

OFFERED BY COUNCILORS SHARON DURKAN AND LIZ BREADON



**CITY OF BOSTON
IN CITY COUNCIL**

ORDER FOR A HEARING TO EXPLORE AMENDING
THE BOSTON ZONING CODE TO SHIFT RESIDENTIAL
USE TO ALLOWED WHERE APPROPRIATE

WHEREAS, The City of Boston is facing a housing crisis that demands bold and immediate action to increase the supply of housing across all neighborhoods; *and*

WHEREAS, The Boston Zoning Code, while initially designed to manage land use and development, creates barriers to the production of housing by designating residential uses as “conditional” or “forbidden” in various areas; *and*

WHEREAS, Residential uses that are categorized as a “conditional use” under the Boston Zoning Code require discretionary review, which can delay or disincentivize housing development and erect barriers for development by small and medium-sized developers; *and*

WHEREAS, Residential uses that are categorized as “forbidden” preclude residential development entirely, further restricting opportunities to address the city’s housing needs; *and*

WHEREAS, Residential uses categorized as “forbidden” preclude housing development entirely, even in locations where residential use may be contextually appropriate or compatible with surrounding uses; *and*

WHEREAS, Examples of zoning districts where residential uses are currently designated as “forbidden” or heavily restricted include, but are not limited to, certain Industrial zones, Waterfront districts, Designated Port Areas (DPAs) governed by state and local maritime and industrial protection policies, and areas subject to flood considerations; *and*

WHEREAS, There are numerous zoning districts across the city where residential uses are currently classified as “conditional” or “forbidden” despite being surrounded by existing housing, served by transit and infrastructure, and well suited for residential development; *and*

WHEREAS, Amending the Boston Zoning Code to reclassify residential uses from “conditional” to “allowed,” and from “forbidden” to “conditional,” where appropriate, could create a more housing-friendly regulatory framework while preserving discretionary review in sensitive or complex contexts; *and*

WHEREAS, Such amendments could increase housing supply, support equitable development, and reduce regulatory burdens, while maintaining appropriate review processes where necessary; *and*

WHEREAS, A targeted example of this idea is the recent amendment to the Boston Zoning Code, Section 46-9. - Bulfinch Triangle District Use Regulations – where residential uses will be moved from a “conditional use” to an “allowed use” – which garnered support from the West End community and Planning Department, and is already resulting in new housing proposals in the area; *and*

WHEREAS, The Boston Planning Department is currently undertaking a comprehensive review of the Zoning Code, presenting an opportunity for the City Council to engage in a broader policy discussion about residential use classifications, housing production, and appropriate safeguards across zoning districts; ***NOW THEREFORE BE IT***

ORDERED, That the appropriate committee of the Boston City Council convene a hearing to examine potential amendments to the Boston Zoning Code to reclassify residential uses from “conditional” to “allowed,” and from “forbidden” to “conditional,” where appropriate, including a detailed review of sensitive land use considerations.

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