

Draft Article 53 Zoning Amendment Fact Sheet

BPDA-proposed amendments to Article 53 are designed to advance the goals and policy recommendations of PLAN: East Boston and are part of a broader effort to simplify zoning language where possible to improve public-accessibility. This fact sheet highlights key changes to text and maps associated with Article 53. An initial draft of proposed amendments to Article 53 was posted on [September 12, 2023](#), initiating a public comment period. Updates to those materials will be posted on [December 15, 2023](#). The public comment period will close [December 23, 2023](#). Revised amendments may then go to the BPDA Board on [January 18, 2024](#) and then to the Boston Zoning Commission. Questions and comments can be submitted via email to planeastboston@boston.gov or by phone at 617.918.4423. All comments are a matter of public record and will be posted to the project website [HERE](#).

PLAN: East Boston proposes several changes to land use and built form regulations in East Boston. Implementation of those recommendations will occur via amendments to Article 53. These amendments will focus on Residential, Neighborhood Business, Waterfront, and Economic Development Area Subdistricts, and regulations applicable in Planned Development Areas. These updates to Article 53 now include changes to mixed-use areas identified in PLAN: East Boston which were previously to be adopted as a part of the City-wide “Squares and Streets” zoning reform initiative.

This fact sheet comprises five parts, relating to: (1) text updates to Residential subdistricts; (2) text updates to Neighborhood Business Subdistricts; (3) Waterfront and Economic Development Area subdistricts, and regulations applicable in Planned Development Areas; (4) new Article 2 definitions; and (5) miscellaneous zoning updates to Article 53.

Neighborhood Residential Areas

Subdistrict Consolidation: Article 53 currently regulates eleven (11) distinct Residential subdistricts. This draft zoning amendment proposes to consolidate those existing areas into three (3) new subdistricts:

- East Boston Residential-2.5 (EBR-2.5) Subdistrict
- East Boston Residential-3 (EBR-3) Subdistrict
- East Boston Residential-4 (EBR-4) Subdistrict

Use Table Updates: PLAN: East Boston introduces new occupancy limits for residential subdistricts and relaxed land use allowances to permit essential retail and service establishments. Retail and service establishments will be allowed on corner parcels in EBR-2.5 and EBR-3 Subdistricts (with a maximum gross floor area of 2,500 square feet), and on the ground floor of all lots in EBR-4 Subdistricts. In addition, this zoning establishes child care establishments, schools, and community centers as allowed uses across all Residential Subdistricts.

Table 1: Maximum Occupancy (Residential)

EBR-2.5	EBR-3	EBR-4
2 dwelling units	3 dwelling units; except up to 6 dwelling units on lots with frontage width equal to or greater than 55'	Multifamily residential uses allowed

Table 2: Changes in Use Allowances (Residential)

(Including, but not limited to the following)

	*EBR-2.5, *EBR-3, & EBR-4
Newly Allowed	Child care establishments and community centers K-12 schools Small retail businesses Small service establishments Restaurants and small groceries Art galleries and studios

*Non-residential uses in EBR-2.5 and EBR-3 Subdistricts are only permitted on corner lots (sans child care, community centers, and schools) and have a maximum Gross Floor Area of 2,500 square feet

Dimensional Table Updates: Draft zoning for East Boston introduces form-based dimensional regulations for residential subdistricts - replacing measurements such as maximum FAR, minimum usable open space, and minimum lot size with maximum building lot coverage, maximum building width and depth, and minimum permeable surface area of lot. These updates offer greater flexibility for lots of different sizes and better standardize the way built form across the neighborhood is scaled and regulated.

Table 3: Changes to Dimensional Regulations (Residential)

(Including, but not limited to the following)

	EBR-2.5	EBR-3	EBR-4
Building Height (max)	2.5 stories (35')	3 stories (35')	4 stories (50')
Building Lot Coverage (max)	40% (50% for corner lots)	60% (75% for corner lots)	60% (75% for corner lots)
Building Floor Plate (max)	1,800 sqft*	3,000 sqft	8,000 sqft
Permeable Area of Lot (min)	50% (40% for corner lots)	30% (15% for corner lots)	30% (15% for corner lots)
Front Yard (min- max)	5' - 20'	3' - 5'	3' - 5'

*Total Gross Floor Area limited to 5,000 square feet.

