

↑ARTICLE 63

BAY VILLAGE NEIGHBORHOOD DISTRICT

(↑Article inserted on October 23, 1998*)

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*Date of public notice: October 1, 1998 (see St. 1956, c. 665, s.5)

As amended through November 21, 2003.

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SECTION 63-1. Statement of Purpose and Objectives. The purpose of this Article is to establish the zoning regulations for the Bay Village Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established residential areas and encourage residential development; 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 63-2. Physical Boundaries. The provisions of this Article are applicable only in the Bay Village Neighborhood District. The boundaries of the Bay Village Neighborhood District and its subdistricts are as shown on the map numbered 1N entitled "Bay Village Neighborhood District," amending "Map 1 Boston Proper," of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 63-3. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Bay Village 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 Bay Village 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 63-4. Prohibition of Planned Development Areas. Within the Bay Village Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 63-13.

(^ As amended on November 21, 2003.)

SECTION 63-5. Community Participation. This Article has been developed with the extensive participation of the Bay Village Neighborhood Association, 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 Bay Village Neighborhood Association, or its successor organization, and the Bay Village civic associations,

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

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 63-6. **Establishment of Residential Subdistricts.** This Section 63-6 establishes Residential Subdistricts within the Bay Village 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. Row House ("RH") Residential Subdistricts. Row House Subdistricts are established to preserve, maintain, and promote the existing fabric of Row House neighborhoods by allowing Row Houses and Town Houses as the sole housing types. In a Row House Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is three (3).
2. Multifamily Residential ("MFR") Subdistricts. 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.
3. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings and commercial uses.

SECTION 63-7. **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 Bay Village Neighborhood District.

SECTION 63-8. 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 B of this Article.
2. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of the Front Yards required by this Article, as set forth in Table C.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.
4. Town House/Row House Extensions into Rear Yard. Notwithstanding any contrary provision of this Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension:
(a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or
(b) involves the addition of a porch or balcony, other than a roof deck, above the first story.

SECTION 63-9. Density Limitation Regulations. Within the Bay Village Neighborhood District, the following regulations apply to: (a) any Dwelling converted for more families in separate Dwelling Units; and (b) any Lodging House converted for three or more families in separate Dwelling Units.

1. Buildings With Gross Floor Area of 2,000 or More Square Feet. In any Building having a gross floor area of 2,000 more square feet, the maximum number of Dwelling Units with usable interior living area of less than 750 feet square feet shall not exceed:
 - (a) one (1), if fewer than six stories of such Building contain Dwelling Units; or
 - (b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

2. Buildings With Gross Floor Area of Less than 2,000 Square Feet. In any Building having a gross floor area of less than 2,000 square feet, the maximum number of Dwelling Units with usable interior living area of less than 525 feet square feet shall not exceed:

- (a) one (1), if fewer than six stories of such Building contain Dwelling Units; or
- (b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

If a Building, after conversion, will not conform to the applicable dimensional or parking requirements of this Code, the Board of Appeal, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, may nonetheless authorize such conversion, provided that: (a) the lot area per Dwelling Unit, usable open space per Dwelling Unit, and off-street parking per Dwelling Unit each meet at least one-half the requirements of this Code; and (b) any nonconformity as to Floor Area Ratio and yard dimension is no greater than prior to conversion.

For purposes of this Section 63-9, usable interior living area is the area of a Dwelling Unit as measured by the interior faces of the walls of the unit, but excluding open porches, balconies and decks, and any areas excluded from gross floor area as defined in Article 2A.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS
SUBDISTRICTS

SECTION 63-10. Establishment of Neighborhood Business Subdistricts.

This Section 63-10 establishes Neighborhood Business Subdistricts within the Bay Village Neighborhood District. There is one type of Neighborhood Business Subdistrict: Neighborhood Shopping ("NS"), providing convenience goods and services for the immediate and larger neighborhood. Neighborhood Business Subdistricts; are established to encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Bay Village community.

The physical character and visual image of Bay Village's commercial districts is critical to its success. Appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Neighborhood Business Subdistrict.

The following Neighborhood, Business Subdistrict is established:

1. Bay Village Neighborhood Shopping (NS) Subdistrict

SECTION 63-11. Use Regulations Applicable in Neighborhood Business Subdistricts. Within a Neighborhood Business 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 Neighborhood Business Subdistrict.

