

^ARTICLE 56

WEST ROXBURY NEIGHBORHOOD DISTRICT
(^Article inserted on August 23, 1994*)

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As of March 15, 2006

*Date of public notice: June 29, 1994 (see St. 1956, c. 665, s. 5).

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SECTION 56-1. Statement of Purpose and Objectives. The purpose of this Article is to establish the zoning regulations for the West Roxbury Neighborhood District as required by the provisions of the West Roxbury Interim Planning Overlay District, Article 27K of this Code. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to retain and develop affordable housing compatible with adjacent areas, particularly for elderly residents; to promote the viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 56-2. Physical Boundaries. The provisions of this Article are applicable only in the West Roxbury Neighborhood District. The boundaries of the West Roxbury Neighborhood District and its subdistricts are as shown on the maps numbered 11A, 11B, 11C, 11D, and 11E and entitled "West Roxbury Neighborhood District" (replacing "Map 11 West Roxbury"), all of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 56-3. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the West Roxbury Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27K to the West Roxbury Neighborhood District is rescinded, and the West Roxbury Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below.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 West Roxbury Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 56-4. Prohibition of Planned Development Areas. Within the West Roxbury Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 56-28.

SECTION 56-5. Community Participation. This Article has been developed with the extensive participation of the West Roxbury Neighborhood Council, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the West Roxbury

Neighborhood Council, or its successor organization, and the West Roxbury civic associations, residents, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for West Roxbury.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 56-6. **Establishment of Residential Subdistricts.** This Section 56-6 establishes Residential Subdistricts within the West Roxbury Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of the residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. One-Family ("1F") Residential Subdistricts. The One-Family Residential ("1F") Subdistricts are established to preserve, maintain and promote low density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 1F Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be one (1).
2. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be two (2).
3. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage low to medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

SECTION 56-7. **Use Regulations Applicable in Residential Subdistricts.**

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in a Basement are forbidden in the West Roxbury Neighborhood District.

^SECTION 56-8. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table D of this Article.
2. Lot Frontage. Within the One-Family Residential ("1F") Subdistricts and Two-Family Residential ("2F") Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table D of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

(^As amended on August 22, 1996.)

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

SECTION 56-9. **Establishment of Conservation Protection Subdistricts.**

This Section 56-9 establishes Conservation Protection ("CP") Subdistricts in the West Roxbury Neighborhood District. The Conservation Protection Subdistricts are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of West Roxbury.

The following Conservation Protection Subdistricts are established:

1. Bakalar/Allandale Woods Conservation Protection Subdistrict
2. Hancock Swamp Conservation Protection Subdistrict
3. Hancock Woods Conservation Protection Subdistrict
4. La Grange Street Conservation Protection Subdistrict
5. Mt. Benedict Cemetery Conservation Protection Subdistrict
6. Pulpit Rock Conservation Protection Subdistrict
7. Roxbury Latin School Conservation Protection Subdistrict
8. St. Joseph's Cemetery Conservation Protection Subdistrict
9. Souther (Allandale Woods) Conservation Protection Subdistrict
10. West Roxbury Quarry Conservation Protection Subdistrict

SECTION 56-10. Use Regulations Applicable in Conservation Protection Subdistricts. Within the Conservation Protection Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Conservation Protection Subdistricts.

SECTION 56-11. Dimensional Regulations Applicable in Conservation Protection Subdistricts. The minimum Lot Area, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table E of this Article.

SECTION 56-12. Site Plan Approval Requirement. In order to assure that any significant new development within the Conservation Protection Subdistricts occurs in a manner that is protective of the special natural and scenic features in accordance with a plan considering the most desirable land uses for such areas, requirements for Boston Redevelopment Authority review of site plans for Proposed Projects in Conservation Protection Subdistricts apply as provided in Article 80 for the Site Plan components of Large Project Review and Small Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review), respectively.

(^As amended on May 9, 1996.)

REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS

SECTION 56-13. **Establishment of Open Space Districts and Subdistricts.**

This Section 56-13 establishes Open Space ("OS") Districts and Subdistricts in the West Roxbury Neighborhood District. The purpose of the Open Space Districts and Subdistricts is to enhance the quality of life for West Roxbury's residents by protecting open space resources. Any Lot within any Open Space District or Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Districts and Subdistricts designated in the West Roxbury Neighborhood District are listed in Table 1 of this Section 56-13 and are of the following types:

1. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
2. Community Garden Open Space (OS-G) Subdistrict. Community Garden 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. Such land may include Vacant Public Land. Community Garden Open Space Subdistricts are subject to the provisions of Section 33-8.
3. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof. Recreation Open Space Subdistricts are subject to the provisions of Section 33-10.
5. Urban Wild Open Space (OS-UW) Subdistrict. Urban Wild Open Space Subdistricts shall consist of land not in the City's park system that includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild Open Space Subdistricts are subject to the provisions of Section 33-12.

TABLE 1

**Open Space Districts and Subdistricts
in the West Roxbury Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Open Space District	Charles River Embankment
Open Space Subdistricts:	
Cemetery	Baker Street Cemeteries Centre Street Cemeteries Grove Street Cemeteries Westerly Cemetery
Parkland	Bellevue Hill Duffie Square Dump Shoreline Piemonte Park Sawmill Brook (Brook Farm) Stony Brook Reservation VFW Parkway West Roxbury Parkway
Recreation	Beethoven School Play Area Billings Field Brucewood Street Draper Playground Hynes Playground Praught Little League Field
Urban Wild	Brandagee Dragon Rock Hancock Swamp Spring Street Marsh

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 56-14. **Establishment of Neighborhood Business Subdistricts.**

This Section 56-14 establishes Neighborhood Business Subdistricts within the West Roxbury Neighborhood District. There are two types of Neighborhood Business Subdistricts: Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the West Roxbury community.

The following Neighborhood Business Subdistricts are established:

1. Main Street Neighborhood Shopping (NS) Subdistrict
2. Centre Street Neighborhood Shopping (NS) Subdistrict
3. Centre Street/Weld Street Neighborhood Shopping (NS) Subdistrict
4. Chestnut Village Neighborhood Shopping (NS) Subdistrict
5. Spring Street Neighborhood Shopping (NS) Subdistrict
6. Washington Street Neighborhood Shopping (NS) Subdistrict
7. Gardner Street Community Commercial (CC) Subdistrict
8. Route 1 Community Commercial (CC) Subdistrict

SECTION 56-15. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 56-16. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table F of this Article.

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 56-17. **Establishment of Local Industrial Subdistricts.** This Section 56-17 establishes Local Industrial ("LI") Subdistricts within the West Roxbury Neighborhood District. The purpose of Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the West Roxbury Neighborhood District.

The following Local Industrial Subdistrict is established:

1. Charles River Area Local Industrial (LI) Subdistrict
2. Route 1 Local Industrial (LI) Subdistrict

SECTION 56-18. **Use Regulations Applicable in Local Industrial Subdistricts.** Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Local Industrial Subdistricts.

SECTION 56-19. **Dimensional Regulations Applicable in Local Industrial Subdistricts.** The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table G of this Article.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

SECTION 56-20. **Establishment of Community Facilities Subdistricts.** This Section 56-20 establishes Community Facilities ("CF") Subdistricts within the West Roxbury Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the West Roxbury Neighborhood District that provide educational, health, and cultural services to the community and are an important part of the fabric of the West Roxbury community.