Mixed-Use Areas

New Mixed-Use Subdistricts: This zoning amendment recommends creating three (3) new “Mixed-Use” Neighborhood Business Subdistricts. These new “Mixed-Use” typologies replace the “Neighborhood Shopping,” “Community Commercial” and “Multi-family Residential / Local Shopping” Subdistrict types previously listed in the neighborhood’s zoning. New subdistricts include the following:

- Mixed-Use-4 (MU-4) Subdistricts
- Mixed-Use-5 (MU-5) Subdistricts
- Mixed-Use-7 (MU-7) Subdistricts

Use Table Updates: Land use regulations for Mixed-Use Subdistricts allow for a mix of residential and commercial uses to coexist in the same place. Housing and “active” uses (such as restaurants, retail/service establishments, entertainment spaces, art galleries, etc.) are proposed to be permitted across all mixed-use subdistricts. Only the most dense subdistricts (MU-7) will permit larger commercial uses.

Dimensional Table Updates: Draft zoning for East Boston recommends expanding the permitted scale of development in limited mixed-use areas. It also introduces form-based dimensional regulations for mixed-use subdistricts - replacing measurements such as maximum FAR, minimum usable open space, and minimum lot size with maximum building lot coverage, maximum floor plate size, and minimum permeable surface area of lot. These updates create zoning regulations that better fit with the neighborhood's existing context and set more-appropriately scaled dimensional limits for future development to come.

Table 4: Changes to Dimensional Regulations (Mixed-Use)

(Including, but not limited to the following)

	MU-4	MU-5	MU-7
Building Height (max)	4 stories (50')	5 stories (65')	7 stories (85')
Building Lot Coverage (max)	70%	70%	90% (70% for large lots)
Building Floor Plate (max)	8,000 sqft	15,000 sqft	20,000 sqft
Permeable Area of Lot (min)	15%	15%	None (15% for large lots)
Outdoor Amenity Space (min)	None	20%	20%
Front Yard (min)	6'	2 - 4'	2 - 4'
Side Yard (min)	0 - 14'	0 - 15'	0 - 15'

Waterfront and Evolving Industrial Areas

Subdistrict Consolidation: This zoning amendment recommends consolidating East Boston's six (6) existing Waterfront Subdistricts into two (2) new Waterfront Subdistricts. It also proposes to remove East Boston's Corridor Enhancement Subdistrict to create two (2)

new Economic Development Areas (EDAs) and a new Open Space Subdistrict. New subdistricts include the following:

- Waterfront Mixed-Use (WMU) Subdistricts
- Waterfront Economy (WE) Subdistricts
- Porter Street EDA
- Bremen Street EDA

Use Table Updates: Draft zoning for Article 53 seeks to provide more flexible land use regulations for both Waterfront Subdistricts and Economic Development Areas, with a focus on allowing a mix of commercial and, in Waterfront Mixed-Use Subdistricts and certain EDAs, residential uses. The base land use allowances for new Waterfront subdistricts were determined by applying the least restrictive zoning regulations of the existing Waterfront Subdistricts relevant to each new area (WMU uses derived from existing Waterfront Commercial, Waterfront Residential, Waterfront Service, and Waterfront Community Facilities Subdistricts; WE uses derived from existing Waterfront Manufacturing and Maritime Economic Reserve Subdistricts).

Table 5: Changes in Use Allowances (Waterfront/EDA)

(Including, but not limited to the following)

	Waterfront Mixed-Use Subdistricts	Waterfront Economy Subdistricts	Economic Development Areas
Newly Allowed	Restaurants and bars Service establishments Food and beverage production	Child care establishments and community centers Trade and professional schools Restaurants and bars Service establishments Art uses Retail establishments Office uses	Educational uses Restaurants and bars Health care uses Multifamily residential (Saratoga Street EDA, Porter Street EDA, Bremen Street EDA) Service establishments Accessory family daycares and home occupations

Dimensional Table Updates: PLAN: East Boston recommends updates to built form that more appropriately scale development across the neighborhood’s Waterfront Subdistricts and Economic Development Areas. Draft zoning proposes slight increases to height and density in these areas, with additional flexibility added for PDA-eligible parcels in Waterfront Mixed-Use Subdistricts and EDAs.

