

ARTICLE 90

**NEWMARKET INDUSTRIAL-COMMERCIAL NEIGHBORHOOD DISTRICT**

(Article inserted on January 8, 2014)

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**SECTION 90-1. Statement of Purpose, Goals, and Objectives.** The purpose of this Article is to update the land use table zoning regulations for the core of the Newmarket industrial district. The goals and objectives of this Article and the Newmarket Land Use Table Update Process are to reflect more contemporary uses of the present-day economy, ease permitting, retain and protect core industrial uses, and strengthen the identity of the core industrial district.

The Newmarket Industrial-Commercial Neighborhood District (“NIC District”) is the region’s economic engine for production and distribution of essential goods and services. It is a centrally located gateway that is in the heart of Boston with easy access to Logan International Airport, downtown Boston, interstate highways 90 and 93, and major public transportation routes. Historically, the NIC District has been Boston’s established epicenter for food processing, distribution, other light manufacturing industries, and non-industrial compatible uses which support these industries. More recently, it has also become home to core public/private services; professional, scientific and technical businesses; and health care facilities. Moving forward the NIC District seeks to integrate innovative and environmentally-friendly businesses, and create a diverse and expanding workforce.

As Boston’s industrial/commercial backbone, industries within the NIC District typically support businesses elsewhere. As a key employment district, the NIC District strengthens the economy by providing sustainable-wage jobs while encouraging environmentally-responsible businesses. In support of these goals, the City/BRA works with business advocates to provide streamlined permitting, access to incentives, and job-training for established and prospective industries.

**SECTION 90-2. Community Participation.** This Article has been developed with the extensive participation of members of the longstanding industrial business advocacy association as well as business owners who participated during numerous advisory working sessions during the Newmarket Land Use Table Update Process. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article.

**SECTION 90-3. Physical Boundaries.** The provisions of this Article are applicable only in the Newmarket Industrial-Commercial Neighborhood District. The boundaries of the Newmarket Industrial-Commercial Neighborhood District are as shown on the map entitled "Map 6E Newmarket Industrial-Commercial Neighborhood District" of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 90-4. Applicability.** This Article together with the rest of this Code constitute the zoning regulation for the Newmarket Industrial-Commercial Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. 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 Newmarket Industrial-Commercial Neighborhood District. The following Proposed

Projects, however, are exempt from the provisions of this Article and are governed by the rest of this Code:

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

**SECTION 90-5. Prohibition of Planned Development Areas.** Within the Newmarket Industrial-Commercial Neighborhood District, no Planned Development Area shall be permitted.

REGULATIONS APPLICABLE IN  
NEWMARKET INDUSTRIAL-COMMERCIAL NEIGHBORHOOD DISTRICT

**SECTION 90-6. Establishment of Newmarket Industrial-Commercial Neighborhood District.** This Section establishes the Newmarket Industrial-Commercial Neighborhood District ("NIC District") within a greater geographical area conventionally known as the Newmarket Industrial Area. The NIC District is established to reflect more contemporary uses of the present-day economy, ease permitting, retain and protect core industrial uses, and strengthen the identity of the core industrial district.

The Newmarket Industrial-Commercial Neighborhood District ("NIC District") is the region's economic engine for production and distribution of essential goods and services. It is a centrally located gateway that is in the heart of Boston with easy access to Logan International Airport, downtown Boston, interstate highways 90 and 93, and major public transportation routes. Historically, the NIC District has been Boston's established epicenter for food processing, distribution, other light manufacturing industries, and non-industrial compatible uses which support these industries. More recently, it has also become home to core public/private services; professional, scientific and technical businesses; and health care facilities. Moving forward the NIC District seeks to integrate innovative and environmentally-friendly businesses, and create a diverse and expanding workforce.

As Boston's industrial/commercial backbone, industries within the NIC District typically support businesses elsewhere. As a key employment district, the NIC District strengthens the economy by providing sustainable-wage jobs while encouraging environmentally-responsible businesses. In support of these goals, the City/BRA works with business advocates to provide streamlined permitting, access to incentives, and job-training for established and prospective industries.

The NIC District is designated as "Newmarket Industrial-Commercial Neighborhood District" on the maps establishing the Newmarket Industrial-Commercial Neighborhood District.

**SECTION 90-7. Use Regulations Applicable in Newmarket Industrial-Commercial Neighborhood District.** Within the Newmarket Industrial-Commercial Neighborhood District, the uses identified in Table A of this Article and described in greater detail in Article 2A are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified as "A" (allowed), or subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Newmarket Industrial-Commercial Neighborhood District.

