

ARTICLE 51 ALLSTON-BRIGHTON NEIGHBORHOOD DISTRICT¹

Areas highlighted in green are draft changes - including additions and edits.

IN GENERAL

Section 51-1. Statement of Purpose, Goals, and Objectives.

The purpose of this Article is to establish the zoning regulations for a neighborhood plan for the Allston-Brighton Neighborhood District as required by the provisions of the Allston-Brighton Interim Planning Overlay District, Article 27F of this Code. The goals and objectives of this Article, and the Allston-Brighton Neighborhood Plan, and the Western Avenue Corridor Study and Rezoning Report are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to promote mixed-income residential development; to provide for affordable and market rate housing for individuals and families; to promote a viable neighborhood economy; to encourage economic growth, including manufacturing, commercial and research and development, and encourage the diversification of Boston's and Allston-Brighton's economy, with special emphasis on creating and retaining job opportunities; to provide for the well-planned development of institutions to enhance their public service and economic development role in the neighborhood; 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 in accordance with the Allston-Brighton Neighborhood Plan and the Western Avenue Corridor Study and Rezoning Report; and to promote the public safety, health, and welfare of the people of Boston.

Section 51-2. Recognition of the Allston-Brighton Neighborhood Plan and the Western Avenue Corridor Study and Rezoning Report.

In accordance with Section 27F-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the Allston-Brighton Neighborhood District, the Commission shall recognize the Allston-Brighton Neighborhood Plan, when adopted by the Boston Redevelopment Authority, as the general plan for the Allston-Brighton Neighborhood District. The Allston-Brighton Neighborhood Plan, when approved, shall also serve as the portion of the general plan for the City of Boston applicable to the Allston-Brighton Neighborhood District. This Article is an integral part of and one of the means of implementing the Allston-Brighton Neighborhood 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.

The Zoning Commission shall recognize the Western Avenue Corridor Study and Rezoning Report, when adopted by the Boston Redevelopment Authority, as the general plan for the Western Avenue Corridor Study Area. The Western Avenue Corridor Study Area is defined as the area contained in Everett/Telford Community Commercial Subdistrict, the Barry's Corner Community Commercial Subdistrict, and the Boston Landing Community Commercial Subdistrict shown in Zoning Map 7.

¹(Date of public notice: October 26, 1991 (see St. 1956, c. 665, s. 5); Article inserted on November 13, 1991; As of March 15, 2006)

Section 51-3. Physical Boundaries.

The provisions of this Article are applicable only in the Allston-Brighton Neighborhood District. The boundaries of the Allston-Brighton Neighborhood District and its subdistricts are as shown on the maps numbered 7A, 7B, 7C and 7D and entitled "Allston-Brighton Neighborhood District" (replacing "Map 7 Brighton") of the series of maps entitled "Zoning Districts City of Boston," as amended.

Section 51-4. Applicability.

This Article together with the rest of this Code constitute the zoning regulation for the Allston-Brighton Neighborhood District and 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. Application of the provisions of Article 27F to the Allston-Brighton Neighborhood District is rescinded, and the Allston-Brighton Interim Planning Overlay District is extinguished 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. 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 Allston-Brighton Neighborhood District. 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 51-5. Prohibition of Planned Development Areas.

Within the Allston-Brighton Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section ~~51-44~~ 51-37.

Section 51-6. Community Participation.

This Article has been developed with the extensive participation of the Allston-Brighton Planning and Zoning Advisory Committee, civic associations, business groups, institutions, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the Allston-Brighton Planning and Zoning Advisory Committee or its successor organization, if any, and the Allston-Brighton civic associations, residents, business and trade groups, and institutions shall continue to play an ongoing role in advising the City on land use planning for Allston-Brighton.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

Section 51-7. Establishment of Residential Subdistricts.

This Section 51-7 establishes Residential Subdistricts within the Allston-Brighton Neighborhood District. The purposes of the Residential Subdistricts are to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to discourage inappropriate forms of residential development such as basement dwelling units; to provide for low- and medium-density multifamily housing

appropriate to the existing built environment; and to encourage appropriate development which enhances the Residential Subdistricts while preventing overdevelopment. These Residential Subdistricts are designated as follows on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District":

1. **One-Family Residential Subdistricts**, as indicated by the designation "1F" on said Maps. The One-Family Residential Subdistricts are established to preserve, maintain and promote low density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 1F Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be one (1).
2. **Two-Family Residential Subdistricts**, as indicated by the designation "2F" on said Maps. The Two-Family Residential Subdistricts are established to preserve, maintain, and promote low density two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be two (2).
3. **Three-Family Residential Subdistricts**, as indicated by the designation "3F" on said Maps. The Three-Family Residential Subdistricts are established to preserve the low density three-family areas with a variety of housing types appropriate to the existing fabric including one-, two-, but no more than three-family Dwellings and to allow minor changes to occur as-of-right. In a 3F Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, shall be three (3).
4. **Multifamily Residential Subdistricts**, as indicated by the designation "MFR" on said Maps. The Multifamily Residential Subdistricts are established to encourage medium density multifamily areas with a variety of allowed housing types including one-, two- and three-family Dwellings, Row Houses, Town Houses, and multifamily Dwellings.

Section 51-8. Use Regulations Applicable in Residential Subdistricts.

Within the Residential Subdistricts, 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. No land or Structure in a Residential Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in 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) in Table A for the proposed location of such use is forbidden in such location.

Additional Dwelling Unit. Within the Allston-Brighton Neighborhood District, an Additional Dwelling Unit, as defined in Section 2A-1, shall be subject to the Use Regulations set forth in Table A of this Article; however said Additional Dwelling Unit shall be an Allowed Use where it may otherwise be Conditional or Forbidden provided that it is the addition of no more than one (1) dwelling unit to the existing structure; and shall be exempt from all requirements of this Code provided that the Additional Dwelling Unit does not involve any bump out, extension or construction to the existing envelope of the structure which results in the addition of Gross Floor Area and that the residential structure to which the conversion is occurring is owner-occupied and registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance at the time of conversion.

(Text Amd. No. 416, § 48a., 7-2-2015 ; Text Amd. No. 440 , § 3A., 5-8-2019.)

Section 51-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. **Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements.** The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot are set forth in Table D of this Article.

-
2. **Allowed Additions in Required Yards.** Within a One-Family Residential Subdistrict, Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, additions to existing Detached Dwellings or Main Buildings may extend into a required yard (except the Front Yard) when the existing Detached Dwelling or Main Building is already nonconforming with respect to that yard; provided that such nonconformity affects at least seventy percent (70%) of the total length of the wall facing such required yard. The extension of the line formed by the principal alignment of the nonconforming wall of the Detached Dwelling or Main Building shall be the limit to which the addition may be built. The addition may extend up to the applicable maximum Building Height and may include a basement addition. The Floor Area Ratio of the existing Detached Dwelling or Main Building together with the new addition shall not exceed the maximum allowed Floor Area Ratio specified for the Subdistrict. The addition to the nonconforming wall or walls shall comply with the following requirements:
 - (a) Side Yard: When completed, the side wall of an addition to a nonconforming side wall is at all points at least five (5) feet from the side Lot line and ten (10) feet from an existing Detached Dwelling or Main Building on an abutting Lot.
 - (b) Rear Yard: When completed, the rear wall of an addition to a nonconforming rear wall is at all points at least twenty (20) feet from the Rear Lot Line.
 3. **Lot Frontage.** Within a One-Family Residential Subdistrict, Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table D of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
 4. **Location of Main Entrance.** Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

(As amended on March 19, 1992 and August 22, 1996.)

