

Text Amendment Application No. XXX
Boston Redevelopment Authority, d/b/a/ Boston
Planning and Development Agency
Article 64-29 Planned Development Areas: Use and
Dimensional Regulations and 64-41 Definitions

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority, d/b/a/ Boston Planning and Development Agency hereby petitions the City of Boston Zoning Commission to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

1. **In Article 2, DEFINITIONS, insert the following new definition:**

FAR. Floor area ratio.

2. **In Article 2, DEFINITIONS, insert the following new definition:**

Filled Tidelands. Former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill.”

3. **In Article 2, DEFINITIONS, insert the following new definition:**

Flowed Tidelands. Present submerged lands and tidal flats which are subject to tidal action at the time of license application under Chapter 91.

4. **In Article 2, DEFINITIONS, delete the term “Floor area, gross” and insert “Floor Area, Gross” with the same definition.**

5. **In Article 2, DEFINITIONS, in the definition of “Floor area, gross”, subsection (a), after the words “in the case of garage space accessory to a dwelling, is at grade,” insert the following:**

however above grade parking shall be included in Gross Floor Area,

6. **In Article 2, DEFINITIONS, in the definition of “Floor area, gross”, subsection (b), after the words “basement and cellar areas devoted exclusively to uses accessory to the operation of the structure,” delete the following:**

, and

7. **In Article 2, DEFINITIONS, in the definition of “Floor area, gross”, subsection (c), after the last sentence, insert the following:**

, and

(d) public transit improvements by or for a Public Agency within the Lot, above or below grade, including head houses and/or structures designated for use by, access to or egress from public transit services, provided that any exterior changes are subject to the design review component of Small Project Review.

8. In Article 2, DEFINITIONS, delete the definition of "Floor area ratio" and insert the following new definition:

Floor Area Ratio. The ratio of Gross Floor Area of a structure to the Lot Area. Except as otherwise provided in this Code, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this Code bears to the area of the lot shall not exceed the maximum floor area ratio specified in this Code. In calculating the Lot Area for the purpose of determining floor area ratio, the following parts of the lot shall be excluded:

(a) every part required by any other structure or use to comply with any requirements of this Code, and

(b) every part the ownership of which is transferred subsequent to the effective date of this Code if such part is required for compliance with the provisions of this Code concerning minimum lot size, lot width, lot frontage, minimum usable open space per dwelling unit, and front yard, side yard, and rear yard inclusive, applicable to the lot from which such transfer is made. (Illustrated in Appendix 2 of this Code.)

9. In Article 2, DEFINITIONS, in the definition of "Lot area", strike subsections b) and c) and replace with the following:

b) any area of water and associated submerged land or tidal flat lying below the high tide line or beyond the Project Shoreline of any wharf or pier on any navigable river or stream, any Great Pond, or any portion of the Atlantic Ocean within Boston as defined by Massachusetts General Law Chapter 91 or its successor.

In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall

apply whether or not such land is still in the same ownership as when it was used as aforesaid.

- 10. In Article 2a, DEFINITIONS APPLICABLE IN NEIGHBORHOOD DISTRICTS and in ARTICLE 80, DEVELOPMENT REVIEW AND APPROVAL, in the definition of “Floor Area, Gross”, subsection (a), after the words “in the case of garage space accessory to a dwelling, is at grade,” insert the following:**

however above grade parking shall be included in Gross Floor Area,

- 11. Article 2a, DEFINITIONS APPLICABLE IN NEIGHBORHOOD DISTRICTS and in ARTICLE 80, DEVELOPMENT REVIEW AND APPROVAL, in the definition of “Floor Area, Gross”, subsection (c), after "laundry facilities and storage facilities," insert the following:**

provided, however, that in an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district no area in an existing structure previously included in gross floor area and no area in any addition to an existing structure, except areas not used or designed to be used for human occupancy, such as attics, basements, cellars or space under sloping eaves, shall be excludable from gross floor area as area for storage facilities or laundry facilities

- 12. Article 2a, DEFINITIONS APPLICABLE IN NEIGHBORHOOD DISTRICTS and in ARTICLE 80, DEVELOPMENT REVIEW AND APPROVAL, in the definition of “Floor Area, Gross”, subsection (d), after “provided that any exterior changes are subject to” insert the following:**

the design review component of

- 13. Article 2a, DEFINITIONS APPLICABLE IN NEIGHBORHOOD DISTRICTS and in ARTICLE 80, DEVELOPMENT REVIEW AND APPROVAL, in the definition of “Floor Area Ratio,” strike the first sentence and replace with the following:**

The ratio of Gross Floor Area of a structure to the Lot Area.

- 14. Article 2a, DEFINITIONS APPLICABLE IN NEIGHBORHOOD DISTRICTS and in ARTICLE 80, DEVELOPMENT REVIEW AND APPROVAL, in the definition of “Floor Area Ratio,” in the last sentence of the first paragraph, strike “total area of the lot” and replace with the following**

Lot Area

- 15. Article 2a, DEFINITIONS APPLICABLE IN NEIGHBORHOOD DISTRICTS and in ARTICLE 80, DEVELOPMENT REVIEW AND APPROVAL, in the definition of “Lot area”, strike subsections b) and c) and replace with the following:**

b) any area of water and associated submerged land or tidal flat lying below the high tide line or beyond the Project Shoreline of any wharf or pier on any navigable river or stream, any Great Pond, or any portion of the Atlantic Ocean within Boston as defined by Massachusetts General Law Chapter 91 or its successor.

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Petitioner: Boston Redevelopment Authority d/b/a/ Boston
Planning and Development Agency

By: _____

Address: City Hall/ 9th Floor

Boston, MA 02201-1007

Tel. No.: (617) 722-4300, ext. 4308

Date: _____
as authorized by the BPDA Board at its meeting of