The following Community Facilities Subdistricts are established:

1. Catholic Memorial Community Facilities (CF) Subdistrict
2. West Roxbury High School Commercial Facilities (CF) Subdistrict
3. Roxbury Latin School Community Facilities (CF) Subdistrict

SECTION 56-21. **Use Regulations Applicable in Community Facilities Subdistricts.** Within a Community Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in a Community Facilities Subdistrict.

SECTION 56-22. **Dimensional Regulations Applicable in Community Facilities Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table H of this Article.

REGULATIONS APPLICABLE IN NEIGHBORHOOD
INSTITUTIONAL SUBDISTRICTS

SECTION 56-23. Establishment of Neighborhood Institutional Subdistricts.

This Section 56-23 establishes Neighborhood Institutional ("NI") Subdistricts within the West Roxbury Neighborhood District. The purpose of the Neighborhood Institutional Subdistricts is to identify major Institutional uses within residential neighborhoods and to provide regulations that will allow small-scale Institutional projects to proceed as of right, while requiring review of larger Institutional projects to ensure that such projects proceed in a manner that is sensitive to and preserves the quality of life of the surrounding residential neighborhoods.

The following Neighborhood Institutional Subdistrict is established:

1. Veterans Administration Hospital Neighborhood Institutional Subdistrict

SECTION 56-24. Use Regulations Applicable in Neighborhood Institutional Subdistricts. Within the Neighborhood Institutional Subdistricts, no land or Structure shall be erected used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in a Neighborhood Institutional Subdistricts.

SECTION 56-25. Dimensional Regulations Applicable in Neighborhood Institutional Subdistricts. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Institutional Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table H of this Article.

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

^SECTION 56-26. Recognition of Greenbelt Protection Overlay Districts.

This Section 56-26 establishes Greenbelt Protection Overlay Districts ("GPOD") in the West Roxbury Neighborhood District. The following Greenbelt Roadways and their adjacent areas between the boundary lines shown on Maps 11A, 11B, and 11C and described in Article 29 are designated Greenbelt Protection Overlay Districts, as follows:

1. Veterans of Foreign Wars Parkway GPOD
2. West Roxbury Parkway GPOD
3. Enneking Parkway GPOD
4. Turtle Pond Parkway GPOD

Any Lot within a GPOD is subject to the provisions of this Article and Code applicable to the subdistrict within which it is located and to the provisions of Article 29 (Greenbelt Protection Overlay Districts).

(^As amended on July 31, 1997.)

^SECTION 56-27. Establishment of Neighborhood Design Overlay Districts.

This Section 56-27 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the West Roxbury Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts. For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Overlay Districts, see Article 80.

All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay District is established:

1. Corey Street Neighborhood Design Overlay District. The Corey Street district illustrates the range of residential development in the Highland section of West Roxbury from the mid-19th through the early 20th century. The district is comprised of late 19th century Queen Anne and Colonial Revival homes and early 20th century Dutch Colonials, Tudors, and Bungalows.

(^As amended on May 9, 1996.)

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 56-28. **Establishment of Areas Within Which Planned Development Areas May be Permitted.** Planned Development Area ("PDAs"), as described in Section 3-1A.a, are permitted within the Conservation Protection Subdistricts. PDAs are not permitted elsewhere in the West Roxbury Neighborhood District.

The purposes of establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the West Roxbury community; and to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict.

SECTION 56-29. **Planned Development Areas: Use and Dimensional Regulations.**

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height, Floor Area Ratio (FAR), and number of dwelling units per acre for such Proposed Project shall not exceed the limits set forth in Table 2, below:

^TABLE 2

**West Roxbury Neighborhood District
Planned Development Areas
Maximum Building Heights, Floor Area Ratios,
and Number of Dwelling Units Per Acre**

<u>Area</u>	<u>Maximum Building Height</u>	<u>FAR</u>	<u>Maximum No. of Dwelling Units/Acre</u>
Conservation Protection Subdistricts			

See Table E

(^As amended on March 3, 2000.)

^SECTION 56-30. **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.

(^As amended on May 9, 1996.)

SECTION 56-31. [Applicability of Future Amendments.] Deleted on May 9, 1996 by Text Amendment No. 230.

SECTION 56-32. [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 56-33. **Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including improvements to the urban design characteristics and aesthetic character of the development site and its surroundings and the enhancement of existing open space or the creation of new open space.

(^As amended on May 9, 1996.)

REGULATIONS GOVERNING DESIGN

SECTION 56-34. [Applicability of Article 31 Development Review Requirements.] Deleted on May 9, 1996 by Text Amendment No. 230.

SECTION 56-35. Design Review and Design Guidelines.

1. Applicability of Design Review. To ensure that growth in the West Roxbury Neighborhood District is compatible with the character of the buildings and urban design features of the neighborhood, design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review).

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2.1 (Applicability of Small Project Review: Design Component) and this Section 56-35.1. In addition to those Proposed Projects described in Section 80E-2.1, the following Proposed Projects are subject to the Design Component of Small Project Review, pursuant to paragraph (b)(iv) (Design Review Required by Underlying Zoning) of said Section 80E-2.1:

- (a) Projects in Roxbury Latin School Community Facilities Subdistrict. In the Roxbury Latin School Community Facilities Subdistrict, any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of five thousand (5,000) or more square feet.
2. Design Guidelines. This Section 56-35 establishes the following design guidelines for the West Roxbury Neighborhood District.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.

- (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.
- (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
- (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.
- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an

active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in building design. Consistency with the established local structure should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.

- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (o) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive, and to provide screening between business, industrial, and residential uses.
- (q) In addition to the foregoing, the design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

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

^SECTION 56-36. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, the provisions of this Section 56-36 shall apply to Proposed Projects within those subdistricts specified in this Section 56-36, except to the extent that provisions for Street Walls and display windows have been

addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 56-36.

1. Street Wall Continuity in Neighborhood Business Subdistricts. This Section 56-36.1 shall apply within the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 56-36.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 56-36.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

For Proposed Projects that are subject to or elect to comply with Large Project Review or Small Project Review, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review or the Design Component of Small Project Review.

2. Display Window Area Regulations in Neighborhood Business Subdistricts. This Section 56-36.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 56-36.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure),

or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 56-36.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
 - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (iii) For Vehicular Uses involving the servicing or washing of vehicles, and for Industrial Uses, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 56-36.2(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, 1996.)

^SECTION 56-37. **Screening and Buffering Requirements.** In order to enhance the appearance of the West Roxbury Neighborhood District and to ensure that its commercial, industrial, institutional, and community facilities subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 56-37 shall apply to those Proposed Projects described in this Section 56-37, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 56-37.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict, Community Facilities Subdistrict, or Neighborhood Institutional Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict or Residential Use, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, subdistrict, or use, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Residential Use, or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 56-37.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5)

feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 56-37.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a lot where screening is required along lot lines pursuant to Section 56-37.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material, except that such painting or screening shall not be required for equipment in a Local Industrial Subdistrict, provided that no part of the Local Industrial Subdistrict is located within a Greenbelt Protection Overlay District.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
6. Specifications for Plantings. Shrubs required by this Section 56-37 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 56-37 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above

Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.

7. Maintenance of Landscaped Areas. Landscaping required by this Section 56-37 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 56-37.