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

Section 51-10. Establishment of Conservation Protection Subdistricts.

This Section 51-10 establishes eleven (11) "Conservation Protection Subdistricts" (CPS) in the Allston-Brighton Neighborhood District. The CPSs are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of Allston-Brighton. The CPSs are designated "CPS" on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District":

1. Cenacle Retreat Center CPS
2. Crittenton CPS
3. Foster Street Hill CPS
4. Foster Street Rock CPS
5. Kennedy Rock CPS
6. Leamington Rock CPS
7. Mt. Saint Joseph's Academy CPS
8. Oakland Quarry CPS
9. St. Gabriel's Monastery CPS

10. St. John's Seminary CPS

11. St. Sebastian's CPS

Section 51-11. Use Regulations Applicable in Conservation Protection Subdistricts.

Within the Conservation Protection Subdistricts, 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. No land or Structure in a Conservation Protection Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in 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) in Table A for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 48b., 7-2-2015 .)

Section 51-12. Dimensional Regulations Applicable in Conservation Protection Subdistricts.

The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table H of this Article.

Section 51-13. Site Plan Approval Requirement.

In order to assure that any significant new development within the Conservation Protection Subdistricts occurs in a manner that is protective of the special natural and scenic features of these subdistricts in accordance with a plan considering the most desirable land uses for such areas, requirements for Boston Redevelopment Authority review of site plans for Proposed Projects in Conservation Protection Subdistricts apply as provided in Article 80 for the Site Plan components of Large Project Review and Small Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review), respectively.

1. **Special Provisions Applicable to the St. John's Seminary Conservation Protection Subdistrict.**

Notwithstanding any contrary provision of this Article or Code, the following categories of Proposed Projects within the St. John's Seminary CPS shall not be subject to Large Project Review or Small Project Review:

- (a) any Proposed Project, or portion thereof, devoted to a place of worship, monastery, convent, official residence for members of the clergy, or seminary or other place of religious teaching, study, or adjudication; and
- (b) any Proposed Project, other than a Proposed Project described in paragraph (i) above, with a gross floor area of less than one hundred thousand (100,000) square feet (which is not a segment or phase of a larger Proposed Project) owned or leased by a religious denomination or sect and used in furtherance of the purposes of such denomination or sect.

(As amended on May 9, 1996.)

REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS

Section 51-14. Establishment of Open Space Districts and Subdistricts.

This Section 51-14 establishes Open Space Districts and Subdistricts in the Allston-Brighton Neighborhood District as indicated in Table 1, below, and as shown on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District." The purpose of the Open Space Districts and Subdistricts is to enhance the quality of life for Allston-Brighton's

residents by protecting open space resources. Any Lot within any Open Space District or Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33, Open Space Subdistricts.

1. **Air-Right Open Space (OS-A) Subdistrict.** Air-Right Open Space Subdistricts shall consist of land used as Transit Corridors owned by a Public Agency. Air-Right Open Space Subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors. Use of air rights over land held by the Massachusetts Turnpike Authority in connection with the Massachusetts Turnpike is subject to the provisions of Chapter 354, Section 15A, of the Acts of 1952.
2. **Cemetery Open Space (OS-CM) Subdistrict.** Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
3. **Community Garden Open Space (OS-G) Subdistrict.** Community Garden Open Space Subdistricts consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural or horticultural commodity and are subject to the provisions of Section 33-8.
4. **Recreation Open Space (OS-RC) Subdistrict.** Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
5. **Parkland Open Space (OS-P) Subdistrict.** Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas; such land may include Vacant Public Land, and are subject to the provisions of Section 33-9.
6. **Urban Plaza Open Space (OS-UP) Subdistrict.** Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses; and are subject to the provisions of Section 33-15.
7. **Urban Wild Open Space (OS-UW) Subdistrict.** Urban Wild Open Space Subdistricts shall consist of land not in the city's park system which includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuaries, creeks, rivers, streams, ponds, or lakes and are subject to the provisions of Section 33-12.

TABLE 1 Open Space Districts and Subdistricts in the Allston-Brighton Neighborhood District

Designation	Location/Name
Open Space District	Charles River Embankment
Open Space Subdistrict	Air Right
	Turnpike
Cemetery	Evergreen Cemetery
	Market St. Cemetery
Urban Wild	Euston Path Rock
	Turnpike Overlook
Recreation	Cassidy Playground
	Fidelis Way Park
	Hobart St. Play Area
	Hooker St. Play Area
	Joyce Playground
	McKinney Playground
	Oak Square Playground (Hardiman)
	Penniman St. Play Area

	Portsmouth St. Playground
	Ringer Playground
	Rogers Park
	Reilly Playground (Chestnut Hill Reservoir)
	Smith Playground
Parkland	Chandler's Pond (Gallagher Park)
	Shubow Park
	Wilson Park
	Brighton Square
	Cunningham Park
	Fern Square
	Jackson Square
	Oak Square
	Public Grounds
	Ringer Playground
	Rogers Park
	Boyden Park (Chestnut Hill Reservoir)
	Chestnut Hill Reservoir
	Birmingham Parkway
Urban Plaza	Union Square
Community Garden	Penniman Street Play Area

(As amended on July 27, 1993)

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

Section 51-15. Establishment of Neighborhood Business Subdistricts.

This Section 51-15 establishes **twenty-three (23)** Neighborhood Business Subdistricts within the Allston-Brighton Neighborhood District. There are three (3) types of Neighborhood Business Subdistricts: Local Convenience Subdistricts, providing convenience retail and services for the immediate neighborhood and pedestrians; Neighborhood Shopping Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial Subdistricts, providing a diversified commercial environment serving larger markets. All three types of Neighborhood Business Districts encourage the development of neighborhood businesses which provide essential goods and services as well as jobs and entrepreneurial opportunities for the Allston-Brighton community.

The physical character and visual image of Allston-Brighton's commercial centers are critical to their success. Appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, can create and reinforce a positive image of the Neighborhood Business Subdistricts.

The Neighborhood Business Subdistricts are designated "LC", "NS" or "CC" on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District":

1. Brooks Street Local Convenience Subdistrict
2. Chestnut Hill Local Convenience Subdistrict
3. Chiswick Street Local Convenience Subdistrict
4. Faneuil Street Local Convenience Subdistrict

-
5. Franklin Street Local Convenience Subdistrict
 6. Gordon Street Local Convenience Subdistrict
 7. Kelton Street Local Convenience Subdistrict
 8. Lake Street Local Convenience Subdistrict
 9. Brighton Center Neighborhood Shopping Subdistrict
 10. Cambridge Street Neighborhood Shopping Subdistrict
 11. Cleveland Circle Neighborhood Shopping Subdistrict
 12. Gorham Street Neighborhood Shopping Subdistrict
 13. Lincoln Street Neighborhood Shopping Subdistrict
 14. Market Street/North Beacon Street Neighborhood Shopping Subdistrict
 15. Oak Square Neighborhood Shopping Subdistrict
 16. Sutherland Road Neighborhood Shopping Subdistrict
 17. Washington Street Neighborhood Shopping Subdistrict
 18. Harvard Avenue Community Commercial Subdistrict
 19. Packard's Corner Community Commercial Subdistrict
 20. Western Avenue/Soldiers Field Road Community Commercial Subdistrict
 21. Everett/Telford Community Commercial Subdistrict
 22. Barry's Corner Community Commercial Subdistrict
 23. Boston Landing Community Commercial Subdistrict

Section 51-16. Use Regulations Applicable in Neighborhood Business Subdistricts.

