

^ARTICLE 50

ROXBURY NEIGHBORHOOD DISTRICT

(^Article inserted on April 22, 1991*)

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SECTION 50-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the comprehensive plan for the Roxbury Neighborhood District as required by the provisions of the Roxbury Interim Planning Overlay District, Article 27E of this Code. The goals and objectives of this Article and the Roxbury Neighborhood Plan are to provide for affordable and market rate housing for individuals and families; to promote and expand neighborhood educational and cultural facilities; to promote the viable neighborhood economy and provide for new economies and expansion of job opportunities; to preserve, enhance, and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Roxbury.

SECTION 50-2. Community Participation. This Article has been developed with the extensive participation of the Roxbury Neighborhood Council including the Planning and Zoning Advisory Committee. 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. The Roxbury Neighborhood Council and its successor organization, if any (collectively hereinafter referred to as the "Roxbury Neighborhood Council"), may continue to play an active role in advising on land use planning and design review for Roxbury through advising City agencies on land use and design decisions for their neighborhood. See Article 80 concerning the procedure for community participation in Boston Redevelopment Authority review of large and small projects (Section 80B-5 and Section 80E-5.1) and Planned Development Area development plans (Section 80C-5). In addition, in order to encourage community participation, the Boston Redevelopment Authority shall transmit to the Roxbury Neighborhood Council project plans and application materials for a Proposed Project received by the Authority in connection with any of the following actions where not otherwise addressed in Article 80: (a) Zoning Relief, as defined in Article 2A; or (b) the disposition of publicly owned land, including land disposed of through the Roxbury Land Trust. With respect to any such action, the Roxbury Neighborhood Council may, within thirty (30) days after the date of such transmittal, file with the Boston Redevelopment Authority written recommendations on any action to be taken by the Authority. The Boston Redevelopment Authority shall not take any such action until such recommendations have been received and considered, provided that if no such recommendations are received within said thirty (30) days, the Boston Redevelopment Authority may proceed with such action without such recommendations.

(^As amended on August 22, 1996 and July 31, 1997.)

SECTION 50-3. Recognition of the Roxbury Neighborhood Plan. In accordance with Section 27E-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the Roxbury Neighborhood District, the Commission hereby recognizes the Roxbury Neighborhood Plan as the general plan for the Roxbury Neighborhood District. The Roxbury Neighborhood Plan shall also serve as the portion of the general plan for the

City of Boston applicable to the Roxbury Neighborhood District. This Article is an integral part of and one of the means of implementing the Roxbury Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 50-4. Physical Boundaries. The provisions of this Article are applicable only in the Roxbury Neighborhood District. The boundaries of the Roxbury Neighborhood District and its subdistricts are as shown on the maps entitled "Map 6A Roxbury Neighborhood District," "Map 6B Roxbury Neighborhood District," and "Map 6C Roxbury Neighborhood District" (supplemental to Map 6 Roxbury) of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 50-5. Applicability. This Article together with the rest of this Code constitute the zoning regulation for the Roxbury Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27E to the Roxbury Neighborhood District is rescinded, and the Roxbury Interim Planning Overlay District is extinguished, as of the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Roxbury Neighborhood District. The following Proposed Projects, however, are exempt from the provisions of this Article and are governed by the rest of this Code:

1. Any Proposed Project for which 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 for which no Zoning Relief is required, provided that construction work under such building permit, or occupancy under such permit, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two (2) years from the effective date of this Article and in accordance with the building permit as in effect on said effective date.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.
3. Any Proposed Project or site subject to a Planned Development Area Development Plan approved by the Boston Redevelopment Authority prior to

the first notice of hearing before the Zoning Commission for adoption of this Article.

SECTION 50-6. **Prohibition of Planned Development Areas.** Within the Roxbury Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 50-12.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 50-7. Establishment of Economic Development Areas. This Section establishes two economic development areas ("EDAs") within Roxbury: the Greater Roxbury EDA and the Dudley Square EDA. These EDAs are established to encourage economic growth and commercial activity in a manner which is sensitive to the needs and interests of the community and to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood. They are established to encourage the diversification and expansion of Boston's and Roxbury's economy, the creation and retention of job opportunities, and the provision of additional economic benefits to the Roxbury Neighborhood District. The EDAs are designated "EDA" on the maps establishing the Roxbury Neighborhood District.

SECTION 50-8. Greater Roxbury EDA. A focal point for economic development activity is the Greater Roxbury Economic Development Area ("EDA"), an area which has historically been referred to as the Southwest Corridor. This area has been the location of major development and economic activity in the past. Because of the central nature of the location and access to public transportation and major arteries, the Greater Roxbury EDA should be a location for major economic growth in the future. The Greater Roxbury EDA provides opportunities for significant economic development projects on publicly owned land which links Roxbury to the downtown economy.

SECTION 50-9. Dudley Square EDA. The establishment of the Dudley Square Economic Development Area ("EDA") recognizes the extent to which, historically, Dudley Square has served as a regional business and commercial center. While it still serves that function, there are opportunities for new construction and for rehabilitation of existing structures to further expand opportunities for commercial and retail development in this center. In addition, much related retail and commercial activity will be generated as a result of growth and development in the Greater Roxbury EDA. As a result, the Dudley Square EDA will provide opportunities for neighborhood business development which can provide jobs and entrepreneurial opportunities to the Roxbury community.

SECTION 50-10. Use Regulations Applicable in EDAs. Within the Greater Roxbury EDA and the Dudley Square EDA of the Roxbury Neighborhood District, the uses identified in Table A of this Article and described in greater detail in Article 2A are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts 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 as "A" (allowed), or subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the EDAs.

SECTION 50-11. **Dimensional Regulations Applicable in EDAs.** Within the Greater Roxbury EDA, the maximum allowed Building Height is sixty-five (65) feet and the maximum allowed Floor Area Ratio is two (2). Within the Dudley Square EDA, the maximum allowed Building Height is fifty-five (55) feet and the maximum allowed Floor Area Ratio is two (2). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space are set forth in Table C of this Article.

SECTION 50-12. **Establishment of Area Within Which Planned Development Areas May be Permitted.** Within the Greater Roxbury EDA and the Dudley Square EDA, Planned Development Areas ("PDAs"), as described in Section 3-1A.a, may be permitted on the following parcels:

TABLE 1

Parcels Upon Which PDA Development May Be Permitted

<u>Location</u>	<u>Parcel</u>
Greater Roxbury EDA	Douglass Plaza Northeastern Garage School Athletic Track Facility Ruggles Center Parcel 3 Parcel 22
Dudley Square EDA	Blair Site Dudley Terminal Parcel 9 Parcel 10 Post Office

PDAs are not permitted elsewhere in the Roxbury Neighborhood District. The purposes for establishing these areas within which PDAs may be permitted are: to establish a more flexible zoning law and encourage private development on underutilized sites in the Roxbury Neighborhood District while ensuring quality design by providing planning and design controls; to encourage economic development and commercial expansion; and to provide connections for Roxbury to the downtown economy.

SECTION 50-13. **Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article

if the Development Plan proposes a plan for public benefits including one or more of the following: (a) the creation or retention of job opportunities and neighborhood economic development opportunities, in accordance with the provisions of paragraph 1, below, of this Section; or (b) the diversification and expansion of Boston's economy in new areas of economic activity, such as private investment in research and development of pharmaceutical and biomedical products in accordance with the provisions of paragraph 2, below, of this Section.

1. Development Plan Approval for the Creation of New Job Opportunities. The Boston Redevelopment Authority may approve a Development Plan proposing creation of new job opportunities if it determines that: (a) employment positions in businesses occupying the Proposed Project are newly created in Roxbury; (b) the Development Plan provides for entrepreneurial assistance measures, such as (i) information, outreach, and education programs concerning new business development; (ii) general business planning and management counseling; (iii) technical assistance; and (iv) the establishment of general financing options; or (c) the Development Plan provides for job opportunities to facilitate community access to jobs created by the Proposed Project.

2. Development Plan Approval for Diversification and Expansion of Boston's Economy. The Boston Redevelopment Authority may approve a Development Plan proposing diversification and expansion of Boston's economy if at least thirty percent (30%) of the gross floor area of the Proposed Project is dedicated to or supportive of uses such as, but not limited to, the following: (a) research, development, and production of pharmaceutical and biomedical products; (b) the design, development, fabricating, and testing of instruments for engineering, medical, dental, scientific, optical, or other similar professional use; or (c) other scientific Research and Development Uses, including laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products. Examples of uses which shall be considered "supportive of" the uses enumerated in subparagraphs (a), (b), and (c) of this Subsection include, but are not limited to: office space occupied by private entities engaged in such uses or occupied by governmental entities regulating such uses; hotel, conference, or convention facilities; and educational facilities providing instruction in fields related to such uses.

Any Proposed Project dedicated to or supportive of the uses enumerated in subparagraphs (a), (b), and (c) of this Subsection is subject to the Guide for the Care and Use of Animals of the National Institutes of Health; the Animal Welfare Act, and other federal regulations pursuant to the act; and the Public Health Service Policy on Humane Care and Use of Laboratory Animals.

(^As amended on May 9, 1996.)

SECTION 50-14. Planned Development Areas: Use and Dimensional Regulations. The dimensional regulations for PDAs are established by this Section.

1. Use Regulations. A Proposed Project within a PDA is subject to the use regulations set forth in Table A of this Article, except as the same may be modified in the Development Plan.
2. Dimensional Regulations. A Proposed Project within an established PDA shall comply with the Building Height and FAR standards set forth in Table 2 of this Article. The Building Height and FAR for such a Proposed Project shall not exceed the maximum Building Height and FAR standards stated in Table 2.

TABLE 2

**Roxbury Neighborhood District
Planned Development Areas
Dimensional Regulations**

	<u>Maximum Building Height</u>	<u>FAR</u>
Blair Site	65'	2
Douglass Plaza	65'	3
Dudley Terminal	65'	2
Northeastern Garage	65'	3
Parcel 3	65'	3
Parcel 9	65'	3
Parcel 10	65'	3
Parcel 22	65'	3
Post Office	65'	2
School Athletic Track Facility	65'	3
Ruggles Center	225'	6

SECTION 50-15. [Planned Development Areas: Standards for Development Plan Approval.] Deleted on May 9, 1996 by Text Amendment No. 230. (For approval standards for Planned Development Area Development Plans, see Section 80C-4, Standards for Planned Development Area Review Approval.)

^SECTION 50-16. **Planned Development Area Review Requirement.** See Article 80 concerning the applicability of Planned Development Area Review to the

approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

1. Reconstruction of Pre-existing Structures. A Proposed Project for the reconstruction of a Structure in existence in a PDA as of the date of Development Plan approval and described in said Development Plan, or of a Structure constructed pursuant to said Development Plan, shall be determined by the Boston Redevelopment Authority to be consistent with said Development Plan, provided that said reconstruction is substantially similar to the original Structure. Said reconstruction, unless described as part of the original Proposed Project in said Development Plan, shall constitute a separate Proposed Project for all purposes hereunder.

