

2025 DOWNTOWN ZONING TEXT AMENDMENT DRAFT FOR APPROVAL

Summary of Changes to the January 8, 2025 Draft

This zoning amendment draft for approval is based on the public comments received on the draft Downtown zoning text amendment released on January 8, 2025 and the recommendations of the multiyear planning initiative PLAN: Downtown (approved and adopted by the BPDA Board on December 14, 2023).

The revised draft incorporates many of the concerns raised throughout the public process and takes important steps to strengthen protections for Downtown's historic and cultural assets while enabling a mix of uses and housing that Downtown needs to thrive.

Changes to the draft amendment released on January 8, 2025 are highlighted in yellow.

Key changes from January 8, 2025 draft:

- **Removing SKY-R district and expanding SKY-LOW-D** to preserve the scale and character of sensitive historic areas, including areas along Washington Street and around the Old South Meeting House.
- **Reinforcing compliance with State Shadow Regulations.** Adding a new Article 2 Definition for State Shadow Regulations, formally incorporating in the Zoning Code references to the state laws that protect the Boston Common and Public Garden from new shadow impacts.
- **Encouraging strategic development and housing growth that protects and enhances the historic buildings and areas.** Introducing limited PDA eligibility for at least 1 acre sites in SKY-LOW-D that include a Landmark. 60% of the Gross Floor Area of the Development Plan must be a Residential Use and include the preservation of a Landmark and Historic Buildings.

Other Changes:

- *Article 2: Introducing new a Accessory Public Transit Use that can include passenger facilities, accessways, and amenities provided as part of a public transit station located on a lot with another main use.*
- *Table A: Removing Active Ground Floor Use requirements that may result in additional barriers for converting existing Downtown buildings, majority of which do not meet the requirement, to other uses such as housing. Ground floor active uses will be enforced through the Downtown Design Guidelines to evaluate site-specific opportunities and needs.*

ARTICLE 31 - SKYLINE DISTRICTS

Section 31-1. - Purpose of Skyline Districts

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

- A. The SKY-LOW District is distinguished by areas of cohesive historic buildings dating to prior eras of downtown with finer-grained parcelization and smaller building sizes near job centers and housing growth. These districts are regulated to advance historic preservation and ensure that new development is compatible with existing buildings in scale.
- B. The SKY-R is distinguished by areas of high mixed use activity with sensitive historic resources. These districts are regulated to incentivize larger-scale residential development and advance historic preservation through appropriate adaptive reuse and additions to existing historic buildings and facades.
- C. The SKY District is distinguished by the city's most significant job, housing, and entertainment density and accommodates future growth near major transportation assets. These districts are regulated to ensure that new development enhances the urban vitality of the city and the public realm.

Commented [1]: Removed SKY-R from all sections and tables

Section 31-2. - Establishment of Skyline Districts

- A. **This Section 31-2, together with Section 3-1 (Establishment of Zoning Districts) establishes three Skyline Districts (SKY, SKY-R, and SKY-LOW).** A Skyline District is indicated by the designation "SKY", "SKY-R", and "SKY-LOW" on any official map of the City of Boston. The provisions of this Article 31 and the remainder of this Code constitute the zoning regulations in a Skyline District. Unless otherwise specified in this Article, where conflicts exist between a provision of this Article 31 and the remainder of this Code, the provision of this Article 31 shall govern. Where a conflict exists between a provision of this Article 31 and an overlay district, the terms of Art. 3-1A shall govern which provision shall take precedence.
- B. **Use Regulations Applicable in Skyline Districts**
Use regulations for Skyline districts are set forth in Article 8 (Uses) of this code. Additional use and performance standards are set forth in Table A of this Article 31.
- C. **Dimensional Regulations Applicable in Skyline Districts**

Dimensional Regulations for Skyline districts are set forth in Table B and modified by Section 31-3 and Table C as applicable.

D. Parking and Loading Regulations Applicable in Skyline Districts

Parking regulations for Skyline districts are set forth in Article 23 (Off-Street Parking).
Loading regulations for Skyline districts are set forth in Article 24 (Off-Street Loading).

E. Prohibition of Planned Development Areas.

Within the Skyline districts, Planned Development Areas ("PDA") shall be prohibited, except as expressly provided for in Section 31-6.

