

# Zoning!

What it is and why we care about it

# Is Zoning the same as Landmarks?

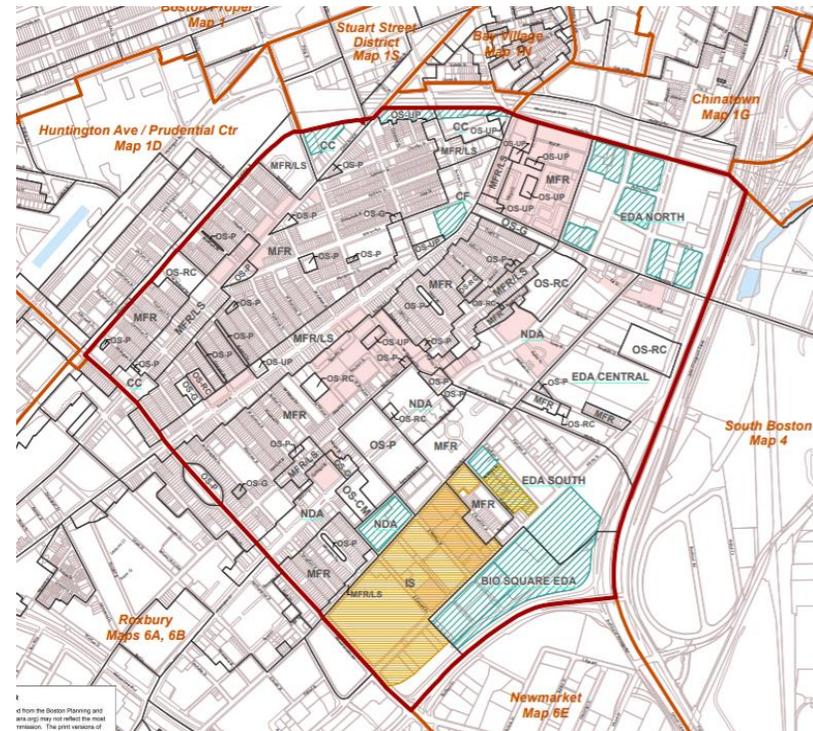
The Landmarks process is separate and distinct from Zoning.

- The Landmarks Commission works to protect Boston's historic resources.
- South End Landmark District Commission (SELDC) reviews all proposed exterior work at front facades, all work on rooftops when visible from a public way and all exterior work at side and rear elevations that directly face a public way.



# Boston Zoning Code – Article 64: South End Neighborhood District

- Boston's Zoning Code dictates the appropriate heights, densities, and allowed uses, specific to each district of the City.
- Article 64 was developed with participation of the South End/Lower Roxbury Working Group. Community participation is critical to the success of this zoning article.
- The Zoning Code is enforced by the Inspectional Services Department (ISD) which issues licenses and permits required for construction.



South End Neighborhood District

# Permitting Process

- Plans are submitted to ISD, usually by the builder.
- After filing, there are two reviews: a zoning and a building review.
- If a project complies with all building and zoning requirements, it is “by right” and a permit is issued.

When a construction project does not conform to the requirements of the Zoning Code, ISD denies the permit application and refers projects to the Zoning Board of Appeals (ZBA).

# Zoning Board of Appeal

- The ZBA regulates the rules behind what and where you can build in Boston.
- When ISD denies an application, applicants can request a variance from the ZBA.
- The ZBA has the authority to hold public hearings and grant relief from strict compliance with the Code.



