

MODERNIZATION ZONING AMENDMENTS

SUPPORTIVE CHANGES

July 2025

This document includes zoning text amendments that support the primary amendments to Article 80 and Article 28. A Modernization Zoning Summary document is available online, and describes this text amendment at a summary level. Annotations throughout this zoning text amendment explain the rationale behind some key provisions.

Added text: **green**

Deleted text: ~~**red and striked**~~

ARTICLE 2 - DEFINITIONS

Neighborhood Housing Trust. A Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Housing Trust passed by the City Council on May 21, 1986 and approved by the Mayor of Boston on July 6, 1986, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.

Neighborhood Jobs Trust. A Massachusetts public charitable trust created under the authority of Chapter 371 of the Acts of 1987 and the laws of the Commonwealth of Massachusetts and administered pursuant to a Declaration of Trust dated November 19, 1985 and pursuant to an Ordinance Establishing the Neighborhood Jobs Trust passed by the City Council on August 19, 1987 and approved by the Mayor of Boston on September 8, 1987, or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.

REPLACE EXISTING:

ARTICLE 28 – DESIGN REVIEW

(Article originally inserted on June 20, 1986)

Commented [KC1]: This new Article transfers procedures regarding review of projects in CPS, GPOD, NDOD, and other districts to a single location.

Section 28-1. Purpose and Applicability.

The purpose of this Article 28 is to establish urban design requirements and review procedures for certain Projects that are not otherwise subject to Article 80, Development Review and Approval. This article is applicable to any Project that meets the standards of Section 28-4 or Section 28-5.

Section 28-2. Scope of Design Review.

If a Proposed Project is subject urban design review under this Article 28, the proponent shall submit a design review application to the Planning Department that shall include such plans, drawings, and specifications as are necessary for the Planning Department to determine that the Proposed Project is consistent with the standards set forth in Section 28-3 (Standards for Design Review Approval). Such materials shall set forth, for the existing conditions and for the Proposed Project:

- (a) Vehicular and pedestrian access and egress to and from the site and traffic impacts in the vicinity of the site;
- (b) Location and dimensions of all buildings, structures, and parking and loading areas;
- (c) Relationships of primary buildings to secondary buildings;
- (d) Landscaping and screening
- (e) Roof shapes, cornice lines, and roof structures
- (f) Exterior wall articulation, fenestration, and other architectural features; and
- (g) Proposed sign locations

Section 28-3. Standards for Design Review Approval

Any Proposed Project that is subject to design review under this Article 28 shall be consistent with any design guidelines established for the location of the Proposed Project, as set forth in the underlying zoning or as adopted by the Boston Redevelopment Authority.

If the Proposed Project is located in a Planned Development Area, Urban Renewal Area or Institutional Master Plan Area, as set forth in the PDA Development Plan, PDA Master Plan, land assembly and redevelopment plan, urban renewal plan, or Institutional Master Plan applicable to such area.

Such design guidelines may relate to any planning area or district and may include, but need not be limited to, particular architectural requirements, including building massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics.

Section 28-4. Design Review Regulations for All Zoning Districts

Design review under this Article 28 is applicable when:

- (a) **Design Review Required by Applicable Zoning.** Any Proposed Project for which the underlying zoning or other provisions of this Code requires design review by the Boston Redevelopment Authority.
- (b) **Design Review Required by the Board of Appeal.** Any Proposed Project for which a decision of the Board of Appeal requires design review by the Planning Department as a condition for Zoning Relief.
- (c) **For Certain Wireless Communications Equipment.** Any Proposed Installation for which design review by the Boston Redevelopment Authority is required pursuant to Article 86 (Wireless Communications Equipment).
- (d) **For Urban Agriculture.** Any Proposed Project for which design review by the Boston Redevelopment Authority is required pursuant to Article 89 (Urban Agriculture).

Section 28-5. Design Review Regulations for Specific Zoning Districts and Overlays

Design review under this Article 28 is applicable when:

- (a) **Within a Neighborhood Design Overlay District.** Within any Neighborhood Design Overlay District (NDOD), any of the following Proposed Projects and exterior alterations, provided that such Proposed Project or exterior alteration is visible from a public street or public open space, shall be subject to Design Review:
 - i. Any exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building; and

- ii. Any Proposed Project for the erection or extension of a building with a gross floor area of three hundred (300) or more square feet; and
 - iii. Any exterior alteration to change the building massing or the size or location of door or window openings, where such alteration affects three hundred (300) or more square feet of exterior wall area, or a smaller exterior wall area if expressly provided in the underlying zoning.
- (b) **Within a Planned Development Area.** Any Proposed Project located in a Planned Development Area.
- (c) **Within a CPS District or GPOD Overlay.** The **Site Plan CPS and GPOD Component** of Article 80 Small Project Review shall apply to any Proposed Project in a Conservation Protection Subdistrict (CPS) or a Greenbelt Protection Overlay District (GPOD) if such Proposed Project, together with previous projects:
- i. adds twenty-five hundred (2,500) or more square feet of gross floor area; or
 - ii. moves one hundred (100) or more cubic yards of earth; or
 - iii. increases the impervious surface of the site by four hundred (400) or more square feet; or
 - iv. is located on a Lot containing less than one (1) acre of land. For purposes of this Section 28-4.3, "Previous Project," in relation to a Proposed Project, means any other project by the same Applicant, or any predecessor in interest of the Applicant, within the same CPS or GPOD, if, within the three (3) years preceding the application date for a building permit for the Proposed Project, such other project was substantially completed, under construction, or the subject of a pending building permit application.

Commented [KC2]: Renames "site plan review" to "CPS and/or GPOD review" for clarity. These changes are reflected throughout the zoning amendments for consistency.

Section 28-6 - Exemptions

Notwithstanding Section 28-4 and Section 28-5, design review under this Article 28 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority established pursuant to a general or special law of the Commonwealth of Massachusetts.