SECTION 63-12. 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 B of this Article.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

^SECTION 63-13. Establishment of Areas within Which Planned Development Areas May Be Permitted. Planned Development Areas (“PDAs”), as described in Section 3.1A.a, are permitted within the Air Rights PDA Area, which is defined as the area bounded by the centerlines of Columbus Avenue, Berkeley Street, and the Bay Village Neighborhood District boundary line. PDAs are not permitted elsewhere in the Bay Village Neighborhood District.

The purposes of establishing the area specified above as one within which a PDA may be permitted are to provide for a more flexible zoning law; to enable integrated and well-designed development of projects of a more significant scope; to provide public benefits to the Bay Village community, including the creation of new job opportunities; and to encourage economic development within the Bay Village Neighborhood District.

(^ As inserted on November 21, 2003.)

^Section 63-14. 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 and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2, below:

TABLE 2

Bay Village Neighborhood District
Planned Development Areas
Maximum Building Height and Floor Area Ratio (“FAR”)

<u>Maximum Building Height</u>	<u>Maximum FAR</u>
130'	4*

*To the extent that a Proposed Project located in the Bay Village Neighborhood District also extends into contiguous area located in Turnpike Air Rights Parcel 17, FAR shall be calculated for such portion

of the Proposed Project as is located within the Bay Village Neighborhood District and Turnpike Air Rights Parcel 17 as a whole.

(^ As inserted on November 21, 2003.)

^Section 63-15. **Planned Development Area Review Requirement.** See Article 80C concerning the applicability of Planned Development Area (“PDA”) review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in PDAs.

(^ As inserted on November 21, 2003.)

^Section 63-16. **Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirements of Section 80C-4 (Standards for Planned Development Area Review Approval) for consistency with the applicable planning and development criteria of this Article if the Development Plan provides for public benefits, including one or more of the following: (a) diversification and expansion of Bay Village’s economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; (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.

(^ As inserted on November 21, 2003.)

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 63-17. **Establishment of Open Space Subdistricts.** This Section 63-17 establishes Open Space ("OS") Subdistricts, in the Bay Village Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Bay Village's residents by protecting open space resources. Any Lot within an Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Subdistricts designated in the Bay Village Neighborhood District are listed in Table 1 of this Section 63-17 and are of the following types:

1. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses and are subject to the provisions of Section 33-15.

TABLE 1

**Open Space Subdistricts in the
Bay Village Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Urban Plaza	Church Street Urban Plaza Station Urban Plaza Bay Village Neighborhood Park

(^ As amended on November 21, 2003.)

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

[^]SECTION 63-18. **Establishment of Neighborhood Design Overlay Subdistricts.** The Bay Village Neighborhood District includes land designated by the Boston Landmarks Commission as the Bay Village Historic District, pursuant to Chapter 772 of the Acts of 1975, which is subject to standards and criteria administered by the Boston Landmarks Commission. In addition, this Section 63-18 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the Bay Village 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 and the standards and criteria administered by the Boston Landmarks Commission do not apply.

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 District is established:

1. Columbus Avenue Neighborhood Design Overlay District. The Columbus Avenue area showcases several distinctive examples of commercial construction. One hundred Arlington Street is a prime example of a Classic Revival building showing the influence of machine-like Moderne aesthetic. It has a stylized frieze below the parapet wall at the roof and multi-pane bronze and iron windows in round-arched openings on the first floor. The detached Queen Anne building at 162-172 Columbus Avenue has a rectangular massing, granite block foundation. These buildings frame the First Cadet Corps Armory, at the corner of Arlington Street and Columbus Avenue, which is a designated Boston Landmark.

([^] As amended on November 21, 2003.)

REGULATIONS GOVERNING DESIGN

SECTION 63-19. Design Review and Design Guidelines. The Bay Village Neighborhood District includes land designated by the Boston Landmarks Commission as the Bay Village Historic District, pursuant to Chapter 772 of the Acts of 1975, which is subject to standards and criteria administered by the Boston Landmarks Commission. In addition, to ensure that growth in the Bay Village Neighborhood District established by this Article is compatible with the character of the buildings and urban design features of the neighborhood, design review by the Boston Redevelopment Authority 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.

1. Applicability of Design Review. 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 (Applicability of Small Project Review).

