

^ARTICLE 70

**BETH ISRAEL DEACONESS MEDICAL CENTER
INSTITUTIONAL DISTRICT EAST**

(^Article inserted on November 11, 1992*)

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*Date of public notice: October 23, 1992 (see St. 1956, c. 665, s. 5).

** As amended through March 15, 2006

SECTION 70-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the campuses of major institutions within the area governed by this Article. The goals and objectives of this Article are to provide for the well-planned development of institutions and to enhance their public service and economic development role in the surrounding neighborhoods; to encourage economic growth and the diversification of Boston's economy, with special emphasis on creating and retaining job opportunities; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 70-2. Physical Boundaries. The provisions of this Article apply to: (1) land and structures located within the Beth Israel Hospital Institutional District, and (2) land and structures located outside the Beth Israel Hospital Institutional District but described in an Institutional Master Plan approved from time to time in accordance with the provisions of this Article. The land referred to in (1) and (2) above is collectively referred to as the Beth Israel Hospital Institutional Master Plan Area. The boundaries of the Beth Israel Hospital Institutional District are as shown on the map entitled "Map 1 Boston Proper" of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 70-3. Applicability. This Article together with the rest of this Code constitute the zoning regulation for the Beth Israel Hospital Institutional District, and together with the provisions of an applicable approved Institutional Master Plan constitute the zoning regulation for the Beth Israel Hospital Institutional Master Plan Area. The zoning regulations for such District and Institutional Master Plan Area apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated to the contrary in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the land and structures referred to in Section 70-2. Proposed Projects (which term shall include Proposed Institutional Projects), however, are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 70-4. Prohibition of Planned Development Areas. Within the Beth Israel Hospital Institutional District, no Planned Development Area shall be permitted.

GENERAL USE AND DIMENSIONAL REGULATIONS

;SECTION 70-5. **Use Regulations.** Within the Beth Israel Hospital Institutional District, the uses identified in Table A of this Article and described in greater detail in Article 2A are allowed, conditional, or forbidden as set forth in said Table A. Except as otherwise specifically provided in this Article or Code, no land or structure in the Beth Israel Hospital Institutional District shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, the use is identified as "C" (conditional). Any use identified as "F" (forbidden) subject to the provisions of Article 7 in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden for the Beth Israel Hospital Institutional District subject to the provisions of Article 7.

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

;SECTION 70-6. **Dimensional Regulations.** Except as otherwise specifically provided in this Article or Code, the dimensional requirements governing lots and structures in the Beth Israel Hospital Institutional District are as set forth in Table B of this Article.

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

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

;SECTION 70-7. **Institutional Master Plan Review Requirement.**

Requirements for the review and approval of Institutional Master Plans and Proposed Institutional Projects are set forth in Article 80 for Institutional Master Plan Review. See Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of such requirements, requirements applicable to exempt projects, exemptions for small institutions, and election to include exempt projects in Institutional Master Plans.

1. Applicability of Requirement. Any Proposed Institutional Project for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, located in the Beth Israel Hospital Institutional Master Plan Area that is (or immediately after completion will be) used or occupied for an Institutional Use shall be consistent with an approved Institutional Master Plan, within the meaning of paragraph 2(a) (Review Requirement) of Section 80D-2 (Applicability of Institutional Master Plan Review), unless such Proposed Institutional Project is exempt from such requirement pursuant to subsection 2 (Exempt Projects) of this Section 70-7.
2. Exempt Projects. A Proposed Institutional Project is exempt from the requirement of subsection 1 of this Section 70-7 to be consistent with an approved Institutional Master Plan if such Proposed Institutional Project is:
 - (a) for interior alterations to an existing building, provided that such Proposed Institutional Project is not located in the areas depicted on Appendix A and described in Appendix B to this Article; or
 - (b) for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project does not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet (which area is not a phase of another Proposed Institutional Project), provided that such Proposed Institutional Project is not located in the areas depicted on Appendix A and described in Appendix B to this Article.
3. Pre-existing Uses and Structures. Notwithstanding any contrary provision of this Article or Code, any Institutional Use existing within the Beth Israel Hospital Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed allowed for all purposes under this Code, whether or not described in an applicable Institutional Master Plan and without need for a Certification of Consistency under Institutional Master Plan Review pursuant to Section 80D-10.