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

MISCELLANEOUS PROVISIONS

SECTION 56-38. **Sign Regulations.** The provisions of this Section 56-38 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. Sign Regulations Applicable in Residential Subdistricts, Open Space Subdistricts and Conservation Protection Subdistricts. In all Residential Subdistricts, Open Space Subdistricts and Conservation Protection 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, Open Space, and Conservation Protection Subdistricts. In all subdistricts other than Residential Subdistricts, Open Space Subdistricts, and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 56-38. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
 - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations and conditional for all other uses. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the West Roxbury Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

(^As amended on May 9, 1996.)

^SECTION 56-39. **Off-Street Parking and Loading Requirements**. For any Proposed Project that is subject to or has elected 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 all other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table I, and the minimum required off-street loading spaces are as set forth in Table J.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.

3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
 - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 56-39. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 56-39 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 a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

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

SECTION 56-40. **Application of Dimensional Requirements.**

- 1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
- 2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 56-40. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than seven (7) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
7. Accessory Buildings in Side or Rear Yard. Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.
8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise

required, the Rear Yard requirements of this Article shall be deemed to be met.

9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than fifteen (15) feet deep.
11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 56-40.12 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 56-40.12 were met.
13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 56-41. 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 56-42. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 56-43. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 56-44. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 56-45. **Tables.** The following tables are hereby made part of this Article:

Tables A - B Use Regulations

- A - Residential Subdistricts
 Conservation Protection Subdistricts
- B - Neighborhood Business Subdistricts
 Local Industrial Subdistricts
- C - Community Facilities Subdistricts
 Neighborhood Institutional Subdistricts

Tables D - F Dimensional Regulations

- D - Residential Subdistricts
- E - Conservation Protection Subdistricts
- F - Neighborhood Business Subdistricts
- G - Local Industrial Subdistricts
- H - Community Facilities Subdistricts
 Neighborhood Institutional Subdistricts

Tables G - H Parking and Loading Regulations

- I - Off-Street Parking
- J - Off-Street Loading

TABLE A

**West Roxbury Neighborhood District
Use Regulations
Residential Subdistricts and Conservation Protection Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

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

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Cultural Uses</u>				
Art gallery	F	F	F	C
Art use	F	F	F	C
Auditorium	F	F	F	C
Cinema	F	F	F	F
Concert hall	F	F	F	C
Museum	F	F	F	C
Public art, display space	F	F	F	C
Studios, arts	F	F	F	C
Studios, production	F	F	F	C
Theatre	F	F	F	C
Ticket sales	F	F	F	F
<u>Dormitory and Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	F
Fraternity	F	F	F	F
<u>Educational Uses</u>				
College or university ⁽¹⁾	F	F	F	C
Elementary or secondary school ⁽²⁾	C	C	A	A
Kindergarten	C	C	A	A
Professional school	F	F	F	F
Trade school	F	F	F	F

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F
Amusement game machines in non-commercial establishment	F	F	F	F
Bar	F	F	F	F
Bar with live entertainment	F	F	F	F
Bowling alley	F	F	F	F
Billiard parlor	F	F	F	F
Dance hall	F	F	F	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	F	F	F	F
Private club not serving alcohol	F	F	F	F
Private club serving alcohol	F	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m.	F	F	F	F
<u>Funerary Uses</u>				
Cemetery	F	F	F	A
Columbarium	F	F	F	A
Crematory	F	F	F	A

TABLE A - Continued

	<u>One-Family (1F)</u>	<u>Two-Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Funerary Uses (cont.)</u>				
Funeral home	F	C	C	F
Mortuary chapel	C	C	C	A
<u>Health Care Uses</u>				
Clinic	F	F	F	F
Clinical laboratory	F	F	F	F
Custodial care facility	F	F	F	F
Group residence, general	F	F	C	F
Hospital ⁽¹⁾	F	F	F	F
Nursing or convalescent home ⁽¹⁾	F	F	A	F
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	C	C	A	F
Conference center	F	F	F	F
Executive suites	F	F	C	F
Hotel	F	F	F	F
Motel	F	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	F	F	C	F
Cleaning plant	F	F	F	F
General manufacturing use	F	F	F	F

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Industrial Uses (cont.)</u>				
Light manufacturing use	F	F	F	F
Printing plant	F	F	F	F
Restricted industrial use	F	F	F	F
<u>Office Uses</u>				
Agency or professional office	F	F	F	F
General office	F	F	F	F
Office of wholesale business	F	F	F	F
<u>Open Space Uses</u>				
Golf driving range	F	F	F	C
Grounds for sports, private	C	C	C	C
Open space	A	A	A	A
Open space recreational building	C	C	C	A
Outdoor place of recreation for profit	F	F	C	C
Stadium	F	F	F	F
<u>Public Service Uses</u>				
√Automatic telephone exchange or telecommunications data distribution center ⁽²⁾	F	F	F	C

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Public Service Uses (cont.)</u>				
Courthouse ⁽²⁾	F	F	F	F
Fire station ⁽²⁾	C	C	A	C
^Outdoor payphone	F	F	F	C
Penal institution	F	F	F	F
Police station ⁽²⁾	C	C	A	F
Pumping station ⁽²⁾	F	F	F	F
Recycling facility (excluding toxic waste)	F	F	F	F
Solid waste transfer station	F	F	F	F
Sub-station ⁽²⁾	F	F	F	F
Telephone exchange	C	C	C	C
 (√As amended on October 20, 2000.) (^As inserted on March 15, 2006)				
<u>Research and Development Uses</u>				
Research laboratory	F	F	F	F
Product development or prototype manufacturing	F	F	F	F
<u>Residential Uses⁽³⁾</u>				
Congregate living complex	F	F	C	C
Elderly housing	F	F	A	A

TABLE A - Continued

	<u>One-Family (1F)</u>	<u>Two-Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Residential Uses</u> ⁽³⁾ (cont.)				
Group residence, limited	A	A	A	A
Lodging house	F	F	C	C
Mobile home	F	F	C ⁽⁸⁾	F
Mobile home park	F	F	C ⁽⁸⁾	F
Multi-family dwelling	F	F	A	A
One family detached dwelling	A	A	A	C ⁽¹⁰⁾
One family semi-attached dwelling	F	A	A	A
Orphanage	F	C	C	C
Rowhouse	F	F	A	A
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	F	F	A	A
Townhouse	F	F	A	A
Transitional housing or homeless shelter	F	F	C	C
Two family detached dwelling	F	A	A	A
Two family semi-attached dwelling	F	F	A	A
<u>Restaurant Uses</u>				
Drive-in restaurant	F	F	F	F
Restaurant	F	F	F	F
Take-out restaurant				
Small ⁽⁴⁾	F	F	F	F
Large ⁽⁴⁾	F	F	F	F

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Retail Uses</u>				
Adult bookstore	F	F	F	F
Bakery	F	F	F	F
General retail business	F	F	F	F
Liquor store	F	F	F	F
Local retail business	F	F	F	F
Outdoor sale of garden supplies	F	F	F	F
;Pawnshop	F	F	F	F
(;As inserted on February 16, 2001)				
<u>Service Uses</u>				
Animal hospital	F	F	F	F
Barber or beauty shop	F	F	F	F
+Body art establishment	F	F	F	F
Caterer's establishment	F	F	F	F
;Check cashing business	F	F	F	F
Container redemption center	F	F	F	F
Dry-cleaning shop	F	F	F	F
Kennel	F	F	F	F
Laundry, retail service	F	F	F	F
Laundry, self-service	F	F	F	F
Photocopying establishment	F	F	F	F
Shoe repair	F	F	F	F

