

# Petitions Draft Zoning Amendment

September 2025

This Petitions Zoning Text Amendment proposes updates to the existing process for residents and property owners to propose amendments to the Boston Zoning Code. The Draft also formally states the Boston City Council's ability to petition the Zoning Commission. Newly proposed text is **written in green**, and removed text is ~~struck through in red~~.

## Substantial Changes

- Article 5 - Administration and Procedure

## **ARTICLE 5 - ADMINISTRATION AND PROCEDURE**

### **IN GENERAL**

#### **Section 5-1. Enforcement.**

It shall be the duty of the Building Commissioner to enforce the provisions of this code.

### **BOARD OF APPEALS PROCEDURE**

#### **Section 5-2. Procedure for Appeal.**

Every appeal to the Board of Appeal shall be in writing and on a form prescribed by said Board. Every such appeal shall refer to the specific provisions of this code involved, and shall exactly set forth the interpretation that is claimed, the conditional use for which permission is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. A copy of every decision of the Board of Appeal on a matter on which the Boston Redevelopment Authority has filed a report shall be transmitted by said Board to said Authority.

#### **Section 5-3. Limitation on Appeal.**

If an appeal for an interpretation, conditional use, or variance is decided by the Board of Appeal adversely to the appellant, no appeal for the same interpretation, conditional use, or variance shall be considered on its merits by said Board within one year after such adverse decision, except with the concurring vote of not less than five of the members of said Board.

#### **~~5-4. Estimated Cost of a Hearing on a Proposed Amendment.~~**

~~The estimated average cost to the City of a hearing before the Zoning Commission on a proposed amendment of this code is hereby established as two hundred and seventy-five dollars.~~

#### **Section 5-4 ~~5-5~~. Authorization of Commissioner of Inspectional Services Department to Hold Permit Application in Pending Status.**

If the Zoning Commission gives public notice of an amendment to this code proposing a change in or addition to its provisions, either in its text or in its maps, which may affect a permit application then in process before the Commissioner of the Inspectional Services Department, the Commissioner may hold such application in a pending status until the date by which the Zoning Commission according to its own procedural rules and regulations must decide to either adopt or reject the proposed amendment or until the

effective date of a decision by the Zoning Commission on the proposed amendment which originally allowed the Commissioner to hold such application in a pending status, whichever occurs first; provided that the Commissioner may act on the application if the application meets the more restrictive or additional provisions, or if the Zoning Commission fails to act on the first proposed zoning change affecting a permit application within the time period established by its own rules and regulations.

## **PROCEDURE FOR PETITIONS TO AMEND THE BOSTON ZONING CODE BY RESIDENTS OR PROPERTY OWNERS**

**Section 5-5. Authorization for Petitions to Amend the Boston Zoning Code.** In accordance with Section 3 of the Enabling Act of the Boston Zoning Code, any resident or property owner in the City of Boston may petition the Zoning Commission to adopt a zoning text amendment or zoning map amendment. For the purposes of these Sections 5-5 through 5-9 only, such resident or property owner in the City of Boston shall be referred to as a "Petitioner".

### **Section 5-6. Petitioner Request for a Zoning Amendment.**

The Petitioner shall submit 1) a zoning amendment request through certified or electronic mail and 2) an application fee of \$400 to the Secretary of the Zoning Commission.

For all zoning amendment requests, the Petitioner shall submit a zoning amendment summary sheet, not to exceed two pages in length, including the purpose and intent of the proposed zoning amendment.

For zoning map amendment requests, the Petitioner shall also submit:

1. A map that illustrates the existing zoning district or subdistrict designation;
2. A map that illustrates the proposed zoning district or subdistrict designation; and
3. A list of each parcel identification number with a proposed new zoning district designation.

For zoning text amendment requests, the Petitioner shall also submit:

1. A copy of the existing zoning Article(s) that includes text to be deleted with strikethroughs and text to be inserted with underlines, or otherwise clearly denoted.

### **Section 5-7. Planning Department Report**

Upon receipt of a zoning amendment request and application fee, the Planning Department shall prepare a Draft Planning Department Report in accordance with Section 3 of the

Enabling Act of the Boston Zoning Code. This report may be periodically modified by Planning Department staff as the Petitioner advances through the petition procedure described in this Article 5, and shall be finalized prior to the hearing before the Zoning Commission. The Secretary of the Zoning Commission will issue the Draft Planning Department Report to the Petitioner within twenty (20) business days of receipt of a zoning amendment request and application fee. The Draft Planning Department Report will include:

1. Contextual planning analysis about the proposed zoning amendment request; and
2. A recommendation to the Boston Zoning Commission regarding the proposed zoning amendment request.