2. Design Guidelines. This Section 63-19.2 establishes the following design guidelines for those areas of the Bay Village Neighborhood District that are not subject to the Standards and Criteria for the Bay Village Historic District, as issued by the Boston Landmarks Commission and amended from time to time:
 - (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 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) 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.
- (g) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (h) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes 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.
- (i) 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.
- (j) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in building 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.
- (k) 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.

- (1) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (m) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (n) 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.
- (o) Landscaping and screening should be used to make the business subdistricts more attractive, and to provide screening between business and residential uses.
- (p) 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.
- (q) 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.

(^ As amended on November 21, 2003.)

^SECTION 63-20. Roof Structure Restrictions. In the Bay Village 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 used for a residential use, or originally built for such a use, 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 therefor. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential to damage the uniformity of height or architectural character of the immediate vicinity.

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.

(^ As amended on November 21, 2003.)

^SECTION 63-21. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, the provisions of this Section 63-17 shall apply to Proposed Projects within those subdistricts specified in this Section 63-17, 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 63-21.

1. Street Wall Continuity. This Section 63-21.1 shall apply within the Bay Village Neighborhood District to any Proposed Project 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 63-21.1, 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 63-21.1, Street Walls shall be continuous across a Lot. 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 63-21.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 63-21.2. 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 63-21.2(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.

(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.

(b) Display Window Security Grates. That portion of the Display Window Area required by Section 63-21.2(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.

(^ As amended on November 21, 2003.)

^SECTION 63-22. Screening and Buffering Requirements. In order to enhance the appearance of the Bay Village Neighborhood District and to ensure that its commercial areas are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 63-22 shall apply in the Neighborhood Business Subdistricts to those Proposed Projects described in this Section 63-22, 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 63-22.

1. 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, shall be screened from view as provided in this Section 63-22.1. 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.

2. 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, or (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 63-22.2. 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.
3. 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.
4. 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 with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips 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.
5. Specifications for Plantings. Shrubs required by this Section 63-22 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 63-22 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.

6. Maintenance of Landscaped Areas. Landscaping required by this Section 63-22 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 63-22.

(^ As amended on November 21, 2003.)

MISCELLANEOUS PROVISIONS

^SECTION 63-23. **Sign Regulations.** The provisions of this Section 63-23 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. Regulations Applicable in Row House, Multifamily Residential, and Open Space Subdistricts. In the Row House Subdistricts, Multifamily 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 Multifamily Residential/Local Services and Neighborhood Business Subdistricts. In the Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 63-23. 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 are forbidden in the Bay Village Neighborhood District.
- (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 Bay Village 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.

(^ As amended on November 21, 2003.)

^SECTION 63-24. 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 C, and the minimum required off-street loading spaces are as set forth in Table D. See also Section 3-1A.c, concerning regulations applicable in the Restricted Parking District.

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 the Front Yards or landscaped areas required by this Article.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 63-24 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. Fifty percent (50%) 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.

(^ As amended on November 21, 2003.)

^SECTION 63-25. 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 (2-1/2) 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 (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 63-25. 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 (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 (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 (1-1/2) 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 seven (7) 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 one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than 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 63-25.12 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 63-25.12 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.
14. Exceptions to FAR Requirement. A new Town House or Row House on a single Lot of 2,500 square feet or less may exceed the allowable FAR to the extent necessary to match the Building Height and the Front and Rear Yards of an adjacent Town House or Row House. Existing Building Alignment shall be used to determine Front Yard depth of the new Town House or Row House. Rear Yard depth shall be determined by measuring

from the rear wall of the main structure, exclusive of any additions or ells, of the adjacent Town House or Row House to the Rear Lot Line.

(^ As amended on November 21, 2003.)

^SECTION 63-26. Nonconformity as to Dimensional Requirements. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

(^ As amended on November 21, 2003.)

^SECTION 63-27. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

(^ As amended on November 21, 2003.)

^SECTION 63-28. 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.

(^ As amended on November 21, 2003.)

^SECTION 63-29. Definitions. Words and phrases in this Article have the meanings set forth in Article 2A.

(^ As amended on November 21, 2003.)

