

Article 90 Zoning Amendment Fact Sheet

The Article 90 Zoning Amendment is the direct result of the 4-year PLAN: Newmarket process. The first Draft Article 90 Zoning Amendment was posted on August 17, 2023 with a public comment period until September 8, 2023. The public comment period was then extended to September 25, 2023, with an updated Draft Zoning Amendment incorporating community feedback released on September 27, 2023.

The following changes were made in the second Draft Zoning Amendment:

- Added Ancillary Parking as a conditional use in the Core Industrial Sub-District.
- Reduced the Core Industrial maximum height to 5 stories and 95 feet (down from 5 stories and 120 feet).
- Updated the Creative Industrial Subdistrict dimensional regulations to remove FAR, add side, rear, and front yard setbacks, add a building footprint maximum, and establish a 5-story height maximum.
- Added 10' setbacks along Southampton Street and 5' setbacks along south side of Magazine Street to the dimensional regulations.

There are three (3) new subdistricts: Core Industrial Subdistrict, Gateway Industrial Subdistrict, and Creative Industrial Subdistrict. Land use and zoning elements of each subdistrict are detailed below.

Core Industrial	Gateway Industrial	Creative Industrial
Height under 5 stories and 95 feet Ground floor height minimum of 21 feet Industrial use required on 1st and 2nd floors Lab/Office/R&D allowed on 3rd, 4th, and 5th floors Residential use is prohibited	Height under 8 stories and 140 feet Ground floor height minimum of 21 feet Required at least 15% industrial, workforce training, or creative industrial uses Residential use is prohibited	Height under 5 stories and 65 feet Light industrial and creative industrial uses Residential use is prohibited

Maps

Establishing the Newmarket 21st Century Industrial District entirely within Article 90: In the official zoning designation, the PLAN: Newmarket study area spans both the Newmarket Industrial Commercial Neighborhood District detailed in Article 90 and the New Market Industrial Development Area (IDA) within the Roxbury Neighborhood District detailed in Article 50. This zoning amendment brings the entirety of the Newmarket 21st Century Industrial District within the jurisdiction of Article 90 and the associated zoning maps. Any residential sub-districts in the Roxbury Neighborhood District will remain within the Roxbury Neighborhood District.

Use Table A

Consolidation and Organization: This amendment simplifies Table A by alphabetizing the uses and consolidating duplicate footnotes. Use categories are reorganized to include the following sections: Light Industrial Uses; Heavy/Restricted Industrial Uses; Creative Industrial Uses; Compatible, SUPPORTIVE Non-Industrial Uses; and Other Uses.

Additional Uses: Uses are added to Table A that are existing nonconformities and are supportive and complementary to the Newmarket 21st Century Industrial District, including: Banking and Postal; Elementary and Secondary School; and Public Service.

Subdistrict Provisions: Unique provisions for the Core and Gateway Subdistricts:

For the Core Industrial subdistrict, uses are designated separately for “First & Second Story” and “Third Story & Above”. Lab and Office uses will not be allowed on the first and second story within the Core Industrial subdistrict. Additionally, Creative Industrial Uses and commercial uses like restaurants, bars, and retail will be limited to 25% of the square footage of the 1st and 2nd floors.

Within the Gateway Industrial Subdistrict, buildings must include at least 15% of the square footage as “Light Industrial Uses”, “Heavy/Restricted Industrial Uses”, “Creative Arts Industrial Uses”, or Technical and Trade Schools/Centers (Adult).

New Use Allowances: To compare the existing use allowances and the proposed use allowances, see the attached Table 1. Changes in Use Allowance. Please note that a portion of the Gateway Industrial Subdistrict and the entirety of the Creative Industrial Subdistrict are in what was formerly the New Market IDA within the Roxbury Neighborhood District.

Dimensional Table

New Dimensional Table: A new dimensional table, Table D, details maximum building height in feet and stories; minimum ground floor ceiling height; minimum front, side, and rear yards; and a maximum building footprint for the Creative Industrial Subdistrict.

Redefining Ground Floor Ceiling Height: The definition of “Ground Floor Ceiling Height” in Article 2 of the zoning code was amended to reflect the intent of the regulation more accurately. The language now includes a reference to height being measured with respect to the “predominant ground floor elevation”; this is instrumental for industrial buildings where the first floors may have large loading docks or other multi-level interiors.

Miscellaneous

Text Consolidation: The draft amendment includes text consolidation throughout Article 90, and removes the duplicative description of “Performance Standards” in section 90-9, to instead reference the “Performance Standards” definition in Article 2.

Parking Minimums: Parking minimums have been lowered across all uses in Table B to accurately reflect the current parking maximum policy with the Boston Transportation Department (BTD). Uses that are

forbidden in the Newmarket 21st Century Industrial District have been removed from this parking minimums table.

Table 1. Changes in Use Allowances

	Core Industrial	Gateway Industrial		Creative Industrial
	<i>Within the existing boundary of the Newmarket Industrial Commercial Neighborhood District</i>		<i>Formerly within the New Market IDA subdistrict of the Roxbury Neighborhood District</i>	
Newly Allowed	Accessory Art Use Art Display Space Art Use Arts Trade Uses Banking and Postal Bars Child Care Center Light Manufacturing Public Services Studios	Accessory Art Use Art Display Space Art Use Arts Trade Uses Banking and Postal Bars Child Care Center Light Manufacturing Public Services Studios	Accessory Art Use Accessory Fitness Centers Arts Trade Uses	Accessory Art Use Accessory Fitness Centers Arts Trade Uses Ancillary Parking
Newly Conditional	Ancillary Parking	Concert Hall Theatre	Concert Hall Theatre	Concert Hall Theatre
Newly Forbidden	Ancillary Parking Artists' Mixed-Use Concert Hall Elementary or Secondary School Theatre	Ancillary Parking Artists' Mixed-Use Elementary or Secondary School	Animal Production Ancillary Parking Artists' Mixed-Use	Animal Production Artists' Mixed-Use Heavy/Restricted Industrial Uses