

^ARTICLE 62

CHARLESTOWN NEIGHBORHOOD DISTRICT

(^Article inserted on September 28, 1998*)

TABLE OF CONTENTS

	<u>Page</u>
Section 62-1 Statement of Purpose, Goals, and Objectives.....	3
62-2 Physical Boundaries	3
62-3 Applicability	3
62-4 Prohibition of Planned Development Areas	3
62-5 Community Participation.....	3
 REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS	
Section 62-6 Establishment of Residential Subdistricts.....	5
62-7 Use Regulations Applicable in Residential Subdistricts.....	5
62-8 Dimensional Regulations Applicable in Residential Subdistricts	6
 REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS	
Section 62-9 Establishment of Community Facilities Subdistricts	7
62-10 Use Regulations Applicable in Community Facilities	7
62-11 Dimensional Regulations Applicable in Community Facilities Subdistricts.....	7
 REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS	
Section 62-12 Establishment of Neighborhood Business Subdistricts.....	8
62-13 Use Regulations Applicable in Neighborhood Business Subdistricts	8
62-14 Dimensional Regulations Applicable in Neighborhood Business Subdistricts	8
 REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS	
Section 62-15 Establishment of Open Space Districts and Subdistricts	9

* Date of public notice: August 28, 1998 (see St. 1956, c. 665, s. 5)
As of March 15, 2006

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

Section 62-16	Establishment of Local Industrial Subdistricts	11
62-17	Use Regulations Applicable in Local Industrial Subdistricts	11
62-18	Dimensional Regulations Applicable in Local Industrial Subdistricts	11

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

Section 62-19	Establishment of Neighborhood Design Overlay Districts	12
---------------	--	----

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

Section 62-20	Establishment of Areas Within Which Planned Development Areas May be Permitted.....	14
62-21	Planned Development Areas: Use and Dimensional Regulations	14
62-22	Planned Development Area Review Requirement	14
62-23	Planned Development Areas: Public Benefits	15

REGULATIONS GOVERNING DESIGN

Section 62-24	Design Review and Design Guidelines.....	16
62-25	Roof Structure Restrictions.....	19
62-26	Specific Design Requirements	19
62-27	Screening and Buffering Requirements.....	22

MISCELLANEOUS PROVISIONS

Section 62-28	Sign Regulations	25
62-29	Off-Street Parking and Loading Requirements.....	26
62-30	Application of Dimensional Requirements	28
62-31	Nonconformity as to Dimensional Requirements.....	31
62-32	Regulations	31
62-33	Severability	31
62-34	Definitions.....	31
62-35	Tables.....	31

SECTION 62-1. Statement of Purpose and Objectives. The purpose of this Article is to establish the zoning regulations for the Charlestown Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to retain and develop affordable housing compatible with adjacent areas, particularly for elderly residents; to promote the viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 62-2. Physical Boundaries. The provisions of this Article are applicable only in the Charlestown Neighborhood District. The boundaries of the Charlestown Neighborhood District and its subdistricts are as shown on the map numbered 2E and entitled "Charlestown Neighborhood District" (replacing "Map 2 Charlestown"), of the series of maps entitled "Zoning Districts City of Boston," as amended..

SECTION 62-3. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Charlestown Neighborhood District and applies 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 Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Charlestown Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be 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 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 62-4. Prohibition of Planned Development Areas. Within the Charlestown Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 62-20.

SECTION 62-5. Community Participation. This Article has been developed with the extensive participation of the Charlestown Neighborhood Council, civic associations, business groups, 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 Charlestown Neighborhood Council, or its successor organization, and the Charlestown civic

associations, residents, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for Charlestown.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 62-6. Establishment of Residential Subdistricts. This Section 62-6 establishes Residential Subdistricts within the Charlestown Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of the residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain and promote 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 Subdistrict, the maximum number of Dwelling Units allowed in a single Building is two (2).
2. Three-Family Residential ("3F") Subdistricts. The Three-Family Residential ("3F") Subdistricts are established to preserve low density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family Dwellings, 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 3F Subdistrict, the maximum number of Dwelling Units allowed in a single structure, or in any combination of semi-attached or attached structures (including semi-attached Dwellings, Town Houses, and Row Houses) is three (3).
3. Row House Residential ("RH") Subdistricts. The Row House Residential ("RH") Subdistricts are established to preserve, maintain, and promote the existing fabric of row house neighborhoods by allowing row houses as the sole housing type.
4. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage low to 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 62-7. Use Regulations Applicable in Residential Subdistricts.

1. Within the Residential Subdistricts, 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 said 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. Any use not included in Table A is forbidden in the Residential Subdistricts.

2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the Charlestown Neighborhood District.

SECTION 62-8. 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 C of this Article.
2. Lot Frontage. Within the Two-Family Residential ("2F") Subdistricts, Three-Family Residential ("3F") Subdistricts, and Row House (RH) Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table C 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.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

SECTION 62-9. Establishment of Community Facilities Subdistricts. This Section 62-9 establishes Community Facilities ("CF") Subdistricts within the Charlestown Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the Charlestown Neighborhood District that provide educational, health, and cultural services to the community and are an important part of the fabric of the Charlestown community.

The following Community Facilities Subdistrict is established:

1. Bunker Hill Community Facilities (CF) Subdistrict

SECTION 62-10. 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. Any use not included in Table A is forbidden in a Community Facilities Subdistrict.

SECTION 62-11. 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 D of this Article.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 62-12. **Establishment of Neighborhood Business Subdistricts.**

This Section 62-12 establishes Neighborhood Business Subdistricts within the Charlestown Neighborhood District. There are two types of Neighborhood Business Subdistricts: Local Convenience ("LC") Subdistricts, providing convenience goods and services for the neighborhood and pedestrians; and Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Charlestown community.