**SECTION 90-8. Dimensional Regulations Applicable in Newmarket Industrial-Commercial Neighborhood District.** Within the Newmarket Industrial-Commercial Neighborhood District, there is no maximum allowed Building Height and the maximum allowed Floor Area Ratio is two (2). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space are set forth in Table 1 below.

TABLE 1

Lot Size, Lot Area, Lot Width:	None
Max FAR:	2.0
Max Height Stories/Feet:	None
Usable Open Space:	None
Front Yard Min:	None <sup>1</sup>
Side Yard Min:	None <sup>2</sup>
Rear Yard Min:	12 feet

<sup>1</sup> Conformity with Existing Building Alignment.

<sup>2</sup> Except for side lots abutting residential or open space uses or zoning districts or subdistricts whereby the required minimum side yard requirement shall be that of the abutting (sub)district.

**SECTION 90-9. Use Performance Standards Applicable in Newmarket Industrial-Commercial Neighborhood District.** Within the Newmarket Industrial-Commercial Neighborhood District, the following performance standards requirements shall apply when applicable as indicated by a footnote on the land use regulations Table A. The following effects shall not be allowed as indicated by the appropriate footnote for that set of performance standards.

PS1 Footnote - Compatible, Supportive Non-Industrial Uses

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.
2. Any emission beyond the boundaries of the lot that is known to or can be shown to endanger human health or cause significant damage to property or vegetation.
3. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.

PS2 Footnote - Light Manufacturing Uses

4. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting that emanates beyond the boundaries of the lot on which the use is located, is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

PS3 Footnote - Heavy / Restricted Industrial Uses

5. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, that emanates (a) beyond any boundary of the lot that abuts a Residential Use or Subdistrict or an Open Space Use or Subdistrict; or (b) more than twenty (20) feet beyond any boundary of the lot that abuts any subdistrict (other than a Residential Use or Subdistrict or an Open Space Use or Subdistrict) where such use is not designated "A" (allowed) in the applicable table of uses; or (c) more than fifty (50) feet beyond any boundary of the lot that abuts a subdistrict where such use is designated "A" (allowed) in the applicable table of uses; if any such effect is detectable at such distances by human senses without aid of instruments and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

## REGULATIONS GOVERNING DESIGN

### SECTION 90-10. Screening and Buffering Requirements.

1. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas located along a Front Lot Line adjacent to a Street shall be screened from view. Such screening shall consist of trees and shrubs densely planted in a strip at least three (3) feet wide on the inside edge of a steel-picket or stockade or board type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than four (4) feet high and no more than six (6) feet high. All parking lot lighting shall be designed to shine entirely on the lot. All parking lots shall be accessible to the handicapped.
2. Disposal areas, dumpsters, and ground-mounted mechanical equipment located along a Front Lot Line adjacent to a Street shall be screened from view as provided below. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
3. 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 only if such mechanical equipment is located on a Lot which abuts a Residential Subdistrict, Residential Use, public street, or public park or is located on a Lot fronting on Massachusetts Avenue.
4. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required in this Section. For all Storage Uses as identified in Table A, any material or equipment stored to a height greater than four (4) feet above Grade level shall be surrounded by an opaque wall or fence not less than six (6) feet high.

## MISCELLANEOUS PROVISIONS

SECTION 90-12. **Sign Regulations.** The provisions of this Section 90-12 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 the Newmarket Industrial-Commercial Neighborhood District. There shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 90-12. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
  - (a) Total Sign Area. The Sign Area, as defined in Article 2A, in square feet of all permanent Signs on a Sign Frontage, as defined in Article 2A, except for signs on windows above the first floor, freestanding signs, directional signs, and public purpose signs listed in items (g) through (k) inclusive of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2);
  - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a building shall not have an area in excess of ten (10) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature indicator; and
  - (c) Free-standing Signs. A free-standing Sign shall not have an area in excess of fifteen (15) square feet for each use on the Lot, and the top of such Sign shall not be higher than ten (10) feet above Grade.
  - (d) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
  - (e) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of January 8, 2014, is forbidden in the Newmarket Industrial-Commercial Neighborhood District.



- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

**^SECTION 90-13. Off-Street Parking and Loading Requirements.** For any Proposed Project subject to or electing to comply with Large Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For any other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table B and the minimum required off-street loading spaces are as set forth in Table C.