Any building or structure existing within the Beth Israel Hospital Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed to be in compliance, as so existing, with the dimensional, parking, and loading

requirements of this Article and shall not be considered dimensionally nonconforming for the purposes of Article 9.

4. Institutional Master Plan Previously Filed. The Institutional Master Plan entitled "Beth Israel Hospital Master Plan 1992-2000," dated October 1992 and approved by the Boston Redevelopment Authority on September 16, 1992, and October 22, 1992, shall be deemed approved hereunder as though such Institutional Master Plan had been approved pursuant to the provisions of this Article. An Institutional Master Plan Notification Form (IMP NF) seeking renewal of such Institutional Master Plan shall be filed on or before December 31, 1999, notwithstanding any contrary provision of subsection 5 (Time for Renewal of Institutional Master Plan) of this Section 70-7; provided that failure to renew such Institutional Master Plan within the time required shall not by itself prevent the issuance of a Certification of Consistency for Institutional Master Plan Review with respect to the second or subsequent phases of a Proposed Project described in such Institutional Master Plan.
5. Time for Renewal of Institutional Master Plan. An Institutional Master Plan Notification Form (IMP NF) seeking renewal of an Institutional Master Plan pursuant to Section 80D-8 (Renewal of Institutional Master Plan) shall be filed on or before the eighth anniversary of the date of the later of (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required).

(;As amended on May 9, 1996.)

SECTION 70-8. [Content of Institutional Master Plans.] Deleted on May 9, 1996 by Text Amendment No. 230.

SECTION 70-9. [Approval of Institutional Master Plans by the Boston Redevelopment Authority.] Deleted on May 9, 1996 by Text Amendment No. 230.

SECTION 70-10. [Zoning Commission Approval; Establishment of Institutional Master Plan Areas.] Deleted on May 9, 1996 by Text Amendment No. 230.

SECTION 70-11. [Consistency with an Institutional Master Plan.] Deleted on May 9, 1996 by Text Amendment No. 230.

SECTION 70-12. [Update, Renewal, and Amendment of Institutional Master Plans.] Deleted on May 9, 1996 by Text Amendment No. 230.

REGULATIONS GOVERNING DESIGN

SECTION 70-13. [Applicability of Article 31 Development Review.] Deleted on May 9, 1996 by Text Amendment No. 230.

;SECTION 70-14. **Design Review and Design Guidelines.**

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

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

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2.1 (Applicability of Small Project Review: Design Component) and this Section 70-14.1. In addition to those Proposed Projects described in Section 80E-2.1, the following Proposed Projects are subject to the Design Component of Small Project Review, pursuant to paragraph (b)(iv) (Design Review Required by Underlying Zoning) of said Section 80E-2.1:

- (a) Projects Visible from a Public Street or Public Park. Any Proposed Project for the erection or extension of one or more Buildings or Structures, if such Proposed Project is visible from a public street or public park.
2. Design Guidelines. Any design guidelines adopted by the Zoning Commission for the Longwood Medical Area as a whole, as the same may be in force from time to time, shall apply as design guidelines to any Proposed Project that is subject to design review pursuant to this Article or Code.

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

MISCELLANEOUS PROVISIONS

;SECTION 70-15. **Off-Street Parking and Loading.** For any Proposed Project that is subject to Large Project Review, pursuant to Article 80 or by election, the provision and design of off-street parking and loading facilities shall be determined through Large Project Review.

For any Proposed Project that is not subject to Large Project Review, no off-street parking or loading is required. Any off-street parking or loading facilities electively provided for any Proposed Project that is not subject to Large Project Review shall meet the following specifications:

1. Design.
 - (a) Such facilities shall have adequate maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a Structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any Street or another Lot.
 - (c) Off-street parking facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space and loading bay shall be located entirely on the Lot.
2. Maintenance. Such facilities shall be maintained exclusively for the parking of motor vehicles, or for loading and unloading purposes, as the case may be, so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

(;As amended on May 9, 1996.)

