

## 2025 DOWNTOWN ZONING TEXT AMENDMENT DRAFT FOR APPROVAL

### Summary of Changes to the April 9, 2024 Draft Based on Public Comments

Changes to the draft amendment released on April 9, 2024 are highlighted in yellow.

This zoning amendment draft for approval is based on the recommendations of the multiyear planning initiative PLAN: Downtown (approved and adopted by the BPDA Board on December 14, 2023) and public comments received on the draft Downtown zoning text amendment released on April 9, 2024

The draft amendment creates new zoning districts for Downtown, called **Skyline Districts**. The amendment focuses on modernizing land uses to encourage new and diverse businesses to thrive, prioritizing adaptive reuse and preservation of historic buildings and facades, and enabling more density where appropriate to unlock new opportunities for housing, mixed-use growth, and businesses Downtown.

#### Key changes from April 9, 2024 draft:

- **Article 80.B: Adjustment of Article 80 thresholds to ensure a conditional use is no longer required to ensure linkage.** Previously, ensuring the function of linkage payments for Development Impact Uses (including Office-Large) required zoning relief, or a conditional use to function. The redrafted language would ensure linkage by requiring all Development Impact Uses over the linkage threshold to undergo Article 80 review.
- **Article 8: Changes Office-Large from a Conditional Use to an Allowed Use.** Based on the changes to ensure the functionality of linkage for Office-Large uses and the importance of Office-Large Uses to downtown, these uses would be allowed in two of the Skyline Districts. Large Hotels and Research Labs would stay Conditional Uses in all the Skyline Districts to allow evaluation of site-specific impacts, particularly related to loading and pick-up/drop-off activity that may impact this pedestrian-first environment.
- **Article 31 - New SKY-R District:** Based on public comments advocating for the prioritization of housing growth and the preservation of historic facades and character along Washington St, the SKY-R district is regulated to advance historic preservation, prioritize adaptive reuse, and incentivize larger-scale residential development. This district allows taller heights only for predominantly residential projects.

- **Article 31 - Improved dimensional regulations to further regulate form,** including Stepbacks (min) along all Frontages and Average Building Floor for the SKY-R District and Building Floor Plate (max) for the SKY and SKY-R Districts help maintain scale and ensure tall buildings respond to and minimize impacts on the surrounding context.
- **Article 31 - Allowing the extension of Nonconforming Buildings** to encourage additions and adaptive reuses by ensuring that existing nonconforming structures can be enlarged or altered as long as the dimensional non-conformity (such as building lot coverage) is not increased. These rules would allow additions “on top” of buildings like the one at 40 Water St. Congress Square.

Other Changes:

- *Article 31 Dimensional Standards: adding a reference to FAA and Massport critical airspace height limitations.*
- *Article 31 minor reformatting and clarification changes.*
- *Article 2 minor clarification changes to Outdoor Amenity Space and Stepback definitions.*

## ARTICLE 31 - SKYLINE DISTRICTS

### Section 31-1. - Purpose of Skyline Districts

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

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

**Commented [1]:** Emphasized importance of scale and historic preservation in the SKY-LOW district

**Commented [2]:** New SKY-R district that prioritizes residential development and historic preservation

### Section 31-2. - Establishment of Skyline Districts

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

**Commented [3]:** New SKY-R district that prioritizes residential development and historic preservation

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

**Commented [4]:** Reformatting/clarification: updating section numbering

**D. Parking and Loading Regulations Applicable in Skyline Districts**

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

**E. Prohibition of Planned Development Areas.**

Within the Skyline districts, no Planned Development Area (“PDA”) shall be permitted, except for such Planned Development Areas that are in existence on the effective date of this Article 31.

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

**TABLE A: ADDITIONAL USE AND PERFORMANCE STANDARDS**

USE AND PERFORMANCE STANDARDS	SKY-LOW	SKY-R	SKY
<b>USE RELATED STANDARDS FOR ALL-USES ALL BUILDINGS</b>			
Ground Floor Active Use Requirement	Active Use(s) must occupy at least 50% of the Building Width of the Ground Floor along the Primary Lot Frontage to a minimum Ground Floor Use Depth of 20 <sup>1,2</sup>	Active Use(s) must occupy at least 50% of the Building Width of the Ground Floor along the Primary Lot Frontage to a minimum Ground Floor Use Depth of 25 <sup>1,2</sup>	
Ground Floor Active Use Requirement (for Building Width greater than 100’ along Primary Lot Frontage)		Yes <sup>1,2</sup>	
Percentage of Building Width of Ground Floor Active Use (min)		30%	
Depth (min) of Ground Floor Active Use	20’		25’
<b>STANDARDS FOR COMMERCIAL USES</b>			
Adult Entertainment	Forbidden	Conditional; Allowed within Adult Entertainment District, established	

**Commented [5]:** Reformatting/clarification: moving requirements for the Ground Floor Active Use Requirement to a single row of the table (rather than the three below). This follows the same format of the other standards on this table.