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

- (2) where the main use on the particular lot is for non-Residential Uses and the other Lot is within twelve hundred (1,200) feet of the particular Lot.
- (b) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use, or the Board of Appeal may permit a reduction in the total number of required off-street parking spaces if the Board of Appeal determines that "shared-parking" arrangements, in which a single parking space may be counted for different uses whose peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
- (c) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 50-43. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet.
5. Design. All off-street parking facilities provided to comply with this Article shall met the following specifications:
- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas, and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.
- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust there 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) All car spaces shall be located entirely on the Lot. Fifty percent (50%) of the spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one-half (18-1/2) 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.

## SECTION 90-14. **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. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot Line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the requirements of this Article shall be deemed to be met; provided that the provisions of this Subsection 50-44.4 shall not be applicable to any Proposed Project subject to Subsection 50-40.1, Street Wall Continuity.
3. Special Provisions for Corner Lots. If a Lot abuts on more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided below. The Front Yard requirements of this Code, and not the Side Yard requirements of this Article, shall apply to that part of a side Lot line which is also a Street Line, which Street Line extends more than one hundred (100) feet from the intersection of such line with another Street.
4. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line which is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line which is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the requirements of this Article shall be deemed to be met.
5. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot Line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the requirements of this Article shall be deemed to be met.
6. Underground Encroachments in Yards. In any district, any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Code, including the piers, railings, and parapets thereof, shall not extend more than five (5) feet above Grade level.

7. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, except temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 90-15. **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 90-16. **Regulations**. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 90-17. **Severability**. The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 90-18. **Definitions**. Capitalized words and phrases in this Article have the meanings set forth in Article 2A.

"Miscellaneous Light Manufacturing" consists of manufacturing activities with less environmental impacts that use moderate amounts of partially-processed materials to produce small consumer goods.

SECTION 90-19. **Tables**. The following tables are hereby made part of this Article:

Table A	Use Regulations
Table B	Off-Street Parking Regulations
Table C	Off-Street Loading Regulations

Table B

**Newmarket Industrial-Commercial Neighborhood District**

**Off-Street Parking Regulations <sup>1</sup>  
General Uses**

	<u>Spaces Per 1,000 Square Feet of Gross Floor Area <sup>2</sup></u>
<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	
Day Care Center	0.7
Other Community Uses	1.0
<u>Educational Uses</u>	
Elementary School	0.7
Junior High School (through 10th Grade)	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Health Care Uses</u>	1.0
<u>Industrial Uses</u>	0.5
<u>Office Uses</u>	1.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	0.5
<u>Retail Uses, Service Uses, and Trade Uses</u>	2.0
<u>Storage Uses, Major</u>	0.5
<u>Transportation Uses</u>	0.25

Table B - continued

**Newmarket Industrial-Commercial Neighborhood District**

**Off-Street Parking Regulations <sup>1</sup>  
General Uses**

	<u>Spaces Per 1,000 Square Feet of Gross Floor Area <sup>2</sup></u>
Vehicular Uses	0.5
Wholesale Uses	0.25

Footnotes

1. The provisions of this Table A do not apply to Proposed Projects that are subject to Large Project Review. See Section 90-13 (Off-Street Parking and Loading Requirements).

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

Table B - continued

**Newmarket Industrial-Commercial Neighborhood District**

**Off-Street Parking Regulations<sup>1</sup>  
Public Assembly Uses**

	<u>If there are seats (spaces per seat)<sup>2,3</sup></u>	<u>If there are no seats (spaces per 1,000 square feet of public floor area in structures)<sup>2</sup></u>
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>	0.15	4.0

Footnotes

1. The provisions of this Table B do not apply to Proposed Projects that are subject to Large Project Review. See Section 90-13 (Off-Street Parking and Loading Requirements).
2. Except in the Restricted Parking District. In said district no off-street parking is required for these uses; see Section 3-1A.c of this Code (Restricted Parking District) and Table A of this Article (Use Regulations).
3. Where benches are used, each two linear feet of bench shall constitute one seat.

Table C

**Newmarket Industrial-Commercial Neighborhood District**

**Off-Street Loading Regulations <sup>1</sup>**

<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

<sup>1</sup>. The provisions of this Table I do not apply to Proposed Projects that are subject to Large Project Review. See Section 50-43 (Off-Street Parking and Loading Requirements). (^As amended on May 9, 1996.)