(^As amended on May 9, 1996.)

SECTION 50-17. [Planned Development Areas: Applicability of Future Amendments.] Deleted on May 9, 1996 by Text Amendment No. 230.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS
SUBDISTRICTS

SECTION 50-18. Establishment of Neighborhood Business Subdistricts.

This Section establishes four Neighborhood Business Subdistricts within the Roxbury Neighborhood District. All four Neighborhood Business Subdistricts are Neighborhood Shopping Subdistricts, a type of Neighborhood Business Subdistrict which encourages smaller retail and community uses which serve the residents of the Roxbury Neighborhood District, and encourages the development in these areas of neighborhood businesses which provide essential goods and services as well as jobs and entrepreneurial opportunities for the Roxbury community. The Neighborhood Shopping Subdistricts are designated "NS" on the maps establishing the Roxbury Neighborhood District.

1. Egleston Square Neighborhood Shopping Subdistrict
2. Grove Hall Neighborhood Shopping Subdistrict
3. Washington Park Mall Neighborhood Shopping Subdistrict
4. St. Patrick's Neighborhood Shopping Subdistrict

SECTION 50-19. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, the uses identified in Table A of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Neighborhood Business Subdistricts.

SECTION 50-20. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. Within Neighborhood Business Subdistricts, the maximum allowed Building Height is forty-five (45) feet and the maximum allowed FAR is one (1). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space are set forth in Table D of this Article.

(^As amended on August 22, 1996.)

SECTION 50-21. Sign Regulations Applicable in Neighborhood Business Subdistricts. For sign regulations applicable within the Roxbury Neighborhood District, see Section 50-42 (Sign Regulations).

(^As amended on July 31, 1997.)

SECTION 50-22. Additional Regulations Applicable in Neighborhood Business Subdistricts. Within Neighborhood Business Subdistricts, specific design requirements apply as set forth in Section 50-40, screening and buffering requirements apply as set forth in Section 50-41, and design review guidelines as set forth in Section 50-39 may be applicable.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

SECTION 50-23. Establishment of Community Facilities Subdistricts. This Section establishes eight (8) Community Facilities Subdistricts within the Roxbury Neighborhood District. These subdistricts are established to encourage the development and expansion of important community-based facilities in the Roxbury Neighborhood District, which provide health, educational, and cultural services to the community and are an important part of the institutional fabric of the Roxbury community. The Community Facilities Subdistricts are designated "CF" on the maps establishing the Roxbury Neighborhood District.

1. Campus High Subdistrict
2. Community College Subdistrict
3. Dimock Street Subdistrict
4. Walnut Avenue Subdistrict
5. Warren Street Subdistrict
6. Roxbury Heritage State Park Subdistrict
7. Townsend Street Subdistrict
8. Albany Street Medical Area Subdistrict

SECTION 50-24. Use Regulations Applicable in Community Facilities Subdistricts. Within the Community Facilities Subdistricts, the uses identified in Table A of this Article and described in greater detail in Article 2A are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said Subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Community Facilities Subdistricts.

SECTION 50-25. Dimensional Regulations Applicable in Community Facilities Subdistricts. Within Community Facilities Subdistricts, the maximum allowed Building Height is forty-five (45) feet and the maximum allowed FAR is two (2), except within the Walnut Avenue Subdistrict, where the maximum allowed Building Height is thirty-five (35) feet and the maximum allowed FAR is one (1). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space are set forth in Table E of this Article.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 50-26. **Establishment of Residential Subdistricts.** This Section establishes Residential Subdistricts within the Roxbury Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of 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 which enhances the Subdistrict while preventing overdevelopment and poor quality of construction. These Residential Subdistricts are designated as follows on the maps establishing the Roxbury Neighborhood District.

1. Two-Family Residential Subdistricts, as indicated by the designation "2F" on said Maps. The Two-Family Residential Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F subdistrict the maximum number of Dwelling Units allowed in a single Building shall be two (2); a greater number up to three (3) units in a Building shall be conditional, subject to the provisions of Article 6.
2. Three-Family Residential Subdistricts, as indicated by the designation "3F" on said Maps. The Three-Family Residential Subdistricts are established to encourage low-density three-family areas with a variety of housing types appropriate to the existing fabric including one-, two-, but no more than three-family Dwellings. In a 3F subdistrict the maximum number of Dwelling Units allowed in a single Building, in a Town House Building, or in a Row House Building shall be three (3), and the maximum number of Town House Buildings or Row House Buildings attached in a row shall be three (3); a greater number of units up to four (4) in a Building and a greater number of Buildings up to four (4) attached in a row shall be conditional, subject to the provisions of Article 6.
3. Row House Residential Subdistricts, as indicated by the designation "RH" on said Maps. The 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. There shall be a limit of four (4) Dwelling Units per individual Row House Building or Town House Building in the Row House Residential Subdistricts.
4. Multifamily Residential Subdistricts, as indicated by the designation "MFR" on said Maps. The Multifamily Residential Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types including one-, two-, and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

5. Multifamily Residential/Local Services Subdistricts, as indicated by the designation "MFR/LS" on said Maps. The Multifamily Residential/Local Services Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types including two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings, and ground floor retail.

^SECTION 50-27. **Provision of Affordable Housing.** The provision of opportunities for the development of Affordable Housing is critical in Roxbury, as it is throughout the City of Boston.

1. Housing Priority Areas. This Section establishes several Housing Priority Areas in order to promote and encourage the construction of Affordable Housing. All parcels of land within these areas are owned by a Public Agency and comprise at least one acre, either individually or in combination with contiguous parcels owned by another public agency. Notwithstanding any contrary provision hereof, for any Proposed Project within these areas a minimum of three (3) square feet of Gross Floor Area shall be devoted to allowed Residential Uses for each square foot of Gross Floor Area devoted to other uses. In addition, seventy-five (75%) percent of all Dwelling Units in any such Proposed Project shall be Affordable. The provision of Affordable Housing within the Roxbury Neighborhood District shall not be limited to these areas, and is, in fact, encouraged throughout the Roxbury Neighborhood District.

The Housing Priority Areas within the Roxbury Neighborhood District include the following sites:

- (a) Parcel 9 in the Dudley Square EDA;
 - (b) the Bartlett Yards presently owned by the MBTA, as bounded by Washington Street, Bartlett Street, Guild Street, and Lambert Avenue.
2. Dudley Triangle Area. Notwithstanding any contrary provision of Section 50-29 (Dimensional Regulations Applicable in Residential Subdistricts), any Proposed Project within the Dudley Triangle Area, which is generally bounded by Dudley Street, Howard Avenue, Harlow Street, Folsom Street, Robinhood Street, Hartford Street, Brookford Street, and Blue Hill Avenue that is the subject of a regulatory agreement entered into pursuant to Chapter 121A of the Massachusetts General Laws between an urban redevelopment corporation, as that term is defined in said chapter, and the Boston Redevelopment Authority, as of the effective date of this Article, shall be required to meet seventy percent (70%) of the minimum Lot Size, minimum Lot Width, Open Space, and Front, Rear, and Side Yard

requirements that would otherwise be applicable pursuant to Section 50-29 and Table F of this Article, provided that:

- (a) such Proposed Project is used exclusively for Residential Uses and uses Accessory thereto;
- (b) not less than seventy percent (70%) of the Dwelling Units included in such Proposed Project are Affordable Housing; and
- (c) such Proposed Project is subject to or elects to comply with Large Project Review or Small Project Review.

Notwithstanding the use regulations set forth in Table B for a Row House Subdistrict, a One-Family Detached Dwelling or a Two-Family Detached Dwelling shall be an allowed use for a Proposed Project located in a Row House Subdistrict in the Dudley Triangle Area, provided that such Proposed Project conforms to this Subsection 50-27.2.

(^As amended on May 9, 1996.)

SECTION 50-28. Use Regulations Applicable in Residential Subdistricts.

Within the Residential Subdistricts of the Roxbury Neighborhood District, the uses identified in Table B of this Article and described in greater detail in Article 2A are allowed, conditional, or forbidden as set forth in said Table B. No land or Structure in said subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table B as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Residential Subdistricts.

SECTION 50-29. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Frontage, Yard, Building Height, and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, minimum Usable Open Space per Dwelling Unit, and Front Yard, Side Yard, and Rear Yard required for any Proposed Project in a Residential Subdistrict and the maximum allowed Building Height and Floor Area Ratio for such Proposed Project shall be established by: (a) determining whether the Lot is located in a zone designated "4000" (minimum Lot Area of 4,000 square feet), "5000" (minimum Lot Area of 5,000 square feet), "6000" (minimum Lot Area of 6,000 square feet), or "7000" (minimum Lot Area of 7,000 square feet), as shown on "Map 6A Roxbury Neighborhood District," "Map 6B Roxbury Neighborhood District," or "Map 6C Roxbury Neighborhood District," and

(b) determining the dimensional requirements applicable to the pertinent zone by reference to Table F of this Article.

2. Allowed Additions in Required Yards. Within a Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, additions to existing Detached Dwellings or Main Buildings may extend into a required yard (except the Front Yard) when the existing Detached Dwelling or Main Building is already nonconforming with respect to that yard; provided that such nonconformity affects at least seventy percent (70%) of the total length of the wall facing such required yard. The extension of the line formed by the principal alignment of the nonconforming wall of the Detached Dwelling or Main Building shall be the limit to which the addition may be built. The addition may extend up to the applicable maximum Building Height and may include a basement addition. The Floor Area Ratio of the existing Detached Dwelling or Main Building together with the new addition shall not exceed the maximum allowed Floor Area Ratio specified for the subdistrict. The addition to the nonconforming wall or walls shall comply with the following requirements:
 - (a) Side Yard: When completed, the side wall of an addition to a nonconforming side wall is at all points at least five (5) feet from the Side Lot Line and ten (10) feet from an existing Detached Dwelling or Main Building on an abutting lot.
 - (b) Rear Yard: When completed, the rear wall of an addition to a nonconforming rear wall is at all points at least twenty (20) feet from the Rear Lot Line.
3. Lot Frontage. Within a Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table F of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width. (See also Subsection 50-44.1, Exceptions to Minimum Lot Size Requirements.)

REGULATIONS APPLICABLE IN INDUSTRIAL DEVELOPMENT AREAS

SECTION 50-30. Establishment of Industrial Development Areas. This Section establishes two Industrial Development Areas ("IDAs") within the Roxbury Neighborhood District. IDAs are designed to encourage the expansion of the existing manufacturing and industrial base in a manner which is sensitive to and preserves the quality of life of the surrounding neighborhoods and to encourage the development of new job opportunities within the Roxbury Neighborhood District. The Economic Development and Industrial Corporation ("EDIC"), as the agency with the responsibility for coordinating and implementing the Industrial Development Plan for the City of Boston, will play an ongoing and active role in overseeing the direction of growth and development in the IDAs. The IDAs are designated "IDA" on the maps establishing the Roxbury Neighborhood District.