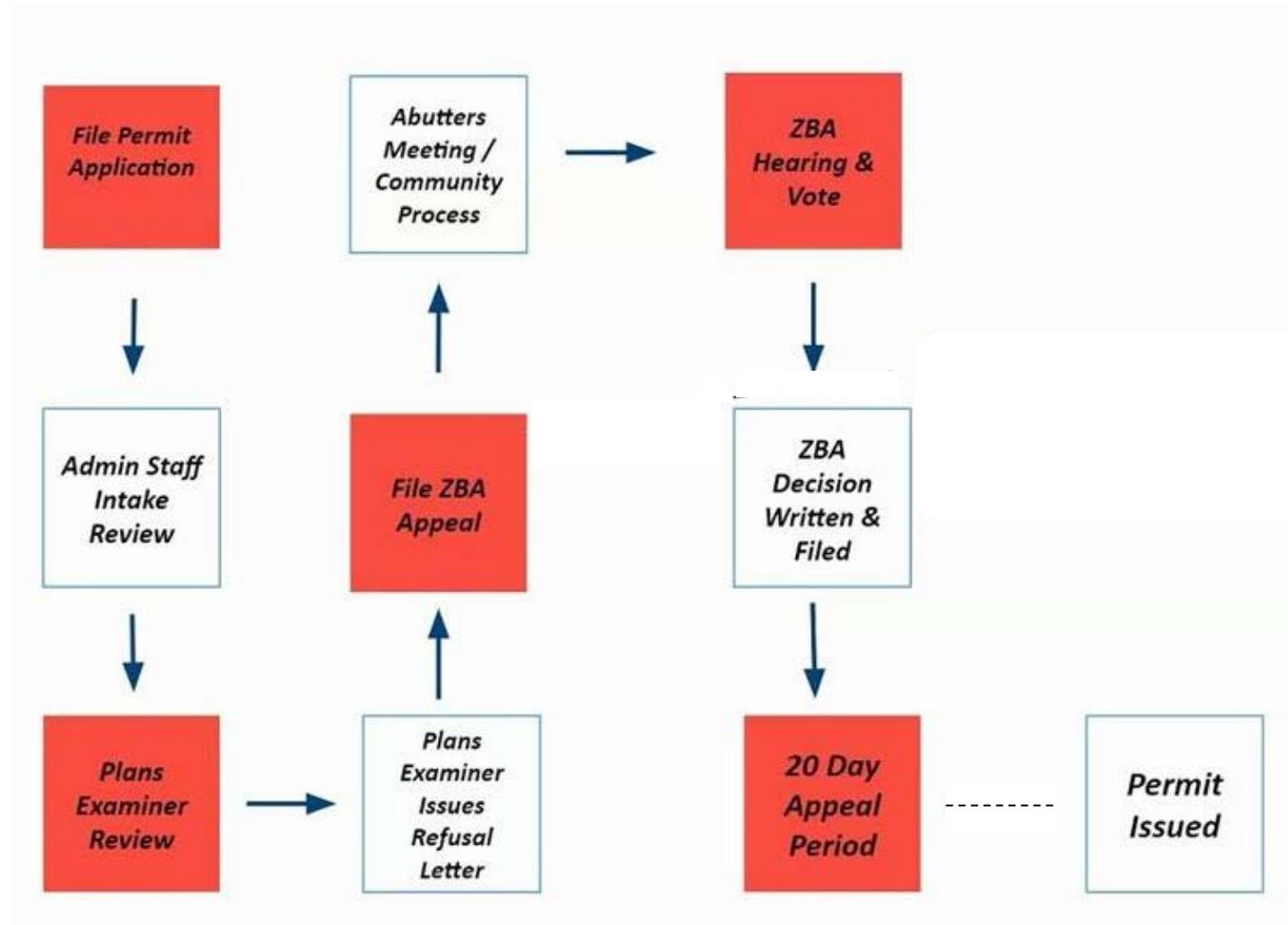
# Community Process

- Prior to the public hearing the Mayor's office calls a meeting of all abutters within 300 feet of the proposed change.
- Meetings are held at the property or virtually.

Abutters have the right to oppose the project in advance by letter or on the ZBA portal.

Abutters may also speak at the ZBA hearing.

# The Permitting Process



# PBNA seeks to educate residents about zoning

- The current zoning regulations were written in the 1990s.
- Zoning regulations are particularly important in the South End due to the density of our neighborhood.