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Service Uses (cont.)</u>				
Tailor shop	F	F	F	F
(;As inserted on October 6, 1994)				
(+As inserted on April 9, 2001)				
<u>Storage Uses, Major</u>				
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of flammable liquids and gases				
Small ⁽⁵⁾	F	F	F	F
Large ⁽⁵⁾	F	F	F	F

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Storage Uses, Major (cont.)</u>				
Storage or transfer of toxic waste	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	C
Warehousing	F	F	F	F
Wrecking yard	F	F	F	F

(√As inserted on September 18, 2000)

Trade Uses

Carpenters shop	F	F	F	F
Electrician's shop	F	F	F	F
Machine shop	F	F	F	F
Photographer's studio	F	F	F	F
Plumber's shop	F	F	F	F
Radio/television repair	F	F	F	F
Upholsterer's shop	F	F	F	F
Welder's shop	F	F	F	F

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal	F	F	F	F
<u>Vehicular Uses</u>				
;Airport-related remote parking facility	F	F	F	F
Bus servicing or storage	F	F	F	F
Carwash	F	F	F	F
Gasoline station	F	F	F	F
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F
^Indoor sale of motor vehicles	F	F	F	F
^Outdoor sale of new and used motor vehicles	F	F	F	F
Parking garage	F	F	F	F
Parking lot	F	F	F	F

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Vehicular Uses (cont.)</u>				
Rental agency for cars	F	F	F	F
Rental agency for trucks	F	F	F	F
Repair garage	F	F	F	F
Truck servicing or storage	F	F	F	F

(+As amended on November 7, 1996.)

(;As inserted on November 21, 1996.)

(^As amended on March 15, 2006)

Wholesale Uses

Wholesale business	F	F	F	F
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Accessory and Ancillary Uses

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

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Accessory and Ancillary Uses (cont.)</u>				
Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	F	F	F	F
Accessory art use ⁽⁹⁾	A	A	A	A
Accessory automatic teller machine	F	F	F	C
Accessory bus servicing or storage	F	F	F	F
Accessory cafeteria	F	F	F	F
Accessory cultural uses	F	F	F	C
Accessory dormitory	F	F	F	C
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	A	A	A	C
Accessory home occupation	A	A	A	C
^Accessory indoor maintenance and operation of a payphone ¹¹	F	F	F	C
Accessory industrial use	F	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F	F
Accessory keeping of laboratory animals	F	F	F	F
Accessory machine shop	F	F	F	F
Accessory manufacture of products	F	F	F	F
Accessory offices	F	F	F	C
Accessory outdoor cafe	F	F	F	C

TABLE A - Continued

	<u>One- Family (1F)</u>	<u>Two- Family (2F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Conservation Protection (CP)</u>
<u>Accessory and Ancillary Uses (cont.)</u>				
Accessory parking	A	A	A	A
Accessory personnel quarters	F	F	C	C
Accessory printing	F	F	F	F
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	F	F	F
Accessory repair garage	F	F	F	F
Accessory retail	F	F	F	F
Accessory recycling	F	F	F	F
Accessory services for apartment and hotel residents	F	F	A	A
Accessory services incidental to educational uses other than a college or university use	F	F	F	C
Accessory service uses	F	F	F	C
Accessory storage of flammable liquids and gases				
Small ⁽⁵⁾	F	F	C	C
Large ⁽⁵⁾	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F
Accessory swimming pool or tennis court ⁽⁶⁾	A	A	A	A
Accessory trade use	F	F	F	F
Accessory truck servicing or storage	F	F	F	F

TABLE A - Continued

Accessory and Ancillary Uses (cont.)

Accessory wholesale business	F	F	F	F
Ancillary use ⁽⁷⁾	C	C	C	C

1. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table A. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or as an accessory or ancillary use. Where any portion of a Proposed Institutional Project is for Institutional subuses that are not High Impact Subuses, each Institutional subuse shall be allowed, conditional, or forbidden as provided in this Table A for the use category (other than an Institutional use) that most closely describes such subuse.
2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
3. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
4. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
5. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

TABLE A - Continued

6. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
7. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which is it ancillary.
8. Except A in the Charles River Multifamily Residential Subdistrict.
9. Where designated "A," provided that art classes as part of an accessory art use are conditional in a Residential Subdistrict.
10. Except A in the West Roxbury Quarry Conservation Protection Subdistrict and the Roxbury Latin School Conservation Protection Subdistrict.
- ^11. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

TABLE B

**West Roxbury Neighborhood District
Use Regulations
Neighborhood Business Subdistricts and Local Industrial Subdistricts**

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

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

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Banking and Postal Uses</u>			
Automatic teller machine	A	A	A
Bank	A ⁽¹⁹⁾	A	A ⁽¹⁾
Drive-in bank	C	C	A ⁽¹⁾
Post office	A ⁽¹⁹⁾	A	A
<u>Community Uses</u>			
Adult education center	A ⁽¹⁹⁾	A	A
Community center	A ⁽¹⁹⁾	A	A
Day care center	A	A	A
Day care center, elderly	A	A	C
Library	A	A	C
Place of worship; monastery; convent; parish house	A	A	A

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Cultural Uses</u>			
Art gallery	A	A	A
Art use	A	A	A
Auditorium	C	A	C
Cinema	C ⁽²⁰⁾	A	C
Concert hall	C ⁽²⁰⁾	A	C
Museum	A	A	C
Public art, display space	A	A	A
Studios, arts	A	A	A
Studios, production	C	A	A
Theatre	C	A	C
Ticket sales	A	A	C
<u>Dormitory and Fraternity Uses</u>			
Dormitory not accessory to a use	F	F	F
Fraternity	F	F	F
<u>Educational Uses</u>			
College or university ⁽²⁾	F	C	F
Elementary or secondary school ⁽³⁾	A	C	F
Kindergarten	A	C	F
Professional school	C	A	A
Trade school	C	A	A

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Entertainment and Recreational Uses</u>			
Adult entertainment	F	F	F
Amusement game machines in commercial establishment	C	C	C
Amusement game machines in non-commercial establishment	C	C	C
Bar ⁽⁴⁾	C	C	C
Bar with live entertainment ⁽⁴⁾	C	C	C
Bowling alley	A ⁽¹⁹⁾	A	C
Billiard parlor	A ⁽¹⁹⁾	A	C
Dance hall	C	C	C
Drive-in theatre	F	C	F
Fitness center or gymnasium	A	A	A
Private club not serving alcohol	C	A	C
Private club serving alcohol	C	C	C
Restaurant with live entertainment, not operating after 10:30 p.m. ⁽⁴⁾	A	A	C
Restaurant with live entertainment, operating after 10:30 p.m. ⁽⁴⁾	C	C	C