1. **Newmarket Industrial Development Area**
2. Grove Hall Industrial Development Area

SECTION 50-31. Performance Standards for All Uses. Within the Industrial Development Areas of the Roxbury Neighborhood District, each use shall comply with the provisions of this Section.

1. None of the following effects will be allowed:
 - (a) Any emissions beyond the boundaries of the Lot in quantities that endanger human health or cause damage to vegetation or property.
 - (b) Any emission of radioactivity or any biohazard that exceeds the applicable local, state, or federal regulations.
 - (c) Any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located outside the Lot.
 - (d) Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.
2. Any noise, air pollutant, vibration, dust, odor, change in temperature, or direct or sky-reflected glare of a significant quantity and duration detectable by the human senses without the aid of instruments shall not be allowed to emanate more than fifty (50) feet beyond the boundaries of the Lot upon which a use is located, or to emanate more than twenty (20) feet beyond the boundaries of the Lot upon which a use is located if the Lot abuts or is across the Street from a residential subdistrict.

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

(^As amended on August 22, 1996.)

SECTION 50-32. Use Regulations Applicable in Industrial Development Areas. Within an IDA in the Roxbury Neighborhood District, the uses identified in Table A of this Article, and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Industrial Development Areas.

SECTION 50-33. Dimensional Regulations Applicable in Industrial Development Areas. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in an Industrial Development Area and the maximum allowed Floor Area Ratio and Building Height for such Lot shall be as provided in Table G of this Article.

SECTION 50-34. Additional Regulations Applicable in Industrial Development Areas. Within Industrial Development Areas, screening and buffering requirements apply as set forth in Section 50-41.

REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS

SECTION 50-35. **Establishment of Open Space Districts and Subdistricts.**

This Section establishes Open Space Districts and Subdistricts in the Roxbury Neighborhood District as indicated on Table 3, below, of this Section, and as shown on the maps establishing the Roxbury Neighborhood District. A land trust composed of residents and representatives of community organizations and businesses may be established within the Roxbury Neighborhood District to own and manage open space which was previously in the ownership of Public Agencies. Any Lot within any Open Space District or Subdistrict is subject to the provisions of this Code applicable to such District or Subdistrict, including without limitation Article 33, Open Space Subdistricts.

1. Air-Right Open Space (OS-A) Subdistrict. Air-Right Open Space Subdistricts shall consist of land used as Transit Corridors owned by a Public Agency. Air-Right Open Space Subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors.
2. Cemetery Open Space (OS-CM) Subdistrict. These subdistricts are designated for interment uses and are subject to provisions of Section 33-14 of the Code.
3. Community Garden Open Space (OS-G) Subdistrict. These subdistricts consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity and are subject to the provisions of Section 33-8 of the Code.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10 of the Code.
5. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas; may include Vacant Public Land; and are subject to the provisions of Section 33-9 of the Code.
6. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses and are subject to the provisions of Section 33-15 of the Code.

7. Urban Wild Open Space (OS-UW) Subdistrict. Urban Wild Open Space Subdistricts shall consist of land not in the city's park system which include such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuaries, creeks, rivers, streams, ponds, or lakes, and are subject to the provisions of Section 33-15 of the Code.

TABLE 3

Open Space Districts and Subdistricts in the Roxbury Neighborhood District

<u>Designation</u>	<u>Location/Name</u>
<u>Open Space District</u>	Cedar Street Kittredge Park
<u>Open Space Subdistrict</u>	
Air Right (OS-A)	Greater Roxbury EDA
Cemetery (OS-CM)	Eliot Cemetery Eustis Street
Urban Wild (OS-UW)	Alpine Dudley Cliffs Fountain Street John Eliot Square Puddingstone Garden Rockledge Street Warren Gardens 20 Townsend/6 Brinton
Community Garden(OS-G)	Bessie Barnes Garden 403-405 Dudley Street 10, 12, 14 Highland Avenue Kendall and Lenox St. Garden 51-65 Maywood Street Sarnac/New Castle Garden 54-60 Savin Street St. Joseph's Garden Warwick Street Garden 25 Winthrop Street

<u>Designation</u>	<u>Location/Name</u>
Recreation (OS-RC)	Beauford Play Area Brunswick-King Play Area Carter Playground Ceylon Hill Park Ceylon Street Playground Children's Park Clifford Playground Connolly (Marcella) Park Crawford Street Playground Eustis Street Play Area Hannon Playground Highland Park Howes Playground Jeep Jones Park King School Park Lambert Avenue (Dorr) Playground Laviscount Plaza Little Scobie Playground Malcolm X Park Mt. Pleasant Avenue Orchard Park Quincy Street Play Area Ramsey Park Roxbury Business Park Trotter School Playground Walnut Park Play Area Whittier Playground Winthrop Playground
Parkland (OS-P)	Cedar Square Chester Park Denton Square Elm Hill Park 6 Harold Park/9-23 Harold Park Horatio Harris Park Hyman Hillson Park 8 Kensington/11 Mayfair Linwood Park Public Ground Puddingstone Park St. James Street Park

<u>Designation</u>	<u>Location/Name</u>
	Parcel P-3A 178 Walnut/25 Harold Street Wolf Square
Urban Plaza (OS-UP)	Grove Hall Urban Plaza

REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN DISTRICTS
AND BOULEVARD PLANNING DISTRICTS

^SECTION 50-36. **Establishment of Neighborhood Design Districts.** This Section establishes the following Neighborhood Design Districts as overlays to residential subdistricts within the Roxbury Neighborhood District. The Neighborhood Design Districts are established to protect the historic character of these neighborhoods, which give Roxbury its unique architectural character. While development of housing within these Neighborhood Design Districts is encouraged, new construction or rehabilitation which preserves and complements the character of the existing housing stock will enhance the historic quality of these neighborhoods. For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Districts, see Article 80. All use, dimensional, and other provisions applicable to the underlying residential subdistricts are applicable within the Neighborhood Design Districts. The Neighborhood Design Districts are located as designated on the maps establishing the Roxbury Neighborhood District.

1. Highland Park - John Eliot Square Neighborhood Design District
2. St. James Neighborhood Design District
3. Moreland Street Neighborhood Design District
4. Mt. Pleasant Neighborhood Design District
5. Elm Hill Park Neighborhood Design District
6. Lower Roxbury Neighborhood Design District
7. Harriswood Crescent Neighborhood Design District

(^As amended on May 9, 1996.)

SECTION 50-37. **Establishment of Boulevard Planning Districts.** This Section establishes Boulevard Planning Districts ("BPDs") as overlays to underlying subdistricts. The BPDs are an acknowledgement of the significance of major boulevards as the entryways to Roxbury's neighborhoods. As gateways to the residential areas they establish a design image and are focal points for the surrounding neighborhoods. Within the BPDs, special design review requirements and design guidelines apply as set forth in Subsection 50-38.1, Section 50-39, and Section 50-40, and screening and buffering requirements apply as set forth in Section 50-41. All use regulations, dimensional regulations, and other provisions applicable to the underlying subdistricts are applicable within the BPDs. The BPDs extend one hundred (100) feet in each direction from the center line of each of the following boulevards.

1. Blue Hill Avenue
2. Columbia Road
3. Columbus Avenue
4. Dudley Street
5. Humboldt Avenue
6. Massachusetts Avenue

7. Melnea Cass Boulevard
8. Tremont Street
9. Seaver Street
10. Shawmut Avenue
11. Warren Street
12. Washington Street

REGULATIONS GOVERNING DESIGN

^SECTION 50-38. **Roxbury Neighborhood District Design Review.** In order to ensure that growth in the Roxbury Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

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-2.1 (Applicability of Small Project Review: Design Component) and this Section 50-38.1. In addition to those Proposed Projects specified in Section 80E-2.1, the following Proposed Projects are subject to the Design Component of Small Project Review pursuant to subsection (b)(iv) (Design Review Required by Underlying Zoning) of Section 80E-2.1:

- (a) Any Proposed Project to erect a new building or structure in a Neighborhood Design District;
- (b) Any exterior alteration affecting more than three hundred (300) square feet of the Street Wall facade above the Ground Floor Ceiling Height of a Proposed Project visible from any public street or public open space within a Neighborhood Design District or Boulevard Planning District;
or
- (c) Any exterior alteration changing the roof shape, cornice line, height of Street Wall, or Building Height of an existing Building within a Neighborhood Design District or Boulevard Planning District. However, those Proposed Projects within a Boulevard Planning District in which the underlying subdistrict is an Industrial Development Area shall not be subject to design review pursuant to (a) and (b) above.

(^As amended on July 27, 1993, May 9, 1996, and July 31, 1997.)

^SECTION 50-39. **Design Guidelines for the Roxbury Neighborhood District.** This Section 50-39 establishes the following design guidelines for the Roxbury Neighborhood District; provided, however, that for any Proposed Project in an IDA, only those design guidelines numbered 1 through 10 shall be applied.

1. Site planning, including location of buildings, open space, and vehicular access and parking areas, shall be designed to enhance the street frontage and surrounding Buildings and spaces.
2. Vehicular access and egress to a site shall provide safe visual access for drivers and pedestrians.
3. When possible, parking shall not be located in front of Buildings. Parking and storage areas should be located behind Buildings, and the provisions of Section 50-41 (Screening and Buffering Requirements) shall be applicable.
4. Design features of a Proposed Project for residential or commercial uses shall take into consideration any special characteristics of the site and its location and shall enhance and reinforce any historic qualities of existing Structures.
5. Setbacks, corner treatments, and other design details shall be used to minimize the sense of bulk of Structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
6. Roofs of buildings shall be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy.
7. A clearly defined 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 without change of color. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be limited in accordance with Section 50-42 (Sign Regulations). 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.
8. New or rehabilitated commercial Buildings shall be compatible with the architectural character of older commercial Buildings.
9. Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements shall be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows or entrances facing onto pedestrian areas, shall be avoided to the extent practicable in building designs, in

accordance with Section 50-40, relating to Street Wall continuity and display windows.