The following Neighborhood Business Subdistricts are established:

1. Bunker Hill Street Local Convenience (LC) Subdistrict
2. Cambridge Street Local Convenience (LC) Subdistrict
3. Caldwell Street Local Convenience (I-C) Subdistrict
4. Main Street Neighborhood Shopping (NS) Subdistrict
5. Baldwin Street Neighborhood Shopping (NS) Subdistrict
6. Mishawum Street Neighborhood Shopping (NS) Subdistrict
7. Rutherford Avenue Neighborhood Shopping (NS) Subdistrict

SECTION 62-13. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, 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. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 62-14. 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 D of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS

SECTION 62-15. **Establishment of Open Space Districts and Subdistricts.**

This Section 62-15 establishes Open Space ("OS") Districts and Subdistricts in the Charlestown Neighborhood District. The purpose of the Open Space Districts and Subdistricts is to enhance the quality of life for Charlestown'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). The Open Space Districts and Subdistricts designated in the Charlestown Neighborhood District are listed in Table 1 of this Section 62-15 and are of the following types:

1. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
2. Community Garden Open Space (OS-G) Subdistrict. Community Garden Open Space Subdistricts shall 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.
3. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sifting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
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. Recreation Open Space Subdistricts are subject to the provisions of Section 33-10.
5. Urban Plaza Open Spaces (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.

TABLE 1

**Open Space Districts and Subdistricts
in the Charlestown Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Cemetery	St. Francis de Sales Cemetery Bunker Hill Burying Ground Phipps Street Burying Ground
Community Garden	Main Street Community Garden
Parkland	Winthrop Square/Training Field Bunker Hill Monument
Recreation	Doherty Playground Cook Street Play Area Edwards Playground Harvard Mail MDC Skating Rink Rutherford Avenue Play Area Caldwell Street Play Area Hunter Street Play Area
Urban Plaza	Mt. Vernon Square Hayes Square Thompson Square

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 62-16. Establishment of Local Industrial Subdistricts. This Section 62-16 establishes Local Industrial ("LI") Subdistricts within the Charlestown Neighborhood District. The purpose of Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Charlestown Neighborhood District.

The following Local Industrial Subdistricts are established:

1. Mishawum Local Industrial (LI) Subdistrict
2. New Rutherford Avenue Local Industrial (LI) Subdistrict
3. Maffa Way Local Industrial (LI) Subdistrict

SECTION 62-17. Use Regulations Applicable in Local Industrial Subdistricts. Within the Local Industrial Subdistricts, 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. Any use not included in Table B is forbidden in the Local Industrial Subdistricts.

SECTION 62-18. Dimensional Regulations Applicable in Local Industrial Subdistricts. 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 D of this Article.

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

SECTION 62-19. **Establishment of Neighborhood Design Overlay Districts.**

This Section 62-19 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the Charlestown 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 subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay Districts are established:

1. Town Hill Neighborhood Design Overlay District. Town Hill's curvilinear street pattern dates to engineer Thomas Grave's 1629 settlement plan. The Hill is notable for its unified streetscape of c. 1860 Italianate/Mansard masonry row houses. The Warren Street area contains the largest concentration of Late Georgian/Federal frame structures in Boston. In addition to its outstanding collection of 19th century residential architecture, this area includes: the c. 1915 Municipal Building at City Square; the Austin Block; and St. John's Episcopal Church.
2. The Monument Square Neighborhood Design Overlay District. The Bunker Hill Monument Association's 1839 subdivision of property surrounding the hallowed Revolutionary War battlefield represents Charlestown's most ambitious urban planning initiative. Monument Square's restrictive deed covenants ensured the construction of mansion-scale masonry row houses. These 50 lots were developed by individual property owners over a forty year period and thus demonstrate a variety of architectural styles ranging from Greek Revival to High Victorian Gothic.
3. Breed's Hill Neighborhood Design Overlay District. Breed's Hill is a dense urban neighborhood, architecturally significant for its well-preserved mid-19th century masonry row houses and its outstanding collection of Late-Georgian, Federal, and Greek Revival frame dwellings. A remarkable number of high-style and common examples of Federal and Greek Revival dwellings survive near the Training Field and along the southern slope of Breed's Hill. The area is further distinguished by its high style masonry row houses lining Monument Avenue, Adams, Chestnut, Mount Vernon, and High Streets. These speculative rows provide a glimpse of Charlestown at the height of its powers as an independent municipality, the period between city incorporation (1847) and annexation to Boston

(11874). Breed's Hill also includes the Old Training Field School, Charlestown's oldest extant schoolhouse; and Saint Mary's Roman Catholic Church, School and Parish Hall.