Awareness of the regulations can save homeowners time and money when planning a renovation.

# PBNA supports zoning regulations

- Alterations to a building must respect the regulations, the privacy of abutters, and the impact of light and shadow on neighboring buildings.
- PBNA attends abutters meetings and ZBA hearings whenever possible.
- PBNA communicates with the City Councilors and the Mayor's office about any concerns.

# Grandfathering

- Zoning regulations are only applicable to newly proposed work.
- Decks or additions that predate current zoning regulations are considered preexisting, nonconforming uses, and are allowed to remain and be maintained as is.

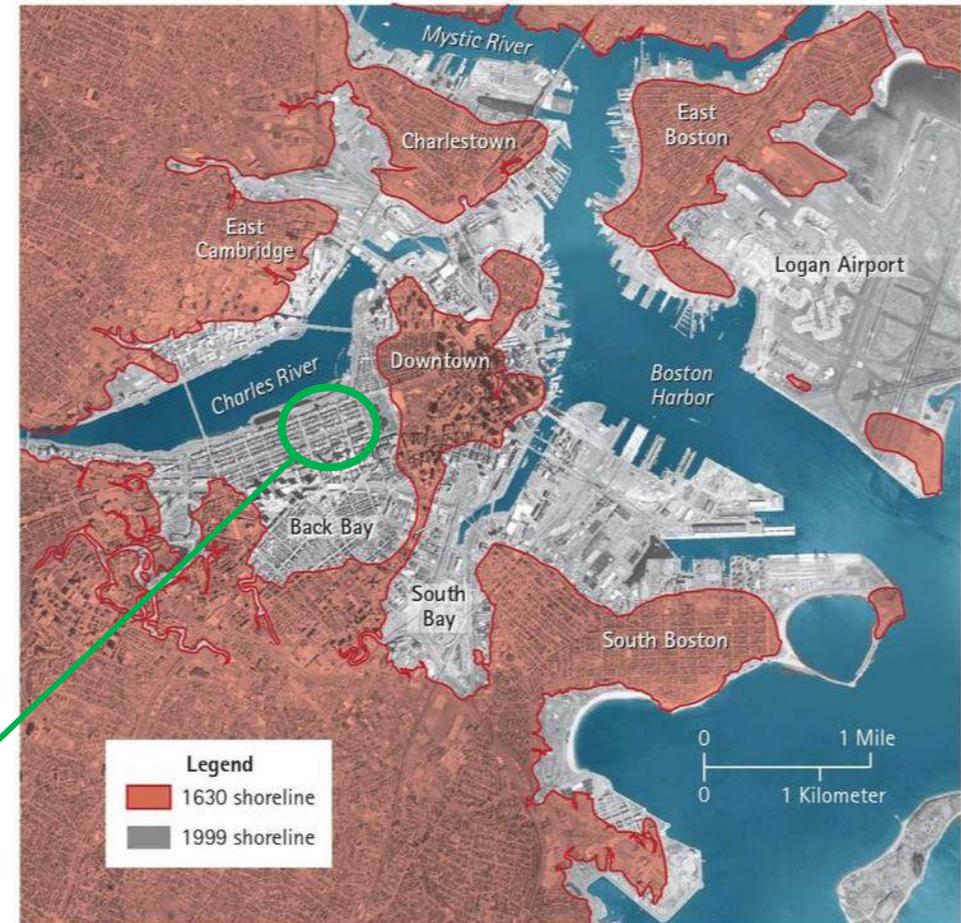
# GCOD

## Groundwater Conservation Overlay District

Boston was originally very small so the decision was made to expand it by making new land. Starting in the 1850s this “made land” was formed by dumping sand and gravel on top of the original mud flats.

This new land was not strong enough to support multi-story brick row-houses. It is now designated as the GCOD.