Section 31-34. - Provisions for Design Review in Sky-Low and Sky-R Districts

Commented [2]: Updated numbering

Any Proposed Project for the erection or extension of one or more buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet located in a Sky-Low or Sky-R district shall be subject to: (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component). Notwithstanding any contrary provision of Section 80E-2.1.

Section 31-45. - Reconstruction and Extension of Nonconforming Buildings

Commented [3]: Updated numbering

Notwithstanding the provisions of Section 9-1 Reconstruction and Extension of Nonconforming Buildings, a Proposed Project may alter or enlarge a building that exists on the effective date of this Article and that does not conform to the applicable dimensional requirements specified in other provisions of this article, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

TABLE A: ADDITIONAL USE AND PERFORMANCE STANDARDS

USE AND PERFORMANCE STANDARDS	SKY-LOW	SKY-R	SKY
USE RELATED STANDARDS FOR ALL BUILDINGS			
Ground Floor Active Use Requirement	Active Use(s) must occupy at least 50% of the Building Width of the Ground Floor along the Primary Lot Frontage to a minimum Ground	Active Use(s) must occupy at least 50% of the Building Width of the Ground Floor along the Primary Lot Frontage to a minimum Ground Floor Use Depth of 25' ^{1,2}	

Commented [4]: Removing the Ground Floor Active Use Requirement to avoid creating barriers for adaptive reuse projects. Ground Floor Active uses will be enforced through the Article 80 review process and Downtown Design Guidelines to determine site specific opportunities.

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USE AND PERFORMANCE STANDARDS	SKY-LOW	SKY-R	SKY
	Floor Use Depth of 20'		
STANDARDS FOR COMMERCIAL USES			
Adult Entertainment	Forbidden	Conditional; Allowed within Adult Entertainment District, established pursuant to Section 3-1A by Map Amendment No. 130.	
STANDARDS FOR RESIDENTIAL USES			
Ground Floor Dwelling Units Allowed	No		
STANDARDS FOR TRANSPORTATION USES			
Standalone Parking Garage	An allowed use or approved conditional use that is not a Transportation Use must be located on the ground floor of the building along any lot frontage that abuts a public sidewalk, street, or park to a minimum Ground Floor Use Depth of 25'; Subject to the provisions of Boston Air Pollution Control Commission Article 1: Downtown Parking Freeze		
Accessory Parking, Shared Parking	As subject to the provisions of Boston Air Pollution Control Commission Article 1: Downtown Parking Freeze		
STANDARDS FOR INDUSTRIAL AND STORAGE USES			
Food and Beverage Production	Must include a minimum of 500 sf of accessory or associated Restaurant or Retail use	Must include a minimum of 1,000 sf of accessory or associated Restaurant or Retail use	

Footnotes to Table A

1. Active Uses are not required when the principal use(s) is a Civic Use, Open Space Use, or Shelter Facility Use, as defined in Article 8 Table A; or when a Proposed Project is an affordable housing development project in which at least 60% of units income restricted at 100% or below of AMI and reviewed under Article 80 Small or Large Project Review.
2. For any project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the required Ground Floor Active Use width and depth may be located along any Building Facade through such review process.

TABLE B: DIMENSIONAL REGULATIONS

BUILDING LOT STANDARDS	SKY-LOW	SKY-R	SKY
Building Lot Coverage (max)			

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Lots area less than or equal to 25,000 sf	95%	95%	95%
Lot area greater than 25,000 sf	90%	85%	85%
Ground Floor Outdoor Amenity Space (min)			
Located along the Primary Lot Frontage for Lot Area less than 25,000 sf	0%	0%	0%
Located along the Primary Lot Frontage for Lot Area greater than 25,000 sf	5% ²	10% ²	10% ²
Front Yard (min)	0'		
Rear Yard (min)			
With a party wall	0'		
Without a party wall	5' ³		
Side Yard (min)			
With a party wall	0'		
Without a party wall	5' ³		
BUILDING FORM STANDARDS	SKY-LOW	SKY-R	SKY
Building Height in feet (max) for a Proposed Project with less than 60% of gross floor area of a Residential Use	See TABLE C, Skyline Historic Dimensional Overlay	155' ^{3,4}	Such height that complies with State Shadow Regulations specified in Article 2 the provisions of Boston Common Shadow Law (Ch. 362, 1990), Public Garden Shadow Law (Ch. 384, 1993), or such height that complies with FAA and Massport critical airspace maps and processes to determine maximum height, whichever is lesser. ¹
Building Height in feet (max) for a Proposed Project with greater than or equal to 60% of gross floor area of a Residential Use		500' ^{3,4}	

Commented [5]: A new Article 2 term "State Shadow Regulations" that references the relevant State acts that limit shadow on the Boston Common and Public Garden.