4. Union Street Neighborhood Design Overlay District. The residential development of the Union/Washington Streets area is associated with the speculative development of Captain Archibald McNeil. From 1804 to 1815, McNeil subdivided his property into house lots, purchased and developed by some of Charlestown's most prominent families. An important remnant from the Charlestown Wharf Company development survives at 74-86 Washington Street. Additionally noteworthy is the row of bow-fronted townhouses at 35, 37, and 39 Union Street (c. 1850) and the rare Federal era brick-ender at 30 Union Street, attributed to Asher Benjamin (1815).
5. Salem Hill/Bunker Hill East Neighborhood Design Overlay District. Straddling the hilly terrain between Bunker and Breed's Hills, Salem Hill's development history reflects three distinct phases: (1) a Federal village at Salem Hill; (2) an 1840s development in the "Hollow;" and (3) a dense layer of speculative row house development dating from the third quarter of the 19th century. A node of free-standing Federal houses, representing brick, brick-ender, and frame construction, survive in the Salem Street vicinity; most are associated with builders Oliver Holden and Thomas Osgood. The Hollow's mid-1840 development is linked to the closing of the Middlesex Canal, when the company's lands (most owned by the Sullivan family) were subdivided for house lots. The Hollow is characterized by paired Greek Revival houses and later Italianate frame rows. The housing stock of the upland areas -- specifically Elm, School, Mystic, Pearl, and Allston Streets -- dates between 1840 and 1870. Reflecting the work of speculative developers, these streets are lined with brick and frame, flat-facade, side-passage row houses.
6. Bunker Hill West/Middlesex Canal Neighborhood Design Overlay District. This area represents the final chapter in Charlestown's westward progression of 19th century speculative development. Frame and masonry, side-passage row houses from the post-Civil War era predominate; most display Italianate ornament. By the mid-1840s, the Middlesex Canal Company began selling off canal-associated lands. In 1844 Essex Street was set out and developed with frame and masonry row houses. The subdivision of estates lining Bunker Hill's southern slope began in the 1830s, with free-standing Greek Revival houses constructed on Oak, Eden, Mead, and Russell. Charlestown's dramatic population growth, tripling in size from 1830 to 1870s, shifted construction from free-standing residences to speculative row houses. Outstanding examples of late-Greek Revival and Italianate brick rows line Baldwin, Auburn, and Bunker Hill streets.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 62-20. 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 Local Industrial Subdistricts. PDAs are not permitted elsewhere in the Charlestown 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 Charlestown community, including the creation of new job opportunities; to allow for the diversification and expansion of Boston's and Charlestown's economy through manufacturing, commercial, and scientific research and development uses; and to ensure quality urban design by providing planning and design controls.

SECTION 62-21. 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.
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 Building Height, Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2, below:

TABLE 2

**Charlestown Neighborhood District
Planned Development Areas'
Maximum Building Heights, and Floor Area Ratios**

<u>Area</u>	<u>Maximum Building Height</u>	<u>FAR</u>
Local Industrial Subdistricts	75'/115*	2.0

* The 115-foot height limit shall apply only in that area to the west of a line drawn parallel to and 300 feet west of the westerly sideline of Rutherford Avenue and to the south of a line drawn parallel to and 400 feet south of the southerly sideline of Cambridge Street.

Notwithstanding the height limit of 75 feet and 115 feet, the last habitable floor shall not exceed a Building Height of 60 feet and 95 feet respectively.

(^As amended on October 20, 2000 and December 27, 2001)

SECTION 62-22. 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.

SECTION 62-23. 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 Charlestown'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) improvements to the urban design characteristics and aesthetic character of the development site and its surroundings and the enhancement of existing open space or the creation of new open space.

REGULATIONS GOVERNING DESIGN

SECTION 62-24. **Design Review and Design Guidelines.**

1. Applicability of Design Review. To ensure that growth in the Charlestown 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).

2. Design Guidelines. This Section 62-24.2 establishes the following design guidelines for the Charlestown 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 and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas, and the entrance to accessory parking within a main building, 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. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
 - (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 architectural feature is discouraged.
 - (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural

character of historically distinctive commercial buildings in the surrounding area.

- (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.
- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) 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.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction 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.
- (k) 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 design. Consistency with the established local structure

should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.

- (1) Storefronts and display windows should be open and welcoming to the shopper and stroller. 'Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) 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.
- (n) 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, such as headhouses and mechanical equipment.
- (o) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive, and to provide screening between business, industrial, and residential uses.
- (q) If a security grate is to be used on a building, it should be a grille rather than a roll-up steel door. Such security grate should be mounted inside rather than outside the building, if practicable, and if it 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 facade.
- (r) In addition to the foregoing, the 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.

SECTION 62-25. Roof Structure Restrictions. In the Charlestown Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefore.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

SECTION 62-26. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, the provisions of this Section 62-26 shall apply to Proposed Projects within those subdistricts specified in this Section 62-26, except to the extent that provisions for Street Walls and Display Windows have been addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 62-26.

1. Street Wall Continuity in Neighborhood Business Subdistricts. This Section 62-26.1 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.

In any Proposed Project that is subject to this Section 62-26.1, each newly constructed or relocated Street Wall shall be built to be

coextensive. with the Building Line 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 closest to 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 the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 62-26.1, 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 not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. 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 that 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 facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review or the Design Component of Small Project Review.

2. Display Window Area Regulations in Neighborhood Business Subdistricts. This Section 62-26.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 62-26.2. 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. That portion of the Display Window Area required by this Section 62-26.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.

- (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (iii) For Vehicular Uses involving the servicing or washing of vehicles, and for Industrial Uses, at least W percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (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 conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 62-26.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a 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.

SECTION 62-27. Screening and Buffering Requirements. In order to enhance the appearance of the Charlestown Neighborhood District and to ensure that its commercial, industrial, and community facilities subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 62-27 shall apply to those Proposed Projects described in this Section 62-27, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 62-27.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict, or Community Facilities Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict or Residential Use, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, subdistrict or use, 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 that is constructed to be at least sixty percent (60%) opaque.

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 or public park, 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, Residential Use, or Neighborhood Business Subdistrict, 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 Storage 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, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 62-27.2. 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. Such fence shall not be more than fifty percent (50%) opaque and shall be 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.

Any material or equipment stored outdoors 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 view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 62-27.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a Lot where screening is required along Lot lines pursuant to Section 62-27.1. 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. 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.
5. Materials for Walls and Fences. 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, or stockade or board-type wood. The use of chain link fencing is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
6. Specifications for Plantings. Shrubs required by this Section 62-27 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 62-27 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall 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. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.

7. Maintenance of Landscaped Areas. Landscaping required by this Section 62-27 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. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 62-27.