^SECTION 63-30. **Tables.** The following tables are hereby made part of this Article:

<u>Table A</u>		<u>Use Regulations</u>
A	-	Residential Subdistricts and Neighborhood Business Subdistricts
<u>Table B</u>		<u>Dimensional Regulations</u>
B	-	Residential Subdistricts and Neighborhood Business Subdistricts
<u>Tables C - D</u>		<u>Parking and Loading Regulations</u>
C	-	Off-Street Parking
D	-	Off-Street Loading

(^ As amended on November 21, 2003.)

TABLE A

**Bay Village Neighborhood District
Use Regulations in
Residential Subdistricts and Neighborhood Business Subdistricts**

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

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

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

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	F	A ²	F ¹⁸	A
Bank	F	A ²	F ¹⁸	A
Drive-in bank	F	F	F	F
Post office	F	C ²	F ¹⁹	C
<u>Community Uses</u>				
Adult education center	F	C ²	F ¹⁹	C
Community center	F	C ²	F ¹⁹	C
Day care center	F	C ²	F ¹⁹	C
Day care center, elderly	F	C ²	F ¹⁹	C
Library	F	C	F ¹⁹	A
Place of worship; monastery; convent; parish house	A	A	A	A

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Cultural Uses</u>				
Art gallery	F	A ²	F ¹⁸	A
Art use	F	C ²	F ¹⁹	C
Auditorium	F	F	F	C
Cinema	F	F	F	F
Concert hall	F	F	F	F
Museum	F	F	F	C
Public art, display space	F	C ²	F ¹⁹	C
Studios, arts	F	C ²	F ¹⁹	C
Studios, production	F	C ²	F ¹⁹	C
Theatre	F	F	F	F
Ticket sales	F	F	F	F
<u>Dormitory/Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	F
Fraternity	F	F	F	F
<u>Educational Uses</u>				
College or university ¹	F	F	F	F
Elementary or secondary school ³	F	C	F ¹⁹	C
Kindergarten	F	C	F ¹⁹	C
Professional school	F	F	F	F
Trade school	F	F	F	F

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F
Amusement game machines in non-commercial establishment	F	F	F	F
Bar ¹⁴	F	F	F	F
Bar with live entertainment	F	F	F	F
Bowling alley	F	F	F	F
Billiard parlor	F	F	F	F
Dance hall	F	F	F	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	F	F	F	C
Private club not serving alcohol	F	F	F	F
Private club serving alcohol	F	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. ¹⁴	F	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m.	F	F	F	F
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Funerary Uses (cont'd)</u>				
Funeral home	F	F	F	F
Mortuary chapel	F	F	F	F
<u>Health Care Uses</u>				
Clinic	F	F	F	F
Clinical laboratory	F	F	F	F
Custodial care facility	F	F	F	F
Group care residence, general	F	F	F	F
Hospital ¹	F	F	F	F
Nursing or convalescent home ¹	F	F	F	C
<u>Hotel and Conference Center Uses.</u>				
Bed and breakfast	F	F	F	C
Conference center	F	F	F	C
Executive suites	F	F	F	F
Hotel	F	F	F	F
Motel	F	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	F	C	F ¹⁹	C
Cleaning plant	F	F	F	F

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Industrial Uses (cont'd)</u>				
General manufacturing use	F	F	F	F
Light manufacturing use	F	F	F	F
Printing plant	F	F	F	F
Restricted industrial use	F	F	F	F
<u>Office Uses</u>				
Agency or professional office	F	A ²	F ¹⁸	A
General office	F	C ²	F ¹⁹	C
Office of wholesale business	F	F	F	F
<u>Open Space Uses</u>				
Golf driving range	F	F	F	F
Grounds for sports, private	F	F	F	F
Open space	A	A	A	A
Open space recreational building	C	C	C	C
Outdoor place of recreation for profit	F	F	F	F
Stadium	F	F	F	F
<u>Public Service Uses³</u>				
Automatic telephone exchange	F	F	F	C
Courthouse	F	F	F	F

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Public Service Uses³ (cont'd)</u>				
Fire station	F	C	C	C
Penal institution	F	F	F	F
Police station	F	C	C	C
Pumping station	F	F	F	F
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F
Solid waste transfer station	F	F	F	F
Sub-station	F	F	F	F
Telephone exchange	F	F	F	C
<u>Research and Development Uses⁴</u>				
Research laboratory	F	F	F.	F
Product development or prototype manufacturing	F	F	F	F
<u>Residential Uses⁵</u>				
Congregate living complex	F	F	F	C
Elderly housing	F	C	F ¹⁹	A
Group residence, limited	A	A	A	A
Lodging house	C	C	C	C
Mobile home	F	F	F	F
Mobile home park	F	F	F	F

