

;ARTICLE 29

GREENBELT PROTECTION OVERLAY DISTRICT

(;Article inserted on June 1, 1987)

SECTION 29-1. **Statement of Purpose.** The purposes of this article are to preserve and protect the amenities of the city of Boston; to preserve and enhance air quality by protecting the supply of vegetation and open space along the city's Greenbelt Roadways; to enhance and protect the natural scenic resources of the city; to protect the city's Greenbelt Roadways from traffic congestion and to abate serious and present safety concerns.

;SECTION 29-2. **Definitions.** For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Sections 29-3 and 29-5.
2. "Greenbelt Roadway" shall mean any landscaped roadway or major thoroughfare that is characterized by open space or landscaping along its right-of-way or that is used primarily by noncommercial or pleasure vehicles.
3. "Proposed Project" shall mean any construction, reconstruction, rehabilitation, or alteration of one or more structures constituting a unified development capable of depiction on a single site plan, or site work, for which the Applicant is required to obtain a building or use permit or permits.
4. "Residential Uses" shall mean Use Item Nos. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, and 10, as described in Table A of Section 8-7.
5. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based on the assessed value for real estate tax purposes as of the assessment date preceding the application.

(;As amended on November 24, 1987)

SECTION 29-3. **General Requirements and Procedures.** A Greenbelt Protection Overlay District (GPOD), a type of special purpose overlay district

under Section 3-1A, shall be a minimum of five acres. To designate an area as a GPOD, the following procedures shall be followed.

1. Boston Redevelopment Authority shall make a recommendation to the Zoning Commission that a Greenbelt Roadway and its surrounding area be designated a GPOD in order to protect the open space and aesthetic character of the area and to promote the purposes set forth in this article.
2. Upon a favorable recommendation by the Boston Redevelopment Authority, the Zoning Commission may designate an area as a GPOD.
3. In an area designated as a GPOD, an applicant for a building permit for any Proposed Project subject to the requirements of this article shall obtain a conditional use permit pursuant to the procedures set forth in Article 6.

;SECTION 29-4. **Applicability.** Any Applicant seeking a building permit for exterior construction or alteration for a Proposed Project within a Greenbelt Protection Overlay District shall be subject to the requirements of this article where the Applicant seeks to erect one or more buildings or structures having a total gross floor area in excess of five thousand (5,000) square feet; to enlarge or extend one or more buildings or structures so as to increase the total gross floor area by more than five thousand (5,000) square feet; or to Substantially Rehabilitate one or more buildings or structures having, or to have after rehabilitation, a total gross floor area of more than five thousand (5,000) square feet; or to increase the impervious surface of a site by more than two thousand (2,000) square feet in addition to the existing impervious surface.

(;As amended on November 24, 1987)

;SECTION 29-5. **Specific Requirements.** The specific requirements of this Section 29-5 shall apply to any Proposed Project included under Section 29-4 within a Greenbelt Protection Overlay District:

1. The Applicant shall submit to the Boston Redevelopment Authority evidence of having submitted its plans to the city of Boston Parks Commission at least sixty (60) days prior to the meeting held by the Boston Redevelopment Authority on the Applicant's request for a conditional use permit or a report by the Parks Commission indicating whether it recommends project approval, denial, or modification. Design submissions to the Boston Redevelopment Authority shall be required in accordance with the development and design review procedures of the Authority, as they may be revised from time to time. See Article 80 concerning Large Project Review and Small Project

Review requirements for Proposed Projects in Greenbelt Protection Overlay Districts.

(;As amended on May 9, 1996.)

SECTION 29-6. **Standards.** To obtain a conditional use permit the Applicant shall show that the Proposed Project complies with the following standards in addition to the standards set forth in Article 6: (a) provision for adequate vehicular access, off-street parking and loading and shall not have a significant adverse effect on traffic and parking on the Greenbelt Roadway and adjacent streets; (b) provision for landscaping treatment that ensures that the natural and aesthetic quality of the Greenbelt Roadway area will be maintained; (c) provision for the design of all structures that is compatible with surrounding neighborhood.

;SECTION 29-7. **Designation Greenbelt Protection Overlay Districts.** The following Greenbelt Roadways and their adjacent areas between the boundary lines stated are designated as Greenbelt Protection Overlay Districts:

1. William J. Day Boulevard in Dorchester and South Boston: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of Kosciuszko Circle to Castle Island.
2. Veterans of Foreign Wars Parkway in West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from Centre Street to Spring Street near the Town of Dedham line.
3. American Legion Highway in Roslindale: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way from Blue Hill Avenue to the midpoint of the rotary at the junction with Cummins Highway.
4. Jamaicaway in Jamaica Plain, Roxbury, and West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from Huntington Avenue to the midpoint of the rotary at the junction with Prince Street.
5. Arborway in Jamaica Plain and West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of the rotary at the junction with Centre Street to the midpoint of the rotary at the junction with Morton Street.
6. West Roxbury Parkway in West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the

right-of-way, from the Town of Brookline boundary line to Washington Street.

7. Enneking Parkway, in West Roxbury and Hyde Park: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from Washington Street to Gordon Avenue.
8. Turtle Pond Parkway, in West Roxbury and Hyde Park: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the Dedham Parkway to River Street.
9. Dedham Parkway, in Hyde Park: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the intersection of the Enneking Parkway and the Turtle Pond Parkway to the Town of Dedham boundary line.

(;As amended on July 1, 1987)

The areas of all GPODs shall be shown on a series of maps entitled "Zoning Districts City of Boston Supplemental Map Greenbelt Protection Overlay Districts" and dated with the effective date of this article. Said maps shall be deemed to be, and are hereby made, a part of this code.

SECTION 29-8. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for exterior construction or alteration for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 29-9. Severability. If any provision or section of this article shall be held invalid by any court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions of this article, and such remaining provisions and sections shall continue in full force and effect.