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Funerary Uses</u>			
Cemetery	F	F	F
Columbarium	F	F	F
Crematory	F	F	F
Funeral home	A	A	F
Mortuary chapel	A	A	F
<u>Health Care Uses</u>			
;Clinic	C	C	C
Clinical laboratory	C	C	C
Custodial care facility	F	C	C
Group care residence, general	F	C	F
Hospital ⁽²⁾	F	C	F
Nursing or convalescent home ⁽²⁾	C	C	F
(;As amended on September 20, 1996.)			
<u>Hotel and Conference Center Uses</u>			
Bed and breakfast	C	A	F
Conference center	F	A	F
Executive suites	F	A	F
Hotel	F	A	F
Motel	F	C	F

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Industrial Uses</u>			
Artists' mixed-use	F	A	A
Cleaning plant	F	F	A
General manufacturing use	F	F	A
Light manufacturing use	F	F	A
Printing plant	F	F	A
Restricted industrial use	F	F	F
<u>Office Uses</u>			
Agency or professional office	A	A	A ⁽¹⁸⁾
General office	A	A	A ⁽¹⁸⁾
Office of wholesale business	C	A	A ⁽¹⁸⁾
<u>Open Space Uses</u>			
Golf driving range	F	C	F
Grounds for sports, private	F	C	C
Open space	A	A	A
Open space recreational building	A	A	A
Outdoor place of recreation for profit	F	C	C
Stadium	F	C	F

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Public Service Uses</u>			
√Automatic telephone exchange or telecommunications data distribution center	C	C	C
Courthouse ⁽³⁾	C	C	C
Fire station ⁽³⁾	A	A	A
^Outdoor payphone	C	C	C
Penal institution ⁽³⁾	F	C	F
Police station ⁽³⁾	A	A	A
Pumping station ⁽³⁾	C	C	A
Recycling facility (excluding facilities handling toxic waste)	F	F	C
Solid waste transfer station	F	F	C
Sub-station ⁽³⁾	C	C	A
Telephone exchange	C	C	A
(√As amended on October 20, 2000.)			
(^As inserted on March 16, 2006)			
<u>Research and Development Uses⁽⁵⁾</u>			
Research laboratory	C	C	A
Product development or prototype manufacturing	C	C	A

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Residential Uses</u> ^{(6),(7)}			
Congregate living complex	A	C	F
Elderly housing	A	C	F
Group residence, limited	A	C	F
Lodging house	C	C	F
Mobile home	F	F	F
Mobile home park	F	F	F
Multi-family dwelling	A	C	F
One family detached dwelling	A	C	F
One family semi-attached dwelling	A	C	F
Orphanage	C	C	F
Rowhouse	C	C	F
Temporary dwelling structure	F	C	F
Three family detached dwelling	A	C	F
Townhouse	A	C	F
Transitional housing or homeless shelter	C	C	F
Two family detached dwelling	A	C	F
Two family semi-attached dwelling	A	C	F
<u>Restaurant Uses</u>			
Drive-in restaurant	C ⁽²⁰⁾	C	F
Restaurant	A	A	A
Take-out restaurant			
Small ⁽⁸⁾	A	A	A
Large ⁽⁸⁾	C	C	C

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Retail Uses</u> ⁽⁹⁾			
Adult bookstore	F	F	F
Bakery	A	A	A
;General retail business ⁽¹⁰⁾	A	A	C
Liquor store	A	A	C
Local retail business	A	A	A
Outdoor sale of garden supplies	A	A	A
+Pawnshop	C	C	C
(;As amended on December 19, 1994.)			
(+As inserted on February 16, 2001)			
<u>Service Uses</u> ⁽⁹⁾			
Animal hospital	A	A	A
Barber or beauty shop	A	A	A ⁽¹⁾
+Body art establishment	C	C	C
Caterer's establishment	A	A	A
;Check cashing business	C	C	C
Container redemption center ⁽¹¹⁾	C	C	A
Dry-cleaning shop	A	A	A ⁽¹⁾
Kennel	F	A	A
Laundry, retail service	A	A	A ⁽¹⁾
Laundry, self-service	A	A	A
Photocopying establishment	A	A	A
Shoe repair	A	A	A ⁽¹⁾

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Service Uses</u> ⁽⁹⁾ (cont.)			
Tailor shop	A	A	A ⁽¹⁾
(;As inserted on October 6, 1994.) (+As inserted on April 9, 2001)			
<u>Storage Uses, Major</u>			
Enclosed storage of solid fuel or minerals	F	F	C
Outdoor storage of solid fuel or minerals	F	F	F
Outdoor storage of new materials	F	F	C
Outdoor storage of damaged or disabled vehicles	F	F	F
Outdoor storage of junk and scrap	F	F	F
Storage of flammable liquids and gases			
Small ⁽¹²⁾	C	C	A
Large ⁽¹²⁾	F	F	C
Storage or transfer of toxic waste	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

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Storage Uses, Major (cont.)</u>			
Warehousing	F	F	A
Wrecking yard	F	F	F
(√As inserted on September 18, 2000)			
<u>Trade Uses⁽⁹⁾</u>			
Carpenters shop	A	A	A
Electrician's shop	A	A	A
Machine shop	A	A	A
Photographer's studio	A	A	A
Plumber's shop	A	A	A
Radio/television repair	A	A	A
Upholsterer's shop	A	A	A
Welder's shop	A	A	A
<u>Transportation Uses</u>			
Airport	F	F	F
Bus terminal	F	F	C
Garage with dispatch	F	F	C
Helicopter landing facility	F	F	F
Motor freight terminal	F	F	C
Rail freight terminal	F	F	C
Railroad passenger station	A	A	A

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Vehicular Uses</u>			
;Airport-related remote parking facility	F	C	C
Bus servicing or storage	F	F	C
Carwash ⁽¹³⁾	F	A	F
Gasoline station ⁽¹³⁾	C ⁽²⁰⁾	C	A ⁽¹⁴⁾
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	C ⁽²⁰⁾	C	C
*^Indoor sale of motor vehicles	C ⁽²⁰⁾	C ⁽²¹⁾	C
*^Outdoor sale of new and used motor vehicles	C ⁽²⁰⁾	C ⁽²¹⁾	F
Parking garage	C ⁽²⁰⁾	C	C
Parking lot	C	C	C
Rental agency for cars	C ⁽²⁰⁾	C	F
Rental agency for trucks	C ⁽²⁰⁾	C	F
Repair garage ⁽¹³⁾	C	C	C
Truck servicing or storage	F	F	C

(;As inserted on November 21, 1996.)

(+As amended on November 7, 1996.)

(^As amended on May 29, 2003.)