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

**Footnotes to Table A**

- Active Use(s), as defined in Article 8 Table A, are required to occupy a minimum of the ground floor building width at the minimum depth along primary lot frontage specified in Article 26 Table A B, ~~except~~ Active Uses are not required when the principal use(s) is a Civic Use, Open Space Use, or Shelter Facility Use, as defined in Article 8 Table A; or when a Proposed Project is an affordable housing development project in which at least 60% of units income restricted at 100% or below of AMI and reviewed under Article 80 Small or Large Project Review. Any Proposed Project that is located within the boundaries of the Greenway Overlay District shall also be subject to the requirements of Article 49A.
- For any project that is subject to or has elected to comply with Large Project Review or Small Project Review under the provisions of Article 80, the required Ground Floor Active Use width and depth may be located along any Building Facade through such review process.

**Commented [6]:** Reformatting/clarification: moving information from the table footnote to follow the format of the other standards on the table and make the Ground Floor Active Use Requirement easier to understand.

**Commented [7]:** Removing the Greenway Overlay District from Skyline Districts to ensure the districts have consistent and updated uses.

**TABLE B: DIMENSIONAL REGULATIONS**

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

**Commented [8]:** New SKY-R district that prioritizes residential development and historic preservation

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

**Commented [9]:** Aligning the lot area to typical the lot sizes

**Commented [10]:** Reformatting/clarification: moving information from the table footnote to the table to make the Building Height easier to understand.

**Commented [11]:** Reformatting/clarification: adding reference to FAA and Massport critical airspace height limitations.

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

**Commented [12]:** New dimensional regulation: new Stepback regulation ensures new buildings in SKY-R respond to the height and scale of the adjacent buildings.

**Commented [13]:** Reformatting/clarification: moving information on Reduction of Floor Plate Area to the table to follow the table format of other dimensional regulations and make it easier to understand.

**Commented [14]:** New dimensional regulation: Building Floor Plate (max) helps maintain the scale of buildings.

**Commented [15]:** New dimensional regulation: Average Building Floor Plate creates a flexible upper story building maximum and encourages upper story steps.

**Footnotes to Table B**

1. Or such height that complies with the provisions of Boston Common Shadow Law (Ch. 362, 1990) and Public Garden Shadow Law (Ch. 384, 1993), or such height that complies with FAA and Massport critical airspace maps and processes to determine max height, whichever is lesser, whichever is lesser.
2. Structures built within the boundaries of the Midtown Shadow Overlay, as shown on map 1A, shall abide by the restrictions of Chapter 362. AN ACT PROTECTING CERTAIN PUBLIC COMMONS (1990) Section 2C and Chapter 384. AN ACT PROTECTING THE BOSTON PUBLIC

**Commented [16]:** Reformatting/clarification: updating table numbering

**Commented [17]:** Reformatting/clarification: adding reference to FAA and Massport critical airspace height limitations.

GARDEN (1993) Section 2B; or such height that complies with FAA and Massport critical airspace maps and processes to determine max height, whichever is lesser.

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

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

**Commented [18]:** Reformatting/clarification: adding reference to FAA and Massport critical airspace height limitations.

**Commented [19]:** Adding in a provision that allows the adjustment of Yard dimensional regulation through Article 80 review.

**Commented [20]:** Adding in a provision that allows the adjustment of the Stepback dimensional regulation through Article 80 review.

**Commented [21]:** Reformatting/clarification: this information is now included in the Article 2 definition of Blank Wall of Façade.