Within the Neighborhood Business Subdistricts, the uses identified in Table B of this Article, and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table B. No land or structure in a Neighborhood Business Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table B as "A" (allowed) or, subject to the provisions of Article 6, the use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location.

(Text Adm. No. 416, § 48c., 7-2-2015 .)

Section 51-17. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.

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

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

Section 51-18. Establishment of Local Industrial Subdistricts.

This Section 51-18 establishes eight (8) Local Industrial Subdistricts within the Allston-Brighton Neighborhood District. The purpose of the Local Industrial Subdistricts is to encourage the preservation of the existing

manufacturing and industrial base in a manner which is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Allston-Brighton Neighborhood District.

The physical character and visual image of Allston-Brighton's commercial centers are critical to their success. Appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, can create and reinforce a positive image of the Local Industrial Subdistricts.

The Local Industrial Subdistricts are designated "LI" on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District":

1. Ashford Street Local Industrial Subdistrict
2. Braintree Street Local Industrial Subdistrict
3. Goodenough Street Local Industrial Subdistrict
4. Guest Street Local Industrial Subdistrict
5. Holton Street Local Industrial Subdistrict
6. Linden Street Local Industrial Subdistrict
7. Newton Street Local Industrial Subdistrict
8. North Beacon Street Local Industrial Subdistrict

Section 51-19. Use Regulations Applicable in Local Industrial Subdistricts.

Within a Local Industrial Subdistrict in the Allston-Brighton Neighborhood District, the uses identified in Table B of this Article, and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table B. No land or structure in a Local Industrial Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table B as "A" (allowed) or, subject to the provisions of Article 6, the use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 48d., 7-2-2015 .)

Section 51-20. Dimensional Regulations Applicable in Local Industrial Subdistrict.

The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table F of this Article.

Section 51-21. Performance Standards Applicable in Local Industrial Subdistricts.

The following effects shall not be allowed from any use within a Local Industrial Subdistrict:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.
2. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, which emanates more than fifty (50) feet beyond the boundaries of the lot upon which the use is located (or more than twenty (20) feet if the abutting lot into which such emanation occurs is within a Residential Subdistrict), is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

For general performance standards applicable to all industrial uses, see the definition of "performance standards" as set forth in Article 2A.

(As amended on August 22, 1996.)

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

Section 51-22. Establishment of Allston Landing Economic Development Areas.

This Section 51-22 establishes two (2) Economic Development Areas ("EDAs") within the Allston-Brighton Neighborhood District: the Allston Landing North EDA and the Allston Landing South EDA. Allston Landing has uniquely favorable access to the regional transportation network system, with direct truck access from major roads. This access provides a prime location for preserving industrial uses and attracting new manufacturing, commercial, and research and development uses, while minimizing impacts on the adjacent residential community.

The purposes of establishing the EDAs are to encourage economic growth, including manufacturing, commercial, and research and development activity, in a manner which is sensitive to the interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood; and to encourage the diversification and expansion of Boston's and Allston-Brighton's economy, with special emphasis on creating and retaining job opportunities.

The physical character and visual image of Allston-Brighton's commercial centers are critical to their success. Appropriate signage, screening and buffering, and design guidelines and requirements, as determined through Large Project Review or as provided in other sections of this Article, can create and reinforce a positive image of the Economic Development Areas.

EDAs are designated "EDA" on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District."

1. **Allston Landing North EDA.** The Allston Landing North EDA is intended as a focal point for economic growth and development, with strong emphasis on scientific research and development and the manufacture of the products of such research and development. In addition to economic growth and the creation of employment opportunities for Boston residents, affordable housing on the Allston Landing North EDA may be accommodated adjacent to the existing North Allston residential community. Opportunities to enhance the visual character of this EDA, to enhance open space connections, to improve the Charles River waterfront, and to improve transportation access and circulation, also can be realized in a manner supportive of economic activities and adjacent residential uses.
2. **Allston Landing South EDA.** The Allston Landing South EDA is owned primarily by the Massachusetts Turnpike Authority and occupied by Turnpike ramps, rail and motor freight facilities, and industry. The purpose of this Allston Landing South EDA is to promote industrial and manufacturing uses and to preserve and maintain the existing industrial uses which are vital to the City, State, and regional economy.

(As amended on May 9, 1996.)

Section 51-23. Use Regulations Applicable in EDAs.

Within an EDA, the uses identified in Table C of this Article are allowed, conditional or forbidden as set forth in said Table C. No land or structure in an EDA shall be erected, used, arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C as "A" (allowed), or subject to the provisions of Article 6, the use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 48e., 7-2-2015 .)

Section 51-24. Dimensional Regulations Applicable in EDAs.

The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, and Rear Yard required for any Lot in an EDA, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table G of this Article.

Section 51-25. Performance Standards Applicable in EDAs.

The following effects shall not be allowed from any use within an EDA:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local regulations.
2. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, which emanates more than fifty (50) feet beyond the boundaries of the lot upon which the use is located (or more than twenty (20) feet if the abutting lot into which such emanation occurs is within a Residential Subdistrict), is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

For general performance standards applicable to all industrial uses, see the definition of "performance standards" as set forth in Article 2A.

(As amended on August 22, 1996.)

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

Section 51-26. Establishment of Institutional Subdistricts.

This Section 51-26 establishes five (5) Institutional Subdistricts within the Allston-Brighton Neighborhood District as designated on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District." The purpose of the Institutional Subdistricts is to provide zoning regulations for the campuses of major institutions within the Allston-Brighton Neighborhood District as they exist as of the effective date of this Article. Proposed Institutional Projects located in the Allston-Brighton Neighborhood District, whether inside or outside an Institutional Subdistrict, are subject to Section 51-29 (Institutional Master Plan Review Requirement). The Institutional Subdistricts are:

1. Boston College Institutional Subdistrict
2. Boston University Institutional Subdistrict
3. Harvard University Institutional Subdistrict
4. St. Elizabeth's Hospital Institutional Subdistrict
5. Franciscan Children's Hospital Institutional Subdistrict

(As amended on May 9, 1996.)

Section 51-27. Use Regulations Applicable in Institutional Subdistricts.

Within the Institutional Subdistricts, the uses identified in Table C of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table C. No land or structure in an Institutional Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table C as "A" (allowed) or, subject to the provisions of Article 6, the use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location.

(As amended on May 9, 1996; Text Amd. No. 416, § 48f., 7-2-2015 .)

Section 51-28. Dimensional Regulations Applicable in Institutional Subdistricts.

The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in an Institutional Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are as set forth in Table I of this Article.

(As amended on May 9, 1996.)