MISCELLANEOUS PROVISIONS

SECTION 62-28. **Sign Regulations.** The provisions of this Section 62-28 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 Open Space Subdistricts. In all Residential Subdistricts and Open Space 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 Open Space Subdistricts. In all subdistricts other than Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 62-28. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including 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 total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

- (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 four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that 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.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations and conditional for all other uses. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) 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 Charlestown Neighborhood District.
- (e) 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 two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an 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.

SECTION 62-29. Off-Street Parking and Loading Requirements. For any Proposed Project that is subject to or has elected to comply with Large Project Review, any 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 all other Proposed Projects, the minimum required off-street parking spaces, if any, -are as set forth in Table E, and the minimum required off-street loading spaces are as set forth in Table F.

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 floor area.

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 62-29. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does 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 62-29 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 where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) 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 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.

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. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so 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 from 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. Fifteen percent (15%) of the required spaces 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 (8-1/2) 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.

SECTION 62-30. Application of Dimensional Requirements.

1. 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.
2. 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 ($2\frac{1}{2}$) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that 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.

3. 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 ($\frac{3}{4}$) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 62-30. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. 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 that is not also a Street Line, than three-fourths ($\frac{3}{4}$) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half ($\frac{1}{2}$) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
6. 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 ($1\frac{1}{2}$) 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 be less than five (5) 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 wide.
7. Accessory Buildings in Side-or Rear Yard. Accessory Buildings may be erected in a Side or 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 or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.

8. 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 Rear Yard requirements of this Article shall be deemed to be met.
9. 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 that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. 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 seventy-five (75) 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 fifteen (15) feet deep.
11. 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.
12. 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 62-30.12 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 62-30.12 were met.

13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than 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.

SECTION 62-31. **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.

SECTION 62-32. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 62-33. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 62-34. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 62-35. **Tables.** The following tables are hereby made part of this Article:

<u>Table A - B</u>		<u>Use Regulations</u>
A	-	Residential Subdistricts Community Facilities Subdistricts
B	-	Neighborhood Business Subdistricts Local Industrial Subdistricts
<u>Tables C - D</u>		<u>Dimensional Regulations</u>
C	-	Residential Subdistricts
D	-	Community Facilities Subdistricts Neighborhood Business Subdistricts Local Industrial Subdistricts
<u>Tables E - F</u>		<u>Parking and Loading Regulations</u>
E	-	Off-Street Parking
F	-	Off-Street Loading

TABLE A

**Charlestown Neighborhood District
Use Regulations
Residential Subdistricts and Community Facilities Subdistricts**

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

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

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Banking and Postal Uses</u>					
Automatic teller machine	F	F	F	F	A
Bank	F	F	F	F	C
Drive-in bank	F	F	F	F	F
Post office	F	F	F	F	A
<u>Community Uses</u>					
Adult education center	F	F	F	F	A
Community center	C ¹	C ¹	C ¹	C ¹	A
Day care center	C ¹	C ¹	C ¹	C ¹	A
Day care center, elderly	C ¹	C ¹	C ¹	C ¹	A
Library	A	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A	A

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Cultural Uses</u>					
Art gallery	F	F	F	F	A
Artuse	F	F	F	F	A
Auditorium	F	F	F	F	C
Cinema	F	F	F	F	F
Concert hall	F	F	F	F	C
Museum	F	F	F	F	A
Public art, display space	F	F	F	F	C
Studios, arts	F	F	F	F	C
Studios, production	F	F	F	F	C
Theatre	F	F	F	F	C
Ticket sales	F	F	F	F	F
<u>Dormitory and Fraternity Uses</u>					
Dormitory not accessory to a use	F	F	F	F	F
Fraternity	F	F	F	F	F
<u>Educational Uses</u>					
College or university	F	F	F	F	A
Elementary or secondary school ²	A	A	A	A	A
Kindergarten	A	A	A	A	C
Professional school	F	F	F	F	A
Trade school	F	F	F	F	A

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Entertainment and Recreational Uses</u>					
Adult entertainment	F	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F	F
Amusement game machines in non-commercial establishment	F	F	F	F	F
Bar	F	F	F	F	F
Bar with live entertainment	F	F	F	F	F
Bowling alley	F	F	F	F	F
Billiard parlor	F	F	F	F	F
Dance hall	F	F	F	F	F
Drive-in theatre	F	F	F	F	F
Fitness center or gymnasium	F	F	F	F	A
Private club not serving alcohol	F	F	F	F	F
Private club serving alcohol	F	F	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m,	F	F	F	F	F
<u>Funerary Uses</u>					
Cemetery	F	F	F	F	A
Columbarium	F	F	F	F	F

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Funerary Uses (cont'd)</u>					
Crematory	F	F	F	F	F
Funeral home	F	F	F	C ¹	F
Mortuary chapel	F	F	C	C ¹	A
<u>Health Care Uses</u>					
Clinic	F	F	F	F	F
Clinical laboratory	F	F	F	F	F
Custodial care facility	F	F	F	F	C
Group care residence, general	F	F	F	C	F
Hospital	F	F	F	F	F
Nursing or convalescent home	F	F	F	C	C
<u>Hotel and Conference Center Uses</u>					
Bed and breakfast	A	A	A	C	C
Conference center	F	F	F	F	C
Executive suites	F	F	F	F	F
Hotel	F	F	F	F	F
Motel	F	F	F	F	F
<u>Industrial Uses</u>					
Artists' mixed-use	C	C	C	C	F
Cleaning plant	F	F	F	F	F