## Section 31-3. - Establishment of Skyline Historic Dimensional Overlays

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

**Commented [22]:** Reformatting/clarification: updating section numbering

**Commented [23]:** Reformatting/clarification: updating section numbering

The following Skyline Historic Dimensional Overlays are established:

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

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

**TABLE C: SKYLINE HISTORIC DIMENSIONAL OVERLAYS**

**Commented [24]:** Reformatting/clarification: renaming overlay and table for clarity.

HISTORIC DIMENSIONAL OVERLAY	Height in feet (max)	Building Floor Plate (max sf)
(SKY-LOW-D) Downtown <sup>1</sup>	155', or such height that complies with the provisions of the Boston Common	25,000



	Shadow Law (Ch. 362, 1990), and Public Garden Shadow Law (Ch. 384, 1993), whichever is lesser. <sup>1</sup>	
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**Footnotes to Table C**

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

## Section 31-4. - Provisions for Design Review in Sky-Low and Sky-R Districts

Any Proposed Project for the erection or extension of one or more buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet located in a Sky-Low or Sky-R district shall be subject to: (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component). Notwithstanding any contrary provision of Section 80E-2.1, such review shall be applicable whether or not any such Proposed Project is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

**Commented [25]:** Reformatting/clarification: updating section numbering

## Section 31-5. - Reconstruction and Extension of Nonconforming Buildings

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

**Commented [26]:** This new section ensures that existing structures that do not conform to the proposed dimensional requirements can be enlarged or altered as long as the dimensional non-conformity (such as building lot coverage) is not increased, thus encouraging adaptive reuses.

## In Section 80.B-2 - Applicability of Large Project Review and Related Approvals, make the following edits:

Large Project Review shall apply as set forth in this [Section 80B-2](#). Related approval requirements also may apply, as set forth in [Section 80B-7](#) (Development Impact Project Exactions) and [Section 80B-8](#) (Disclosure of Beneficial Interests).

1. **Downtown.** Within the Downtown, Large Project Review shall apply to any Proposed Project:
  - (a) to erect a building or structure having a gross floor area of fifty thousand (50,000) or more square feet; or
  - (b) to enlarge or extend floor area by fifty thousand (50,000) or more square feet; or
  - (c) to establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet; or
  - (d) to establish or change to conditional or forbidden uses, or to any High Impact Subuse of an Institutional Use, **or to any Development Impact Use**, the uses of a gross floor area of fifty thousand (50,000) or more square feet; or
  - (e) to substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet; or
  - (f) **to substantially rehabilitate a building or structure, having, or to have after rehabilitation, a gross floor area of more than 50,000 square feet of a Development Impact use**

## In Section 80.B-7 - Development Impact Project Exactions, make the following edits:

**Definitions.** For the purposes of this Section 80B-7 only, the following words and phrases shall have the meanings indicated:

(a) "Development Impact Project," means a Proposed Project that:

~~(i) requires Zoning Relief; and~~

~~(ii) (i) proposes to include one or more Development Impact Uses occupying an aggregate gross floor area of more than fifty thousand (50,000) square feet; and~~

~~(iii) proposes to:~~

~~(i) erect a structure or structures having a total gross floor area of more than fifty thousand (50,000) square feet;~~

~~(ii) enlarge or extend a structure or structures so as to increase its (or their) gross floor area by more than fifty thousand (50,000) square feet; or~~

~~(iii) substantially rehabilitate a structure or structures having, or to have after rehabilitation, a gross floor area of more than fifty thousand (50,000) square feet.~~

For the purposes of the definition of Development Impact Project:

**Commented [27]:** Adjusting Article 80 thresholds to ensure a conditional use is no longer required for linkage.

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- (i) The measurement of gross floor area excludes all accessory parking garage space and shall include research lab-dependent mechanical equipment area.
- (ii) "Substantially rehabilitate" has the meaning set forth in Article 2.
- (iii) "Development Impact Project" does not include any building or structure that is, or will be, wholly-owned by one or more public agencies.

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## **ARTICLE 8 REGULATION OF USES**

### **Section 8-3. Use Regulations.**

#### **TABLE A: USE REGULATIONS**

**Key:**

**Districts.**

S = Squares + Streets

SKY = Skyline

**Status.**

ALLOWED

A = Allowed

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

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

CONDITIONAL

C = Conditional

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

FORBIDDEN

F = Forbidden

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

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

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

**Commented [28]:** New SKY-R district that prioritizes residential development and historic preservation.

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

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

**Commented [29]:** Use change: Changing Office-Large from C to A in SKY. Due the adjustment of Article 80 thresholds, a conditional use is no longer required for linkage. Office remains conditional in SKY-LOW, to allow for evaluation of the appropriateness of the use at the site, it's contribution to historic preservation, and the growth of the creative economy.

**Commented [30]:** Use change: Changing from C to A in SKY and F to C in SKY-LOW to reduce barriers to additional retail opportunities Downtown.