SECTION 70-16. **Nonconformity as to Dimensional Requirements.** A Building or Structure existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 70-17. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 70-18. **Severability.** The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any

decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 70-19. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 70-20. **Tables and Appendices.** The following tables and appendices are hereby made part of this Article:

Tables A and B

Appendices A and B

APPENDIX B to ARTICLE 70

Those areas of Boston known as Audubon Circle, the West Fens, and Mission Hill, bounded and described as follows:

1. Audubon Circle Area

Beginning at the intersection of the Boston/Brookline municipal boundary and the centerline of Mountfort Street at St. Mary's Street; thence proceeding easterly along the centerline of Mountfort Street to Beacon Street; thence southwesterly along the centerline of Beacon Street to Munson Street; thence southeasterly along the centerline of Munson Street to the alleyway at the rear of the property at 829-833 Beacon Street; thence southwesterly along the centerline of said alleyway, across Miner Street, to Aberdeen Street; thence southeasterly along the centerline of Aberdeen Street to the northwesterly sideline of the right-of-way of the Riverside Line of the Massachusetts Bay Transportation Authority; thence southwesterly along said right-of-way to the Boston/Brookline municipal boundary at St. Mary's Street; thence in two courses, northwest and northeast, along said boundary (the easterly sideline of St. Mary's Street) to the point of beginning.

2. The West Fens Area

Beginning at the junction of Park Drive and Boylston Street; thence proceeding northeasterly along the centerline of Boylston Street to Ipswich Street; thence northwesterly along the centerline of Ipswich Street to the alleyway at the rear of the property at 1241 Boylston Street; thence northeasterly, in two courses, along the centerline of said alleyway to the alleyway at the northeasterly side of the property at 1163 Boylston Street; thence southeasterly along the centerline of said alleyway to Boylston Street; thence southwesterly along the centerline of Boylston Street to Park Drive; thence southerly, southwesterly, and northwesterly along the centerline of Park Drive to the point of beginning.

3. Mission Hill Area

Beginning in Brigham Circle at the intersection of Francis Street and Huntington Avenue; thence proceeding northeasterly along the centerline of Huntington Avenue to Evans Way; thence in two courses, northerly and northeasterly, along the centerline of Evans Way to Louis Prang Street; thence southeasterly along the center line of Louis Prang Street to Huntington Avenue; thence northeasterly along the centerline of Huntington Avenue to Parker Street; thence southwesterly along the centerline of Parker Street to Ruggles Street; thence southeasterly along the centerline of Ruggles Street to the Massachusetts Bay Transportation Authority (MBTA) right-of-way; thence southwesterly along the centerline of the MBTA right-of-way to Tremont Street; thence easterly along the centerline of Tremont Street to Columbus Avenue; thence southerly along the centerline of Columbus Avenue to New Heath Street; thence westerly along the centerline of New Heath Street to Heath Street; thence northwesterly and westerly along the

centerline of Heath Street to South Huntington Avenue; thence northwesterly along the centerline of South Huntington Avenue to Craftson Way; thence southwesterly along the centerline of Craftson Way to the Boston-Brookline municipal boundary; thence northerly along said boundary to Brookline Avenue; thence northeasterly along the centerline of Brookline Avenue to Fenwood Road; thence southeasterly along the centerline of Fenwood Road to Binney Street; thence northeasterly along the centerline of Binney Street to Francis Street; thence southeasterly along the centerline of Francis Street to the point of beginning.

TABLE A

**Beth Israel Hospital Institutional District
Use Regulations**

Key: A = Allowed, C = Conditional, F = Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

For summary of requirements applicable to Institutional Uses, see Note 1.

Banking and Postal Uses

Automatic teller machine	A
Bank	A
Drive-in bank	C
Post office	A

Community Uses

Adult education center	A
Community center	A
Day care center	A
Day care center, elderly	A
Library	A
Place of worship; monastery; convent; parish house	A

Cultural Uses

Art gallery	A
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TABLE A - Continued

Cultural Uses (cont'd)

Art use	A
Auditorium	A
Cinema	A
Concert hall	A
Museum	A
Public art, display space	A
Studios, arts	A
Studios, production	A
Theatre	A
Ticket sales	A

Dormitory and Fraternity Uses

Dormitory not accessory to a use	C
Fraternity	C

Educational Uses

College or university ¹	A
Elementary or secondary school ²	A
Kindergarten	A
Professional school	A
Trade school	A

Entertainment and Recreational Uses

Adult entertainment	F
Amusement game machines in commercial establishment	F

TABLE A - Continued

Entertainment and Recreational Uses (cont'd)