Section 51-29. 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 Allston-Brighton Neighborhood District 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 51-29.
2. **Exempt Projects.** A Proposed Institutional Project is exempt from the requirement of subsection 1 of this Section 51-29 to be consistent with an approved Institutional Master Plan if such Proposed Institutional Project is:
 - (a) for interior alterations to an existing building
 - (i) limited to repairs or renovations that do not Substantially Rehabilitate (as that term is defined in Article 2A) such building, or
 - (ii) limited to repairs or renovations that Substantially Rehabilitate such building and affect a gross floor area of not more than fifty thousand (50,000) square feet (which area is not otherwise related to or a phase of another Proposed Institutional Project) and do not involve a change of use or an increase in gross floor area of more than five thousand (5,000) square feet; or
 - (b) within any Institutional Subdistrict, for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project, together with all Previous Institutional Projects, as that term is hereinafter defined, within said Institutional Subdistrict do not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet; or
 - (c) outside of any Institutional Subdistrict, for the erection, extension, alteration, use, or occupancy of an Institutional Use limited to:
 - (i) institutional office subuse, and accessory parking and other accessory uses ordinarily incident thereto, provided that such Proposed Institutional Project, together with Previous Institutional Projects for such subuse located outside of any Institutional Subdistrict, do not affect an aggregate gross floor area of more than ten thousand (10,000) square feet and provided further that such Proposed Institutional Project is not located within one thousand (1,000) feet of the Institutional Subdistrict occupied primarily by the Institutional Uses of such Institution;

(ii) storage subuse, and accessory parking and other accessory uses ordinarily incident thereto, provided that such Proposed Institutional Project, together with Previous Institutional Projects for such subuse located outside of any Institutional Subdistrict, do not affect an aggregate gross floor area of more than ten thousand (10,000) square feet and provided further that such Proposed Institutional Project is not located within one thousand (1,000) feet of the Institutional Subdistrict occupied primarily by the Institutional Uses of such Institution; or

(iii) research laboratory or product development and prototype manufacturing, and accessory parking and other accessory uses ordinarily incident thereto, provided that such Proposed Institutional Project is not located within an Applicable Institutional Master Plan Area.

For the purposes of the preceding subparagraphs (b) and (c), a "Previous Institutional Project" means a project by the same Institution:

(1) that was exempted from the Institutional Master Plan Review Requirement of this Section 51-29 pursuant to the provisions of the same subparagraph (subparagraph (b) or (c)) that describes the Proposed Institutional Project; and

(2) that has been completed within the five (5)- year period immediately preceding the date of application for a building permit for such Proposed Institutional Project, or that is under construction or the subject of a pending building permit application as of such date.

3. **Pre-existing Uses and Structures.** Notwithstanding anything to the contrary in this Article or Code, any Institutional Use existing within an Institutional Subdistrict 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 an allowed use, 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 an Institutional Subdistrict as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article and

(i) used for an Institutional Use as of such date, or

(ii) fully described in an Applicable Institutional Master Plan in accordance with Section 80D-3.2 (Existing Property and Uses)

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 Including Adjacent Districts.** If an Institution's campus lies only partially within the Allston-Brighton Neighborhood District and partially within one or more adjacent zoning districts within which institutional master planning requirements are applicable, the Boston Redevelopment Authority, in its Scoping Determination issued pursuant to Section 80D-5, may require that a unified Institutional Master Plan be prepared with respect to the Institution's campus within said districts.

5. **Institutional Master Plans Previously Filed.** The following Institutional Master Plans filed with the Boston Redevelopment Authority shall be deemed approved hereunder as though such Institutional Master Plans had been approved pursuant to the provisions of this Article:

Harvard University - Allston Campus, dated April 27, 1989, as amended on June 6, 1991 and September 26, 1991;

Boston University, dated March 26, 1987, as amended on August 13, 1987 and October 13, 1988.

6. **Time for Renewal of Institutional Master Plan.** An Institutional Master Plan Notification Form (IMPNF) seeking renewal of an Institutional Master Plan pursuant to Section 80D-8 (Renewal of Institutional Master Plan) shall be filed on or before the fourth 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 and July 31, 1997.)

Section 51-30. [Content of Institutional Master Plans.]

Deleted on May 9, 1996 by Text Amendment No. 230.

Section 51-31. [Approval of Institutional Master Plans by the Boston Redevelopment Authority.]

Deleted on May 9, 1996 by Text Amendment No. 230.

Section 51-32. [Zoning Commission Approval; Establishment of Institutional Master Plan Areas.]

Deleted on May 9, 1996 by Text Amendment No. 230.

Section 51-33. [Consistency with an Institutional Master Plan.]

Deleted on May 9, 1996 by Text Amendment No. 230.

Section 51-34. [Update, Renewal, and Amendment of Institutional Master Plans.]

Deleted on May 9, 1996 by Text Amendment No. 230.

REGULATIONS APPLICABLE IN CHESTNUT HILL WATERWORKS SUBDISTRICT

Section 51-35. Establishment of Chestnut Hill Waterworks Protection Subdistrict.

This Section 51-35 establishes the Chestnut Hill Waterworks Protection Subdistrict ("CHWPS") in the Allston-Brighton Neighborhood District. This Subdistrict is established to protect the unique architectural, historic, and landscape features of this distinctive late-nineteenth-century city resource. Specifically, the purposes of the CHWPS are:

- (1) to encourage the preservation, restoration, adaptive reuse, and appropriate expansion of the historic landmark structures, including the High Service Pumping Station, Low Service Pumping Station, and the Operations Center, located in what is identified as the Preservation Area on Appendix A, as well as the protection of the gracious landscaping of the Preservation Area; and
- (2) to allow for appropriately designed and scaled new development within what is identified as the Development Area on Appendix A, consistent with any Commonwealth of Massachusetts Land Disposition Agreement ("LDA") for the property. New development shall be permitted in any portion of the CHWPS designated by the LDA, so long as such development site contains approximately 1.2 acres

and the boundaries of such area are in substantial accord with the Development Area as shown on Appendix A.

Section 51-36. Use Regulations Applicable in Chestnut Hill Waterworks Protection Subdistrict.

Within the CHWPS, no land or Structure shall be erected, used, or arranged, or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 48g., 7-2-2015 .)

Section 51-37. Dimensional Regulations Applicable in Chestnut Hill Waterworks Protection Subdistrict.

The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in the CHWPS and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table M of this Article.

Section 51-38. Site Plan Approval Requirement.

In order to ensure that any significant new development within the CHWPS occurs in a manner that protects its special architectural and landscaping features in accordance with a plan considering the most desirable land uses for such area, requirements for Boston Redevelopment Authority review of site plans for Proposed Projects in the CHWPS apply as provided in Article 80 for the Site Plan components of Large Project Review and Small Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review), respectively. The Site Plan Component of Small Project Review, as set forth in Section 80E-2.2, shall apply to any Proposed Project in the CHWPS to the extent that such review would apply were the Proposed Project within a Conservation Protection Subdistrict or Greenbelt Protection Overlay District.

Within five (5) days of its receipt of an application for Site Plan Approval, the Boston Redevelopment Authority shall transmit a copy of the application to the Boston Landmarks Commission for its review. The Boston Landmarks Commission may, within thirty (30) days of its receipt of the application, file with the Boston Redevelopment Authority a report with recommendations, together with maps, plans, and other materials to aid the Boston Redevelopment Authority in evaluating the Proposed Project's proposed siting, massing, and relationship to the historic features of this Subdistrict. The Boston Redevelopment Authority shall not transmit its findings to the Inspectional Services Department until the Boston Redevelopment Authority has received and considered the Boston Landmarks Commission report with recommendations; provided that if the Boston Redevelopment Authority has not received such report within thirty (30) days, it may transmit the Director's certification to the Inspectional Services Division without such report.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

Section 51-39. Establishment of Community Facilities Subdistricts.