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



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

## ARTICLE 2 - DEFINITIONS

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

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

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

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

### **Outdoor Amenity Space**

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

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

- Publicly Accessible Open Space, as defined in Article 8; or
- Publicly accessible sidewalk provided on the lot; or
- Outdoor space for tenants or customers, including restaurant seating or outdoor event and performance areas; or
- Publicly accessible through-block pedestrian connections of a width not less than ten (10) feet; or
- Private amenity space designed for use primarily by the building occupants, such as porches, interior courtyards, shared gardens, playgrounds, shared terraces, and/or programmed or landscaped yards, provided that such spaces have an unobstructed length of not less than ten (10) feet and an unobstructed depth of not less than ten (10) feet; or

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

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

**Commented [31]:** Reformatting/clarification: clarifying the types of spaces required by Ground Floor Outdoor Amenity

Outdoor Amenity Space requirement calculation:

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

**Ground Floor Outdoor Amenity Space:** An at grade space open to the outdoor air directly accessed from the ground floor of a building or from a pedestrian accessway, that is designed for active or passive recreational use such as playing, gathering, and seating. Ground Floor Outdoor Amenity Space may include overhead structures that provide shade or protection from the elements, but are otherwise open to the outdoor air, such as pergolas and canopies. When the Code requires a Proposed Project to provide Ground Floor Outdoor Amenity Space, the following types of spaces qualify as Ground Floor Outdoor Amenity Space:

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

**Commented [32]:** Reformatting/clarification: removing the proposed new term and refining the existing Article 2 definition for Outdoor Amenity Space to include Ground Floor Amenity Space.

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

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

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

**Stepback.** The distance ~~by which~~ an upper story facade is recessed from the building facade ~~of the story below.~~

**Stepback Height:** The Building Height at which a required Stepback shall occur for the building facade at and above that height.  
~~The building height at which a building floor plate must be reduced or the height above which all upper stories must be recessed from the facade of the story below.~~

**Tower:** A building with a building height greater than 155' and floorplate greater than 10,000 sf.

**Commented [33]:** Reformatting/clarification: improving clarity of the Stepback definition.

**Commented [34]:** Reformatting/clarification: making Stepback Height definition easier to understand.

**Commented [35]:** Reformatting/clarification: removing proposed term and defining tall buildings in design guidelines.

## ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

### Section 3-1. Division of City Into Districts.

(f) **Downtown Districts**

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

## ARTICLE 11 - SIGNS

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

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

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

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

1. **Total Sign Area.** The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by 1.5, excepting that a use with less than fourteen feet of sign frontage may have a maximum of twenty feet of permanent signs. Permanent signs on ground floor windows or inside a building and within ten feet of the storefront must be included in total sign area.
2. **Signs Parallel to Building Wall.** A wall sign attached parallel to a building may not project from the building surface and letters on any such sign shall not project more than 6 inches.

3. **Signs - Attached at Right Angles to Building.** A Sign attached at right angles to a Building shall not:
  - a. project more than four feet, plus a reasonable allowance for field fastening, from the Building, or half of the sidewalk width, whichever is less, but Signs that are banners shall not project more than three feet; and
  - b. exceed fifteen square feet on either side. Flags, except for United States of America flags, are Forbidden on Washington Street.
4. **Free-standing Signs.** Free-standing signs, including sandwich boards, are Forbidden.
5. **Billboards.** Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is Forbidden in the Downtown Crossing District.
6. **Display of Permit Number and Posting Date.** Each permanent Sign, including any Sign painted on or affixed to any awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.
7. **Removal.** Any on-premises Sign which advertises a use or business that either ceases to exist or is no longer in existence must be removed within 30 days of the discontinuance of such use or business. The use or re-use of any such Sign by a subsequent owner or tenant is shall be allowed only if approved by the Boston Redevelopment Authority.
8. The lettering on any Sign shall not exceed twenty-four inches in height.
9. The registered trademark of a specific commodity may occupy no more than ten percent of the area of a sign, except that if the sale of said commodity on the major business conducted on the premises, there shall be no such restriction.

## ARTICLE 23 - PARKING

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

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

## ARTICLE 85 - DEMOLITION DELAY

### Section 85-1. - Statement of Purpose.

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

This article also establishes [Restrictions on Change of Use or Occupancy of Theater Structures](#) .

