

;ARTICLE 27N

SOUTH BOSTON SEAPORT BUFFER ZONE  
INTERIM PLANNING OVERLAY DISTRICT

(;Article inserted on December 6, 1997\*, rescinded on July 22, 1999)

SECTION 27N-1. **Statement of Purpose.** The purposes of this article are to establish interim planning standards and to facilitate the comprehensive planning and rezoning of the South Boston Seaport Buffer Zone; to manage the future development of this area for the use and benefit of the inhabitants of South Boston and Boston; to provide a predictable, clear, and understandable process for the public review of new development; to encourage the most appropriate uses of land; to provide for a buffer between the residential community and the adjacent proposed Convention Center; to provide for appropriate pedestrian and vehicular circulation patterns; to provide for pedestrian access and view corridors between the residential community and the water; and to promote land uses which provide jobs for the city's residents.

SECTION 27N-2. **Declaration of Need for Interim Zoning.** Interim zoning in the South Boston Seaport Buffer Zone IPOD Study Area is necessary to provide the proper balance between competing land uses and economic and environmental factors. Characteristics of existing zoning that render it inappropriate include its failure to: provide for opportunities for appropriately sited mixed-use, commercial, and residential development that is beneficial to the community; discourage the siting of certain uses, such as entertainment and hotel uses, that may be incompatible with a mixed-use residential, light manufacturing, and business area; regulate building heights to protect views and vistas; provide for adequate pedestrian and vehicular circulation and access; provide adequate parking controls; provide for zoning designations which result in the appropriate siting of land uses; preserve and enhance view corridors toward the water; and preserve the character of the adjacent residential neighborhood.

SECTION 27N-3. **Definitions.** For the purposes of this article only, the following terms shall have the meanings indicated:

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project that is subject to the provisions of this article, as set forth in Section 27N-5, or the authorized agent of any such person or entity.
2. "Convention Center" means a proposed meeting and exhibition facility anticipated to be constructed on Summer Street in South Boston.

\* Date of public notice: October 13, 1997 (see St. 1956, c. 665, s. 5)

3. "Interim Planning Permit" means a permit granted pursuant to Section 27-3 for a Proposed Project subject to the provisions of this article.
4. "Proposed Project" means the erection, extension, or substantial demolition of any structure, or the change of use or occupancy of any structure or land, for which the Applicant is required to obtain a building or use permit.
5. "South Boston Seaport Buffer Zone IPOD" means the regulations imposed by this article.
6. "South Boston Seaport Buffer Zone IPOD Study Area" means the area defined in Section 27N-4.
7. "South Boston Waterfront Committee" means the advisory committee appointed by the Mayor of Boston to advise the Boston Redevelopment Authority on planning and development matters pertaining to the South Boston waterfront.
8. "Underlying Zoning" means all zoning regulations, with the exception of this article, that are contained in this Code and accompanying zoning maps.
9. "Zoning Relief" means any variance, conditional use permit, exception, zoning map or text amendment, or any other relief granted by the Zoning Commission or Board of Appeal.

SECTION 27N-4. **Physical Boundaries.** This article shall be applicable only in the South Boston Seaport Buffer Zone IPOD Study Area, which consists of the area depicted on Appendix A to this article. Within the South Boston Seaport Buffer Zone IPOD Study Area there are two study areas, the Cypher Street Study Area and the D Street Study Area, which study areas also are depicted on Appendix A to this article.

SECTION 27N-5. **Applicability.** Any Proposed Project within the South Boston Seaport Buffer Zone IPOD Study Area shall be subject to the provisions of this article except as otherwise specified in this Section 27-5.

1. Applicability Within Saint Vincent Neighborhood District. The provisions of Section 27N-10 (Interim Use Controls: Forbidden Uses), Section 27N-11 (Interim Height Controls) and Section 27N-12 (Interim Parking Controls) shall not apply to any Proposed Project in the South Boston Seaport Buffer Zone IPOD Study Area that is located within

the boundaries of the Saint Vincent Neighborhood District. All other provisions of this article, including the requirements of Sections 27N-14 and 27N-15, concerning Interim Planning Permits, shall apply to any such Proposed Project.