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Stepback Height			
Abutting a Lot containing a non-Historic Building	155 ⁴		
Abutting a Lot containing a Historic Building	Building Height of abutting Historic Building or, in the case of multiple abutting Historic Buildings, the lowest Building Height ⁵		
Stepback (min) along 70% (min) of all Frontages at and above the Stepback Height	-	10 ⁵	-
Reduction (min) of floor plate area of all Building at and above Stepback Height	-	-	The average of all Building Floor Plates located above the Stepback Height must be reduced by a minimum of 20% from the average area of all Building Floor Plates below the Stepback Height.
Length of building facade (max) at and above Stepback Height	-	Any building facade located at or above the Stepback Height must be less than or equal to 200' in length.	
Building Floor Plate (max sf) at and above Stepback Height	-	15,000	35,000
Average Building Floor Plate (sf) at and above Stepback Height	-	14,000	-
Blank Wall of Facade (max)	15'	20'	
Ground Floor Height (min)	14'		
Multiple Buildings Allowed Per Lot	Yes		

Footnotes to Table B

1. Or such height that complies with State Shadow Regulations, the provisions of Boston Common Shadow Law (Ch. 362, 1990) and Public Garden Shadow Law (Ch. 384, 1993), or such height that complies with FAA and Massport critical airspace maps and processes to determine max height, whichever is lesser.
1. Structures built within the boundaries of the Midtown Shadow Overlay, as shown on map 1A, shall abide by the provisions for the Midtown Cultural District in State Shadow Regulations

Commented [6]: Updated footnote numbering

Commented [7]: A new Article 2 term "State Shadow Regulations" that references the relevant State acts that limit shadow on the Boston Common and Public Garden.

Commented [8]: Removing the footnote that applied to SKY-R

Commented [9]: Clarifying that State shadow regulations specific to the Midtown Cultural District will apply to the Midtown Shadow Overlay

restrictions of Chapter 362. AN ACT PROTECTING CERTAIN PUBLIC COMMONS (1990) Section 2C and Chapter 384. AN ACT PROTECTING THE BOSTON PUBLIC GARDEN (1993) Section 2B; or such height that complies with FAA and Massport critical airspace maps and processes to determine max height, whichever is lesser.

For any project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the following provisions shall apply:

2. The required Ground Floor Outdoor Amenity Space may be located along any Lot Frontage through such review process.
3. The minimum Yard may be 0' if it is determined through such review process that there is adequate and enduring separation between buildings abutting a Side or Rear Lot Line.
4. Stepback Height and the depth of such Stepback may be determined through such review process provided there is adequate separation of tall building elements and improved building design to minimize impacts and any excessive wind downdrafts on significant public streets, sidewalks, and abutting structures.

Section 31-5. - Establishment of Skyline Historic Dimensional Overlays

Commented [10]: Updated numbering

This Section 31-3, establishes Skyline Historic Dimensional Overlays as overlays to SKY-LOW in order to set height and building floor plate standards that help maintain the scale and historic character of existing areas within SKY-LOW districts. A Skyline Historic Dimensional Overlay is indicated by the designation "SKY-LOW-D" on any official zoning map of the City of Boston. The provisions of this Section 31-4 are in addition to the requirements of Table B Dimensional Regulations.

The following Skyline Historic Dimensional Overlays are established:

- A. **Downtown (SKY-LOW-D and SKY-1-D)**: The Downtown Historic Dimensional Overlay includes the following two areas:
 - a. **Ladder Blocks**: The Ladder Blocks are an architecturally- and historically-significant area of Downtown. Connecting Downtown and the Boston Common, the Ladder Blocks have a rich mix of notable 18th- and 19th- century buildings. Bounded by Washington and Tremont Streets, the area is named for the cross streets that create a street grid resembling a ladder.
 - b. **India and Broad Street Area**: This area of the larger Wharf District is distinguished by its small urban fabric and mix of historic brick and masonry structures.