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Industrial Uses</u> (con'td)					
General manufacturing use	F	F	F	F	F
Light manufacturing use	F	F	F	F	F
Printing plant	F	F	F	F	F
Restricted industrial use	F	F	F	F	F
<u>Office Uses</u>					
Agency or professional office	F	F	F	F	A
General office	F	F	F	F	C
Office of wholesale business	F	F	F	F	F
<u>Open Space Uses</u>					
Golf driving range	F	F	F	F	F
Grounds for sports, private	C	C	C	C	C
Open space	A	A	A	A	A
Open space recreational building	C	C	C	C	A
Outdoor place of recreation for profit	F	F	F	F	C
Stadium	F	F	F	F	F
<u>Public Service Uses</u> ²					
Automatic telephone exchange	C	C	C	C	C
Courthouse	C	C	C	C	C
Fire station	A	A	A	A	A

TABLE A -Continued

	<u>Two- Family (2F)</u>	<u>Three- Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
<u>Public Service Uses² (cont'd)</u>					
^Outdoor payphone	F	F	F	F	C
Penal institution	F	F	F	F	F
Police station	C	C	C	C	A
Pumping station	C	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	F
Solid waste transfer station	F	F	F	F	F
Sub-station	C	C	C	C	C
Telephone exchange	F	F	F	F	F
(^As inserted on March 15, 2006)					
<u>Research and Development Uses³</u>					
Research laboratory	F	F	F	F	C
Product development or prototype manufacturing	F	F	F	F	F
<u>Residential Uses⁴</u>					
Congregate living complex	F	F	F	C	C
Elderly housing	F	F	F	A	A
Group residence, limited	A	A	A	A	A
Lodging house	F	F	F	F	C
Mobile home	F	F	F	F	F

TABLE A - Continued

	<u>Two- Family (2F)</u>	<u>Three- Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
<u>Residential Uses</u> ⁴ (cont'd)					
Mobile home park	F	F	F	F	F
Multi-family dwelling	F	F	F	A	A
One family detached dwelling	A	A	F	A	C
One family semi-attached dwelling	A	A	F	A	A
Orphanage	F	F	F	C	C
Rowhouse	A	A	A	A	A
Temporary dwelling structure	C	C	C	C	C
Three family detached dwelling	F	A	F	A	A
Townhouse	A	A	A	A	A
Transitional housing or homeless shelter	C	C	C	C	C
Two family detached dwelling	A	A	F	A	A
Two family semi-attached dwelling	A	A	F	A	A
<u>Restaurant Uses</u>					
Drive-in restaurant	F	F	F	F	F
Restaurant	F	F	F	F	C
Take-out restaurant					
Small ⁵	F	F	F	F	C
Large ⁵	F	F	F	F	F

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Retail Uses</u>					
Adult bookstore	F	F	F	F	F
Bakery	F	F	F	F	F
General retail business	F	F	F	F	F
Liquor store	F	F	F	F	F
Local retail business	F	F	F	F	A
Outdoor sale of garden supplies	F	F	F	F	F
<u>Service Uses</u>					
Animal hospital	F	F	F	F	F
Barber or beauty shop	F	F	F	F	F
Caterer's establishment	F	F	F	F	F
Check cashing business	F	F	F	F	F
Container redemption center	F	F	F	F	F
Dry-cleaning shop	F	F	F	F	F
Kennel	F	F	F	F	F
Laundry, retail service	F	F	F	F	F
Laundry, self-service	F	F	F	F	F
Photocopying establishment	F	F	F	F	F
Shoe repair	F	F	F	F	F
Tailor shop	F	F	F	F	F

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Storage Uses, Major</u>					
Enclosed storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of new materials	F	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F
Storage of flammable liquids and gases					
Small ⁶	F	F	F	F	F
Large ⁶	F	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F	F
Warehousing	F	F	F	F	F
Wrecking yard	F	F	F	F	F
<u>Trade Uses</u>					
Carpenters shop	F	F	F	F	F
Electrician's shop	F	F	F	F	F
Machine shop	F	F	F	F	F
Photographer's studio	F	F	F	F	F
Plumber's shop	F	F	F	F	F
Radio/television repair	F	F	F	F	F
Upholsterer's shop	F	F	F	F	F
Welder's shop	F	F	F	F	F

TABLE A - Continued

	Two- Family (2F)	Three- Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	F
Garage with dispatch	F	F	F	F	F
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	F
Rail freight terminal	F	F	F	F	F
Railroad passenger station	F	F	F	F	F
Water terminal	F	F	F	F	F
<u>Vehicular Uses</u>					
Airport-related remote parking facility	F	F	F	F	F
Bus servicing or storage	F	F	F	F	F
Carwash	F	F	F	F	F
Gasoline station	F	F	F	F	F
Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F	F
^Indoor sale of motor vehicles	F	F	F	F	F
^Outdoor sale of new and used motor vehicles	F	F	F	F	F
Parking garage	F	F	F	F	F
Parking lot	F	F	F	F	F
Rental agency for cars	F	F	F	F	F
Rental agency for trucks	F	F	F	F	F

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Vehicular Uses – cont.</u>					
Repair garage	F	F	F	F	F
Truck servicing or storage	F	F	F	F	F
(As amended on March 15, 2006)					
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	F	F
<u>Accessory and Ancillary Uses</u>					
In each subdistrict of the Charlestown Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.					
Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	F	F	F	F	F
Accessory art use ⁷	A	A	A	A	A
Accessory automatic teller machine	F	F	F	F	A
Accessory bus servicing or storage	F	F	F	F	A
Accessory cafeteria	F	F	F	F	A
Accessory cultural uses	F	F	F	F	A