(*As amended on March 15, 2006)

Wholesale Uses

Wholesale business	F	F	A
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TABLE B - Continued

<u>Neighborhood Business Subdistricts</u>		<u>Local</u>
<u>Neighborhood</u>	<u>Community</u>	<u>Industrial</u>
<u>Shopping</u>	<u>Commercial</u>	<u>Subdistricts</u>

^Accessory and Ancillary Uses

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

Accessory amusement game machines

(not more than four) in commercial or non-commercial establishment	C	C	C
Accessory art use	A	A	A
Accessory automatic teller machine	A	A	A
Accessory bus servicing or storage	C	C	A ⁽¹⁴⁾
Accessory cafeteria	A	A	A
Accessory cultural uses	A	A	A
Accessory dormitory	F	F	F
Accessory drive-through restaurant	F	C	F
Accessory drive-through retail	F	C	F
Accessory family day care home	A	A	C
Accessory home occupation	A	A	F
^Accessory indoor maintenance and operation of a payphone ²²	A	A	A
Accessory industrial use	F	F	A
Accessory keeping of animals other than laboratory animals	C	A	C

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Accessory and Ancillary Uses (cont.)</u>			
Accessory keeping of laboratory animals ⁽⁵⁾	C	C	A
Accessory machine shop	A	A	A
Accessory manufacture of products	C	C	A
Accessory offices	A	A	A
Accessory offices for university	F	C	F
Accessory outdoor cafe ⁽¹⁵⁾	A	A	A
Accessory parking	A	A	A
Accessory personnel quarters	C	C	C
Accessory printing	A	A	A
Accessory professional office in a dwelling	A	A	F
Accessory railroad storage yard	F	F	C
Accessory recycling	C	C	A
Accessory repair garage	C	C ⁽²¹⁾	A
Accessory retail	A	A	A
Accessory service uses	A	A	A
Accessory services for apartment and hotel residents	A	A	F
Accessory services incidental to educational uses other than college or university use	A	A	A

TABLE B - Continued

	<u>Neighborhood Business Subdistricts</u>		<u>Local Industrial Subdistricts</u>
	<u>Neighborhood Shopping</u>	<u>Community Commercial</u>	
<u>Accessory and Ancillary Uses (cont.)</u>			
Accessory storage of flammable liquids and gases			
Small ⁽¹²⁾	A	A	A
Large ⁽¹²⁾	C	C	C
Accessory storage or transfer of toxic waste	F	F	C
Accessory swimming pool or tennis court ⁽¹⁶⁾	A	A	A
Accessory trade uses	A	A	A
Accessory truck servicing or storage	C	C ⁽²¹⁾	A ⁽¹⁴⁾
Accessory wholesale business	C ⁽²⁰⁾	C	A
Ancillary use ⁽¹⁷⁾	C	C	C

(^As amended on May 29, 2003.)

-
1. Where designated "A," provided total gross floor area does not exceed one thousand (1,000) square feet per use; otherwise conditional.
 2. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table B. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or an accessory or ancillary use. Where any portion of a Proposed Institutional Project is for Institutional subuses that are not High Impact Subuses, each Institutional subuse shall be allowed, conditional, or forbidden as provided in this Table B for the use category (other than an Institutional use) that most closely describes such subuse.

TABLE B - Continued

3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained.
4. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
5. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
6. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
7. Where designated "A," provided that such use is conditional on the first story.
8. Small: total gross floor area not more than 2,500 square feet per restaurant in a Neighborhood Business Subdistrict or 1,000 square feet per restaurant in a Local Industrial Subdistrict. Large: total gross floor area exceeding 2,500 square feet per restaurant in a Neighborhood Business Subdistrict or 1,000 square feet per restaurant in a Local Industrial Subdistrict.
9. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
- ;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; (c) enlarges a General Retail Business so as to increase its gross floor area by seventy-five thousand (75,000) or more square feet.

(;As inserted on December 19, 1994.)

TABLE B - Continued

11. 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.
12. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
13. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
14. Except conditional if within one hundred (100) feet of a Residential Subdistrict.
15. Except conditional in Rear Yard abutting a Residential Subdistrict.
16. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
17. 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.
18. Provided that such use shall not exceed forty percent (40%) of the gross floor area allowed within a Lot.
19. Except C in Baker Street Neighborhood Shopping Subdistrict.
20. Except F in Baker Street Neighborhood Shopping Subdistrict.

TABLE B - Continued

^21. Except A in Route 1 Community Commercial Subdistrict provided that, the provisions of Section 56-37, Screening and Buffering Requirements notwithstanding, where any Lot line of a Proposed Project abuts (a) a public park, or (b) a residential subdistrict, or Residential Use, such Proposed Project shall provide and maintain, along each Lot line abutting such park, subdistrict or use, an eight (8) foot fence that is constructed to be one hundred percent (100%) opaque and significantly sound attenuating. The fence shall be located along the outside edge of a planting strip at least five (5) feet in width situated between the Lot line and the fence, densely planted with mature evergreen shrubs to provide a visual screen.

(^As inserted on May 29, 2003)

^22. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

TABLE C

**West Roxbury Neighborhood District
Use Regulations
Community Facilities Subdistricts and Neighborhood Institutional Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Banking and Postal Uses</u>		
Automatic teller machine	C	A
Bank	C	F
Drive-in bank	F	F
Post office	A	A
<u>Community Uses</u>		
Adult education center	A	A
Community center	A	A
Day care center	A	A
Day care center, elderly	A	A
Library	A	A
Place of worship; monastery; convent; parish house	A	A

TABLE C - Continued

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Cultural Uses</u>		
Art gallery	C	A
Art use	C	C
Auditorium	C	C
Cinema	C	F
Concert hall	C	F
Museum	A	A
Public art, display space	A	A
Studios, arts	C	C
Studios, production	C	C
Theatre	C	C
Ticket sales	C	C
<u>Dormitory and Fraternity Uses</u>		
Dormitory not accessory to a use	F	F
Fraternity	F	F
<u>Educational Uses</u>		
College or university ¹	C	C ²
Elementary or secondary school ³	A	A
Kindergarten	A	A
Professional school	A	C
Trade school	A	C

TABLE C - Continued

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Entertainment and Recreational Uses</u>		
Adult entertainment	F	F
Amusement game machines in commercial establishment	F	F
Amusement game machines in non-commercial establishment	F	F
Bar ¹⁰	F	F
Bar with live entertainment ¹⁰	F	F
Bowling alley	F	F
Billiard parlor	F	F
Dance hall	C	F
Drive-in theatre	F	F
Fitness center or gymnasium	C	A
Private club not serving alcohol	F	F
Private club serving alcohol	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. ¹⁰	F	F
Restaurant with live entertainment, operating after 10:30 p.m.	F	F

TABLE C - Continued

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Funerary Uses</u>		
Cemetery	F	F
Columbarium	F	F
Crematory	F	F
Funeral home	F	A
Mortuary chapel	F	C
<u>Health Care Uses</u>		
Clinic	C	A
Clinical laboratory	C	A
Custodial care facility	C	C
Group residence, general	C	C
Hospital ¹	C	A ²
Nursing or convalescent home ¹	A	A ²
<u>Hotel and Conference Center Uses</u>		
Bed and breakfast	F	A
Conference center	F	F
Executive suites	F	F
Hotel	F	F
Motel	F	F

TABLE C - Continued

	Community Facilities <u>Subdistricts</u>	Neighborhood Institutional <u>Subdistricts</u>
<u>Industrial Uses</u>		
Artists' mixed-use	A	F
Cleaning plant	F	F
General manufacturing use	F	F
Light manufacturing use	F	F
Printing plant	F	F
Restricted industrial use	F	F
<u>Office Uses</u>		
Agency or professional office	F	F
General office	F	F
Office of wholesale business	F	F
<u>Open Space Uses</u>		
Golf driving range	F	F
Grounds for sports, private	A	C
Open space	A	A
Open space recreational building	A	C
Outdoor place of recreation for profit	C	F
Stadium	F	F