10. Storefronts shall 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.
11. Landscaping and screening should be used to make commercial subdistricts more attractive and to provide screening between commercial and Residential Uses. The screening and buffering requirements set forth in Section 50-41 shall be applicable.
12. New or rehabilitated residential buildings shall reflect and complement the patterns of siting and the architectural character of the surrounding residential structures. The removal or alteration of any historic or architectural feature should be held to a minimum.
13. Distinctive features such as the size, scale, mass, color, and building materials shall be retained, if possible, when rehabilitating residential Buildings. This should include roofs, roof profiles, existing window and door openings, steps, porches, and other features that give a neighborhood its distinguishing character.
14. Deteriorated architectural features should be repaired rather than be replaced, wherever possible, when rehabilitating residential buildings. In the event that replacement is necessary, the new material should match the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based as much as possible on accurate duplication of original features or on other Buildings of the same style and period.
15. Contemporary design for additions to existing residential Structures shall not be discouraged, if such design is compatible with the size, material, and character of the existing Structure and surrounding neighborhood environment. Alterations to create earlier or later appearances shall be discouraged.
16. New residential construction shall reflect the traditional location and relationship of Buildings on their sites. This includes setback from streets, spacing among Buildings, and orientation of openings to the street and neighboring Structures. In addition, the location of the Buildings shall respect significant landscape features on the site.
17. New residential construction shall respect certain standards of scale in order to maintain the subdistrict's special qualities. Overall building height and

massing, relationships of primary Buildings to secondary Buildings, and landscape elements all shall be consistent with the surrounding architecture and environment.

18. 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.

(^As amended on May 9 and August 22, 1996, and July 31, 1997.)

^SECTION 50-40. **Specific Design Requirements.** In the Roxbury Neighborhood District, any Proposed Projects for the erection of a Building, except a Proposed Project for a Residential Use, shall comply with the following design requirements. The provisions of Article 6A shall be applicable to the provisions of this Section 50-40.

1. Street Wall Continuity. In a Neighborhood Business Subdistrict, the Street Wall of any Structure subject to this provision shall be built to be coextensive with the Building Line, as defined in Article 2A, of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then said Street Wall shall be built at a depth from the curb line equal to that of the Building Line farthest from the curb line of the two blocks adjacent to said Block, facing onto the same Street. If there is no determinable Building Line of either of said adjacent Blocks, then (a) if the Proposed Project is subject to or elects to comply with Large Project Review or Small Project Review, an appropriate Street Wall location shall be determined through such review, or (b) otherwise, 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. A Proposed Project shall comply with the requirements of this Subsection with respect to each facade facing a public Street, but excluding alleys and private ways.

Except as otherwise provided in this Subsection 50-40, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall Plane of two (2) feet or less shall be permitted across the Street Wall. Further, larger recesses and bays in Street Walls shall be permitted as follows. For Proposed Projects neither subject to nor electing to comply with Large Project Review or Small Project Review, recesses not exceeding fifteen (15) feet in depth, and not affecting more than fifty percent (50%) of the surface area of the Street Wall Plane shall be permitted. Further, Bay Windows shall be permitted to extend from the Street Wall Plane above the Ground Floor Ceiling Height provided that such Bay

Windows do not affect more than forty percent (40%) of the Street Wall Plane. For Proposed Projects which are subject to or elect to comply with Large Project Review or Small Project Review, recesses and Bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the 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. This Subsection shall apply in an Economic Development Area, Neighborhood Business Subdistrict, Community Facilities Subdistrict, or Boulevard Planning District to any Proposed Project for a Retail Use, Service Use, or Trade Use. For the purposes of this Subsection, the term "Display Window Area" means that area of the Street Wall of any Structure that is between Grade and the Ground Floor Ceiling Height (or the roof structure if only a one-story Structure), or fourteen (14) feet, whichever is less, and excludes any area of Street Wall serving as access to off-street loading berths or accessory off-street parking.
 - (a) Display Window Area Transparency. At least sixty percent (60%) of the Display Window Area between three (3) feet above Grade and eight (8) feet above Grade of Retail Uses, Service Uses, and Trade Uses shall be glazed and transparent. Article 11 of this Code applies to any painting or signs on the Display Window Area. That portion of the Display Window Area required by this section to be transparent glazing shall not be obstructed by more than fifty percent (50%) by signs on or behind such glazing.
 - (b) Display Window Area Usage. To a depth of at least two (2) feet behind the Display Window Area for a Retail Use, Service Use, or Trade Use there shall be: (a) an area for the display of goods and services available for purchase on the premises; or (b) an area for exhibits and announcements; provided, however, that no such areas shall be required in the case of a display window that provides pedestrians with a view of the Retail Uses, Service Uses, or Trade Uses, as the case may be, being conducted on the premises.
 - (c) Display Window Security Grates. That portion of the Display Window Area required by Section 50-40.2(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 May 9 and August 22, 1996.)

SECTION 50-41. Roxbury Neighborhood District Screening and Buffering Requirements. In order to ensure that the commercial, industrial, and boulevard districts of the Roxbury Neighborhood District develop into attractive and appropriately landscaped areas which enhance the neighborhood and streetscape, the following screening and buffering requirements apply to a Proposed Project for the erection or extension of a Building in Neighborhood Business Subdistricts, Boulevard Planning Districts, and Industrial Development Areas, and to off-street parking facilities and lots in Residential Subdistricts. The provisions of Article 6A shall be applicable to the provisions of this Section 50-41.

1. Where any Proposed Project for the erection or extension of a Building, except a Proposed Project for a Residential Use listed in Table B of this Article, abuts a Residential Subdistrict, Residential Use, public street, or public park, such Proposed Project shall provide and maintain along the property line(s) abutting such Residential Subdistrict a screen that consists of one of the following combinations of plant materials and fencing:
 - (a) A strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty vinyl-clad chain-link fence with or without redwood strips woven through it, at least six (6) feet high, but not more than eight (8) feet above finished Grade;
 - (b) A strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least sixty percent (60%) opaque and at least six (6) feet high, but not more than eight (8) feet above finished Grade; or
 - (c) Masonry piers and/or walls in conjunction with other materials such as steel pickets may be used, at least six (6) feet high but not more than eight (8) feet above finished Grade.
2. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas located along a Front Lot Line adjacent to a Street shall be screened from view as provided below. Except as limited by Subsection 50-44.3 (Traffic Visibility Across Corner), such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%)

opaque and is no less than three (3) feet and no more than four (4) feet high; except that in an IDA such screening shall consist of trees and shrubs densely planted in a strip at least three (3) feet wide on the inside edge of a steel-picket or stockade or board type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than four (4) feet high and no more than six (6) feet high. All parking lot lighting shall be designed to shine entirely on the lot. All parking lots shall be accessible to the handicapped.

3. Shrubs required by this Section may be of deciduous or evergreen, or a mixture of both types, densely planted to provide a mature appearance within three (3) years. Trees required by this section may be deciduous or evergreen, or some combination of both types. Deciduous trees shall be minimum three- (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center. Evergreen trees shall be minimum twelve (12) feet high and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary.
4. Landscaping required by this Section 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.
5. Disposal areas, dumpsters, and ground-mounted mechanical equipment located along a Front Lot Line adjacent to a Street shall be screened from view as provided below. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
6. 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. In an IDA, this requirement shall apply only if such mechanical equipment is located on a Lot which abuts a Residential Subdistrict, Residential Use, public street, or public park or is located on a Lot fronting on Massachusetts Avenue or Melnea Cass Boulevard.
7. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required in this Section. In an IDA, for all Storage Uses as identified in Table A, any material or equipment stored to a height greater than four (4) feet above Grade level shall be surrounded by an opaque wall or fence not less than six (6) feet high.

(^As amended on August 22, 1996.)

MISCELLANEOUS PROVISIONS

^SECTION 50-42. **Sign Regulations.** The provisions of this Section 50-42 apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. Sign Regulations Applicable in Residential Subdistricts and in Open Space Districts and Subdistricts. In all Residential Subdistricts, and in all Open Space Districts and Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other Than Residential and Open Space Subdistricts. In all subdistricts other than Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 50-42. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Total Sign Area. The Sign Area, as defined in Article 2A, in square feet of all permanent Signs on a Sign Frontage, as defined in Article 2A, except for signs on windows above the first floor, freestanding signs, directional signs, and public purpose signs listed in items (g) through (k) inclusive of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2);
 - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a building shall not have an area in excess of ten (10) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature indicator; and
 - (c) Free-standing Signs. A free-standing Sign shall not have an area in excess of fifteen (15) square feet for each use on the Lot, and the top of such Sign shall not be higher than ten (10) feet above Grade.
 - (d) 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.

- (e) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of August 22, 1996, is forbidden in the Roxbury Neighborhood District.
- (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 inserted on August 22, 1996.)

SECTION 50-43. Off-Street Parking and Loading Requirements. For any Proposed Project subject to or electing to comply with Large Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For any other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table H and the minimum required off-street loading spaces are as set forth in Table I.

1. Uses Not Divided into Dwelling Units. For the purposes of Table H, where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two people, each four beds shall constitute one Dwelling Unit.
2. 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 use shall constitute floor area.

3. 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; provided, however, that no additional off-street parking facilities shall be required in connection with the alteration or extension of such a Structure for use as a Group Residence Limited, Homeless Shelter, or Lodging House.
4. 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 shall be the total of the required number of off-street loading spaces for each use; provided, however, that, subject to the provisions of Sections 6-2, 6-3, and 6-4 and after public notice and hearing, the Board of Appeal may permit a reduction in the total number of required off-street parking spaces if the Board of Appeal determines that so-called "shared parking" arrangements, in which a single parking space may be counted for different uses whose peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
5. Location.
 - (a) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on the particular Lot is for Residential Uses and the other Lot is within four hundred (400) feet of the particular Lot; and (2) where the main use on the particular lot is for non-Residential Uses and the other Lot is within twelve hundred (1,200) feet of the particular Lot.
 - (b) 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 numbers required for each use, or the Board of Appeal may permit a reduction in the total number of required off-street

parking spaces if the Board of Appeal determines that "shared-parking" arrangements, in which a single parking space may be counted for different uses whose peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

- (c) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 50-43. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet.
6. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas, and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) All car spaces shall be located entirely on the Lot. Fifty percent (50%) of the 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.
7. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

(^As amended on May 9 and August 22, 1996.)

SECTION 50-44. **Application of Dimensional Requirements.**

1. Exceptions to Minimum Lot Size Requirements. If the requirements of this Article with respect to Open Space and to Front, Rear, and Side Yards are met, the minimum Lot Area or minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction, or alteration of a single-family Dwelling, two-family Dwelling, three-family Dwelling, or four-family Dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect; provided that three-fourths (3/4) of the minimum Lot Area or minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the district or subdistrict. This exception shall apply regardless of whether or not a Lot meets the Lot Area or Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.
2. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street shall be maintained within that part of the required Front Yard which is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
4. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot Line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the requirements of this Article shall be deemed to be met; provided that the provisions of this Subsection 50-44.4 shall not be applicable to any Proposed Project subject to Subsection 50-40.1, Street Wall Continuity.
5. Special Provisions for Corner Lots. If a Lot abuts on more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided below. The Front Yard requirements of this Code,

and not the Side Yard requirements of this Article, shall apply to that part of a side Lot line which is also a Street Line, which Street Line extends more than one hundred (100) feet from the intersection of such line with another Street.

6. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line which is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line which is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the requirements of this Article shall be deemed to be met.
7. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than the minimum Lot Width specified for such Lot in this Article, or, if no minimum Lot Width is so specified, the Lot is narrower than fifty (50) feet, two (2) inches shall be deducted from the width otherwise required by this Article for each Side Yard thereof; provided that in no event shall either Side Yard of any such Lot in a Two-Family Residential Subdistrict be less than eight (8) feet wide, or in a Three-Family Residential Subdistrict, Row House Residential Subdistrict, Multifamily Residential Subdistrict, or Multifamily Residential/Local Services Subdistrict be less than five (5) feet wide, or in any other subdistrict less than six (6) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or to off-street loading facilities required by this Article shall be less than ten (10) feet in width.
8. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.
9. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot Line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the requirements of this Article shall be deemed to be met.
10. Rear Yards of Through Lots. The Front Yard requirements of this Code, and not the Rear Yard requirements of this Article, shall apply to that part of a

Rear Yard which is also a Street Line except in the case of a Rear Yard which abuts a street less than twenty (20) feet in width.

11. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard thereof; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
12. Underground Encroachments in Yards. In any district, any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Code, including the piers, railings, and parapets thereof, shall not extend more than five (5) feet above Grade level.
13. Two or More Dwellings on Same Lot. If on one Lot there are two or more Dwellings (other than a temporary Dwelling) designed for occupancy or occupied by one or more Families, or if on one Lot there are one or more such Dwellings and one or more other Main Buildings, such Dwellings shall be separated from each other and from such other Buildings by yards of the same minimum depths as if each 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 Subsection 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 Subsection were met.
14. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, except temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 50-45. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 50-46. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 50-47. **Severability.** The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any

decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 50-48. **Definitions.** Capitalized words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 50-49. **Tables.** The following tables are hereby made part of this Article:

<u>Tables A-B</u>	<u>Use Regulations</u>
A	Nonresidential Subdistricts
B	Residential Subdistricts
<u>Tables C-G</u>	<u>Dimensional Regulations</u>
C	Economic Development Areas
D	Neighborhood Business Subdistricts
E	Community Facilities Subdistricts
F	Residential Subdistricts
G	Industrial Development Areas
<u>Tables H-I</u>	<u>Off-Street Parking and Loading Regulations</u>
H	Off-Street Parking
I	Off-Street Loading

TABLE A

**Roxbury Neighborhood District
Use Regulations in Nonresidential Subdistricts**

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

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

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistrict</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Area</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>				
<u>Banking and Postal Uses</u>								
Automatic teller machine	A	A	A	A	A	A	A	A
Bank	A	A	A	A	A	A	C	A
Bank, drive-in	A	A	A	A	A	A	C	A
Post office	A	A	A	A	A	A	A	A
<u>Community Uses</u>								
Adult education center	A	A	A	A	A	A	A	C
Community center	A	A	A	A	A	A	A	C
Day care center	A	A	A	A	A	A	A	A
Day care center, elderly	A	A	A	C	A	C	A	F
Library	A	A	A	A	C	A	A	A
Place of worship	A	A	A	A	A	A	A	A
Residence for members of religious order	A	A	A	A	C	A	A	A

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>				
<u>Cultural Uses</u>								
Art gallery	A	A	A	A	A	A	C	C
Art metal craft shop	A	A	A	A	A	A	C	A
Auditorium	A	A	A	A	C	A	C	C
Museum	A	A	A	A	C	A	A	C
Music store	A	A	A	A	A	A	C	C
Musical instrument repair	A	A	A	A	A	A	C	A
Public art display space	A	A	A	A	A	C	C	C
Studio, arts	A	A	A	A	C	C	C	A
Studio, production	A	A	A	A	C	C	C	A
Theatre	A	A	A	A	C	C	C	C
Ticket sales	A	A	A	A	A	C	C	C
<u>Dormitory and Fraternity Uses</u>								
All (see Article 2A)	C	C	C	C	C	C	F	F
<u>Educational Uses¹</u>								
College or university	C	C	C	C	F	F	C	F
Elementary or secondary school	C	C	C	C	C	C	A	C
Kindergarten	C	C	A	A	A	A	A	C
Professional school	C	C	C	C	C	C	A	A
Trade school	C	C	C	C	C	C	A	A

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>	
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>			
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>					
<u>Entertainment Uses</u>									
Adult entertainment	F	F	F	F	F	F	F	F	F
Amusement game machines in commercial establishment	C	C	C	C	F	C	C	A	C
Amusement game machines in noncommercial establishment	F	F	F	F	F	F	F	F	F
Bar	C	C	C	F	C	F	F	C	C
Bowling alley	A	C	A	C	F	C	F	C	C
Billiard parlor	A	C	A	C	C	C	F	C	C
Concert hall	C	C	A	C	C	C	C	A	C
Dance hall	C	C	C	C	C	C	C	C	C
Drive-in theatre	F	F	F	F	F	F	F	F	F
Private club not serving alcohol	C	C	C	C	C	C	C	C	C
Private club serving alcohol	C	C	C	C	C	C	C	C	C
Restaurant with entertainment	C	C	C	C	C	C	F	F	C
Social, recreational, or sports center	A	A	A	A	C	C	F	F	C
<u>Funerary Uses</u>									
Cemetery	C	F	C	F	C	F	F	F	F
Cemetery extension	C	F	C	F	C	F	F	F	F
Columbarium	C	F	C	F	C	F	F	F	F
Crematory	C	F	C	F	C	F	F	F	F
Funeral home	C	C	C	C	C	C	F	F	F
Mortuary chapel	C	F	C	F	C	F	F	F	F

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>				
<u>Health Care Uses</u>								
Clinic	C	C	C	C	C	C	C	C
Custodial care facility	C	C	C	C	C	C	C	F
Group care residence, general	C	C	C	C	C	C	C	F
Hospital	C	C	C	C	F	F	C	C
Nursing or convalescent home	A	A	C	C	C	C	A	F
(;As amended on September 20, 1996.)								
<u>Hotel Uses</u>								
All (see Article 2A)	A	A	C	A	F	F	F	F
<u>Industrial Uses</u>								
Art use	A	A	A	A	A	A	A	A
Artists' mixed-use	A	A	C	C	A	A	A	A
Cleaning plant	F	F	F	F	F	F	F	A
General manufacturing use	F	F	F	F	F	F	F	A
Light manufacturing use	F	F	F	F	F	F	F	A
Printing plant	A	A	A	A	C	C	F	A
Restricted industrial use	F	F	F	F	F	F	F	C
(;As amended on August 22, 1996.)								

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>				
<u>Office Uses</u>								
All (see Article 2A)	A	A	A	A	C	A	F	A
<u>Open Space Uses</u>								
Golf driving range	F	F	F	F	F	F	F	C
Grounds for sports, private	C	C	C	C	C	C	A	C
Open space	A	A	A	A	A	A	A	A
Open space recreational building	A	A	A	A	C	C	A	C
Outdoor place of recreation for profit	C	C	C	C	C	C	C	C
Stadium	C	C	F	F	F	F	F	C
<u>↔Public Service Uses¹</u>								
Automatic telephone exchange or telecommunications data distribution center	C	C	C	C	C	C	A	A
Courthouse	A	A	A	A	C	C	A	A
Fire station	A	A	A	A	C	C	A	A
Penal institution	F	F	F	F	F	F	F	F
Police station	A	A	A	A	C	C	A	A
Pumping station	A	A	A	A	C	C	A	A
Recycling facility (excluding toxic waste)	C ³	C ³	C ³	C ³	C ³	C ³	C ³	F ³
Solid waste transfer station	F	F	F	F	F	F	F	F ³
Substation	C	C	C	C	C	C	C	A
Telephone exchange	C	C	C	C	C	C	C	A

(↔As Amended On October 20, 2000)

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>				
<u>Research and Development Uses</u>								
All (see Article 2A)	A ²	A ²	C	C	C	C	C	A ²
<u>Residential Uses</u>								
Elderly housing	A	A	C	C	C	C	A	F
Group residence, limited	A	A	C	A	C	A	A	F
Homeless shelter	A	A	C	A	C	A	A	F
Lodging house	A	A	C	A	C	A	A	F
Mobile home	F	F	F	F	F	F	C	F
Mobile home park	F	F	F	F	F	F	C	F
Multifamily dwelling	A	A	C	A	C	A	A	F
One-family detached dwelling	A	A	C	A	C	A	A	F
One-family semi-attached dwelling	A	A	C	A	C	A	A	F
Orphanage	A	A	C	A	C	A	A	F
Row house	A	A	C	A	C	A	A	F
Temporary dwelling structure	C	C	C	C	C	C	C	F
Three-family detached dwelling	A	A	C	C	C	C	A	F
Town house	A	A	C	A	C	A	A	F
Transitional housing	A	A	C	A	C	A	A	F
Two-family detached dwelling	A	A	C	A	C	A	A	F
Two-family semi-attached dwelling	A	A	C	A	C	A	A	F
<u>Restaurant Uses</u>								
Restaurant, drive-in	C	F	F	F	F	F	F	A
Restaurant	A	A	A	A	A	C	F	A

TABLE A - Continued

	Economic Development Areas				Neighborhood Shopping Subdistricts		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Bsmt. & First Story	Second Story & Above		
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above				
<u>Restaurant Uses (cont'd)</u>								
Take-out restaurant								
Small ⁴	A	C	A	C	A	F	F	A
Large ⁵	C	C	C	C	C	F	F	A
<u>Retail Uses⁶</u>								
Adult bookstore	F	F	F	F	F	F	F	F
Bakery	A	A	A	A	A	A	F	A
; General retail business ¹¹	A	A	A	A	A	A	F	A
Liquor store	C	F	C	F	C	F	F	A
Local retail business	A	A	A	A	A	A	F	A
Outdoor sale of garden supplies	A	A	A	A	A	A	F	A
+Pawnshop	C	C	C	C	C	C	C	C
(: As amended on December 19, 1994.)								
(+As inserted on February 16, 2001.)								
<u>Service Uses⁶</u>								
Animal hospital	C	C	C	C	C	C	F	C
Barber or beauty shop	A	A	A	A	A	A	F	A
+Body Art Establishment	C	C	C	C	C	C	C	C
Caterer's establishment	A	A	A	A	A	A	F	A
; Check cashing business	F	F	F	F	C	C	F	C
+Container redemption center ^{6a}	C	C	C	C	C	C	C	C
Dry-cleaning shop	A	A	A	A	A	A	F	A

(: As inserted on October 6, 1994.)
 (+As inserted on September 30, 1993 and April 9, 2001.)

