

ARTICLE 16

HEIGHT OF BUILDINGS

;SECTION 16-1. **Maximum Height of Buildings.** Where a maximum height of buildings is specified in Table B of Section 13-1, or in a second numerical suffix in the designation of subdistrict as provided in Section 3-1A(i), no building or part of a building in a district, and devoted to a use, specified, shall exceed the number of stories or feet in height so specified except as provided in Sections 16-2 and 16-3.

(;As amended on June 24, 1985)

SECTION 16-2. **Exceptions.** The provisions of Section 16-1 shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs or other structures normally built above the roof and not devoted to human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve.

;SECTION 16-3. **Exceptions Adjoining Nonconforming Structures.** Wherever, other than in an H-2-45, H-3-65, B-3-65, B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, a legally existing structure not excepted under Section 16-2 exceeds the height limit specified in Table B of Section 13-1 on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

(;As amended on October 31, 1980, June 16, 1982, and April 2, 1987)

(Illustrated in Appendix 2)

;SECTION 16-4. **Height of Buildings in H-1-40 and H-1-50 Districts.** The Board of Appeal may, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, grant permission for a building to exceed the maximum height specified for H-1-40 and H-1-50 districts by Table B of Section 13-1, provided that said Board of Appeal finds that such height will not have a detrimental effect on the neighborhood and that the Boston Redevelopment Authority has recommended approval.

(;As inserted on March 20, 1972, and amended on February 28, 1979)

SECTION 16-5. Inserted on September 27, 1973, and deleted on April 2, 1987.

;SECTION 16-6. **Height of Structures within One Hundred Feet of Certain Streets that Bound Boston Common or the Public Garden.** Any building or portion thereof within one hundred feet of the nearest street line of any street described below shall not exceed the height specified for such street as follows:

- a. Park Street: 65 feet maximum height.
- b. South side of Boylston Street from the westerly sideline of Arlington Street to a point 100 feet west of Arlington Street, to a depth of 50 feet from Boylston Street: 85 feet maximum height; beyond said depth of 50 feet: 130 feet maximum height; except that such requirement in a B-8-120c district shall be subject to the provisions of Article 6A.
- c. Arlington Street from Newbury Street to Commonwealth Avenue: 155 feet maximum height at parapet line; height to top of roof may be 185 feet, provided that the portion of the building above 155 feet is set back a minimum of 20 feet from any parapet line facing a street more than 25 feet wide.

See also Section 38-5.

(;As inserted on July 7, 1977 and amended on April 2, 1987 and March 20, 1989)

;SECTION 16-7. **Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts.** In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one-half foot for each foot in height above said tops of front and rear walls.

(;As inserted on October 31, 1980, and amended on June 18 and August 20, 1981)

;SECTION 16-8. **Restricted Roof Structure Districts.** In a restricted roof structure district, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and

not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees providing that (a) such deck is less than one foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum height specified in Table B of Section 13-1 or specified on the zoning maps, the Zoning Districts City of Boston, as they may be amended from time to time; and (c) access is by roof hatch or bulkhead no more than thirty inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch or bulkhead is set back horizontally, one foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building if such total roof area is greater than 3,300 square feet.

In the restricted roof structure districts mapped in the South End, Bay Village and along St. Botolph Street, the above restrictions shall apply only to residential structures or to structures originally built for residential use. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

In the restricted roof structure district mapped in the North End, the above and the following restrictions shall apply to all buildings. The height of any building existing as of the effective date of this regulation shall determine the allowed height on that site subsequent to total or partial demolition or destruction of said building. Any proposed construction on the site that would exceed the prior height would require Board of Appeal approval, and would be subject to the restricted roof structure district regulations and any height limits in place in the district. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or significantly restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in clause (22) of Section 2-1, respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

(;As inserted on June 18, 1981 and amended on August 20, 1981, June 24, 1985, and March 30, 1989)

;SECTION 16-9. **Exceptions in B-8-120c District bounded by Blagden Street, Exeter Street, and Huntington Avenue.** In the B-8-120c district bounded by Blagden Street, Exeter Street, and Huntington Avenue, the height of a building may exceed 120 feet, provided that (1) such height does not exceed 200 feet, excluding mechanical equipment and the roof or other structures enclosing such equipment; (2) the gross floor area of the building does not exceed the maximum floor area ratio of 8; (3) at least seventy-five percent (75%) of the gross floor area of the building is devoted to residential use under Use Item No. 7 together with any use lawfully accessory or ancillary to such residential use under the provisions of Table A of Section 8-7 excepting floor areas for off-street parking; and (4) any such building is subject to design review approval of the Boston Redevelopment Authority; said design review to require off-street parking in the amount of 1.75 (one point seven five) spaces per residential unit and 1 (one) space per 1,000 square feet of commercial space.

(;As inserted on June 17, 1987)