Commented [11]: Corrected drafting error

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

TABLE C: SKYLINE HISTORIC DIMENSIONAL OVERLAYS

HISTORIC DIMENSIONAL OVERLAY	Height in feet (max)	Building Floor Plate (max sf)
(SKY-LOW-D) Downtown ¹	155', or such height that complies with the provisions of the Boston Common Shadow Law (Ch. 362, 1990), and Public Garden Shadow Law (Ch. 384, 1993), whichever is lesser. ¹	25,000

Footnotes to Table C

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

Commented [12]: Clarifying that State shadow regulations specific to the Midtown Cultural District will apply to the Midtown Shadow Overlay

Section 31-6. - Establishment of Areas within which Planned Development Areas May Be Permitted

This Section 31-6, establishes areas within which Planned Development Areas (PDAs), as described in Section 3.2.E, may be permitted within the Skyline Districts and sets forth applicable development criteria specific to Skyline Districts. For additional approval standards for Planned Development Area Development Plans, see Section 80C-4 (Standards for Planned Development Area Review Approval).

Commented [13]: Adding new limited eligibility for Planned Development Areas (PDAs) in the SKY-LOW-D district.

A. Regulations for PDAs in SKY-LOW-D

Planned Development Areas are permitted only within the SKY-LOW-D and shall include at least one Landmark. The purpose of establishing SKY-LOW-D as an area in which a PDA may be permitted is to provide a more flexible zoning regulation; to provide public benefits to the City of Boston; and to encourage strategic development and housing growth that protects and enhances the historic character and buildings, Landmarks, and vitality of areas within the Downtown Historic Dimensional Overlay.

- Use Regulations.** A Proposed Project within a PDA shall comply with the use regulations of the underlying zoning district, except as those regulations are expressly modified by an approved Development Plan. At least 60% of the Gross Floor Area of such an approved Development Plan shall be a Residential Use.
- Dimensional Regulations.** The dimensional regulations of a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan.

- c. **Requirement for Investment in Landmark(s) and Historic Buildings.** A Development Plan shall include investment in the Landmark(s) and Historic Buildings within the PDA. Such investment shall provide physical improvements that exceed routine maintenance and are necessary to restore, preserve, or adapt the structure for continued or new use and long-term preservation. Any physical improvements for a Landmark shall be subject to review and approval by the Boston Landmarks Commission.
- d. **Recommendation of the Office of Historic Preservation.** The Director of the Office of Historic Preservation, or its successor agency, shall review and provide a recommendation to the Boston Redevelopment Authority on any Proposed Project within a PDA proposed in conformance with this Section 31-6.

B. Regulations for Existing PDAs in SKY or SKY-LOW

A PDA may be permitted in SKY or SKY-LOW if it is in existence on the effective date of this Article 31.

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

ARTICLE 8

REGULATION OF USES

Section 8-2. General Use Provisions.

5. Accessory Uses. The following provisions apply to any Accessory Use.

b) **Limitation of Area.** Any such accessory use on a lot shall be limited to no more than twenty-five percent of the floor area of principal or main use(s) to which such use is accessory, unless such accessory use is Accessory Electric Vehicle Charging, Accessory Dwelling Unit (Detached), Accessory Dwelling Unit (non-Detached), Accessory Parking, Accessory Public Transit Use, Accessory Smoking Area, Shared Parking, Accessory Parking, Accessory Electric Vehicle Charging, Accessory Dwelling Unit (non-Detached), Accessory Dwelling Unit (Detached), Accessory Smoking Area, Shared Parking.

Commented [14]: Introducing Accessory Public Transit Use and alphabetized list for clarity

Section 8-3. Use Regulations.

TABLE A: USE REGULATIONS

Key:

Districts.

S = Squares + Streets

SKY = Skyline

Status.

ALLOWED

A = Allowed

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

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

CONDITIONAL

C = Conditional

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

FORBIDDEN

F = Forbidden

* = Subject to district Use and Performance Standards for the designated use. Other Use and Performance Standards may apply for all buildings in a district if indicated by the corresponding district article.

