

7-4.10 Restrictions on Park Frontages.

No building or structure or any part thereof hereafter erected or altered on land which abuts on and has an entrance into and is within a distance of one hundred (100') feet from the following: The Fens (excepting Charlesgate East and Charlesgate West from a point one hundred (100') feet north from their intersection with Commonwealth Avenue to Charles River); Riverway, including Park Drive, from Brookline Avenue to Beacon Street; Commonwealth Avenue, from Arlington Street to a line drawn parallel to and one hundred thirty (130') feet west of Charlesgate West, and from a line parallel to and one hundred thirty-five (135') feet south of the southerly line of Mt. Hood Road, as extended across Commonwealth Avenue, to the Newton line; Jamaicaway; Olmsted Park; Arborway; Columbia Road on the southerly side from Sumner Street to Dorchester Avenue, and from Buttonwood Street to Marine Park, and on the northerly side from Boston Street to Dorchester Avenue, and from Buttonwood Street to Marine Park, South Boston; shall be used for a livery or public stable or public garage, or for any mechanical, mercantile or manufacturing purposes, nor, excepting churches and chapels, shall the extreme height of said buildings or structures exceed seventy (70') feet from the mean grade of the edgestone or sidewalk on the front facing said parkway, exclusive of such steeples, towers, domes, cornices, parapets, balustrades, sculptured ornaments, chimneys and roofs as the Parks and Recreation Commission shall approve; and no roof on any of the aforementioned buildings shall be used for laundry or clothes-drying purposes; provided, however, that the provision restricting the extreme height of buildings to seventy (70') feet from the mean grade of the edgestone or sidewalk shall not apply to buildings or structures or any part thereof now being or hereafter erected or altered on the lot of land on Commonwealth Avenue known and numbered as 2000 Commonwealth Avenue; and provided also that as to the lot of land to the southwest corner of Commonwealth Avenue and Massachusetts Avenue the prohibition of the use of building for mercantile purposes shall apply only to so much of any building erected thereon as lies within fifty (50') feet of the southerly line of Commonwealth Avenue; and provided further, however, that the prohibition of the use of building for mercantile purposes shall not apply to the lot of land on Ipswich Street bounded by and making the northwest corner of Charlesgate West and Boylston Street; provided further, however, that the prohibition of the use of any said buildings and structures for a public garage and the restriction on the extreme height of said buildings or structures to seventy (70') feet shall not apply to the lot or land bounded by the Riverway, Francis Street, and Brookline Avenue; and provided further, however, that for a distance of one hundred (100') feet running westerly along Commonwealth Avenue from the northwesterly and southwesterly corners of Commonwealth Avenue where it intersects with Arlington Street, Berkeley Street, Clarendon Street and Dartmouth Street and for a further distance of forty-seven (47') feet running westerly along the southerly side of Commonwealth Avenue from the line which is one hundred (100') feet westerly of the southwesterly corner of Commonwealth Avenue where it intersects with Arlington Street, for a total distance of one hundred forty-seven (147') feet from such corner, the following provisions shall apply, anything hereinbefore contained in this section to the contrary notwithstanding:

a. Buildings on the corners at the Arlington Street intersection may be built to a height not exceeding two hundred eighty-five (285') feet to the top of the parapet or cornice line and buildings on the northwesterly and southwesterly corners at the Berkeley, Clarendon and Dartmouth Street intersections may be built to a height not exceeding two hundred (200') feet to the top of the parapet or cornice line;

b. Any building or portion of a building attached to or appurtenant to a building erected or altered to a height in excess of seventy (70') feet on any of the aforementioned eight (8) corners shall be built to a height not less than fifty (50') feet;

c. Steeples, towers, domes, balustrades, sculptured ornaments, chimneys, roofs, aerials, antennae, elevator and mechanical penthouses, water tanks, monitors or other structures normally built above the roof and not devoted to human occupancy shall not be included in the computation of height of buildings for purposes of subparagraphs a. and b. above;

d. The prohibition of use for mercantile purposes hereinbefore contained in this section shall not apply so as to prohibit in an apartment or apartment hotel building such accessory uses as newsstand, barber shop, dining room and similar services provided they are entered solely from within the building and no signs advertising such accessory uses shall be visible on the exterior of such building;

e. No building or structure shall hereafter be erected or altered on any of the aforementioned eight (8) corners without prior written approval by the Boston Redevelopment Authority of the exterior design of such building or structure. The Authority's review of such exterior design shall be concerned with such matters as the exterior facade, exterior materials, signs, the location of roof top structures described in subparagraph c. above, building mass and its placement on the site, the relation of the building to architectural characteristics of Commonwealth Avenue and the Back Bay, and adequacy of vehicular ingress and egress, if any. The purpose of this subparagraph e. is to insure that new buildings shall, without limiting the dimensions and building volume permitted herein and under applicable zoning regulations, be of outstanding architectural character and harmonious with Commonwealth Avenue and the Back Bay area.