2. Exempt Projects. The following Proposed Projects are exempt from the provisions of this article:
  - (a) Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article and for which no Zoning Relief is required.
  - (b) Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief thereafter is granted by the Board of Appeal pursuant to such appeal.

**SECTION 27N-6. Zoning Regulations in Effect; Conflict Provisions.**

The South Boston Seaport Buffer Zone IPOD and Underlying Zoning together constitute the zoning regulations for the South Boston Seaport Buffer Zone IPOD Study Area. Upon expiration of this article, the Underlying Zoning shall be the sole set of zoning regulations for the South Boston Seaport Buffer Zone IPOD Study Area.

1. Conflicts: General Rule. Where conflicts exist between the provisions of the South Boston Seaport Buffer Zone IPOD and Underlying Zoning, the provisions of the South Boston Seaport Buffer Zone IPOD shall govern, except as provided in subsection 2 of this Section 27N-6.
2. Amendments to Underlying Zoning. Any duly enacted amendment to the Underlying Zoning pertaining to land use in the South Boston Seaport Buffer Zone IPOD Study Area shall govern, provided notice of a public hearing before the Zoning Commission is published after the effective date of this article. Notwithstanding any other provision of this article, any such amendment may occur prior to the expiration of this article and may relate to any area for which a planning and rezoning study has been completed by the Boston Redevelopment Authority.

**SECTION 27N-7. General Land Use Objectives for the Study Area.**

The general land use objectives for the South Boston Seaport Buffer Zone IPOD Study Area are: to provide for a appropriate land uses; to promote a mix of

commercial, light manufacturing, and certain retail and residential uses that are compatible with the adjacent residential community; to discourage the siting of certain uses, such as entertainment and hotel uses, that may be incompatible with a mixed-use residential, light manufacturing, and business area; to provide a buffer between the residential community and the proposed Convention Center and allow for uses that can provide business opportunities related to the Convention Center; to improve pedestrian access and view corridors to the water; to regulate building heights to protect views and vistas; to provide for adequate vehicular circulation while minimizing traffic and parking congestion in residential neighborhoods; and to promote land uses that provide jobs for the city's residents.

SECTION 27N-8. **Cypher Street Study Area.** The area southwest of Cypher Street is designated as a Study Area because the essential character of this area is not firmly established. There is a mix of uses in the area, including commercial, general industrial, surface parking and, on the area's southernmost edge, residential uses. Comprehensive planning studies for this area are needed to evaluate the relationship between business, manufacturing, and industrial uses, the proposed Convention Center, and adjacent residential uses.

SECTION 27N-9. **D Street Study Area.** The D Street Study Area is a primarily industrial area with a significant amount of surface parking. Planning for this area is necessary to address the potential for development related to the Convention Center and its impacts on the adjacent residential neighborhood.

SECTION 27N-10. **Interim Use Controls: Forbidden Uses.** Within the South Boston Seaport Buffer Zone IPOD Study Area, a use listed in subsection 1 or 2 of this section shall be a forbidden use within the study area specified in that subsection, except as otherwise provided in Section 27N-5.1 (Applicability Within Saint Vincent Neighborhood District). Any use not otherwise defined in this article shall have the meaning set forth in Article 2A (Definitions Applicable in Neighborhood Districts).