TABLE C - Continued

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Public Service Uses</u>		
Automatic telephone exchange telecommunications data distribution center ³	C	C
Courthouse ³	A	C
Fire station ³	A	A
^Outdoor payphone	C	C
Penal institution	F	F
Police station ³	A	A
Pumping station ³	C	C
Recycling facility (excluding toxic waste)	C	F
Solid waste transfer station	F	F
Sub-station ³	C	C
Telephone exchange	C	F
 (^As inserted on March 15, 2006)		
<u>Research and Development Uses⁴</u>		
Research laboratory	F	A
Product development or prototype manufacturing	F	F
<u>Residential Uses⁵</u>		
Congregate living complex	A	C
Elderly housing	A	A
Group residence, limited	A	A

TABLE C - Continued

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Residential Uses</u> ⁵ (cont.)		
Lodging house	F	C
Mobile home	F	F
Mobile home park	F	F
Multi-family dwelling	A	A
One family detached dwelling	A	A
One family semi-attached dwelling	A	A
Orphanage	A	A
Rowhouse	A	A
Temporary dwelling structure	F	C
Three family detached dwelling	A	A
Townhouse	A	A
Transitional housing or homeless shelter	A	C
Two family detached dwelling	A	A
Two family semi-attached dwelling	A	A
<u>Restaurant Uses</u> ¹¹		
Drive-in restaurant	F	F
Restaurant	C	F
Take-out restaurant		
Small ⁶	F	F
Large ⁶	F	F

TABLE C - Continued

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Retail Uses</u> ¹²		
Adult bookstore	F	F
Bakery	F	F
General retail business	F	F
Liquor store	F	F
Local retail business	F	F
Outdoor sale of garden supplies	F	F
;Pawnshop	C	C

(;As inserted on February 16, 2001)

Service Uses¹²

Animal hospital	F	A ²
Barber or beauty shop	F	F
>Body art establishment	C	C
Caterer's establishment	F	F
;Check cashing business	F	F
+Container redemption center ⁽¹³⁾	F	C
Dry-cleaning shop	F	F
Kennel	F	F
Laundry, retail service	F	F

(;As inserted on October 6, 1994.)

(+As inserted on August 22, 1996.)

(>As inserted on April 9, 2001.)

TABLE C - Continued

	<u>Community Facilities Subdistricts</u>	<u>Neighborhood Institutional Subdistricts</u>
<u>Service Uses</u> ¹² (cont.)		
Laundry, self-service	F	F
Photocopying establishment	F	F
Shoe repair	F	F
Tailor shop	F	F
<u>Storage Uses, Major</u>		
Enclosed storage of solid fuel or minerals	F	F
Outdoor storage of solid fuel or minerals	F	F
Outdoor storage of new materials	F	F
Outdoor storage of damaged or disabled vehicles	F	F
Outdoor storage of junk and scrap	F	F
Storage of flammable liquids and gases		
Small ⁷	F	F
Large ⁷	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
Warehousing	F	F
Wrecking yard	F	F

(√As inserted on September 18, 2000)

TABLE C - Continued

Community
Facilities
Subdistricts

Neighborhood
Institutional
Subdistricts

Trade Uses¹²

Carpenters shop	F	F
Electrician's shop	F	F
Machine shop	F	F
Photographer's studio	F	F
Plumber's shop	F	F
Radio/television repair	F	F
Upholsterer's shop	F	F
Welder's shop	F	F

Transportation Uses

Airport	F	F
Bus terminal	F	F
Garage with dispatch	F	F
Helicopter landing facility	F	F
Motor freight terminal	F	F
Rail freight terminal	F	F
Railroad passenger station	F	F
Water terminal	F	F

TABLE C - Continued

	Community Facilities <u>Subdistricts</u>	Neighborhood Institutional <u>Subdistricts</u>
<u>Vehicular Uses</u>		
;Airport-related remote parking facility	F	C
Bus servicing or storage	F	F
Carwash	F	F
Gasoline station	F	F
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F
^Indoor sale of motor vehicles	F	F
^Outdoor sale of new and used motor vehicles	F	F
Parking garage	F	F
Parking lot	F	F
Rental agency for cars	F	F
Rental agency for trucks	F	F
Repair garage	F	F
Truck servicing or storage	F	F

(;As inserted on November 21, 1996.)

(+As amended on November 7, 1996.)

(^As amended on March 15, 2006)

Wholesale Uses

Wholesale business	F	F
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TABLE C - Continued

Community Facilities <u>Subdistricts</u>	Neighborhood Institutional <u>Subdistricts</u>
------------------------------------------------	------------------------------------------------------

Accessory and Ancillary Uses

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

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	F	F
Accessory art use	C	A
Accessory automatic teller machine	A	A
Accessory bus servicing or storage	F	C
Accessory cafeteria	A	A
Accessory cultural uses	A	A
Accessory dormitory	F	C
Accessory drive-through restaurant	F	F
Accessory drive-through retail	F	F
Accessory family day care home	A	A
Accessory home occupation	A	A
^Accessory indoor maintenance and operation of a payphone ¹⁴	A	A
Accessory industrial use	F	F
Accessory keeping of animals other than laboratory animals	F	F
Accessory keeping of laboratory animals ⁴	F	A
Accessory machine shop	F	F

TABLE C - Continued

	Community Facilities <u>Subdistricts</u>	Neighborhood Institutional <u>Subdistricts</u>
<u>Accessory and Ancillary Uses (cont.)</u>		
Accessory manufacture of products	F	F
Accessory offices	A	A
Accessory outdoor cafe	C	A
Accessory parking	A	A
Accessory personnel quarters	F	A
Accessory printing	A	A
Accessory professional office in a dwelling	A	A
Accessory railroad storage yard	F	F
Accessory recycling	A	F
Accessory repair garage	F	F
Accessory retail	C	F
Accessory service uses	A	F
Accessory services for apartment and hotel residents	A	C
Accessory services incidental to educational uses other than a college or university use	C	A
Accessory storage of flammable liquids and gases		
Small ⁷	A	A
Large ⁷	C	C
Accessory storage or transfer of toxic waste	F	A
Accessory swimming pool or tennis court ⁸	A	A
Accessory trade use	A	F
Accessory truck servicing or storage	F	C
Accessory wholesale business	F	F
Ancillary use ⁹	C	C

TABLE C - Continued

1. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table C. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or as an accessory or ancillary use.
2. Where an Institutional Use is designated "A," a Proposed Institutional Project for such use is allowed, provided that such Proposed Institutional Project does not result in the addition of an aggregate gross floor area of fifty thousand (50,000) or more square feet, and provided further that such area is not a phase of another Proposed Institutional Project; otherwise conditional.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
6. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
7. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

TABLE C - Continued

8. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate 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.
9. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which is it ancillary.
10. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
11. Where a Restaurant Use is designated "A" or "C," it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
12. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
- ;13. 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 August 22, 1996.)
- ^14. Provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.

(^As inserted on March 15, 2006)

;TABLE E

West Roxbury Neighborhood District

**Conservation Protection Subdistricts
Dimensional Regulations(1)**

	<u>Conservation Protection Subdistrict</u>
Maximum Floor Area Ratio(2)	0.3
Maximum Building Height(2)	35
Maximum number of dwelling units/acre	3 (2)
Minimum Lot Size	
Residential use	1 acre (3)
Other use	none
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard	50 (5)
Minimum Side Yard	50 (5)
Minimum Rear Yard	50 (5)

(;As amended on March 3, 2000.)

TABLE E - Continued

- ;1. A Proposed Project in a Conservation Protection Subdistrict may be subject to the Site Plan Component of Large Project Review or Small Project Review, pursuant to Section 80B-2 or 80E-2.