Amusement game machines in noncommercial establishment	F
Bar ³	F
Bar with live entertainment ³	F
Billiard parlor	F
Bowling alley	F
Dance hall	F
Drive-in theatre	F
Fitness center or gymnasium	A
Private club not serving alcohol	C
Private club serving alcohol	F
Restaurant with live entertainment, not operating after 10:30 p.m. ³	F
Restaurant with live entertainment, operating after 10:30 p.m. ³	F

Funerary Uses

Cemetery	F
Columbarium	F
Crematory	F
Funeral home	F
Mortuary chapel	A

Health Care Uses

Clinic	A
Clinical laboratory	A

TABLE A - Continued

Health Care Uses (cont'd.)

Custodial care facility	C
Group care residence, general	C
Hospital ¹	A
Nursing or convalescent home ¹	A

Hotel and Conference Center Uses

Bed and breakfast	C
Conference center	C
Executive suites	C
Hotel	C
Motel	C

Industrial Uses

Artists' mixed-use	F
Cleaning plant	F
General manufacturing use	F
Light manufacturing use	F
Printing plant	F
Restricted industrial use	F

Office Uses

Agency or professional office	A
General office	A
Office of wholesale business	A

TABLE A - Continued

Open Space Uses

Golf driving range	F
Grounds for sports, private	A
Open space	A
Open space recreational building	A
Outdoor place of recreation for profit	F
Stadium	F

Public Service Uses

√Automatic telephone exchange or telecommunications data distribution center	C
Courthouse ²	F
Fire station ²	A
^Outdoor payphone	C
Penal institution ²	F
Police station ²	A
Pumping station ²	C
Recycling facility (excluding facilities handling toxic waste)	F
Solid waste transfer station	F
Substation ²	C
Telephone exchange	F

(√As amended on October 20, 2000.)

(^As inserted on March 15, 2006.)

TABLE A - Continued

Research and Development Uses⁴

Research laboratory	A
Product development; prototype manufacturing	A

Residential Uses

Congregate living complex	C
Elderly housing	C
Group residence, limited	A
Lodging house	A
Mobile home	F
Mobile home park	F
Multifamily dwelling	A
One family detached dwelling	A
One family semi-attached dwelling	A
Orphanage	A
Rowhouse	A
Temporary dwelling structure	C
Three-family detached dwelling	A
Townhouse	A
Transitional housing or homeless shelter	A
Two-family detached dwelling	A
Two-family semi-attached dwelling	A

Restaurant Uses

Drive-in restaurant	F
Restaurant	A

TABLE A - Continued

Restaurant Uses (cont'd.)

Take-out restaurant	
Small ⁵	A
Large ⁶	A

Retail Uses⁷

Adult bookstore	F
Bakery	A
;General retail business ^{7a}	A
Liquor store	A
Local retail business	A
Outdoor sale of garden supplies	F
+Pawnshop	C

(;As amended on December 19, 1994.)
 (+As inserted on April 9, 2001.)

Service Uses⁷

Animal hospital	C
Barber or beauty shop	A
>Body art establishment	C
Caterer's establishment	A
;Check cashing business	C
+Container redemption center ^{7b}	C
Dry-cleaning shop	A
Kennel	F
Laundry, retail service	A
Laundry, self-service	A

TABLE A - Continued

Service Uses⁷ (cont'd.)

Photocopying establishment	A
Shoe repair	A
Tailor shop	A

(;As inserted on October 6, 1994)
 (+As inserted on September 30, 1993)
 (>As inserted on April 9, 2001)

Storage Uses, Major

Outdoor storage of new materials	F
Outdoor storage of damaged or disabled vehicles	F
Outdoor storage of junk and scrap	F
Storage of certain materials	F
Storage of flammable liquids and gases	
Small ⁸	A
Large ⁸	C
Storage or transfer of toxic waste	C
√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 waste management facility	C
Warehousing	F

TABLE A - Continued

Wrecking yard	F
(√As inserted on September 18, 2000)	

Trade Uses⁷

Carpenters shop	A
Electrician's shop	A
Machine shop	A
Photographer's studio	A
Plumber's shop	A
Radio/television repair	A
Upholsterer's shop	A
Welder's shop	A