This Section 51-39 establishes Community Facilities ("CF") Subdistricts within the Allston-Brighton Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the Allston-Brighton Neighborhood District that provide health, educational, and cultural services to the community and are an important part of the fabric of the Allston-Brighton community. The following Community Facilities Subdistrict is established:

Warren Street Community Facilities (CF) Subdistrict

Section 51-40. Use Regulations Applicable in Community Facilities Subdistricts.

Within a Community Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

(Text Amd. No. 416, § 48h., 7-2-2015 .)

Section 51-41. Dimensional Regulations Applicable in Community Facilities Subdistricts.

The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table L of this Article.

REGULATIONS APPLICABLE IN GREENBELT PROTECTION AND NEIGHBORHOOD DESIGN OVERLAY DISTRICTS

Section 51-42. Establishment of Greenbelt Protection Overlay Districts.

This Section 51-42 establishes five (5) Greenbelt Protection Overlay Districts ("GPODs") in the Allston-Brighton Neighborhood District. The following Greenbelt Roadways and their adjacent areas between the boundary lines stated are designated as Greenbelt Protection Overlay Districts:

1. **Chestnut Hill Driveway GPOD:** lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, between Beacon Street and Commonwealth Avenue.
2. **Commonwealth Avenue GPOD:** lines parallel to, two hundred (200) feet from, and on each side of the center line of the right-of-way, between the Boston University Bridge and the City of Newton boundary line.
3. **Leo M. Birmingham Parkway GPOD:** lines parallel to, two hundred (200) feet from, and on each side of the center line of the right-of-way, between the junction of the right-of-way within the Soldiers Field Road Extension and the junction of the right-of-way with Western Avenue.
4. **Nonantum Road GPOD:** lines parallel to, two hundred (200) feet from, and on each side of the center line of the right-of-way, between the City of Newton boundary and the junction of the right-of-way with Brooks Street.
5. **Soldiers Field Road/Soldiers Field Road Extension GPOD:**
 - (a) lines parallel to, two hundred (200) feet from, and on each side of the center line of the right-of-way, between the junction of the right-of-way with Nonantum Road and the northern boundary of the Allston Landing North Economic Development Area; and
 - (b) the center line of the right-of-way and a line parallel to, and two hundred (200) feet to the northeast of, the center line of the right-of-way, between the northern boundary of the Allston Landing North Economic Development Area and the boundary of the Allston-Brighton Neighborhood District at the Boston University Bridge.

Any Lot within a GPOD is subject to the provisions of this Article and Code applicable to the subdistrict within which it is located and to the provisions of Article 29, Greenbelt Protection Overlay Districts. The above GPODs are shown on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District."

(As amended on March 19, 1992, July 31, 1997, and September 26, 2002.)

Section 51-43. Establishment of Neighborhood Design Overlay Districts Within Residential Subdistricts.

This Section 51-43 establishes five (5) Neighborhood Design Overlay Districts as overlays to Residential Subdistricts, within the Allston-Brighton Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts.

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

The Neighborhood Design Overlay Districts are located as designated on Maps 7A, 7B, 7C, and 7D "Allston-Brighton Neighborhood District." The names and design characteristics of the Neighborhood Design Overlay Districts are as follows:

1. **Aberdeen Neighborhood Design Overlay District.** The Aberdeen area grew in the 1890s as a residential community and is characterized by picturesque development of curvilinear streets with large shingle style houses in naturalistic settings. It includes Chiswick, Selkirk, Kilsyth, Kinross and Lanark Roads, and Englewood Avenue.
2. **Newton Street Neighborhood Design Overlay District.** The homes along Newton Street are brick or stone mansard double houses of uniform design and construction. Probably built between 1871 and 1875, they are the largest concentration of mansard cottages in Brighton.
3. **Raymond Street Neighborhood Design Overlay District.** Along Raymond Street, Holmes Street, Mead Street and Franklin Street is a large complex of Queen Anne brick row buildings. These buildings have rowlock arches above window and door openings, granite sills and panel brick decoration. They were built in the late 19th century, probably to accommodate workers from local companies.
4. **Lake Street Neighborhood Design Overlay District.** Lake Street, which was not a public way until the 1850s, contains well preserved residences in a variety of architectural styles which include Italianate vernacular, Colonial Revival, and Craftsman styles. It extends from Knowles Street to Rogers Park Avenue.
5. **Sparhawk Neighborhood Design Overlay District.** The Sparhawk area is a well-defined neighborhood situated northeast of Brighton Center, bounded on the south by Henshaw and Cambridge Streets, on the east by Dustin Street, on the north by Mapleton Street, and on the west by Market Street. The neighborhood is characterized by homes ranging from commodious late 19th century single family and double homes in the southern sector to post-World War I Colonial Revival two-family houses lining the grid-patterned streets to the north. It has the best concentration of late 19th century architectural styles in Allston-Brighton in terms of size, quality, variety and state of preservation.

(As amended on May 9, 1996 and September 26, 2002.)

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

Section 51-44. Establishment of Areas Within Which Planned Development Areas May be Permitted.

Planned Development Area ("PDAs"), as described in Section 3-1A.a, are permitted within the Conservation Protection Subdistricts, the Western Avenue/Soldiers Field Road Community Commercial Subdistrict, **the**

Everett/Telford Community Commercial Subdistrict, the Barry's Corner Community Commercial Subdistrict, the Boston Landing Community Commercial Subdistrict, the Cleveland Circle Community Commercial Subdistrict, the Allston Landing North Economic Development Area, the Allston Landing South Economic Development Area, and the Guest Street Local Industrial Subdistrict. PDAs are not permitted elsewhere in the Allston-Brighton Neighborhood District.

The purposes of establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the Allston-Brighton community, including the creation of new job opportunities and affordable housing; to allow for the diversification and expansion of Boston's economy through manufacturing, commercial, and scientific research and development uses; to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict; to encourage economic development in the Allston Landing North and Allston Landing South Economic Development Areas, the Western Avenue/Soldiers Field Road Community Commercial Subdistrict, the Cleveland Circle Community Commercial Subdistrict, and the Guest Street Local Industrial Subdistrict while ensuring public benefits and quality urban design by providing planning and design controls; to encourage economic development, and commercial, manufacturing, and industrial expansion; to allow for the creation of affordable housing; and implement the recommendations of the Western Avenue Corridor Study and Rezoning Report.

(As amended on March 26, 1999 and September 26, 2002; Text Amd. No. 407 , § 1, 7-23-14.)

Section 51-45. Planned Development Areas: Use and Dimensional Regulations.

1. **Use Regulations.** A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan. In the Everett/Telford Community Commercial Subdistrict, Barry's Corner Node Community Commercial Subdistrict, and Boston Landing TOD Community Commercial Subdistrict, the approved Development Plan should be consistent with Table 1: Use and Dimensional Standards of the Western Avenue Corridor Study and Rezoning Report.
2. **Dimensional Regulations.** The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2. In the Everett/Telford Community Commercial Subdistrict, Barry's Corner Node Community Commercial Subdistrict, and Boston Landing TOD Community Commercial Subdistrict, the approved Development Plan should be consistent with Table 1: Use and Dimensional Standards of the Western Avenue Corridor Study and Rezoning Report.