TABLE A - Continued

	Economic Development Areas				Neighborhood Shopping Subdistricts		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Bsmt. & First Story	Second Story & Above		
<u>Service Uses</u> ⁶ (cont'd)								
Kennel	A	A	A	A	A	A	F	F
Laundry	A	A	A	A	A	A	F	A
Photocopying establishment	A	A	A	A	A	A	F	A
Self-service laundry	A	A	A	A	A	A	F	A
Shoe repair	A	A	A	A	A	A	F	A
Tailor shop	A	A	A	A	A	A	F	A
<u>Storage Uses, Major</u>								
; Enclosed storage of solid fuel or minerals	F	F	F	F	F	F	F	A
Outdoor storage of new materials	F	F	F	F	F	F	F	A
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F	F	F	C
Outdoor storage of junk and scrap	F	F	F	F	F	F	F	F
; Outdoor storage of solid fuel or minerals	F	F	F	F	F	F	F	A
Storage of flammable liquids and gases	F	F	F	F	F	F	F	A ⁷
Storage or transfer of toxic waste	F	F	F	F	F	F	F	F
√Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	C	C	C	C	C	C	C	C
Warehousing	F	F	F	F	F	F	F	A
Wrecking yard	F	F	F	F	F	F	F	C

(; As amended on July 27, 1993)
 (√ As inserted on September 18, 2000)

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
<u>Trade Uses</u>								
Carpenter's shop	A	A	A	A	A	C	F	A
Electrician's shop	A	A	A	A	A	C	F	A
Machine shop	A	A	A	A	A	C	F	A
Photographer's studio	A	A	A	A	A	C	F	A
Plumber's shop	A	A	A	A	A	C	F	A
Radio/television repair shop	A	A	A	A	A	C	F	A
Taxidermist shop	F	F	F	F	F	F	F	A
Upholsterer's shop	A	A	A	A	A	C	F	A
Welder's shop	A	A	A	A	A	C	F	A
<u>Transportation Uses</u>								
Airport	F	F	F	F	F	F	F	F
Bus terminal	A	A	A	A	F	F	F	C
Garage with dispatch	F	F	F	F	F	F	F	C
Helicopter landing facility	F	F	F	F	F	F	F	C
Motor freight terminal	F	F	F	F	F	F	F	C
Rail freight terminal	F	F	F	F	F	F	F	C
Railroad passenger station	C	C	C	C	F	F	F	A
<u>Vehicular Uses</u>								
; Airport-related remote parking facility	F	F	F	F	F	F	F	F
Carwash ⁸	C	F	C	F	C	F	F	A

(; As inserted on November 21, 1996.)

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
<u>Vehicular Uses (cont'd)</u>								
Gasoline station ⁸	C	F	C	F	C	F	F	A
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	C	C	C	C	F	C	F	A
Indoor sale of automobiles and trucks	C	C	C	C	F	C	F	A
Outdoor sale of new and used vehicles	C	C	C	C	C	F	F	C
Parking garage ⁹	A	A	C	C	C	C	C	C
Parking lot ⁹	C	C	C	C	C	F	C	C
Rental agency for cars	C	C	C	C	C	F	F	C
Rental agency for trucks	C	C	C	C	C	F	F	C
Repair garage ⁸	C	F	C	F	C	F	F	A
Truck or bus servicing or storage	C	F	F	F	F	F	F	C
(As amended on November 7, 1996.)								
<u>Wholesale Use</u>								
Wholesale business	C	C	C	C	F	F	F	A

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>				
<u>Accessory and Ancillary Uses</u>								
Accessory amusement game machines (not more than four) in commercial or noncommercial establishment	C	C	C	C	C	C	F	F
Accessory art use	A	A	A	A	A	A	A	A
Accessory clinic or offices for hospital	C	C	C	C	F	F	C	C
Accessory dormitory	F	F	F	F	F	F	F	F
Accessory drive-through restaurant	F	F	C	C	F	F	F	C
Accessory drive-through retail	F	F	C	C	F	F	F	C
Accessory family day care home	A	A	A	A	A	A	A	F
Accessory home occupation	A	A	A	A	A	A	F	F
Accessory industrial use	F	F	F	F	F	F	F	A
Accessory keeping of animals	C	C	C	C	F	C	F	C
Accessory keeping of laboratory animals	C	C	C	C	F	C	C	A
Accessory machine shop	F	F	F	F	F	F	F	A
Accessory manufacture of products	F	F	F	F	F	F	F	A
Accessory office of university	C	C	C	C	F	F	C	F
Accessory outdoor cafe	A	A	A	A	C	C	F	F
Accessory parking ⁹	A	A	A	A	A	A	A	A
Accessory personnel quarters	A	A	C	A	A	A	F	F
Accessory professional office in a dwelling	A	A	A	A	A	A	F	F

TABLE A - Continued

	<u>Economic Development Areas</u>				<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>		<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>				
<u>Accessory and Ancillary Uses (cont'd)</u>								
Accessory railroad storage yard	F	F	F	F	F	F	F	F
Accessory repair garage	C	F	C	F	C	F	F	A
Accessory scientific laboratory	C	C	C	C	F	C	C	C
Accessory services for apartment and hotel residents	A	A	A	A	F	F	F	F
Accessory services incidental to educational uses	C	C	C	C	F	F	C	C
Accessory services incidental to hospitals	C	C	C	C	F	F	C	C
Accessory storage of flammable liquids incidental to lawful use	A	A	A	A	A	A	A	A
Accessory swimming pool or tennis court ¹⁰	A	A	A	A	A	A	A	A
Accessory truck or bus servicing or storage	C	F	F	F	F	F	F	C
Accessory use ordinarily incident to a main use	A	A	A	A	A	A	A	A
Accessory wholesale business	C	C	C	C	C	C	F	A
; Ancillary use ¹²	C	C	C	C	C	C	C	C

(; As amended on July 31, 1997.)

TABLE A - Continued

Footnotes

- ^1. Provided that, where such use is located in an area where residential uses are existing: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no open storage is maintained in the yard in connection with such use unless appropriately screened.
(^As amended on July 23, 1993)
2. Provided that such Research and Development Use or Institutional Use is subject to the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act, and other federal regulations pursuant to the act, and the Public Health Service Policy on Humane Care and Use of Laboratory Animals; otherwise C.
3. Except that on-site improvement, such as enclosure of materials and the like, to a legally existing facility is C.
4. Total gross floor area not more than 2,500 square feet per use.
5. Total gross floor area exceeding 2,500 square feet per use.
6. Notwithstanding that such use is designated as A, it is C if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
- ^6a. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.

(^As inserted on September 30, 1993)
7. A, if thirty thousand (30,000) gallons or less of flammable liquids or of ten thousand (10,000) cubic feet or less of gases; F, if exceeding those amounts.

TABLE A - Continued

8. Provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke, and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled, or unregistered motor vehicles for a period of more than one month; otherwise F.
9. If such use is located in the Restricted Parking District, it is C and subject to the provisions of Section 6-3A as well as Sections 6-2, 6-3, and 6-4; except that parking accessory to a Residential or related Use (see Table H) is A.
10. Provided that it is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a six (6) foot high fence with a gate which is 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. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it: (a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.

(^As inserted on December 19, 1994.)

- ^12. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

(^As inserted on July 31, 1997.)

TABLE B

**Roxbury Neighborhood District
Use Regulations in Residential Subdistricts**

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

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

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Banking and Postal Uses</u>					
All (see Article 2A)	F	F	F	C	C
<u>Community Uses</u>					
Adult education center	C	C	C	A	A
Community center	C	C	C	A	A
Day care center	C	C	C	C	C
Day care center, elderly	C	C	C	C	C
Library	C	C	C	A	A
Place of worship	A	A	A	A	A
Residence for members of religious order	A	A	A	A	A
<u>Cultural Uses</u>					
Art gallery	F	F	F	C	C
Art metal craft shop	F	F	F	C	C
Auditorium	F	F	F	F	F
Museum	F	F	F	C	C
Music store	F	F	F	C	C
Musical instrument repair	F	F	F	C	C

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Cultural Uses (cont'd)</u>					
Public art display space	F	F	F	C	C
Studio, arts	F	F	F	C	C
Studio, production	F	F	F	F	F
Theatre	F	F	F	F	F
Ticket sales	F	F	F	C	C
<u>Dormitory/Fraternity Uses</u>					
All (see Article 2A)	F	F	F	C	C
<u>Educational Uses</u>					
College or university	F	F	F	C	C
Elementary or secondary school ¹	C	C	C	C	C
Kindergarten	C	C	C	C	C
Professional school	F	F	F	C	C
Trade school	F	F	F	C	C
<u>Entertainment Uses</u>					
Adult entertainment	F	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F	F
Amusement game machines in noncommercial establishment	F	F	F	F	F
Bar	F	F	F	F	F

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Entertainment Uses (cont'd)</u>					
Bowling alley	F	F	F	F	F
Billiard parlor	F	F	F	F	C
Concert hall	F	F	F	F	F
Dance hall	F	F	F	F	F
Drive-in theatre	F	F	F	F	F
Private club not serving alcohol	F	F	F	F	C
Private club serving alcohol	F	F	F	F	C
Restaurant with entertainment	F	F	F	F	F
Social, recreational, or sports center	F	F	F	F	F
<u>Funerary Uses</u>					
Cemetery	F	F	F	C	C
Cemetery extension	F	F	F	C	C
Columbarium	F	F	F	C	C
Crematory	F	F	F	C	C
Funeral home	F	F	C	C	C
Mortuary chapel	F	F	F	C	C
<u>Health Care Uses</u>					
Clinic	F	F	F	C	C
Custodial care facility	F	F	F	C	C
Group care residence, general	C	C	C	C	C
Hospital	F	F	F	C	C
Nursing or convalescent home	F	F	C	C	C

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Hotel Uses</u>					
Apartment hotel	F	F	F	C	C
Bed and breakfast	C	C	C	C	C
Executive suites	F	F	F	C	C
Hotel	F	F	F	C	C
Motel	F	F	F	C	C
<u>Industrial Uses</u>					
All (see Article 2A)	F	F	F	F	F
<u>Office Uses</u>					
All (see Article 2A)	F	F	F	F	C
<u>Open Space Uses</u>					
Golf driving range	F	F	F	F	F
Grounds for sports, private	C	C	C	C	C
Open space	A	A	A	A	A
Open space recreational building	C	C	C	C	C
Outdoor place of recreation for profit	F	F	F	F	F
Stadium	F	F	F	F	F