Table 6: Changes in Dimensional Regulations (Waterfront/EDA)

(Including, but not limited to the following)

	Waterfront Mixed-Use Subdistricts	Waterfront Economy Subdistricts	Economic Development Areas
Underlying Zoning	Maximum 5 stories (65') Maximum 2.0 FAR	Maximum 5 stories (65') Maximum 2.0 FAR	Maximum 4-5 stories (50-65') Maximum 2.0 FAR
PDA's	Maximum 7 stories (95') Maximum 3.0 FAR	<i>*PDA's not permitted</i>	Maximum 7 stories (85-95') Maximum 3.0 FAR

New Article 2 Definitions

Building Width. The greatest distance between the rightmost and leftmost parts of a Building, measured from the Building faces closest aligned to the right and left Lot lines. The measurement of Building Width excludes porches, decks, and Bay Windows.

Building Depth. The greatest distance between the frontmost and rearmost parts of a building, measured from the Building faces closest aligned to the Front and Rear Lot lines. The measurement of Building Depth excludes porches, decks, and Bay Windows.

Solar Energy System. A renewable energy generating system that employs solar photovoltaic or solar thermal energy, and associated mounting systems.

Miscellaneous Zoning Updates

Subdistrict and Overlay Consolidation: PLAN: East Boston recommends merging two additional (2) subdistricts, Local Industrial Subdistricts and Community Facilities Subdistricts, into proposed mixed-use and residential areas, whose regulations more closely align with what is already existing. Additionally, draft zoning proposes to retire the neighborhood's four (4) Special Study Overlay Areas and consolidate the neighborhood's four (4) existing Neighborhood Design Overlay Districts (NDOD) into a single NDOD.

Text Consolidation: To increase legibility, draft zoning proposes to consolidate unnecessary and/or redundant text throughout Article 53, including substantial updates to the Article's following sections:

- Section 53-1. Statement of Purpose, Goals, and Objectives.
- Section 53-5. Prohibition of Planned Development Areas.
- Section 53-6. Community Participation.
- Section 53-20. Waterfront Environmental Protection and Safety Standards.
- Section 53-34. Establishment of Open Space Subdistricts.
- Section 53-44. Establishment of Areas Within Which Planned Development Areas May be Permitted.
- Section 53.51. Design Review and Design Guidelines.
- Section 53.53. Specific Design Requirements.
- Section 53-57. Application of Dimensional Requirements.

Updated Use Tables: Updates to Article 53 now include a re-worked use table structure, which reduces the total number of use categories by over half (117 proposed, 250+ existing). This effort was undertaken to consolidate similar types, remove obsolete uses, and make definitions and land use regulations, generally, more clear and easy to understand. Definitions for new uses have been included in Article 53's Appendix.

Prohibition of Living Space Below Design Flood Elevation: For all future proposed projects in the Coastal Flood Resilience Overlay District, the development of living space below the Sea Level Rise - Design Flood Elevation will now be prohibited. Certain spaces accessory to residential uses - including stairs, parking, and spaces for storage and mechanical equipment - are excluded from this provision.

Waterfront Design Guidelines: Design guidelines for waterfront subdistricts were streamlined to prioritize building and landscape features that activate and connect people to the waterfront.

Roof Structure Restrictions: Provisions impacting the calculation of building height were removed to incentivize the development of new green energy systems and create consistency with the calculation of building height detailed in the Article 2's definition. Additionally, exclusions to the existing were created to allow the by-right development of rooftop solar energy systems and roof decks with headhouse access (to align with Building Code requirements).

Screening and Buffering Requirements: Specifications for fences and plantings were streamlined and broadened to reflect current design review practices. Provisions requiring fences for lots abutting public streets and parks were removed.

Maximum Curb Cut Dimensions: Maximum dimensions for curb cut widths were established for new development across the neighborhood: twelve (12) feet in Residential Subdistricts and twenty-four (24) feet in Non-Residential Subdistricts. These figures mirror the Boston Transportation Department's (BTD) existing maximums and will apply to all projects under 20,000 square feet of Gross Floor Area, the threshold to trigger Article 80 review.

New Parking & Loading Minimums: Parking minimums were lowered across all uses to reflect BTD's current parking maximums. Loading minimums have been eliminated. These regulations will apply to all projects under 20,000 square feet of Gross Floor Area, the threshold to trigger Article 80 review. Off-street parking requirements for projects equal to or greater than 20,000 square feet will be determined through the Article 80 Design Review process, in compliance with the BTD Parking Maximum policy.

Regulations for Dimensional Nonconformities: Provisions relating to the regulation of dimensional nonconformities were updated to allow for the horizontal and vertical extension of certain existing dimensional nonconformities. Such extensions will no longer constitute a zoning violation.