TABLE 2 Allston-Brighton Neighborhood District Planned Development Areas Maximum Floor Area Ratios

Area	Maximum FAR
Allston Landing North EDA	2
Allston Landing South EDA	2
Conservation Protection Subdistricts	See Table H
Western Avenue/Soldiers Field Road Community Commercial Subdistrict (CC-1)	1.75
Western Avenue/Soldiers Field Road Community Commercial Subdistrict (CC-2)	4.0
Everett/Telford Community Commercial Subdistrict	2.5 For residential affordability incentive: 3.5

Barry's Corner Community Commercial Subdistrict	For non-residential uses: 3.5 For residential affordability incentive: 4.25
Boston Landing Community Commercial Subdistrict	For non-residential uses: 3.5 For residential affordability incentive: 4.25
Cleveland Circle Community Commercial Subdistrict (CC-3)	2.5

(As amended on March 3, 2000 and September 26, 2002; Text Amd. No. 407 , § 2, 7-23-14; Text Amd. No. 433 , § 1, 5-16-18; Text Amd. No. 448 , § 1, 6-15-21.)

Section 51-46. Planned Development Area Review Requirement.

See Article 80 concerning the applicability of Planned Development Area Review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

(As amended on May 9, 1996 and September 26, 2002.)

Section 51-47. [Applicability of Future Amendments.] Deleted on May 9, 1996 by Text Amendment No. 230.

(As amended on September 26, 2002.)

Section 51-48. Planned Development Areas: Impact Standards.

1. **PDA's in Allston Landing North EDA.** In any PDA for any general retail use within the Allston Landing North EDA, the Development Plan shall include a comprehensive traffic access plan which incorporates access restrictions, alterations to traffic routes, truck routes or other mechanisms by which traffic impacts shall be mitigated in accordance with Large Project Review, and by which traffic shall be directed away from residential areas of the Allston-Brighton Neighborhood District and directed to major thoroughfares of the District; and such Development Plan for a PDA for such general retail use within the Allston Landing North EDA shall comply with the screening and buffering requirements set forth in Section 51-48.

(As amended on May 9, 1996 and September 26, 2002.)

Section 51-49. Planned Development Areas: Public Benefits.

The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including one or more of the following:

- (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or
- (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or

-
- (c) provision of Affordable Housing available to Allston-Brighton and Boston residents; or
 - (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections, of the Charles River waterfront, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.
 - (e) **creation of new street connections, pedestrian and bicyclist facilities, and new transit facilities**

(As amended on May 9, 1996 and September 26, 2002.)

REGULATIONS GOVERNING DESIGN

Section 51-50. [Applicability of Article 31 Development Review.]

Deleted on May 9, 1996 by Text Amendment No. 230.

(As amended on September 26, 2002.)

Section 51-51. Design Review and Design Guidelines.

1. **Applicability of Design Review.** To ensure that growth in the Allston-Brighton Neighborhood 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 51-51.1. 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) **Certain Projects in Neighborhood Business Subdistricts.** Within the Neighborhood Business Subdistricts, any Proposed Project for the erection or extension of a Building with a gross floor area of three hundred (300) or more square feet, or for an exterior alteration affecting three hundred (300) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space.
2. **Design Guidelines.** This Section 51-51.2 establishes the following design guidelines for the Allston-Brighton Neighborhood District.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to a site should provide safe visual access for drivers and pedestrians.
 - (c) Parking should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Parking and storage areas should be located behind buildings and shall comply with the applicable provisions of Section 51-56.

-
- (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic or architectural feature should be held to a minimum.
 - (e) New or rehabilitated commercial buildings should be compatible with the height, building material, and architectural character of older commercial buildings. Distinctive features such as the size, scale, mass, architectural detail, and building materials should be retained, if possible, when rehabilitating commercial or residential buildings. This should include roofs, roof profiles, existing window and door openings, steps, porches, and other features that give a neighborhood its distinguishing character.
 - (f) Deteriorated architectural features should be repaired rather than be replaced, wherever possible, when rehabilitating residential or commercial buildings. In the event that replacement is necessary, the new material should match the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based as much as possible on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
 - (g) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
 - (h) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of the buildings should respect significant landscape features on the site.
 - (i) New residential construction should respect certain standards of scale in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
 - (j) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows, facing onto pedestrian areas, should be avoided to the extent practicable in building designs.
 - (k) Storefronts and display windows should be open and welcoming to the shopper and stroller. façade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
 - (l) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
 - (m) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy.
 - (n) A clearly defined zone for signs on the building façade should be established, defined by a change in façade color and/or materials, or by an articulation of the façade without changing color. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs shall comply with the provisions of Section 51-55 (Sign Regulations), where applicable.
 - (o) Landscaping and screening should be used to make Neighborhood Business subdistricts more attractive, and to provide screening between neighborhood business and residential uses. Proposed Projects shall comply with the provisions of Section 51-53 (Screening and Buffering Requirements), where applicable.

-
- (p) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

3. Western Avenue Corridor Study Area

Projects within the Everett/Telford Community Commercial Subdistrict, Barry's Corner Node Community Commercial Subdistrict, or Boston Landing Community Commercial Subdistrict shall follow the design guidelines in the Western Avenue Corridor Study and Rezoning Report.

(As amended on July 27, 1993, May 9, 1996, July 31, 1997, September 18, 2000, and September 26, 2002.)

Section 51-52. Specific Design Requirements.

Except as otherwise expressly provided in this Article or Code, the provisions of this Section 51-52 shall apply within those subdistricts specified in this Section 51-52 to all Proposed Projects that are not subject to Large Project Review or Small Project Review pursuant to Article 80 or by election. The provisions of Article 6A shall be applicable to the provisions of this Section 51-52.

1. **Street Wall Continuity in Neighborhood Business Subdistricts.** This Section 51-52.1 shall apply within the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall. Each newly constructed or relocated Street Wall of any such Proposed Project shall be built to be coextensive with the Building Line, as defined in Article 2A, of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line farthest from the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then

- (a) if the Proposed Project is subject to or elects to comply with Large Project Review or Small Project Review, an appropriate Street Wall location shall be determined in such review, or
- (b) the Proposed Project shall be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Notwithstanding any contrary requirement of this Section 51-52.1, the following Street Wall requirements shall apply to all Proposed Projects in the locations specified in paragraphs (a)-(d) of this Section 51-52.1:

- (a) The 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 adjacent blocks facing the same Street:

on Washington Street: between Shanley Street and Lake Street; and between Parsons Street and Foster Street; except that the Street Wall shall be built at a depth of seven (7) feet from the Street Line between Corey Street and the municipal boundary of the Town of Brookline;

on the east side of Chestnut Hill Avenue in the Chestnut Hill Avenue Local Convenience Subdistrict;

on Market Street: between Surrey Street and Bennett Street;

on Commonwealth Avenue: between Royce Street and Gorham Street; and

on Brighton Avenue: between Allston Street and Higgins Street; and between Reedsdale Street and Linden Street.

- (b) The Street Wall shall be built at a depth from the Street Line equal to that of the Building Line on the opposite side of the Street:

on the east side of Harvard Avenue: between Commonwealth Avenue and the municipal boundary of the Town of Brookline.

(c) The Street Wall shall be built at a depth from the Street Line equal to that of the Building Line of the block between Harvard Avenue and Linden Street:

on Cambridge Street: between Harvard Avenue and Craftsman Street; and

on Brighton Avenue: between Harvard Avenue and Craftsman Street.

(d) The Street Wall shall be built up to the edge of the sidewalk:

in the Market Street/North Beacon Street Neighborhood Shopping Subdistrict; and

on the south side of Beacon Street in the Cleveland Circle Neighborhood Shopping Subdistrict.