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Public Service Uses</u> ¹					
Automated telephone exchange or telecommunications data distribution center	F	F	F	F	F
Courthouse	F	F	F	C	C
Fire station	C	C	C	A	A
Penal institution	F	F	F	F	F
Police station	C	C	C	A	A
Pumping station	F	F	F	C	C
Recycling facility (excluding toxic waste)	F	F	F	C ²	C ²
Solid waste transfer station	F	F	F	F	F
Substation	F	F	F	C	C
Telephone exchange	F	F	F	C	C
<u>Research and Development Uses</u>					
All (see Article 2A)	F	F	F	C	C
<u>Residential Uses</u>					
Elderly housing	C	C	A	A	A
Group residence, limited	A	A	A	A	A
Homeless shelter	F	C	C	C	C
Lodging house	F	C	C	C	C
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multifamily dwelling	F	F ³	A	A	A
One-family detached dwelling	A	A	F	A	A
One-family semi-attached dwelling	A	A	F	A	A
Orphanage	F	F	F	F	F

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Residential Uses</u> (cont'd)					
Row house	F ³	A	A	A	A
Temporary dwelling structure	C	C	C	C	C
Town house	F ³	A	A	A	A
Transitional housing	F	C	C	A	A
Three-family detached dwelling	C	A	F	A	A
Two-family detached dwelling	A	A	F	A	A
Two-family semi-attached dwelling	F	A	F	A	A
<u>Restaurant Uses</u>					
Restaurant, drive-in	F	F	F	C ⁴	C ⁴
Restaurant	F	F	F	C ⁴	C ⁴
Take-out restaurant					
Small ⁶	F	F	F	C ⁴	C ⁴
Large ⁶	F	F	F	C ⁴	C ⁴
<u>Retail Uses</u> ⁷					
Adult bookstore	F	F	F	F	F
Bakery	F	F	F	C ⁴	C ⁴
General retail business ¹⁰	F	F	F	C ⁴	A ⁴
Liquor store	F	F	F	F	C ⁴
Local retail business	F	F	F	C ⁴	A ⁴
Outdoor sale of garden supplies	F	F	F	C ⁴	A ⁴
+Pawnshop	F	F	F	F	F
(:As amended on December 19, 1994.)					
(+As inserted on 16, 2001.)					

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Service Uses</u> ⁷					
Animal hospital	F	F	F	F	C ⁴
Barber or beauty shop	F	F	F	C ⁴	A ⁴
+Body Art Establishment	F	F	F	F	F
Caterer's establishment	F	F	F	F	C ⁴
; Check cashing business	F	F	F	F	F
+Container redemption center	F	F	F	F	F
Dry-cleaning shop	F	F	F	C ⁴	A ⁴
Kennel	F	F	F	F	C ⁴
Laundry	F	F	F	C ⁴	A ⁴
Photocopying establishment	F	F	F	F	C ⁴
Self-service laundry	F	F	F	C ⁴	A ⁴
Shoe repair	F	F	F	C ²	A ⁴
Tailor shop	F	F	F	C ²	A ⁴
(:As inserted on October 6, 1994.)					
(+As inserted on September 30, 1993 and April 9, 2001.)					
<u>Storage Uses, Major</u>					
All (see Article 2A)	F	F	F	F	F
; Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	F	F	F	F	F
(; As inserted on September 18, 2000)					
<u>Trade Uses</u>					
Carpenter's shop	F	F	F	F	C ⁴
Electrician's shop	F	F	F	F	C ⁴
Machine shop	F	F	F	F	C ⁴
Photographer's studio	F	F	F	F	C ⁴
Plumber's shop	F	F	F	F	C ⁴

TABLE B - Continued

	Two Family (2F)	Three Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)
<u>Trade Uses (cont'd)</u>					
Radio/television repair shop	F	F	F	F	C ⁴
Taxidermist shop	F	F	F	F	C ⁴
Upholsterer's shop	F	F	F	F	C ⁴
Welder's shop	F	F	F	F	C ⁴
<u>Transportation Uses</u>					
All (see Article 2A)	F	F	F	F	F
<u>Vehicular Uses</u>					
All (see Article 2A)	F	F	F	F	F
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	F	F
<u>Ancillary and Accessory Uses</u>					
Accessory amusement game machines (not more than four) in commercial or noncommercial establishment	F	F	F	F	F
Accessory art use	A	A	A	A	A
Accessory clinic or offices for hospital	F	F	F	C	C
Accessory dormitory	F	F	F	C	C
Accessory drive-through restaurant	F	F	F	F	F
Accessory drive-through retail	F	F	F	F	F

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Ancillary and Accessory Uses</u> (cont'd)					
Accessory family day care home	A	A	A	A	A
Accessory home occupation	A	A	A	A	A
Accessory industrial use	F	F	F	F	F
Accessory keeping of animals	F	F	F	F	F
Accessory keeping of laboratory animals	F	F	F	F	F
Accessory machine shop	F	F	F	F	F
Accessory manufacture of products	F	F	F	F	F
Accessory offices of university	F	F	F	C	C
Accessory outdoor cafe	F	F	F	C	C
Accessory parking ⁸	A	A	A	A	A
Accessory personnel quarters	F	F	F	C	C
Accessory professional office in a dwelling	A	A	A	A	A
Accessory railroad storage yard	F	F	F	F	F
Accessory repair garage	F	F	F	F	F
Accessory scientific laboratory	F	F	F	C	C
Accessory services for apartment and hotel residents	F	F	F	C	C
Accessory services incidental to educational uses	F	F	F	C	C
Accessory services incidental to hospitals	F	F	F	C	C
Accessory storage of flammable liquids incidental to lawful use	A	A	A	A	A
Accessory swimming pool or tennis court ⁹	A	A	A	A	A
Accessory truck or bus servicing	F	F	F	F	F
Accessory use ordinarily incident to a main use	A	A	A	A	A

TABLE B - Continued

	<u>Two Family (2F)</u>	<u>Three Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Multifamily Residential/ Local Services (MFR/LS)</u>
<u>Ancillary and Accessory Uses</u> (cont'd)					
Accessory wholesale business	F	F	F	F	F
;Ancillary use ¹¹	C	C	C	C	C
(;As amended on July 31, 1997.)					

Footnotes

^1. Provided that, where such use is located in an area where residential uses are existing: (1) the requirements of St. 1956, c.665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no open storage is maintained in the yard in connection with such use unless appropriately screened.

(^As amended on July 27, 1993)

2. Provided that all windblown materials shall be recycled in an enclosed building and that no hazardous by-products shall be released on site.
3. See Maps 6A, 6B, and 6C and Sections 50-26 through 50-29 concerning residential subdistricts. In a 2F subdistrict the maximum number of dwelling units allowed in a single building shall be two (2); a greater number up to three (3) shall be conditional. In a 3F subdistrict, the maximum number of dwelling units allowed in a single building shall be three (3); a greater number up to four (4) shall be conditional. In a 3F subdistrict the maximum number of Row House Buildings or Town House Buildings attached in a row shall be three (3); a greater number up to four (4) shall be conditional.
4. Provided that such use is located on the ground floor; otherwise F.
5. Total gross floor area not more than 2,500 square feet per use.

TABLE B - Continued

6. Total gross floor area exceeding 2,500 square feet per use.
7. Notwithstanding that such use is designated as A, it is C if merchandise is sold or displayed out-of-doors or such establishment is open to the public after midnight or before 6:00 a.m.
8. Except C in the Restricted Parking District if accessory to any use other than a Residential or related Use (see Table H).
9. Provided that it is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a six (6) foot high fence with a gate which is 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.
- ^10. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it: (a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.

(^As inserted on December 19, 1994.)
- ^11. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

(^As inserted on July 31, 1997.)

TABLE C

**Roxbury Neighborhood District
Dimensional Regulations in Economic Development Areas**

	<u>Dudley Square EDA</u>	<u>Greater Roxbury EDA</u>
Maximum Floor Area Ratio	2.0	2.0
Maximum Building Height	55 ¹	65 ¹
Minimum Lot Size	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	none	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard ³	none ²	none ²
Minimum Side Yard	none	none
Minimum Rear Yard	20	20

Footnotes

1. For maximum Building Heights and Floor Area Ratios in established Planned Development Areas in the Dudley Square EDA and Greater Roxbury EDA, see Section 50-14 (Planned Development Areas: Use and Dimensional Regulations).
2. See Section 50-40 (Specific Design Requirements).
3. In a required front yard in an Economic Development Area, no plaza, terrace, or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, subject to the provisions of Article 6, the Board of Appeal grants permission therefor.

In an Economic Development Area, every front yard required by this article shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which 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

**Roxbury Neighborhood District
Dimensional Regulations in Neighborhood Business Subdistricts**

	<u>Egleston Square NS</u>	<u>Grove Hall NS</u>	<u>Washington Park Mall NS</u>	<u>St. Patrick's NS</u>
Maximum Floor Area Ratio	1.0	1.0	1.0	1.0
Maximum Building Height	45	45	45	45
Minimum Lot Size	none	none	none	none
Minimum Lot Area Per Additional Dwelling Unit	none	none	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit) ¹	50	50	50	50
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard ³	none ²	none ²	none ²	none ²
Minimum Side Yard ⁴	none	none	none	none
Minimum Rear Yard	20	20	20	20

TABLE D - Continued

Footnotes

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings or on the roofs of accessory buildings.
2. See Section 50-40 (Specific Design Requirements).
3. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace, or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, subject to the provisions of Article 6, the Board of Appeal grants permission therefor.

In a Neighborhood Business Subdistrict, every front yard required by this article shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which 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.

4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district.

TABLE E

**Roxbury Neighborhood District
Dimensional Regulations in Community Facilities Subdistricts**

	<u>Campus High/ Community College</u>	<u>Dimock Street</u>	<u>Walnut Avenue</u>	<u>Warren Street</u>	<u>Roxbury Heritage State Park</u>	<u>Townsend Street</u>	<u>Albany Street</u>
Maximum Floor Area Ratio	2.0	2.0	1.0	2.0	2.0	2.0	2.0
Maximum Building Height	45	45	35	45	45	45	45
Minimum Lot Size	none	none	none	none	none	none	none
Minimum Lot Area Per Additional Dwelling Unit	none	none	none	none	none	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	50	50	50	50	50	50	50
Minimum Lot Width	none	none	none	none	none	none	none
Minimum Lot Frontage	none	none	none	none	none	none	none
Minimum Front Yard ²	none ¹	none ¹	none ¹	none ¹	none ¹	none ¹	none ¹
Minimum Side Yard	none	none	none	none	none	none	none
Minimum Rear Yard	20	20	20	20	20	20	20

TABLE E - Continued

Footnotes

1. See Section 50-40 (Specific Design Requirements).
2. In a required front yard in a Community Facilities Subdistrict, no plaza, terrace, or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, subject to the provisions of Article 6, the Board of Appeal grants permission therefor.