1. Cypher Street Study Area.

Auditorium  
Cinema  
Concert hall  
Theatre

Dormitory not accessory to a use  
Fraternity

College or university

Adult Entertainment

Amusement game machines in commercial establishment  
Amusement game machines in non-commercial establishment  
Bar  
Bar with live entertainment  
Dance hall  
Drive in theatre  
Private club not serving alcohol

Private club serving alcohol  
Restaurant with live entertainment not operating after 10:30 pm  
Restaurant with live entertainment operating after 10:30 pm

Cemetery  
Columbarium  
Crematory

Hospital

Bed and breakfast  
Conference center  
Executive suites  
Hotel  
Motel

Cleaning plant  
Restricted industrial use

Golf driving range  
Stadium

Penal institution  
Recycling facility (excluding facilities handling toxic waste)  
Solid waste transfer station

Residential Uses

Drive-in restaurant

Adult bookstore  
General retail business occupying a gross floor area of 75,000 square feet  
Liquor store

Check cashing business  
Container redemption center  
Outdoor storage of solid fuel or minerals  
Outdoor storage of damaged or disabled vehicles  
Outdoor storage of junk and scrap  
Storage of flammable liquids and gases - Large\*  
(\*storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases)  
Storage or transfer of toxic waste  
Wrecking yard

Airport  
Bus terminal  
Garage with dispatch  
Helicopter landing facility  
Motor freight terminal  
Rail freight terminal  
Railroad passenger station  
Water terminal

Airport-related remote parking facility  
Bus servicing or storage  
Parking garage  
Parking lot  
Rental agency for cars  
Rental agency for trucks

Accessory bus servicing or storage  
Accessory dormitory  
Accessory drive-through retail  
Accessory family day care home  
Accessory home occupation  
Accessory keeping of animals other than laboratory animals  
Accessory professional office in a dwelling  
Accessory services for apartment and hotel residents

2. D Street Study Area.

Auditorium  
Cinema  
Concert hall  
Theatre

Dormitory not accessory to a use  
Fraternity

College or university

Adult Entertainment  
Amusement game machines in commercial establishment  
Amusement game machines in non-commercial establishment  
Bar  
Bar with live entertainment  
Dance hall  
Drive in theatre  
Private club not serving alcohol

Private club serving alcohol  
Restaurant with live entertainment not operating after 10:30 pm  
Restaurant with live entertainment operating after 10:30 pm

Cemetery  
Columbarium  
Crematory

Hospital  
Bed and breakfast  
Conference center  
Executive suites  
Hotel  
Motel

Cleaning plant  
Restricted industrial use

Golf driving range  
Stadium

Penal institution  
Recycling facility (excluding facilities handling toxic waste)  
Solid waste transfer station

Mobile home  
Mobile home park  
One family detached dwelling  
Temporary dwelling structure

Drive-in restaurant

Adult bookstore  
Liquor store

Check cashing business  
Container redemption center

Enclosed storage of solid fuel or minerals  
Outdoor storage of solid fuel or minerals  
Outdoor storage of new materials if within 250 feet of a residential use  
Outdoor storage of damaged or disabled vehicles  
Outdoor storage of junk and scrap  
Storage of flammable liquids - Large\*



(\*storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases)

Storage or transfer of toxic waste  
Wrecking yard

Airport  
Bus terminal  
Garage with dispatch  
Helicopter landing facility  
Motor freight terminal  
Rail freight terminal  
Railroad passenger station  
Water terminal

Airport-related remote parking facility  
Bus servicing or storage  
Outdoor sale of new or used vehicles  
Parking garage  
Parking lot  
Rental agency for cars  
Rental agency for trucks  
Truck servicing or storage

Accessory bus servicing or storage  
Accessory dormitory  
Accessory drive-through restaurant  
Accessory drive-through retail  
Accessory family day care home  
Accessory home occupation  
Accessory keeping of animals other than laboratory animals  
Accessory professional office in a dwelling  
Accessory railroad storage yard  
Accessory services for apartment and hotel residents

**SECTION 27N-11. Interim Height Controls.** Proposed Projects within the South Boston Seaport Buffer Zone IPOD Study Area are governed by the interim height controls set forth in Table 1 of this Section 27N-11, except as otherwise provided in Section 27N-5.1 (Applicability Within Saint Vincent Neighborhood District).