Transportation Uses

Airport	F
Bus terminal	F
Garage with dispatch	F
Helicopter landing facility	C
Motor freight terminal	F
Rail freight terminal	F
Railroad passenger station	F

Vehicular Uses

;Airport-related remote parking facility	C
Bus servicing or storage	F
Carwash ⁹	F
Gasoline station ⁹	F

TABLE A - Continued

+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F
^Indoor sale of motor vehicles	F
^Outdoor sale of new and used motor vehicles	F
Parking garage	F
Parking lot	F
Rental agency for cars	F
Rental agency for trucks	F
Repair garage	F
Truck servicing or storage	F

(;As inserted on November 21, 1996.)

(+As amended on November 7, 1996.)

(^As amended on March 15, 2006)

Wholesale Uses

Wholesale business	F
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Accessory and Ancillary Uses

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

TABLE A - Continued

Accessory and Ancillary Uses (cont'd)

Accessory amusement game machines (not more than four) in commercial or noncommercial establishment	F
Accessory art use	A
Accessory automatic teller machine	A
Accessory bus servicing or storage	A
Accessory cafeteria	A
Accessory cultural uses	A
Accessory dormitory	C
Accessory drive-through restaurant	F
Accessory drive-through retail	F
Accessory family day care home	A
Accessory home occupation	A
^Accessory indoor maintenance and operation of a payphone ¹²	A
Accessory industrial use	C
Accessory keeping of laboratory animals ⁴	A
Accessory keeping of animals, other than laboratory animals	F
Accessory machine shop	A
Accessory manufacture of products	C
Accessory offices	A
Accessory outdoor cafe	A
Accessory parking	A
Accessory personnel quarters	A
Accessory printing	A

TABLE A - Continued

Accessory and Ancillary Uses (cont'd)

Accessory professional office in a dwelling	A
Accessory railroad storage yard	F
Accessory recycling	A
Accessory repair garage	A
Accessory retail	A
Accessory services for apartment and hotel residents	A
Accessory services incidental to educational uses other than college or university use	A
Accessory service uses	A
Accessory storage of flammable liquids and gases	
Small ⁸	A
Large ⁸	A
Accessory storage or transfer of toxic waste	A
Accessory swimming pool or tennis court ¹⁰	A
Accessory trade uses	A
Accessory truck servicing or storage	A
Accessory wholesale business	A
Ancillary use ¹¹	C

TABLE A - Continued

- ;1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.

See Section 70-3 (Applicability), Section 70-7.3 (Pre-existing Uses and Structures), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table A to Institutional Uses. See also Section 70-7 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.

(;As amended on May 9, 1996.)

2. Provided the requirements of St. 1956, c. 665, S.2, where appropriate, are met.
3. Provided that, where such use exists on the effective date of this Article and is designated "F," any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
4. Provided that such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Total gross floor area not more than 1,000 square feet per restaurant.
6. Total gross floor area exceeding 1,000 square feet per restaurant.

TABLE A - Continued

7. If a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m. and such establishment has direct public access to a public way or sidewalk.
- ;7a. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:
(a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.

(;As inserted on December 19, 1994.)
- ;7b. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.

(;As inserted on September 30, 1993.)
8. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
9. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
10. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.

TABLE A - Continued

11. 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.

^12. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006.)

TABLE B

**Beth Israel Hospital Institutional District
Dimensional Regulations(1)**

Maximum Floor Area Ratio	4.0
Maximum Building Height	none (2)
Other Use	
Minimum Lot Size	none
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard	none
Minimum Side Yard	none
Minimum Rear Yard	none

- ;1. This Table B sets forth the underlying zoning dimensions for the Beth Israel Hospital Institutional District. For applicability of the dimensional regulations of this Table B to buildings and structures used for Institutional Uses, see Section 70-3 (Applicability), Section 70-7.3 (Pre-existing Uses and Structures), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements). See also Section 70-7 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such buildings and structures.

(;As amended on May 9, 1996.)

2. Provided that the Maximum Building Height shall be thirty-five (35) feet for buildings and structures located within fifty (50) feet of a Residential, Open Space, or Conservation Protection Subdistrict and forty-five (45) feet for buildings and structures located between fifty and one hundred (50-100) feet from such a Subdistrict.