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Residential Uses</u> ⁵ (cont'd)				
Multi-family dwelling	A ¹⁶	A	A	A
One family detached dwelling	F	F	A	F
One family semi-attached dwelling	F	C	A	F
Orphanage	F	F	F	F
Rowhouse	A	A	A	A
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	F	F	A	F
Townhouse	A	A	A	A
Transitional housing or homeless shelter	F	F	F	F
Two family detached dwelling	F	F	A	F
Two family semi-attached dwelling	F	C	A	F
<u>Restaurant Uses</u>				
Drive-in restaurant	F	F	F	F
Restaurant	F	C ²	F ¹⁹	C
Take-out restaurant				
Small ⁶	F	F	F	F
Large ⁷	F	F	F	F
<u>Retail Uses</u> ⁸				
Adult bookstore	F	F	F	F
Bakery	F	A ²	F ¹⁸	A

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Retail Uses⁸</u> (cont'd)				
General retail business	F	F	F	C
Liquor store	F	F	F	C
Local retail business	F	A ^{2,15}	F ¹⁸	A ¹⁵
Outdoor sale of garden supplies	F	F	F	C
<u>Service Uses⁸</u>				
Animal hospital	F	F	F	F
Barber or beauty shop	F	C ²	F ¹⁹	A
Caterer's establishment	F	C ²	F ¹⁹	C
Check cashing business	F	F	F	F
Container redemption center	F	F	F	F
Dry-cleaning shop	F	A ^{2,15}	F ¹⁸	A
Kennel	F	F	F	F
Laundry, retail service	F	A ^{2,15}	F ¹⁸	A
Laundry, self-service	F	A ^{2,15}	F ¹⁸	A
Photocopying establishment	F	A ^{2,15}	F ¹⁸	A
Shoe repair	F	A ^{2,15}	F ¹⁸	A
Tailor shop	F	A ^{2,15}	F ¹⁸	A

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Storage Uses, Major</u>				
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of flammable liquids and gases				
Small ⁹	F	F	F	F
Large ⁹	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F
Warehousing	F	F	F	F
Wrecking yard	F	F	F	F
<u>Trade Uses⁸</u>				
Carpenters shop	F	F	F	F
Electrician's shop	F	F	F	F
Machine shop	F	F	F	F
Photographer's studio	F	F	F	A
Plumber's shop	F	F	F	F
Radio/television repair	F	F	F	A
Upholster's shop	F	F	F	C
Welder's shop	F	F	F	F

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal	F	F	F	F
<u>Vehicular Uses</u> ¹⁴				
Airport-related remote parking facility	F	F	F	F
Bus servicing or storage	F	F	F	F
Carwash	F	F	F	F
Gasoline station	F	F	F	F
Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F
Indoor sale of automobiles and trucks	F	F	F	F
Outdoor sale of new and used vehicles	F	F	F	F
Parking garage	F	F	F	C
Parking lot	F	F	F	F
Rental agency for cars	F	F	F	F

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Vehicular Uses</u> ¹⁴ (cont'd)				
Rental agency for trucks	F	F	F	F
Repair garage	F	F	F	F
Truck servicing or storage	F	F	F	F
<u>Wholesale Uses</u>				
Wholesale business	F	F	F	F
<u>Accessory and Ancillary Uses</u>				
<p>In each subdistrict of the Bay Village 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.</p>				
Accessory amusement game machines in (not more than four) commercial or non-commercial establishment	F	F	F	F
Accessory art use	F	C ²	F ¹⁹	C
Accessory automatic teller machine	F	A ²	F ¹⁸	A
Accessory bus servicing or storage	F	F	F	F
Accessory cafeteria	F	F	F	C