(Ord. 1923 c. 8; Ord. 1941 c.1; Ord. 1945 c. 13; Ord. 1953 c. 6 § 1; Ord. 1954 c. 2 § 80; Ord. 1961 c.9; Ord. 1962 c. 12; Ord. 1965 c. 8; Rev. Ord. 1961 (Sup. 1971) c. 19 § 10; CBC 1975 Ord. T7 § 105; Ord. 1978 c. 10; Ord. 1984 c. 38; Ord. 1985 c. 1 § 2)

Cross-reference:

St. 1983 c. 479; Ord. ss [9-3.3](#)

7-4.11 Permission for Construction Near Parks or Parkways.

No building or structure shall hereafter be erected or altered within a distance of one hundred (100') feet from park or parkway in the City of Boston, without permission in writing having first been obtained from the Parks and Recreation Commission, except that the foregoing shall not apply to any structure now being or hereafter erected or altered on the lot of land known and numbered as 2000 Commonwealth Avenue.

(Ord. 1954 c. 2 § 81; Rev. Ord. 1961 c. 19 § 11; CBC 1975 Ord. 71 § 110; Ord. 1985 c. 1 § 3)

7-4.12 Setback Requirements.

No building shall be erected or placed upon premises within the following distances from the following parks and parkways: Riverway, from Fenway to Huntington Avenue, twenty (20') feet; Jamaicaway, from Huntington Avenue to Perkins Street, twenty (20') feet; Jamaicaway, from Perkins Street to Prince Street, twenty-five (25') feet; Arborway, from Prince Street to Washington Street, twenty-five (25') feet; Arborway, north side, from Washington Street to Franklin Park, twenty-five (25') feet; Arborway, south side, from Washington Street to Franklin Park, ten (10') feet; Olmsted Park along the northwesterly boundary, from Chestnut Street to Francis Parkman Drive, twenty (20') feet; Park Drive on the Riverway, from Brookline Avenue to Boston and Albany Railroad, twenty (20') feet; Park Drive on the Riverway, from Boston and Albany Railroad to Beacon Street, fifteen (15') feet; Commonwealth Avenue, from Arlington Street to Beacon Street, twenty (20') feet; the Fens, twenty (20') feet (excepting Charlesgate East from Boylston Street to the Charles River, and Charlesgate West from Boston and Albany Railroad to the Charles River, and Boylston Street, south side, from Hemenway Street to Fenway); Charlesgate East from Boylston Street to Ipswich Street, ten (10') feet; and Bolyston Street, south side, from Hemenway Street to Fenway, fifteen (15') feet; provided that steps, windows, porticos, and other usual projections appurtenant to the front wall of a building shall be allowed where there is a reserved space; that no projections in the nature of a bay window, corner bay, circular front, or octagon front, with the foundation wall sustaining the same (such foundation wall being a projection of the front wall), shall be allowed (excepting oriel windows above the first story on a street corner), unless any horizontal sections of such projections would fall within the external lines of trapezoids, the sum of whose bases upon the rear line of the aforesaid space does not exceed seven-tenths (.7) of the whole front of the building, and the base of any one of which trapezoids does not exceed eighteen (18') feet, and whose side lines make an angle of forty-five (45°) degrees with the base; and each house in a block shall be considered a separate building within the meaning of this section; provided, however, that the provisions hereof shall not apply to the lot of land on Ipswich Street bounded by and making the northwest corner of Charlesgate West and Boylston Street.

(Ord. 1949 c. 1; Ord. 1953 c. 6 § 2; Rev. Ord. 1981 c. 19 § 12; CBC 1975 Ord. T7 § 111)

7-4.13 Further Setback Requirements.

No building shall be erected or placed upon premises within twenty (20') feet from the exterior line of parks and parkways, on the Dorchesterway and Strandway, except from Preble Street to Old Harbor Street and except from P Street to Farragut Road; provided, that steps, windows, porticos and other usual projections appurtenant to the front wall of a building are to be allowed in this reserved space of twenty (20') feet, subject to the following limitations, viz.: First, that no projections of any kind (other than doorsteps and balustrades connected therewith, and also piazzas projecting not more than eight (8') feet) shall extend more than five (5') feet from the rear line of the aforesaid space; second, that no projections in the nature of a bay window, corner bay, circular front, or octagon front, with the foundation wall sustaining the same (such foundation wall being a projection of the front wall), will be allowed (excepting oriel windows above the first story on a street corner), unless any horizontal sections of such projections would fall within the external lines of trapezoids, the sum of whose bases upon the rear line of the aforesaid space does not exceed seven-tenths (.7) of the whole front of the building, and the base of any one of which trapezoids does not exceed eighteen (18') feet, and whose side lines make an angle of forty-five (45°) degrees with the base; and each house in a block shall be considered a separate building within the meaning of this limitation.

(Ord. 1939 c. 3; Ord. 1949 c. 2; Rev. Ord. 1961 c. 19 § 13; CBC 1975 Ord. T7 § 112)

Cross-reference:

St. 1938 c. 479 (Boston Building Code)

These ordinances are found at

[http://www.amlegal.com/nxt/gateway.dll/Massachusetts/boston/cityofbostonmunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:boston_ma](http://www.amlegal.com/nxt/gateway.dll/Massachusetts/boston/cityofbostonmunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:boston_ma)

Chapter VII Environmental Protection, Section 7-4 Parks and Recreation Department