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

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	Skyline		
	SKY-LOW	SKY-R	SKY
OPEN SPACE USES			
Cemetery	F	F	F
Private Open Space	C	C	C
Publicly Accessible Open Space	A	A	A
CIVIC USES			
Child Care/Adult Day Health Center	A	A	A
Community Center	A	A	A
Municipal Use	A	A	A
Place of Worship	A	A	A
School, K through 12	A	A	A
RESIDENTIAL USES			
Artists' Live-Work	A*	A*	A*
Fraternity or Sorority	C*	C*	C*
Household Living - 1-4 units	C*	C*	C*
Household Living - 5-8 units	A*	E*	A E*
Household Living - 9-14 units	A*	A*	A*
Household Living - 15+ units	A*	A*	A*
Lodging House	A*	A*	A*
Mobile Home Establishment	F	F	F

Commented [15]: Based on feedback, allowing Household Living for 5-8 units. In order to discourage downconversions we are seeing in Back Bay and Beacon Hill, which lead to a loss of housing units, residential uses below 5 units remain conditional.

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Shelter Facility	A*	A*	A*
Supportive Housing	A*	A*	A*
COMMERCIAL USES			
Adult Entertainment	F	C*	C*
Art Studios	A	A	A
Bank	A	A	A
Check Casher	C	A	A
Drive-in	F	F	F
Entertainment/Events - Extra Small	A	A	A
Entertainment/Events - Small	A	A	A
Entertainment/Events - Medium	A	A	A
Entertainment/Events - Large	C	A	A
Entertainment/Events - Extra Large	F	C	C
Funeral Home	F	F	F
Grocery Store - Small	A	A	A
Grocery Store - Large	A	A	A
Hotel - Small	A	A	A
Hotel - Large	C	C	C
Indoor Recreation	A	A	A
Makerspace	A	A	A
Museum	A	A	A

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Office - Small	A	A	A
Office - Medium	A	A	A
Office - Large	C	A	A
Research Laboratory	F	F	C
Restaurant - Small	A	A	A
Restaurant - Large	A	A	A
Retail Cannabis Establishment	C	C	C
Retail Store - Small	A	A	A
Retail Store - Medium	A	A	A
Retail Store - Large	A	A	A
Retail Store - Extra Large	C	C	A
Service Establishment - Small	A	A	A
Service Establishment - Large	A	A	A
Social Club	A	A	A
Standalone ATM	C	C	C
HIGHER EDUCATION USES			
College or University Use	C	C	C
School, Trade or Professional	A	A	A
HEALTH CARE USES			
Clinic	A	A	A

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Hospital Use	C	C	C
Nursing Home Use	A	A	A
TRANSPORTATION USES			
Airport-Related Remote Parking Facility	F	F	F
Gasoline Station	F	F	F
Major Transportation Facility	C	C	C
Motor Vehicle Rentals	C	C	C
Motor Vehicle Sales	F	F	F
Standalone Parking Garage	C*	C*	C*
Standalone Parking Lot	F	F	F
Vehicular Services	F	F	F
INDUSTRIAL AND STORAGE USES			
Crematory	F	F	F
Food and Beverage Production	A*	A*	A*
General Industrial	F	F	F
Light Manufacturing or Trade Establishment	F	C	C
Non-retail Cannabis Establishment	F	C	C
Restricted Industrial	F	F	F
Self-Storage	F	F	F
Storage of Fuel or Minerals	F	F	F

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Storage of Supplies and Scrap	F	F	F
Urban Agriculture	See Article 89	See Article 89	See Article 89
Warehouse or Distribution Center	F	F	F
Accessory uses must comply with the provisions of Section 8-2.5			
ACCESSORY USES			
Accessory Drive-Through	F	F	F
Accessory Dwelling Unit (Detached)	F	F	F
Accessory Dwelling Unit (non-Detached)	F	F	F
Accessory Electrical Vehicle Charging	A	A	A
Accessory Entertainment/Events	A	A	A
Accessory Family Day Care Home	A	A	A
Accessory Helicopter Landing Facility	F	F	C
Accessory Home Occupation	A	A	A
Accessory Keeping of Animals	C	C	C
Accessory Keeping of Laboratory Animals	F	F	C
Accessory Motor Vehicle Rental	A	A	A
Accessory Office	A	A	A
Accessory Parking	A*	A*	A*
Accessory Personnel Quarters	C	C	C
Accessory Public Transit Use	A	A	A
Accessory Smoking	C	C	C

Commented [16]: Introducing a new Accessory Public Transit Use that can include but is not limited to passenger facilities, accessways, and amenities provided as part of a public transit station that is incorporated into another principal use and can serve as an active use.