TABLE A - Continued

	Two- Family <u>(2F)</u>	Three- Family <u>(3F)</u>	Row House <u>(RH)</u>	Multifamily Residential <u>(MFR)</u>	Community Facilities <u>(CF)</u>
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory dormitory	F	F	F	F	A
Accessory drive-through restaurant	F	F	F	F	F
Accessory drive-through retail	F	F	F	F	F
Accessory family day care home	C	C	C	C	C
Accessory home occupation	A	A	A	A	A
^Accessory indoor maintenance and operation of a payphone ¹⁰	F	F	F	F	C
Accessory industrial use	F	F	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F	F	F
Accessory keeping of laboratory animals ³	F	F	F	F	A
Accessory machine shop	F	F	F	F	A
Accessory manufacture of products	F	F	F	F	F
Accessory offices	F	F	F	F	A
Accessory outdoor cafe	F	F	F	F	C
Accessory parking	A	A	A	A	A
Accessory personnel quarters	F	F	F	C	A
Accessory printing	F	F	F	F	C
Accessory professional office in a dwelling	A	A	A	A	A
Accessory railroad storage yard	F	F	F	F	F
Accessory recycling	F	F	F	F	F
Accessory repair garage	F	F	F	F	C
Accessory retail	F	F	F	F	A

TABLE A - Continued

	Two- Family (2F)	Three- Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory service uses	F	F	F	F	A
Accessory services for apartment and hotel residents	F	F	F	C	A
Accessory services incidental to educational uses other than a college or university use	F	F	F	F	A
Accessory storage of flammable liquids and gases					
Small ⁶	F	F	F	F	C
Large ⁶	F	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F	F
Accessory swimming pool or tennis court ⁸	A	A	A	A	A
Accessory trade use	F	F	F	F	C
Accessory truck servicing or storage	F	F	F	F	C
Accessory wholesale business	F	F	F	F	F
Ancillary use ⁹	C	C	C	C	C

-
1. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.

TABLE A – Continued

2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
3. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
4. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
5. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
6. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
7. Provided that art classes as part of an accessory art use are conditional in a Residential Subdistrict.
8. Provided that such use is more than four (4) feet from every: lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
9. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which is it ancillary.
- ^10. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

TABLE B

**Charlestown Neighborhood District
Use Regulations
Neighborhood Business Subdistricts and Local Industrial Subdistricts**

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

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

	<u>Local Convenience Subdistricts</u>		<u>Neighborhood Shopping Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Banking and Postal Uses</u>					
Automatic teller machine	C	F	A	F	C
Bank	C	C	A	A	C
Drive-in bank	F	F	F	F	C
Post office	C	A	A	A	A
<u>Community Uses</u>					
Adult education center	A	C	A	A	C
Community center	A	C	A	A	C
Day care center	A	C	A	A	C
Day care center, elderly	A	C	A	A	C
Library	A	C	A	A	C
Place of worship; monastery; convent; parish house	A	A	A	A	A

TABLE B - Continued

	<u>Local Convenience Subdistricts</u>		<u>Neighborhood Shopping Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Cultural Uses</u>					
Art gallery	A	A	A	A	A
Art use	C	C	C	C	A
Auditorium	C	C	C	C	F
Cinema	F	F	C	F	F
Concert hall	F	F	C	C	F
Museum	C	C	A	A	C
Public art, display space	A	A	A	A	A
Studios, arts	A	A	A	A	A
Studios, production	F	F	C	C	A
Theatre	F	F	C	C	F
Ticket sales	F	F	C	C	C
<u>Dormitory and Fraternity Uses</u>					
Dormitory not accessory to a use	F	F	F	F	F
Fraternity	F	F	F	F	F
<u>Educational Uses</u>					
College or university	F	F	F	F	C
Elementary or secondary school	A	A	A	A	C
Kindergarten	A	A	A	A	C

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Educational Uses (cont'd)</u>					
Professional school	F	F	C	C	C
Trade school	F	F	C	C	C
<u>Entertainment and Recreational Uses</u>					
Adult entertainment	F	F	F	F	F
Amusement game machines in commercial establishment	C	F	C	F	C
Amusement game machines in non-commercial establishment	C	F	C	F	F
Bar ¹	F	F	F	F	F
Bar with live entertainment ¹	F	F	F	F	F
Bowling alley	F	F	C	F	C
Billiard parlor	F	F	F	F	C
Dance hall	F	F	F	F	F
Drive-in theatre	F	F	F	F	F
Fitness center or gymnasium	C	C	A	C	A
Private club not serving alcohol	A	C	A	C	C
Private club serving alcohol	C	F	C	F	C
Restaurant with live entertainment, not operating after 10:30 p.m. ¹	F	F	C	F	C
Restaurant with live entertainment, operating after 10:30 p.m. ¹	F	F	F	F	F

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Funerary Uses</u>					
Cemetery	F	F	F	F	F
Columbarium	F	F	F	F	F
Crematory	F	F	F	F	F
Funeral home	C	F	C	F	A
Mortuary chapel	F	F	F	F	F
<u>Health Care Uses</u>					
Clinic	C	C	C	C	C
Clinical laboratory	F	F	C	C	A
Custodial care facility	F	F	F	F	C
Group care residence, general	C	C	C	C	C
Hospital	F	F	F	F	A
Nursing or convalescent home	C	C	C	C	C
<u>Hotel and Conference Center Uses</u>					
Bed and breakfast	C	C	C	C	F
Conference center	F	F	F	F	C
Executive suites	F	F	F	F	C
Hotel	F	F	F	F	C
Motel	F	F	F	F	F

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Industrial Uses</u>					
Artists' mixed-use	A	A	A	A	A
Cleaning plant	F	F	F	F	C
General manufacturing use	F	F	F	F	C
Light manufacturing use	F	F	F	F	C
Printing plant	F	F	F	F	A
Restricted industrial use	F	F	F	F	F
<u>Office Uses</u>					
Agency or professional office	A	A	A	A	A ³
General office	C	C	A	C	A ³
Office of wholesale business	F	F	F	F	A ³
<u>Open Space Uses</u>					
Golf driving range	F	F	F	F	F
Grounds for sports, private	F	F	F	F	C
Open space	A	A	A	A	A
Open space recreational building	C	C	C	C	C
Outdoor place of recreation for profit	F	F	F	F	F
Stadium	F	F	F	F	F