Except as otherwise provided in this Section 51-52.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses and bays in Street Walls shall be permitted as follows. For Proposed Projects neither subject to nor electing to comply with Large Project Review or Small Project Review, recesses not exceeding fifteen (15) feet in depth, and not affecting more than fifty percent (50%) of the Street Wall plane shall be permitted. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane. For Proposed Projects which are subject to or elect to comply with Large Project Review or Small Project Review, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the façade 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 or the Design Component of Small Project Review.

2. **Display Window Area Regulations in Neighborhood Business Subdistricts and Economic Development Areas.** This Section 51-52.2 shall apply in the Neighborhood Business Subdistricts and the Economic Development Areas to any Proposed Project for the uses specified in this Section 51-52.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and

(i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or

(ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

(a) **Display Window Area Transparency.** For Retail Uses, Entertainment Uses, Service Uses and Trade Uses, at least sixty percent (60%) of the Display Window Area between three (3) feet above Grade and eight (8) feet above Grade shall be glazed and transparent. That portion of the Display Window Area required by this Section 51-52.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.

(b) **Display Window Area Usage.** For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area:

(i) an area for the display of goods and services available for purchase on the premises; or

(ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use, as the case may be, being conducted on the premises.

(As amended on May 9, 1996, September 18, 2000 and September 26, 2002.)

Section 51-53. Screening and Buffering Requirements.

In order to ensure that the commercial and industrial subdistricts of the Allston-Brighton Neighborhood District develop into attractive and appropriately landscaped areas which enhance the neighborhood and streetscape visually, the screening and buffering requirements of this Section 51-53 shall apply to those Proposed Projects described in this Section 51-53 that are not subject to Large Project Review, pursuant to Article 80 or by election. The provisions of Article 6A shall apply to the provisions of this Section 51-53.

1. **Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses.** The provisions of this Section 51-53.1 shall apply in the Neighborhood Business Subdistricts, Local Industrial Subdistricts, and Economic Development Areas to any Proposed Project, other than a Proposed Project for a Residential Use, that includes
 - (a) the erection of a new Building, or
 - (b) the extension of an existing Building, where the extension exceeds twenty-five percent (25%) of the gross floor area of such existing Building. Where any Lot line of such Proposed Project abuts
 - (a) a public street or public park, or
 - (b) a Residential Subdistrict, Residential Use, or Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, or Subdistrict, the screening and buffering specified in this Section 51-53.1:
 - (a) **Materials.** Screening shall include a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence, without plywood sheeting, that is constructed to be at least sixty percent (60%) opaque. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood without plywood sheeting. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
 - (b) **Dimensions.** The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict or Residential Use, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.
2. **Screening and Buffering of Parking, Loading, and Accessory Storage Areas.** In Residential Subdistricts, Neighborhood Business Subdistricts, Local Industrial Subdistricts, and Economic Development Areas, any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts
 - (a) a public street,
 - (b) a public park, or
 - (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 51-53.2. Such screening shall consist of trees and shrubs densely planted in a strip at least

five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height. All parking lot lighting shall be designed to shine entirely on the parking lot. All parking lots shall be Accessible to the handicapped.

3. **Screening of Disposal Areas, Loading Areas, and Certain Equipment.** Disposal areas, dumpsters, loading areas, and ground-mounted mechanical equipment that abut
 - (a) a public street,
 - (b) a public park, or
 - (c) a Residential Subdistrict or Residential Use shall be screened from view as provided in this Section 51-53.3. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. **Specifications for Plantings.** Shrubs required by this Section 51-53 may be of deciduous or evergreen, or a mixture of both types, densely planted to provide a mature appearance within three (3) years. Trees required by this Section 51-53 may be deciduous or evergreen, or some combination of both types. Deciduous trees shall be minimum three (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center, and evergreen trees shall be minimum twelve (12) feet high and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary.
5. **Maintenance of Landscaped Areas.** Landscaping required by this Section 51-53 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering.
6. **Roof-Mounted Mechanical Equipment.** Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
7. **Outside Storage.** Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 51-53. In a Local Industrial Subdistrict, for all Storage Uses as identified in Table C, any material or equipment stored to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from any public street or public open space.
8. **Security Grates.** If a security grate is to be used, it should be a grille rather than a roll-up steel door; mounted inside rather than outside the building, if practicable; and if such security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner. Security grates should be integrated into the design of the storefront.

(As amended on May 9 and August 22, 1996, September 18, 2000 and September 26, 2002.)

MISCELLANEOUS PROVISIONS

Section 51-54. Additional Requirements in Neighborhood Business Subdistricts, Local Industrial Subdistricts and Economic Development Areas.

Any application for a permit for expansion of seating or standing capacity of any Restaurant With Live Entertainment operating after 10:30 p.m., Bar, or Bar With Live Entertainment, as those terms are defined in Article 2A, shall be conditional and subject to the provisions of Article 6 if such use is conditional, and forbidden if such use is forbidden.

(As amended on September 18, 2000 and September 26, 2002.)

Section 51-55. Sign Regulations.

The provisions of this Section 51-55 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. **Sign Regulations Applicable in Residential Subdistricts and Conservation Protection Subdistricts.** In all Residential Subdistricts and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. **Sign Regulations Applicable in All Subdistricts Other Than Residential and Conservation Protection Subdistricts.** In all subdistricts other than Residential Subdistricts and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 51-55. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) **Signs Attached Parallel to Building Wall.** For all permanent Signs attached parallel to a Building wall, other than Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the Sign Area shall not exceed the Sign Frontage multiplied by two (2), and the Sign shall not measure more than thirty (30) inches from top to bottom.
 - (b) **Signs Attached at Right Angles to Building.** A Sign attached at right angles to a Building shall not have a Sign Area in excess of ten (10) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour. The bottom of any Sign attached at right angles to a Building should be at least ten (10) feet above Grade.
 - (c) **Free-standing Signs.** Notwithstanding any provision of Section 11-2(e) to the contrary, free-standing Signs shall be permitted only for:
 - (i) General Retail Uses in the Western Avenue/Soldiers Field Road Community Commercial Subdistrict, and
 - (ii) Gasoline Stations. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot, and such free-standing Sign shall not have a Sign Area in excess of fifteen (15) square feet, and the bottom of such Sign shall not be higher than ten (10) feet above Grade.
 - (d) **Billboards.** Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence as of the effective date of this Article, shall be forbidden in the Allston-Brighton Neighborhood District.

(As amended on May 9 and August 22, 1996, September 18, 2000 and September 26, 2002.)

Section 51-56. Off-Street Parking and Loading Requirements.

For any Proposed Project subject to or electing to comply with Large Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For any other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table J, and the minimum required off-street loading spaces are as set forth in Table K.

1. **Outdoor Uses.** For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute the floor area of such use.
2. **Pre-Code Structures.** If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of Dwelling Units, only the additional gross floor area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.
3. **Mixed Uses.** If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. **Location.**
 - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 51-56.4. If a Lot is located in a Residential Subdistrict, and the Rear Yard cannot accommodate the number of off-street parking spaces required by this Article for the residential uses on the Lot, a total of two (2) such spaces may be located in the Front Yard along one of the side Lot lines, provided that the total width of the area used for such spaces may not exceed ten (10) feet.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 51-56 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases:
 - (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and
 - (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces provided is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
 - (d) The off-street parking required by this Article for a Dwelling Unit should be used by those cars for which the parking facilities are required.