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Shared Parking	A*	A*	A*
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Table A Definitions

ACTIVE USES. Uses which are open to the public and produce high levels of coming and going by customers, visitors, and users. Active Uses include **Accessory Public Transit Use**, Community Center, Grocery Store, Entertainment/Events, Makerspace, Museum, Restaurant, Retail Cannabis Establishment, Retail Store, Indoor Recreation, Service Establishment, ~~and~~ Social Club.

ACCESSORY AND ANCILLARY USES

Accessory Public Transit Use. When accessory to a main use other than Public Transit Station, passenger facilities, accessways, and amenities provided as part of a public transit service. Such use shall not be subject to the provisions of Section 8-2.5b.

Commented [17]: Defining "Accessory Public Transit Use" to ensure that incorporating public transit facilities as an accessory use counts as active uses.

ARTICLE 2 - DEFINITIONS

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

Blank Wall of Facade. On the Ground Floor of a building, the width of the facade that does not have windows or a pedestrian entrance facing the Primary Lot Frontage. For a Proposed Project that is subject to or has elected to comply with Small or Large Project Review under Article 80 (Development Review and Approval), the maximum Blank Wall of Facade may be established on any lot frontage through such review process.

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

Ground Floor Use Depth. The depth of the Ground Floor interior space devoted to a use. The Ground Floor Active Use Depth is measured as the distance from the interior building facade towards the interior of the building.

Midtown Shadow Overlay. The Midtown Shadow Overlay, as shown in Map 1A, records the extent of the Midtown Cultural District as referenced in State Shadow Regulations. Structures built within the boundaries of the Midtown Shadow Overlay shall abide by the provisions for the Midtown Cultural District in State Shadow Regulations.

Commented [18]: The Midtown Shadow Overlay will clarify on zoning maps where the State Shadow Law regulations specific to the Midtown Cultural District apply.

Outdoor Amenity Space

A space open to the outdoor air directly accessed from the ground floor of a building, the upper stories of a building, or from a pedestrian accessway, that is designed for active or passive recreational use such as playing, gathering, and seating by building occupants or the public. Outdoor Amenity Space may include overhead structures that provide shade or protection from the elements, but are otherwise open to the outdoor air, such as pergolas and canopies.

When the Code requires a Proposed Project to provide Outdoor Amenity Space, the following types of spaces qualify as outdoor amenity space:

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

- Private amenity space designed for use primarily by the building occupants, such as porches, interior courtyards, shared gardens, playgrounds, shared terraces, and/or programmed or landscaped yards, provided that such spaces have an unobstructed length of not less than ten (10) feet and an unobstructed depth of not less than ten (10) feet; or
- Private amenity space dedicated for use by a single dwelling unit, and that is directly accessible from that dwelling unit, such as fenced/walled patios, private terraces, and balconies, provided that such a space has an unobstructed length of not less than five (5) feet, an unobstructed depth of not less than five (5) feet, and an overall area of not less than thirty (30) square feet; or
- Roofdecks, occupiable vegetative roofs, and other programmed recreational spaces on rooftops that are accessible by building occupants or the public through common circulation.

When the Code requires a Proposed Project to provide Ground Floor Outdoor Amenity Space, only spaces accessed from the ground floor of the building or from a pedestrian accessway qualify.

Outdoor Amenity Space requirement calculation:

- When specified, the Outdoor Amenity Space requirement is calculated by dividing the total area of all outdoor amenity space by the lot area.
- Every 1 square foot of Publicly Accessible Open Space counts as 1.25 square feet toward the total required Outdoor Amenity Space.
- On a lot larger than 11,000 square feet, outdoor amenity space located on the roof may provide no more than fifty percent (50%) of the required Outdoor Amenity Space.

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

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

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

Stepback. The distance an upper story facade is recessed from the building facade below.