#### Section 5-8. Public Notice Fee to the Zoning Commission.

Upon receipt of a zoning amendment request and application fee, the Planning Department shall work with the Secretary of the Zoning Commission to determine a public notice fee request. The Secretary of the Zoning Commission will issue the public notice fee request to the Petitioner within twenty (20) business days of receipt of a zoning amendment request and application fee. The total fee shall be equivalent to the cost of certified mail notification to affected property owners, the cost of advertising a public meeting, and the cost of advertising a Zoning Commission hearing as follows:

1. **Certified Mail Notification to Affected Property Owners.** \$0.75 per affected property owner for the postage cost of mailing a notification of the zoning amendment request. Affected property owners shall differ for zoning map amendment requests and zoning text amendment requests:
  - a. **Zoning Map Amendment Request.** Affected property owners include 1) each property that will have a new zoning district designation and 2) each property within a 300-foot radius of each property that will have a new zoning district designation.
  - b. **Zoning Text Amendment Request.** Affected property owners include any property that will have more restrictive zoning as a result of the zoning text amendment. The Planning Department shall have sole discretion in determining what constitutes more restrictive zoning. If the zoning text amendment request affects a substantial number of properties, the Planning Department may determine alternative notification methods in place of certified mail to each property owner.
2. **Public Meeting.** The cost of a public meeting includes giving notice of the meeting via citywide and/or neighborhood newspapers. The cost of notification via newspaper(s) shall differ for zoning map amendment requests and zoning text

amendment requests. If a Petitioner submits both a zoning text amendment request and a zoning map amendment request, they shall only be required to pay whichever fee is greater:

- a. **Zoning Map Amendment Request.** \$300 per newspaper for the average cost of giving notice of a hearing in a newspaper of circulation in the neighborhood(s) in which the zoning district is located. The total fee shall not exceed \$900; or
- b. **Zoning Text Amendment Request.**
  - i. **Specific Zoning District.** \$300 per newspaper for the average cost of giving notice of a hearing in a newspaper of circulation in the neighborhood(s) in which the zoning district is located. The total fee shall not exceed \$900.
  - ii. **Citywide Zoning Changes.** \$400 for the average cost of giving notice of a hearing in a newspaper of general circulation in the city of Boston.
3. **Zoning Commission Hearing.** The fee for a Zoning Commission Hearing shall not be required for a zoning amendment request that constitutes a citywide zoning change. For any zoning amendment request that affects a specific zoning district or neighborhood, the fee shall be \$300 per newspaper for the average cost of giving notice of a hearing in a newspaper of circulation in the neighborhood(s) in which the zoning district is located. The total fee shall not exceed \$900.

## Section 5-9. Advancing a Zoning Amendment Request

To advance a zoning amendment request, the petitioner must pay the public notice fee issued by the Secretary of the Zoning Commission as outlined in Section 5-8. Following payment of the public notice fee, the Planning Department shall send notification to affected property owners and shall work with the Petitioner to hold a public meeting at which the petitioner will present their zoning amendment request(s). Prior to requesting a hearing before the Zoning Commission, the petitioner must work in coordination with the Planning Department to refine the zoning amendment request. The petitioner may then request a hearing before the Zoning Commission.

1. **Public Notice Fee.** The Petitioner shall pay the public notice fee to the Secretary of the Zoning Commission.
  - a. **Notification to Affected Property Owners.** Upon payment of the public notice fee, the Planning Department shall send a notification of the zoning amendment request to each affected property owner consistent with Section 5-8.

- b. **Public Meeting.** Following the notification to affected property owners, the Petitioner, in coordination with the Planning Department, shall conduct a public meeting at which the Petitioner will present their zoning amendment request(s). The Planning Department shall advertise such public meeting no fewer than fifteen (15) business days prior to the public meeting date.

If the petitioner fails to pay the public notice fee within six (6) months of receiving the public notice fee request and Draft Planning Department Report, the Planning Department shall consider the request abandoned. Should the Petitioner seek to advance the same zoning amendment request after failure to pay the public notice fee, the Petitioner must submit a new zoning amendment request.

2. **Zoning Amendment Refinement.** Prior to a hearing before the Zoning Commission, the Petitioner shall work in coordination with the Planning Department to refine the zoning amendment request for clarification and legibility, including:
    - a. For zoning map amendment requests, the Planning Department Geographic Information System (GIS) staff shall produce an official draft zoning map with the proposed map amendment(s).
    - b. For zoning text amendment requests, Planning Department staff shall work with the Petitioner to revise the proposed zoning text amendment request with the express purpose of ensuring the proposed text is clearly written, does not unintentionally disrupt other sections or articles of the Code, and is consistent with the language and style used throughout the Code. The Planning Department shall have sole discretion over the amount of effort contributed to editing the proposed zoning text amendment request.
  3. **Zoning Commission.** Following the required public meeting, the Petitioner may request a hearing before the Zoning Commission, at which point the Planning Department shall issue a Final Planning Department Report to the Zoning Commission. The Zoning Commission shall give notice and hold a public hearing with respect to the zoning amendment request pursuant to Section 3 of the Enabling Act of the Boston Zoning Code.

## **PROCEDURE FOR PETITIONS TO AMEND THE BOSTON ZONING CODE BY THE BOSTON CITY COUNCIL**

### **Section 5-10. City Council Petitions.**

The Boston City Council may petition the Zoning Commission to adopt a zoning text amendment or zoning map amendment. Following a vote by the Boston City Council to petition the Zoning Commission, the Planning Department shall hold a public meeting at which the Boston City Council may present their zoning amendment(s). Following such public meeting, the Planning Department shall issue a Planning Department Report to the Zoning Commission. The Zoning Commission shall give notice and hold a public hearing with respect to the zoning amendment request pursuant to Section 3 of the Enabling Act of the Boston Zoning Code.