupants, employees, customers, students, and visitors, where such use is not accessory to a hotel use allowed under Section 46-9.2; (ii) car wash, valet service, or automobile repair service accessory to a parking garage; (iii) clinic or professional office accessory to a hospital or sanatorium; and (iv) motor vehicle or trailer rental agency accessory to a hotel use, 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.
- (l) Ancillary Uses. 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.

- (m) Public Service Uses. Public service pumping station; substation; automatic telephone exchange, telecommunications data distribution center; fire station; or police station; outdoor payphone; subject to St. 1956, c. 665, s. 2.
  - (n) Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility.
  - (o) Pawnshops
  - (p) Body Art Establishment
4. Forbidden Uses. No land or structure in the Bulfinch Triangle District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified in Section 46-9.2 or Section 46-9.3 as an allowed or conditional use, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9. Without limitation, uses described in Use Items No. 34A and No. 38A of Section 8-7 shall be forbidden uses in the Bulfinch Triangle District.

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

**SECTION 46-10. Off-Street Parking.** Within the Bulfinch Triangle District, off-street parking facilities are not required in any Proposed Project. The provisions of Sections 23-8, 23-9, and 23-10 shall govern any Proposed Project in the Bulfinch Triangle District for which off-street parking is provided.

;SECTION 46-11. **Off-Street Loading.** Within the Bulfinch Triangle District, Article 24 of the Code shall govern the provision and design of off-street loading facilities for the use of any structure or land that is not subject to Large Project Review. 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. Mitigation measures, as appropriate, may be required through Large Project Review to minimize the deleterious effects on adjacent properties of any off-street loading facilities.

(;As amended on May 9, 1996.)



SECTION 46-12. **Regulations.** The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 46-13. **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 46-14. **Definitions.** Words and phrases defined in Appendix B to this Article shall have the meanings set forth in said Appendix B.

SECTION 46-15. **Appendices.** The following appendices are incorporated herein:

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

## APPENDIX A to ARTICLE 46

### Ground Level Uses

The following uses are Ground Level Uses, and are allowed uses within the Bulfinch Triangle District, provided that uses described in Use Items No. 34A and No. 38A of Section 8-7 are forbidden. This list is intended to be illustrative of Ground Level Uses and not exclusive.

- Antique stores
- Appliances, repair shops
- Appliances, sales
- Art galleries, commercial and nonprofit
- Art metal craft shops
- Art needle work shops
- Artists' supply and music stores
- Athletic goods stores
- 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 five (25) 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 46 (continued)

Drug stores  
Dry cleaning establishments or laundromats  
Dry goods or fabric stores  
Electronic, video, or audio sales or repair  
Entrance/exit to public transit facilities  
Fabric or yarn store  
Fire stations  
Fishing tackle or equipment stores or rental establishments  
Florist shops  
Food stores, including supermarkets, produce and grocery stores and markets, delicatessens, and stores selling prepared food/special food, health foods, spices and herbs, coffees, teas, meat, fish, poultry, cheese, and the like  
Furniture stores  
Furrier shops, custom  
Gift shops  
Hair products for headwear  
Hardware stores  
Historical exhibits, open to the public generally  
Hobby shops  
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  
Lobby of health club or gym, hotel, offices, or residence, provided the Lobby Entrance Area does not exceed twenty-five (25) feet.  
Locksmith shops  
Luggage stores  
Millinery shops  
Motion pictures or video production studio  
Museums, open to the public generally  
Music stores  
Musical instruments, repair  
Newsstands, enclosed  
Office or business machine stores, sales or rental  
Optician or optometrist establishments  
Orthopedic stores  
Paint stores  
Parish houses

APPENDIX A to ARTICLE 46 (continued)

Parks, public or private  
Party shops  
Perfume shops  
Pet shops  
Photographic developing or printing establishments  
Photographic equipment stores  
Photographic studios  
Photographic supply stores  
Photostating establishments  
Picture framing stores  
Police stations  
Post offices  
Printing establishments  
Radio appliance shop, repair or sales  
Record stores  
Recreational centers  
Restaurants, provided that take-out restaurant uses are conditional as provided in Section 46-9.3  
Schools  
Sewing machine stores, selling household machines  
Shoe repair and shoeshine shops  
Shoe stores  
Sign painting shops  
Skating rinks, outdoor ice  
Sporting goods stores  
Sports shop  
Stamp stores  
Stationery stores  
Studios: music, dancing, visual arts, or theatrical  
Tailor shops, custom  
Telegraph, FAX, or express mail offices  
Television repair shops  
Theater  
Ticket sales  
Tobacco stores  
Tour operator  
Toy stores  
Travel agency  
Typewriter stores  
Typewriter or other small business machine repair stores  
Variety or convenience stores  
Video or motion picture store, sale or rentals  
Wallpaper stores

## APPENDIX B to ARTICLE 46

### Definitions

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

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 46-4, or the authorized agent of any such person or entity.
2. "Bulfinch Triangle District" means the area, so entitled, depicted on Map 1J of this Code.
3. "Bulfinch Triangle District Plan" means the comprehensive plan, 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, which sets forth the planning policies, development controls, and design guidelines for the Bullfinch Triangle District, as defined therein.
4. "Central Artery Special District Plan" means the comprehensive plan, 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, which sets forth the planning policies, development controls, and design guidelines for the Central Artery Special District, as defined therein.
5. "Ground Floor Ceiling Height" means the height of the underside of the floor structure of the second floor.
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 main lobby of a structure, most usually those with office, residential, or hotel uses.
9. "Proposed Project" means the erection, reconstruction, extension, alteration, or substantial demolition 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.

APPENDIX B to ARTICLE 46 (continued)

10. "Street Wall" means the exterior wall or portion of the exterior wall of a Proposed Project that faces a street (excluding public alleys and courts) on which such Proposed Project is located.
11. "Substantial Accord" means, with respect to building height, that the vertical distance from grade to the top of the structure of the highest occupied floor of a Proposed Project shall not exceed the specified height limit for the site by more than six (6) feet.
12. "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.