TABLE B - Continued

	<u>Local Convenience Subdistricts</u>		<u>Neighborhood Shopping Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Public Service Uses</u> ²					
Automatic telephone exchange	C	C	C	C	A
Courthouse	C	C	C	C	C
Fire station	C	C	C	C	A
^Outdoor payphone	C	C	C	C	C
Penal institution	F	F	F	F	F
Police station	C	C	C	C	A
Pumping station	F	F	F	F	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	C
Solid waste transfer station	F	F	F	F	F
Sub-station	C	C	C	C	A
Telephone exchange	C	C	C	C	A
(^As inserted on March 15, 2006)					
<u>Research and Development Uses</u> ³					
Research laboratory	F	F	F	F	C
Product development or prototype manufacturing	F	F	F	F	C

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Residential Uses</u> ⁴					
Congregate living complex	F	C	F	C	F
Elderly' housing	C	C	C	C	F
Group residence, limited	A	A	A	A	F
Lodging house	F	F	F	F	F
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multi-family dwelling	A	A	A	A	F
One family detached dwelling	C	C	C	C	F
One family semi-attached dwelling	C	C	C	C	F
Orphanage	C	C	C	C	F
Rowhouse	A	A	A	A	F
Temporary dwelling structure	C	C	C	C	F
Three family detached dwelling	C	C	C	C	F
Townhouse	A	A	A	A	F
Transitional housing or homeless shelter	F	F	F	F	F
Two family detached dwelling	C	C	C	C	F
Two family semi-attached dwelling	C	C	C	C	F

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Restaurant Uses</u>					
Drive-in restaurant	F	F	F	F	C
Restaurant	C	F	A	F	C
Take-out restaurant					
Small ⁵	C	F	A	F	A
Large ⁵	C	F	C	F	C
<u>Retail Uses⁶</u>					
Adult bookstore	F	F	F	F	F
Bakery	C	C	A	C	A
General retail business ⁷	C	C	C	C	C
Liquor store	C	F	C	F	F
Local retail business	A	A	A	A	A
Outdoor sale of garden supplies	C	F	C	F	A
<u>Service Uses⁶</u>					
Animal hospital	F	F	F	F	A
Barber or beauty shop	A	F	A	F	C
Caterer's establishment	C	F	C	F	A
Check cashing business	F	F	F	F	F
Container redemption center ⁸	F	F	F	F	A
Dry-cleaning shop	A	F	A	F	A

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Service Uses – cont.</u>					
Kennel	F	F	F	F	A
Laundry, retail service	A	F	A	F	F
Laundry, self-service	A	F	A	F	F
Photocopying establishment	A	F	A	F	A
Shoe repair	A	F	A	F	A
Tailor shop	A	F	A	F	A
<u>Storage Uses, Major</u>					
Enclosed storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of new materials	F	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F
Storage of flammable liquids and gases					
Small ⁹	F	F	F	F	C
Large ⁹	F	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F	F
Warehousing	F	F	F	F	A
Wrecking yard	F	F	F	F	

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Trade Uses⁶</u>					
Carpenters shop	C	F	C	F	A
Electrician's shop	C	F	C	F	A
Machine shop	C	F	C	F	A
Photographer's studio	C	F	C	F	A
Plumber's shop	C	F	C	F	A
Radio/television repair	C	F	C	F	A
Upholsterer's shop	C	F	C	F	A
Welder's shop	F	F	F	F	A
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	F
Garage with dispatch	F	F	F	F	C
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	C
Rail freight terminal	F	F	F	F	C
Railroad passenger station	F	F	F	F	C
Water terminal	F	F	F	F	F

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Vehicular Uses</u>					
Airport-related remote parking facility	F	F	F	F	F
Bus servicing or storage	F	F	F	F	F
Carwash ¹⁰	F	F	F	F	A ¹²
Gasoline station ¹⁰	F	F	F	F	A ¹²
Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F	A ¹²
^Indoor sale of motor vehicles	F	F	F	F	A ¹²
^Outdoor sale of new and used motor vehicles	F	F	F	F	C
Parking garage	C	C	C	C	C
Parking lot	F	F	F	F	C
Rental agency for cars	C	F	C	F	C
Rental agency for trucks	F	F	F	F	C
Repair garage ¹⁰	F	F	F	F	A ¹²
Truck servicing or storage	F	F	F	F	C
(^As amended on March 15, 2006)					
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	F	A

TABLE B - Continued

Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	

Accessory and Ancillary Uses

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

Accessory amusement game machines
(not more than four) in commercial
or non-commercial establishment

	C	F	C	F	F
Accessory art use	A	A	A	A	A
Accessory automatic teller machine	A	F	A	F	A
Accessory bus servicing or storage	F	F	F	F	F
Accessory cafeteria	A		A	C	A
Accessory cultural uses	A	A	A	A	A
Accessory dormitory	F	F	F	F	F
Accessory drive-through restaurant	F	F	F	F	C
Accessory drive-through retail	F	F	F	F	C
Accessory family day care home	A	A	A	A	F
Accessory home occupation	A	A	A	A	F
^Accessory indoor maintenance and operation of a payphone ¹⁴	A	A	A	A	A
Accessory industrial use	F	F	F	F.	A