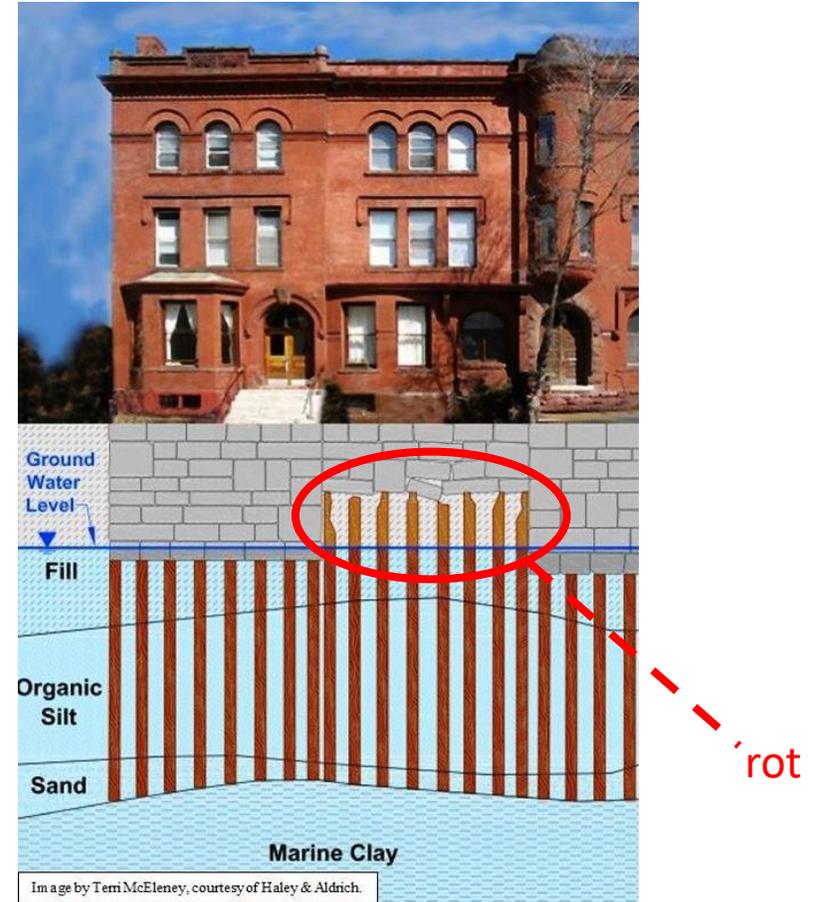
South End



Source: Adapted from Weiskel, Peter K., Lora K. Barlow, and Tomas W. Smieszek. *Water Resources and the Urban Environment, Lower Charles River Watershed, Massachusetts, 1630–2005*. U.S. Department of the Interior, United States Geological Survey, in cooperation with the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection (2005), Circular 1280, Figure 9, p16.

# GCOD

- To give buildings adequate support wood pilings were driven through the filled land and the original mud flats, typically 15 to 20 feet below the finished ground surface.
- These pilings will last for centuries if they remain submerged in groundwater.
- If groundwater levels drop, the tops of the piles are exposed to air, attacked by microbes, and eventually rot.