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory cultural uses	F	C ²	F ¹⁹	C
Accessory dormitory	F	F	F	F
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	C	C	C	A
Accessory home occupation	A	A	A	A
Accessory industrial use	F	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F	F
Accessory keeping of laboratory animals ⁴	F	F	F	F
Accessory machine shop	F	F	F	F
Accessory manufacture of products	F	F	F	F
Accessory offices	F	A ²	F ¹⁸	A
Accessory outdoor cafe ¹²	F	C	F ¹⁹	C
Accessory parking	A ¹⁷	A ¹⁷	A ¹⁷	A ¹⁷
Accessory personnel quarters	F	A	A	A
Accessory printing	F	F	F	F
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	F	F	F
Accessory repair garage	F	F	F	F
Accessory retail	F	A ²	F ¹⁸	A
Accessory recycling	F	F	F	F
Accessory services for apartment and hotel residents	F	A	F ¹⁸	A

TABLE A – Continued

	<u>Row House Subdistrict (RH)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping (NS)</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory services incidental to educational uses other than a college or university use	F	F	F	C
Accessory service uses	F	C	F ¹⁹	A
Accessory storage of flammable liquids and gases				
Small ⁹	F	F	F	A
Large ⁹	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F
Accessory swimming pool or tennis Court ¹⁰	C	A	A	A
Accessory trade uses	F	F	F	F
Accessory truck servicing or storage	F	F	F	F
Accessory wholesale business	F	F	F	F
Ancillary use ¹¹	C	C	C	C

TABLE A - Continued

1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.
2. 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.
3. Where designated "A," provided that: (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, substation, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. 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.
5. Provided that Dwelling Units are forbidden in Basements.
6. Total gross floor area not more than 2,500 square feet per restaurant.
7. Total gross floor area exceeding 2,500 square feet per restaurant.
8. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after 12 midnight or before 6:00 a.m.
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 A - Continued

10. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
11. 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.
12. Provided that, where such use is designated "A," it shall be conditional in a Rear Yard abutting a Residential Subdistrict.
13. 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 month; otherwise forbidden.
14. 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.
15. Where a Retail, Service or Trade Use is designated "A", it shall be forbidden if such establishment is open to the public after 9:00 p.m. or before 7:00 a.m.
16. Subject to the limitations of Section 63-6.1 (concerning number of dwelling units allowed in a building in a Row House Residential Subdistrict).
17. Except, where subject to the Restricted Parking District, such use is conditional when accessory to uses other than Residential Uses, Hotel and Conference Center Uses, or Dormitory and Fraternity Uses; see Section 3-1A.c and Map 1.

TABLE A - Continued

18. Except allowed within fifty (50) feet of the Street Line of Stuart Street; provided that such use is located on the ground floor, or in a basement with a separate entrance.
19. Except conditional within fifty (50) feet of the Street Line of Stuart Street; provided that such use is located on the ground floor, or in a basement with a separate entrance.

TABLE C

Bay Village Neighborhood District
Neighborhood Business Subdistricts
Dimensional Regulations

	<u>Neighborhood Shopping Subdistricts</u>
Maximum Floor Area Ratio	6.0
Maximum Building Height	65
Minimum Lot Size	none
Minimum Lot Area Per Dwelling Unit	none
Minimum Usable Open Space per Dwelling Unit	150
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard (1)	(2)
Minimum Side Yard (3)	none
Minimum Rear Yard (4)	12

TABLE C - Continued

Footnotes

1. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Cod) 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.

Every front yard required by this Code shall be at grade level along every lot line on which such yard abuts.
2. See Section 63-25.1, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.
3. 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.
4. 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 D
**Bay Village Neighborhood District
Off-Street Parking Requirements (1)
Residential and Related Uses**

	<u>Off Street Parking Requirement (space per dwelling unit)^{2,3}</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	0.7
<u>Residential Uses³</u>	
Elderly Housing	0.5
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses ^{4,5}	0.7

1. The provisions of this Table D do not apply to Proposed Projects that are subject to Large Project Review. See Section 63-24 (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) persons, each group of four (4) beds shall constitute a Dwelling Unit.
3. Any dwelling converted for more families in separate dwelling units must meet not less than one-half the off-street parking requirements of this Table D.
4. Off-street parking facilities are not required unless more than two car spaces are required by this Table D.
5. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement shall be 0.7 parking spaces per Dwelling Unit.

TABLE E

**Bay Village 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 E do not apply to Proposed Projects that are subject to Large Project Review. See Section 63-24 (Off-Street Parking and Loading Requirements).