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory keeping of animals other than laboratory animals	F	F	F	F	C
Accessory keeping of laboratory animals ³	F	F	F	F	A
Accessory machine shop	F	F	F	F	A
Accessory manufacture of products	F	F	F	F	A
Accessory offices	A	A	A	A	A
Accessory outdoor cafe ¹¹	C	F	A	F	C
Accessory parking	A	C	A	C	A
Accessory personnel quarters	C	C	C	C	C
Accessory professional office in a dwelling	A	A	A	A	F
Accessory railroad storage yard	F	F	F	F	F
Accessory recycling	F	F	F	F	A
Accessory repair garage	F	F	F	F	C
Accessory retail	A	A	A	A	C
Accessory service uses	A	A	A	A	A
Accessory services for apartment and hotel residents	C	C	C	C	F
Accessory services incidental to educational uses other than college or university use	F	F	F	F	C

TABLE B - Continued

	<u>Local Convenience Subdistricts</u>		<u>Neighborhood Shopping Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	
<u>Accessory and Ancillary Uses</u> (cont'd)					
Accessory storage of flammable liquids and gases					
Small ⁹	C	F	C	F	A
Large ⁹	F	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F	F
Accessory swimming pool or tennis court ¹²	A	F	A	F	C
Accessory trade uses	A	F	A	F	A
Accessory truck servicing or storage	F	F	F	F	A ¹²
Accessory wholesale, business	C	F	C	F	A
Ancillary use ¹³	C	C	C	C	C

-
1. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
 2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of the requirements of St. 1956, c. 665, S.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub station, or automatic telephone exchange, no storage building or yard is maintained.

TABLE B – Continued

3. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
4. Provided that Dwelling Units are forbidden in Basements.
5. Small: total gross floor area not more than 2,500 square feet per restaurant in a Neighborhood Business Subdistrict, or 1,000 square feet per restaurant in a Local Industrial Subdistrict. Large: total gross floor area exceeding 2,500 square feet per restaurant in a Neighborhood Business Subdistrict, or 1,000 square feet per restaurant in a Local Industrial Subdistrict.
6. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-ofdoors or if such establishment is open to the public after midnight or before 6:00 a.m.
7. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:
(a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; (c) enlarges a General Retail Business so as to increase its gross floor area by seventy-five thousand (75,000) or more square feet.
8. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of -any Residential District or Subdistrict, or Open Space District or Subdistrict.
9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

TABLE B – Continued

10. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
11. Where such use is designated "A," except conditional in a Rear Yard abutting a Residential Subdistrict.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
- ^14. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

TABLE D

**Charlestown Neighborhood District
Community Facilities Subdistricts, Neighborhood Business
Subdistricts and Local Industrial Subdistricts
Dimensional Regulations**

	<u>Community Facilities Subdistricts</u>	<u>Local Convenience Subdistricts</u>	<u>Neighborhood Shopping Subdistricts</u>	<u>Local Industrial Subdistricts</u>
Maximum Floor Area Ratio	2.0	2.0	2.0	2.0
Maximum Building Height	45	35	35	45
Minimum Lot Size	none	none	none	none
Minimum Lot Area Per Dwelling Unit	N/A	N/A	N/A	N/A
Minimum Usable Open Space ¹ per Dwelling Unit (sq. ft.)	N/A	50	50	N/A
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard ²	none	none ³	none ³	none
Minimum Side Yard ⁴	none	none	none	none
Minimum Rear Yard ⁵	none	20	20	none

TABLE D - Continued

Footnotes:

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

In a Neighborhood Business Subdistrict, every front yard required by this code shall be at grade level along every lot line on which such yard abuts.

3. See Section 62-26.1, Street Wall Continuity.
4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. In a Neighborhood Business Subdistrict, every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE E

**Charlestown Neighborhood District
Off-Street Parking Requirements¹**

	<u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u>
<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	1.0
<u>Educational Uses.</u>	
Day Care Center	0.7
Elementary or Secondary School	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Health Care Uses</u>	1.0
<u>Industrial Uses</u>	0.5
<u>Office Uses</u>	2.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	0.5
<u>Retail Uses</u>	2.0
<u>Service and Trade Uses</u>	2.0

TABLE E- Continued

**Charlestown Neighborhood District
Off-Street Parking Requirements¹**

	<u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u>
<u>Storage Uses, Major</u>	0.5
<u>Transportation Uses</u>	0.25
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).

TABLE E - Continued

**Charlestown Neighborhood District
Off-Street Parking Requirements¹**

	If there are seats: <u>(spaces per seat)²</u>	If there are no seats (spaces per 1,000 square feet of public <u>floor area in structures)</u>
<u>Cultural Uses</u>	0.2	2.0
<u>Entertainment Uses</u>	0.3	4.0
<u>Funerary Uses</u>		
Funeral home	0.1	3.0
Mortuary chapel	0.1	3.0
All other funerary uses	none	none
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>		
Restaurant	0.3	4.0
Other Restaurant Uses	0.15	0.5
<u>Open Space Uses</u>		
Stadium	0.2	N/A
Other Open Space Uses	0.2	2.0

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).
2. Where benches are used, each two (2) linear feet of bench shall, constitute one (1) seat.

TABLE E - Continued

**Charlestown Neighborhood District
Off-Street Parking Requirements**

Residential and Related Uses¹

	<u>Spaces per Dwelling Unit²</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	0.7
Bed and Breakfast	0.7
Conference Center	0.7
Executive Suites	0.7
Hotel	0.7
Motel	1.0
<u>Residential Uses</u>	
Elderly Housing	0.2
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses ³	
1-2 units	1.0
3-6 units	1.5
7-9 units	1.75
10+ units	2.0

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).
2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.

3. An off-street parking space designed so that a vehicle cannot enter or exit the space without passing through another parking space shall constitute 0.75 of a parking space.

TABLE F

**Charlestown Neighborhood District
Off Street Loading Requirements¹**

<u>Gross Floor Area</u>	<u>Required Off-Street Loading Bays</u>
0-15,000 square feet	0
15,001-49,999 square feet	1.0

1. The provisions of this Table F do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).