### ~~Section 38-21~~ [Section 85-9](#). - Restrictions on Change of Use or Occupancy of Theater Structures.

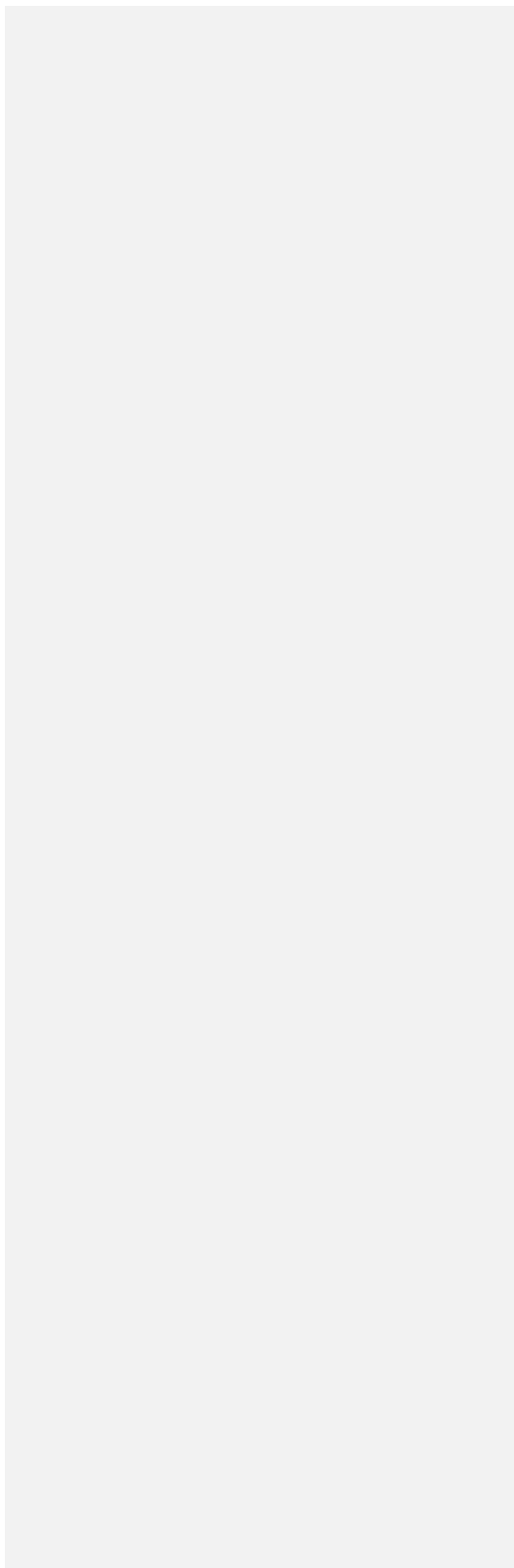
The Commissioner of the Inspectional Services Department shall not issue a change of use or occupancy permit for any Theatre located in a Historic Building and [listed in TABLE A](#) except in accordance with the provisions of this section.

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

**TABLE A: THEATER STRUCTURES SUBJECT TO SECTION 85-9**

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

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

## **ARTICLE 45**

### **GOVERNMENT CENTER/MARKETS DISTRICT**

#### **Section 45-5. Establishment of Protection Areas.**

2. **Broad Street Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Broad Street Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.
4. **Old State House Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Old State House Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.
7. **Sears Crescent Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Sears Crescent Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.
9. **State Street Protection Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "State Street Protection Area," a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of eight (8) are allowed.

#### **Section 45-6. Establishment of Restricted Growth Areas.**

2. **India Street Restricted Growth Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "India Street Restricted Growth Area," a maximum building height of eighty (80) feet and a maximum FAR of six (6) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.
3. **Wharf Street Restricted Growth Area.** Within that portion of the Government Center/Markets District depicted on Map 1H of this Code as the "Wharf Street Restricted Growth Area," a maximum building height of one hundred (100) feet and a maximum FAR of eight (8) are allowed; provided that any Proposed Project shall be allowed a maximum building height of one hundred and twenty (120) feet and a maximum FAR of twelve (12) if such Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Consistency pursuant to Section 80B-6.

## Section 45-7. Establishment of Medium Density Areas.

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

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

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

# ARTICLE 40 - SOUTH STATION ECONOMIC DEVELOPMENT AREA

## REGULATIONS CONCERNING BUILDING HEIGHT AND FLOOR AREA RATIO (FAR)

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

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

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

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

(As amended on July 31, 1997.)

## REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

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

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

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

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

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

### USE REGULATIONS

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

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

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

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

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

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