In a Community Facilities Subdistrict, every front yard required by this article shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which 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 F
Roxbury Neighborhood District
Dimensional Regulations in Residential Subdistricts

<u>Subdistrict</u>	<u>Lot area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)</u>	<u>Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)</u>	<u>Lot Width Minimum (Feet)</u>	<u>Lot Frontage Minimum (Feet)</u>	<u>Floor Area Ratio Maximum</u>	<u>Building Height Maximum Stories</u>	<u>Feet</u>	<u>Usable Open Space Minimum Sq. Ft. Per Dwelling Unit</u>	<u>Front Yard Minimum Depth (Feet)</u>	<u>Side Yard Minimum Width (Feet)</u>	<u>Rear Yard Minimum Depth (Feet)</u>	<u>Rear Yard Maximum Occupancy by Accessory Buildings (Percent)</u>
<u>2F</u> ^(a)												
1 or 2 Family Detached Dwelling	5,000 for 1 or 2 units	N/A	50	50	0.6	2-1/2	35	800	20	10	30	25
Other Use	5,000	N/A	50	50	0.6	2-1/2	35	none	20	10	30	20
<u>3F-4,000</u> ^(a)												
Semi-attached Dwelling, Row House Building, or Town House Building	2,000 for 1 unit	2,000	25	25	0.8	3	35	650	20	10 ^(f)	30	25
Any other Dwelling or Use	4,000 for 1 or 2 units	2,000	45	45	0.8	3	35	650	20	10 ^(e)	30	25

TABLE F - Continued

<u>Subdistrict</u>	<u>Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)</u>	<u>Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)</u>	<u>Lot Width Minimum (Feet)</u>	<u>Lot Frontage Minimum (Feet)</u>	<u>Floor Area Ratio Maximum</u>	<u>Building Height Maximum Stories</u>	<u>Feet</u>	<u>Usable Open Space^(c) Minimum Sq. Ft. Per Dwelling Unit</u>	<u>Front Yard^(d) Minimum Depth (Feet)</u>	<u>Side Yard Minimum Width (Feet)</u>	<u>Rear Yard Minimum Depth (Feet)</u>	<u>Rear Yard Maximum Occupancy by Accessory Buildings (Percent)</u>
<u>3F-5.000</u> ^{(a),(b)}												
Semi-attached Dwelling, Row House Building, or Town House Building	2,500 for 1 unit	2,500	25	25	0.8	3	35	650	20	10 ^(f)	30	25
Any other Dwelling or Use	5,000 for 1 or 2 units	2,500	50	50	0.8	3	35	650	20	10 ^(e)	30	25
<u>3F-6.000</u> ^(a)												
Semi-attached Dwelling, Row House Building, or Town House Building	3,000 for 1 unit	3,000	25	25	0.8	3	35	800	20	10 ^(f)	30	25
Any other Dwelling or Use	6,000 for 1 or 2 units	3,000	55	55	0.8	3	35	800	20	10 ^(e)	30	25

TABLE F - Continued

<u>Subdistrict</u>	<u>Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)</u>	<u>Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)</u>	<u>Lot Width Minimum (Feet)</u>	<u>Lot Frontage Minimum (Feet)</u>	<u>Floor Area Ratio Maximum</u>	<u>Building Height Maximum Stories</u>	<u>Feet</u>	<u>Usable Open Space Minimum Sq. Ft. Per Dwelling Unit</u>	<u>Front Yard Minimum Depth (Feet)</u>	<u>Side Yard Minimum Width (Feet)</u>	<u>Rear Yard Minimum Depth (Feet)</u>	<u>Rear Yard Maximum Occupancy by Accessory Buildings (Percent)</u>
<u>3F-7.000</u> ^(a)												
Semi-attached Dwelling, Row House Building, or Town House Building	3,500 for 1 unit	3,500	30	30	0.8	3	35	800	25	12 ^(f)	35	25
Any other Dwelling or Use	7,000 for 1 or 2 units	3,000	60	60	0.8	3	35	800	25	12 ^(e)	35	25
<u>RH</u> ^(b)												
Row House Building or Town House Building	2,000 for up to 4 units	2,000 for up to 4 units	20 for each bldg.	20 for each bldg.	1.0	3	35	200	15	(g)	20	25
Any other Use	2,000	N/A	20	20	1.0	3	35	N/A	15	(g)	20	25

TABLE F - Continued

<u>Subdistrict</u>	<u>Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)</u>	<u>Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)</u>	<u>Lot Width Minimum (Feet)</u>	<u>Lot Frontage Minimum (Feet)</u>	<u>Floor Area Ratio Maximum</u>	<u>Building Height Maximum Stories</u>	<u>Feet</u>	<u>Usable Open Space Minimum Sq. Ft. Per Dwelling Unit</u>	<u>Front Yard Minimum Depth (Feet)</u>	<u>Side Yard Minimum Width (Feet)</u>	<u>Rear Yard Minimum Depth (Feet)</u>	<u>Rear Yard Maximum Occupancy by Accessory Buildings (Percent)</u>
<u>MFR and MFR/LS</u> ^(b)												
1 or 2 Family Detached Dwelling or Semi-attached Dwelling	3,000 per bldg. of 1 or 2 units	3,000 per bldg. of 1 or 2 units	40	40	1.0	3	35	400	20	(e),(f)	30	25
Row House Building or Town House Building	3,000 for up to 4 units per bldg.	3,000 for up to 4 units per bldg.	30 for each bldg.	30 for each bldg.	1.0	4	45	200	15	(g)	30	25
Any Other Dwelling or Use	4,000 for first 3 units	1,000	40	40	1.0	4	45	200	20	10	20	25

Footnotes

- a. See Maps 6A, 6B, and 6C and Sections 50-26 through 50-29 concerning residential subdistricts. In a 2F subdistrict the maximum number of dwelling units allowed in a single building shall be two (2); a greater number up to three (3) shall be conditional. In a 3F subdistrict, the maximum number of dwelling units allowed in a single building shall be three (3); a greater number up to four (4) shall be conditional. In a 3F subdistrict the maximum number of Row House Buildings or Town House Buildings attached in a row shall be three (3); a greater number up to four (4) shall be conditional.
- b. For certain Proposed Projects in the Dudley Triangle Area, see Section 50-27.2 (Provision of Affordable Housing).

TABLE F - Continued

- c. Applicable only to Residential Uses and Dormitory/Fraternity Uses. In MFR and MFR/LS Subdistricts, up to fifty percent (50%) of the usable open space requirement for a multifamily dwelling may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.
- d. See Section 50-44.2 (Conformity with Existing Building Alignment). A bay window may protrude into a front yard.
- e. On each side, the side yard shall be at least five (5) feet from a side lot line and ten (10) feet from an existing structure on an abutting lot, and the aggregate side yard width shall be not less than fifteen (15) feet.
- f. Semi-attached dwellings, Town House Buildings, and Row House Buildings are required to have side yards only on sides that are not attached to another Dwelling.
- g. Semi-attached dwellings, Town House Buildings, and Row House Buildings are required to have side yards only along the side lot line of a lot which is a corner lot. See Section 50-44.5 (Special Provisions for Corner Lots); if not applicable, the side yard requirement shall be ten (10) feet.

TABLE G

**Roxbury Neighborhood District
Dimensional Regulations in Industrial Development Areas**

	<u>Newmarket IDA</u>	<u>Grove Hall IDA</u>
Maximum Floor Area Ratio	2.0	2.0
Maximum Building Height	65	65
Minimum Lot Size	none	none
Minimum Lot Area Per Additional Dwelling Unit	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	50	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard ²	none ¹	none ¹
Minimum Side Yard ³	none	none
Minimum Rear Yard	12	12

Footnotes

1. See Section 50-40 (Specific Design Requirements).
2. In a required front yard in an Industrial Development Area, no plaza, terrace, or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, subject to the provisions of Article 6, the Board of Appeal grants permission therefor.

In an Industrial Development Area, every front yard required by this article shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which 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.

3. In an Industrial Development Area, 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.

TABLE H
Roxbury Neighborhood District
Off-Street Parking Requirements¹
General Uses

	<u>Spaces Per 1,000 Square Feet of Gross Floor Area²</u>
<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	
Day Care Center	0.7
Other Community Uses	1.0
<u>Educational Uses</u>	
Elementary School	0.7
Junior High School (through 10th Grade)	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Health Care Uses</u>	1.0
<u>Industrial Uses</u>	0.5
<u>Office Uses</u>	1.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	0.5
<u>Retail Uses, Service Uses, and Trade Uses</u>	2.0
<u>Storage Uses, Major</u>	0.5
<u>Transportation Uses</u>	0.25

TABLE H - Continued
Roxbury Neighborhood District
Off-Street Parking Requirements¹
General Uses

	<u>Spaces Per 1,000 Square Feet of Gross Floor Area²</u>
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

Footnotes

^1. The provisions of this Table H do not apply to Proposed Projects that are subject to Large Project Review. See Section 50-43 (Off-Street Parking and Loading Requirements).

(^As amended on May 9, 1996.)

2. Except in the Restricted Parking District. In said district no off-street parking is required for these uses; see Section 3-1A.c of this Code (Restricted Parking Districts) and Table A of this Article (Use Regulations in Nonresidential Subdistricts).

TABLE H - Continued
Roxbury Neighborhood District
Off-Street Parking Requirements¹
Public Assembly Uses

	If there are seats (spaces per seat) ^{2,3}	If there are no seats (spaces per 1,000 square feet of public floor area in structures) ²
<u>Entertainment Uses</u>	0.15	4.0
<u>Funerary Uses</u>		
Funeral home	0.1	3.0
Mortuary chapel	0.1	3.0
All other funerary uses	none	none
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>	0.15	4.0

Footnotes

^1. The provisions of this Table H do not apply to Proposed Projects that are subject to Large Project Review. See Section 50-43 (Off-Street Parking and Loading Requirements).

(^As amended on May 9, 1996.)

2. Except in the Restricted Parking District. In said district no off-street parking is required for these uses; see Section 3-1A.c of this Code (Restricted Parking District) and Table A of this Article (Use Regulations in Nonresidential Subdistricts).

3. Where benches are used, each two linear feet of bench shall constitute one seat.

TABLE H - Continued

Roxbury Neighborhood District

**Off-Street Parking Requirements¹
Residential and Related Uses**

	Off-Street Parking Requirement (space per dwelling unit) ²
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel Uses</u>	0.7
<u>Residential Uses</u>	
Elderly Housing	0.5
Group Residence Limited	0.5
Homeless Shelter	0.25
Lodging House	0.5
Transitional Housing	0.25
Affordable Housing	0.7
Other Residential Uses	1.0

Footnotes

^1. The provisions of this Table H do not apply to Proposed Projects that are subject to Large Project Review. See Section 50-43 (Off-Street Parking and Loading Requirements).

(^As amended on May 9, 1996.)

2. For use not divided into dwelling units, see Section 50-43.1 (Off-Street Parking and Loading Requirements).

TABLE I
Roxbury 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 I do not apply to Proposed Projects that are subject to Large Project Review. See Section 50-43 (Off-Street Parking and Loading Requirements).

(^As amended on May 9, 1996.)