-
5. **Design.** All off-street parking facilities provided to comply with this Article shall meet the following specifications:
 - (a) Such facilities shall have car spaces to the number specified by this Article, 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) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the car spaces required by this Section 51-56 may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-½) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
 6. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

(As amended on May 9 and August 22, 1996, January 28 and September 18, 2000, and September 26, 2002.)

Section 51-57. Application of Dimensional Requirements.

1. **Exceptions to Minimum Lot Size Requirements.** If the requirements of this Article with respect to Open Space and to Front, Rear and Side Yards are met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction or alteration of a single family dwelling, two-family dwelling, or three-family dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect; provided that three-fourths (3/4) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.
2. **Conformity with Existing Building Alignment.** If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. **Traffic Visibility Across Corner.** Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one-half (2-½) feet above the curb of the abutting Street shall be maintained within that part of the required Front Yard which is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
4. **Front Wall of Building Not Parallel to Front Lot Line.** If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

-
5. **Special Provisions for Corner Lots.** If a Lot abuts on more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 51-57. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line which is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
 6. **Side Wall of Building Not Parallel to Side Lot Line.** If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line which is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line which is also a Street Line, than one-half (½) of the minimum Side Yard width so otherwise required, the requirements of this Article shall be deemed to be met.
 7. **Side Yards of Certain Narrow Lots.** For each full foot by which a Lot existing at the time this Article takes effect is narrower than
 - (i) the minimum Lot Width specified for such Lot in this Article, or
 - (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one half (1-½) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot in a Residential Subdistrict be less than eight (8) feet wide, or in any other subdistrict less than six (6) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet in width.
 8. **Accessory Buildings in Rear Yards.** Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.
 9. **Rear Wall of Building Not Parallel to Rear Lot Line.** If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise required, the requirements of this Article shall be deemed to be met.
 10. **Rear Yards of Through Lots.** The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard which is also a Street Line, except in the case of a Rear Yard which abuts a Street less than twenty (20) feet in width.
 11. **Rear Yards of Certain Shallow Lots.** For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
 12. **Underground Encroachments in Yards.** Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings and parapets of such Structure, shall not extend more than five (5) feet above Grade.
 13. **Two or More Dwellings on Same Lot.** Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards, shall apply as if such

Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 51-53.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 51-57.13 were met.

14. **Two or More Buildings on One Lot.** If on one Lot there are two or more Main Buildings or Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

(As amended on September 18, 2000 and September 26, 2002.)

Section 51-58. Nonconformity as to Dimensional Requirements.

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

(As amended on September 18, 2000 and September 26, 2002.)

Section 51-59. Regulations.

The Boston Redevelopment Authority may promulgate regulations to administer this Article.

(As amended on September 18, 2000 and September 26, 2002.)

Section 51-60. 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.

(As amended on September 18, 2000 and September 26, 2002.)

Section 51-61. Definitions.

Words and phrases in this Article have the meanings set forth in Article 2A.

(As amended on September 18, 2000 and September 26, 2002.)

Section 51-62. Tables.

The following tables are hereby made part of this Article:

(As amended on September 18, 2000 and September 26, 2002.)

Tables A—C Use Regulations

- A Residential Subdistricts - Conservation Protection Subdistricts
- B Neighborhood Business Subdistricts - Local Industrial Subdistricts
- C Economic Development Areas - Institutional Subdistricts

Tables D—I Dimensional Regulations

D	Residential Subdistricts
E	Neighborhood Business Subdistricts
F	Local Industrial Subdistricts
G	Economic Development Areas
H	Conservation Protection Subdistricts
I	Institutional Subdistricts

Tables J—K Parking and Loading Regulations

J	Off-Street Parking Requirements
K	Off-Street Loading Requirements
L	Community Facilities Subdistrict Dimensional Regulations
M	Chestnut Hill Waterworks Protection Subdistrict Dimensional Regulations

**ARTICLE 51
APPENDIX**

ARTICLE 51 - TABLES
Public Service Uses

Telecommunication s data distribution center	C	C	C	C	C	C	C
Courthouse ⁽⁵⁾	F	C	C	C	C	A	C
Fire station ⁽⁵⁾	A	A	A	A	A	A	F
†Outdoor payphone	C	C	C	C	C	C	C
Penal institution ⁽⁵⁾	F	F	F	F	F	F	F
Police station ⁽⁵⁾	A	A	A	A	A	A	F
Pumping station ⁽⁵⁾	C	C	C	C	C	A	F
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	F	C	F
Solid waste transfer station	F	F	F	F	F	C	F
Sub-station ⁽⁵⁾	C	C	C	C	C	A	F
Telephone exchange	C	C	C	C	C	A	F

(*As amended on October 20, 2000)

(†As inserted on March 15, 2006)

Research and Development Uses

See Table Footnote: (10)

	Local Convenienc e Subdistricts	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts		Local Industrial Subdistrict s	Chestnut Hill Waterwork s Pro. Subdistrict
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
Research laboratory	F	F	F	C	C ⁽⁴⁾	A	C
Product development or prototype manufacturin g	F	F	F	C	C ⁽⁴⁾	A	F

Residential Uses

See Table Footnotes: (11), (29)

ARTICLE 51 - TABLES
Residential Uses

	Local Convenience Subdistricts	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts		Local Industrial Subdistricts	Chestnut Hill Waterworks Pro. Subdistrict
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
Congregate living complex	F	F	F	C	C	F	A
Elderly housing	C	C	A	C	A	F	A
Group residence, limited	A	C	A	C	A	F	A
Lodging house	F	F	C	C	C	F	C
Mobile home	F	F	F	F	F	F	F
Mobile home park	F	F	F	F	F	F	F
Multi-family dwelling	C	C	C	C	A	F	A
One family detached dwelling	C	C	C	C	C	F	C
One family semi-attached dwelling	C	C	C	C	C	F	C
Orphanage	F	C	C	C	C	F	C
Rowhouse	F	C	C	C	C	F	C
Temporary dwelling structure	C	C	C	C	C	F	C
Three family detached dwelling	C	C	C	C	C	F	C
Townhouse	C	C	C	C	C	F	A
Transitional housing or homeless shelter	C	C	C	C	C	F	C

ARTICLE 51 - TABLES
Residential Uses

Two family detached dwelling	C	C	C	C	C	F	C
Two family semi-attached dwelling	F	C	C	C	C	F	C

Restaurant Uses

	Local Convenience Subdistricts	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts		Local Industrial Subdistricts	Chestnut Hill Waterworks Pro. Subdistrict
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
Drive-in restaurant	F	F	F	F	F	C	F
Restaurant	C	A	C	A	C	A	A
Take-out restaurant Small ⁽¹²⁾	C	A	F	A	F	A	F
Large ⁽¹³⁾	F	C	F	C	F	C	F

Retail Uses

See Table Footnote: (14)

	Local Convenience Subdistricts	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts		Local Industrial Subdistricts	Chestnut Hill Waterworks Pro. Subdistrict
		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		
Adult bookstore	F	F	F	F	F	F	F
Bakery	A	A	A	A	A	A	A ⁽²⁾
Cannabis Establishment ² ⁸ (Text Amd. No. 432, § 3a., 4-13-2018)	C	C	C	C	C	C	C
†General retail businesses ^(14A)	F	A	A	A	A	C ⁽¹⁵⁾	C
Liquor store	F	C	F	C	F	F	C