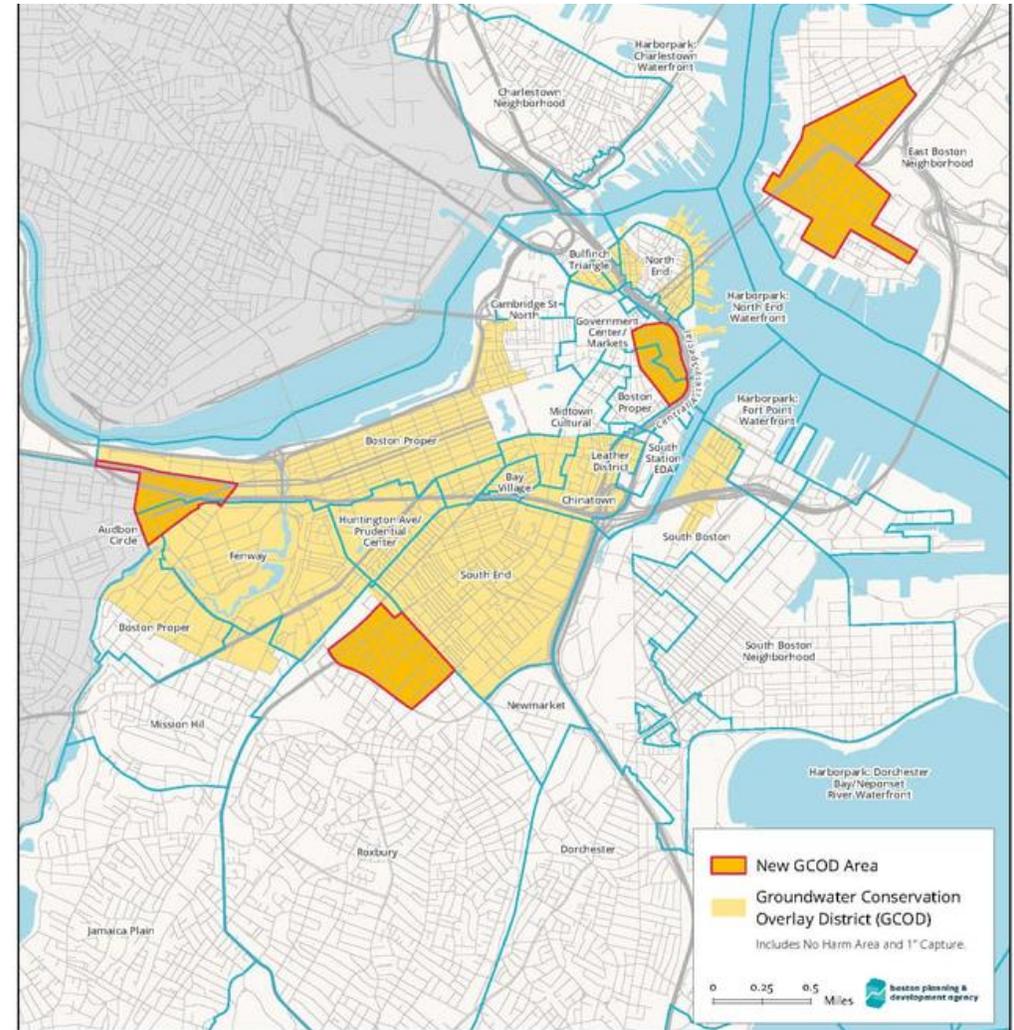


# GCOD

The Boston Groundwater Trust requires those projects to which it applies obtain a Conditional Use Permit to ensure that their projects

- will not cause any reduction in groundwater levels and
- incorporate systems that will recharge rainwater into the ground instead of sending it into the streets, sewers or storm drains.

To get a permit requires an appearance before the ZBA.



# Roof decks, rear decks and additions

- Zoning code for the South Ed prohibits head-houses.
- Roof access must be by a hatch less than 30” from the deck.
- Any deck above the first floor requires ZBA approval
- Rear decks are limited to 6’ depth
- Rear decks must have cantilevered support rather than be built on piers
- Decks must have see-through railings
- Zoning regulations allow additions which add a maximum of 50 square feet to the rear of the building as-of-right.

# Building Use Change

A use change can apply to

- A residential structure (increase or decrease in the number of units)
- Changes to how a commercial building is used
- Application for a Boarding House License

PBNA will hold a general membership meeting to consider any controversial commercial use change. After a vote is taken the PBNA's position is reported to the ZBA.

The most recent controversial proposal in PBNA was for a cannabis shop on Tremont Street.

# For a deeper dive into the Zoning process

See ISD Zoning 101 Workshop

available at

<https://www.youtube.com/watch?v=vCNspKR00Lc>