TABLE 1

**South Boston Seaport Buffer Zone  
Interim Planning Overlay District**

**Interim Height Controls**

<u>Study Area</u>	<u>Underlying Zoning</u>	<u>Underlying Zoning Height Controls</u>		<u>Interim Height Controls</u>	<u>Feet</u>
	<u>Designation</u>	<u>Stories</u>	<u>Feet</u>	<u>Stories</u>	
Cypher Street Study Area	I-2	none	none	4	45
D Street Study Area	I-2	none	none	6	65

SECTION 27N-12. **Interim Parking Controls.** Within the South Boston Seaport Buffer Zone IPOD Study Area, the interim parking controls of this section shall apply to any Proposed Project that includes a use included in Table A of Section 8-7 under Use Item Nos. 1 through 15, except as otherwise provided in Section 27N-5.1 (Applicability Within Saint Vincent Neighborhood District). In any such Proposed Project, the following number of off-street parking spaces are required for dwelling units created after the effective date of this article:

<u>Number of Dwelling Units</u>	<u>Off-Street Parking Spaces Required for Each Unit</u>
1	1.0
2	1.0
3	1.0
4 or more	1.5

SECTION 27N-13. **Public Realm Master Plan.** A master plan for the public realm of the South Boston Seaport area is being developed by the Boston Redevelopment Authority, working in conjunction with the South Boston Waterfront Committee, and shall include the South Boston Seaport Buffer Zone IPOD Study Area. The provisions of such public realm master plan relating to the South Boston Seaport Buffer Zone IPOD Study Area shall include, but need not be limited to, design guidelines and streetscape guidelines. Such provisions

may be issued as part of a single master plan or as part of one or more separate planning studies.

**SECTION 27N-14. Standards for Issuance of Interim Planning Permit.**

The Board of Appeal shall grant an Interim Planning Permit for a Proposed Project only if it finds that: (a) the benefits to the community outweigh the burdens imposed; (b) the Proposed Project does not involve a use designated as forbidden in Section 27N-10 (except as provided in Section 27N-5.1, Applicability Within Saint Vincent Neighborhood District); and (c) the Proposed Project is in substantial accord with the following:

1. The land use objectives set forth in Section 27N-7;
2. The planning studies conducted pursuant to Sections 27N-8 and 27N-9, as applicable;
3. The interim height controls set forth in Section 27N-11, as applicable;
4. The interim parking controls set forth in Section 27N-12, as applicable;
5. Any other applicable provision of this article.

In issuing an Interim Planning Permit, the Board of Appeal shall provide in its written decision specific reasons why the Proposed Project is in substantial accord with the above standards.

**SECTION 27N-15. Enforcement.** The Building Commissioner shall not issue a building, demolition, or use permit for any Proposed Project subject to the provisions of this article unless the Board of Appeal has approved an Interim Planning Permit for the Proposed Project in accordance with Section 27-3 (Interim Planning Procedure) and Section 27N-14 (Standards).

**SECTION 27N-16. Sunset Provision; Subsequent Amendments.** This article shall be in effect for twelve (12) months from the effective date of this amendment, unless otherwise extended pursuant to Section 27-2. While in effect, this article or portions of this article may be repealed or superseded by subsequent amendments to this article or by amendments to the Underlying Zoning as to which notice of a public hearing before the Zoning Commission is published after the effective date of this article. Upon expiration of the period for which this article is in effect, Underlying Zoning, as amended, alone shall constitute the zoning regulations for the area governed by this article.

**SECTION 27N-17. Timetable for Rezoning.** Submission of proposed zoning changes by the Boston Redevelopment Authority to the Zoning Commission shall be completed within eleven (11) months from the enactment of

the South Boston Seaport Buffer Zone IPOD, and notice of the Zoning Commission hearing on any petition to adopt proposed zoning changes shall be published within twelve (12) months of the enactment of the South Boston Seaport Buffer Zone IPOD; provided that failure of the Boston Redevelopment Authority to submit proposed zoning changes to the Zoning Commission within eleven (11) months shall not invalidate any provision of the South Boston Seaport Buffer Zone IPOD or Underlying Zoning.

SECTION 27N-18. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 27N-19. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.