State Shadow Regulations: An Act Protecting Certain Public Commons, of the Massachusetts Legislature Acts of 1990, Chapter 362, An Act Protecting the Boston Public Garden, of the Massachusetts Legislature Acts of 1992, Chapter 384; and the Acts of 2017 Protecting Sunlight and Promoting Economic Development in the City of Boston, Chapter 57.

Commented [19]: References the relevant State acts that limit shadow on the Boston Common and Public Garden.

Stepback Height: The Building Height at which a required Stepback shall occur for the building facade at and above that height.

ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

Section 3-1. Division of City Into Districts.

(f) **Downtown Districts**

Cambridge Street North District	Leather District
Bulfinch Triangle District	Midtown Cultural District
Chinatown District	North Station Economic Development Area
Government Center/Markets District	South Station Economic Development Area
Huntington Avenue/Prudential Center District	Stuart Street District
Skyline Districts: SKY, SKY-R , SKY-LOW	

ARTICLE 11 - SIGNS

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

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

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

The provisions of this Section ~~38-20B~~ 11-11 shall apply to all signs in the **Midtown Shadow Overlay**, as shown on map 1A, except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80. Notwithstanding any provision of Article 11 to the contrary, the following regulations shall apply:

1. **Total Sign Area.** The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by 1.5, excepting that a use with less than fourteen feet of sign frontage may have a maximum of twenty feet of permanent signs. Permanent signs on ground floor windows or inside a building and within ten feet of the storefront must be included in total sign area.
2. **Signs Parallel to Building Wall.** A wall sign attached parallel to a building may not project from the building surface and letters on any such sign shall not project more than 6 inches.
3. **Signs - Attached at Right Angles to Building.** A Sign attached at right angles to a Building shall not:
 - a. project more than four feet, plus a reasonable allowance for field fastening, from the Building, or half of the sidewalk width, whichever is less, but Signs that are banners shall not project more than three feet; and
 - b. exceed fifteen square feet on either side. Flags, except for United States of America flags, are Forbidden on Washington Street.
4. **Free-standing Signs.** Free-standing signs, including sandwich boards, are Forbidden.
5. **Billboards.** Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is Forbidden in the Downtown Crossing District.
6. **Display of Permit Number and Posting Date.** Each permanent Sign, including any Sign painted on or affixed to any awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.
7. **Removal.** Any on-premises Sign which advertises a use or business that either ceases to exist or is no longer in existence must be removed within 30 days of the discontinuance of such use or business. The use or re-use of any such Sign by a subsequent owner or tenant is shall be allowed only if approved by the Boston Redevelopment Authority.
8. The lettering on any Sign shall not exceed twenty-four inches in height.

9. The registered trademark of a specific commodity may occupy no more than ten percent of the area of a sign, except that if the sale of said commodity on the major business conducted on the premises, there shall be no such restriction.

ARTICLE 23 - PARKING

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

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

ARTICLE 85 - DEMOLITION DELAY

Section 85-1. – Statement of Purpose.

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

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

~~Section 38-21.~~ Section 85-9. - Restrictions on Change of Use or Occupancy of Theater Structures.

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

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

TABLE A: THEATER STRUCTURES SUBJECT TO SECTION 85-9

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

REMOVAL OF TEXT REFERENCING DISTRICTS OR AREAS THAT ARE BEING INCORPORATED INTO SKYLINE DISTRICTS

ARTICLE 45

GOVERNMENT CENTER/MARKETS DISTRICT

Section 45-5. Establishment of Protection Areas.

~~2.—**Broad Street Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Broad Street Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.~~

~~4.—**Old State House Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Old State House Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.~~

~~7.—**Sears Crescent Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Sears Crescent Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.~~

~~9.—**State Street Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "State Street Protection Area," a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of eight (8) are allowed.~~

Section 45-6. Establishment of Restricted Growth Areas.

~~2.—**India Street Restricted Growth Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "India Street Restricted Growth Area," a maximum building height of eighty (80) feet and a maximum FAR of six (6) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.~~

~~3.—**Wharf Street Restricted Growth Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Wharf Street Restricted Growth Area," a maximum building height of one hundred (100) feet and a maximum FAR of eight (8) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred and twenty (120) feet and a maximum FAR of twelve (12) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Consistency pursuant to Section 80B-6.~~

Section 45-7. Establishment of Medium Density Areas.