(;As amended on May 9, 1996.)

- ;2. For a Proposed Project in a Planned Development Area, the maximum building height, Floor Area Ratio, and number of dwelling units per acre are as follows:

Maximum Building Height	45
Maximum Floor Area Ratio	0.5
Maximum number of dwelling units per acre:	

4 units/acre if the Lot contains less than 15 acres; and
6 units/acre if the Lot contains 15 or more acres;

provided, however, that for a Proposed Project to establish a residential use in a building legally in existence prior to March 3, 2000, the Planned Development Area Development Plan may provide for a greater number of dwelling units/acre.

(;As amended on March 3, 2000.)

- ;3. If a Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) as of March 3, 2000 does not meet the minimum Lot Size requirement, the Board of Appeal may authorize the construction of: (a) one dwelling unit, if the Lot meets at least one-third of the minimum Lot Size requirement, or (b) two units, if the Lot meets at least two-thirds of the minimum Lot Size requirement.

(;As amended on March 3, 2000.)

TABLE E – Continued

4. Special yard requirements along Charles River: Notwithstanding any contrary provision of this Table E, no part of a building or structure shall be located closer to the Charles River than the greater of: (a) forty (40) feet, measured from the top of the riverbank as defined by the Commonwealth of Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, section 40, as amended) and regulations issued thereunder by the Commonwealth of Massachusetts and the City of Boston Conservation Commission; or (b) any setback distance required by an Order of Conditions issued by the City of Boston Conservation Commission.

- ;5 Except where the Site Plan Component of Small Project Review or Large Project Review determines that a smaller yard dimension would more effectively protect the significant natural features on the Lot without substantially increasing the Proposed Project's impacts outside the Lot.

(;As amended on March 3, 2000.)

TABLE F

West Roxbury Neighborhood District

**Neighborhood Business Subdistricts
Dimensional Regulations**

	<u>Neighborhood Shopping Subdistricts</u>	<u>Community Commercial Subdistricts</u>
Maximum Floor Area Ratio	2.0	2.0
Maximum Building Height	35	45
Minimum Lot Size	none	none
Minimum Lot Area Per Dwelling Unit	N/A	N/A
Minimum Usable Open Space (1) per Dwelling Unit (sq. ft.)	50	N/A
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard (2)	none (3),(6)	none (3),(6)
Minimum Side Yard (4)	none (6)	none (6)
Minimum Rear Yard (5)	40 (6)	40 (6)

TABLE F

Footnotes:

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

In a Neighborhood Business Subdistrict, every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
3. See Section 56-36.1, Street Wall Continuity.
4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district, and in the case of a lot with a side lot line facing the Charles River (see footnote 6). Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. In a Neighborhood Business Subdistrict, every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE F - Continued

6. Special yard requirements along Charles River: Notwithstanding any contrary provision of this Table F, no part of a building or structure shall be located closer to the Charles River than the greater of: (a) forty (40) feet, measured from the top of the riverbank as defined by the Commonwealth of Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, section 40, as amended) and regulations issued thereunder by the Commonwealth of Massachusetts and the City of Boston Conservation Commission; or (b) any setback distance required by an Order of Conditions issued by the City of Boston Conservation Commission.

TABLE G

West Roxbury Neighborhood District

**Local Industrial Subdistricts
Dimensional Regulations**

	<u>Local Industrial Subdistrict</u>
Maximum Floor Area Ratio	2.0
Maximum Building Height	35
Minimum Lot Size	none
Minimum Lot Area Per Dwelling Unit	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	50
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard	none (1)
Minimum Side Yard	none (1)
Minimum Rear Yard	20 (1)

TABLE G - Continued

1. Special yard requirements along Charles River: Notwithstanding any contrary provision of this Table G, no part of a building or structure shall be located closer to the Charles River than the greater of: (a) forty (40) feet, measured from the top of the riverbank as defined by the Commonwealth of Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, section 40, as amended) and regulations issued thereunder by the Commonwealth of Massachusetts and the City of Boston Conservation Commission; or (b) any setback distance required by an Order of Conditions issued by the City of Boston Conservation Commission.

TABLE H

West Roxbury Neighborhood District

**Neighborhood Institutional Subdistricts and Community Facilities Subdistricts
Dimensional Regulations**

	Neighborhood Institutional Subdistrict	Community Facilities Subdistricts		
		Catholic Memorial High School	West Roxbury High School	Roxbury Latin School
Maximum Floor Area Ratio	1.0	0.5	1.0	0.5
Maximum Building Height	40	35	40	45(2)
Residential Use(1)				
Other Use				
Minimum Lot Size	none	none	none	none
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard	20	25	25	25
Minimum Side Yard	10	20	20	20
Minimum Rear Yard	20	40	40	30

1. For any Residential Use, as defined in Article 2A, there shall be a minimum lot size of one (1) acre and a maximum of four and one-half (4.5) dwelling units per acre.
2. Provided that, within one hundred (100) feet of any Residential Subdistrict, the maximum allowed Building Height for any building or structure shall be thirty-five (35) feet.

TABLE I

**West Roxbury Neighborhood District
Off-Street Parking Requirements(1)**

	<u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u>
<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	1.0
<u>Educational Uses</u>	
Day Care Center	0.7
Elementary or Secondary School	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Health Care Uses</u>	1.0
<u>Industrial Uses</u>	0.5
<u>Office Uses</u>	2.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	0.5
<u>Retail Uses</u>	2.0
<u>Service and Trade Uses</u>	2.0
<u>Storage Uses, Major</u>	0.5
<u>Transportation Uses</u>	0.25
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

TABLE I - Continued

- ;1. The provisions of this Table I do not apply to Proposed Projects that are subject to Large Project Review. See Section 56-39 (Off-Street Parking and Loading Requirements).

(;As amended on May 9, 1996.)

TABLE I - Continued

**West Roxbury Neighborhood District
Off-Street Parking Requirements(1)**

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

;1. The provisions of this Table I do not apply to Proposed Projects that are subject to Large Project Review. See Section 56-39 (Off-Street Parking and Loading Requirements).

(;As amended on May 9, 1996.)

2. Where benches are used, each two (2) linear feet of bench shall constitute one (1) seat.

TABLE I - Continued

**West Roxbury Neighborhood District
Off-Street Parking Requirements**

Residential and Related Uses(1)

	<u>Spaces per Dwelling Unit(2)</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	0.7
Bed and Breakfast	0.7
Conference Center	0.7
Executive Suites	0.7
Hotel	0.7
Motel	1.0
<u>Residential Uses</u>	
Elderly Housing	0.2
Group Care, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses (3)	
1-3 units	1.0
4-9 units	1.25
10+ units	1.5

;1. The provisions of this Table I do not apply to Proposed Projects that are subject to Large Project Review. See Section 56-39 (Off-Street Parking and Loading Requirements).

(;As amended on May 9, 1996.)

2. Where a use is not divided into Dwelling Units:

- (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
- (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.

TABLE I - Continued

3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.

TABLE J

**West Roxbury Neighborhood District
Off Street Loading Requirements(1)**

<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 J do not apply to Proposed Projects that are subject to Large Project Review. See Section 56-39 (Off-Street Parking and Loading Requirements).

(;As amended on May 9, 1996.)