2.—~~Congress/State Street Medium Density Area.~~ Within that portion of the Government Center/Markets District depicted on Map 1H of the Code as the "Congress/State Street Medium Density Area," a maximum building height of one hundred and twenty-five (125) feet and a maximum FAR of eight (8) are allowed, provided that any Proposed Project shall be allowed a maximum building height of one hundred and fifty-five (155) and a maximum FAR of ten (10) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.

Section 45-17. Protection Area Design Review and Design Guidelines.

Within the ~~Broad Street Protection Area~~, the Blackstone Block Protection Area, and the Markets Protection Area, and the State House Protection Area, depicted on Map 1H of this Code any Proposed Project for

ARTICLE 40 - SOUTH STATION ECONOMIC DEVELOPMENT AREA

REGULATIONS CONCERNING BUILDING HEIGHT AND FLOOR AREA RATIO (FAR)

Section 40-5. General Building Height and Floor Area Ratio.

Except in the ~~Parcel-to-Parcel Linkage Development Area and the~~ New Economy Development Area, as provided in following sections, a Proposed Project within the South Station EDA is allowed an as-of-right building height of three hundred (300) feet and an as-of-right FAR of twelve (12).

Section 40-6. Building Height and FAR in the Parcel-to-Parcel Linkage Development Area.

Within that portion of the South Station EDA depicted on Map 1C of this code as the "Parcel-to-Parcel Linkage Development Area," a Proposed Project is allowed an as-of-right building height of four hundred sixty-five (465) feet and an as-of-right FAR of fourteen (14).

(As amended on July 31, 1997.)

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

Section 40-8. Establishment of Areas Within Which Planned Development Areas May Be Permitted.

1. **PDA Permitted Areas; Review and Approval Requirements.** PDAs, as described in Section 3-1A.a, may be established in the ~~Parcel-to-Parcel Linkage Development Area and the New Economy Development Area~~. The purposes for establishment of PDAs are to establish a more flexible zoning law and encourage large-scale private development on underutilized sites in the South Station EDA. No PDA is permitted within the South Station EDA except within the ~~Parcel-to-Parcel Linkage Development Area and the New Economy Development Area~~. See Article 80 concerning the applicability of Planned Development Area Review.

2. **Planned Development Areas: Use and Dimensional Regulations.** A Proposed Project described in a Development Plan shall be in Substantial Accord with the dimensional standards set forth in ~~Section 40-6 (for the Parcel-to-Parcel Linkage Development Area)~~ ~~or~~ 40-7 (for the New Economy Development Area), as applicable. Except where specifically indicated in this article, Section 40-13 (Specific Design Requirements) shall not apply to a Proposed Project described in a Development Plan.

For applicable use regulations, see Section 40-12 (South Station Economic Development Area Use Regulations).

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

USE REGULATIONS

Section 40-12. South Station Economic Development Area Use Regulations.

In the South Station EDA, the use of land and structures is hereby regulated as provided in this section. The provisions of Article 8 apply only as specified in this section, except that Section 8-6 applies. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 40-12, or in conformity with the provisions of an approved Development Plan with respect to land or structures located in a PDA.

1. **Inclusion of Day Care Facilities.** The provisions of this paragraph apply only to Proposed Projects which exceed one hundred thousand (100,000) square feet of gross floor area. Any Proposed Project having a gross floor area, not including the floor area devoted to Residential Uses, which equals or exceeds one hundred thousand (100,000) square feet shall devote to day care facilities an amount of floor area equal to the amount listed below in Table A of this section. An Applicant for a Proposed Project subject to the provisions of this paragraph may fulfill its obligations under this paragraph by

- (a) creating such facilities on-site; or
- (b) creating such facilities, or causing such facilities to be created elsewhere in the City. ~~Except for Proposed Projects in the Parcel-to-Parcel Linkage Development Area~~; any Proposed Project subject to the provisions of this section shall devote to on-site day care facilities, of the total amount required to be provided pursuant to Table A, an amount of floor area equal to at least four thousand (4,000) square feet or the minimum required square footage, whichever is less. The provision of day care

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facilities in accordance with this paragraph shall be in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this paragraph, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

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