



Back Bay Zoning Regulations

The Boston Zoning Code has evolved over the years and can be difficult to decipher. If you are planning to expand the size or footprint of your building, it is best to consult with a lawyer who is conversant with Boston's requirements early in the process. The zoning restrictions that govern the Back Bay district are important safeguards for our community, and NABB takes them seriously.

The [Boston Planning & Development Agency \(BPDA\)](#) has an interactive [zoning viewing tool](#) to look at the specific zoning rules applicable to an location.



Disclaimer: This summary only presents an overview of common relevant zoning articles in the Back Bay, and should not be seen as an authoritative reference on the current zoning regulations. Consult an attorney for legal interpretations of the Zoning Code.

Zoning Districts

Most zoning regulations that apply to the Back Bay are in the [Boston Proper Zoning Area](#). The zoning districts define the dominant uses. Here are the zoning districts in the Back Bay:

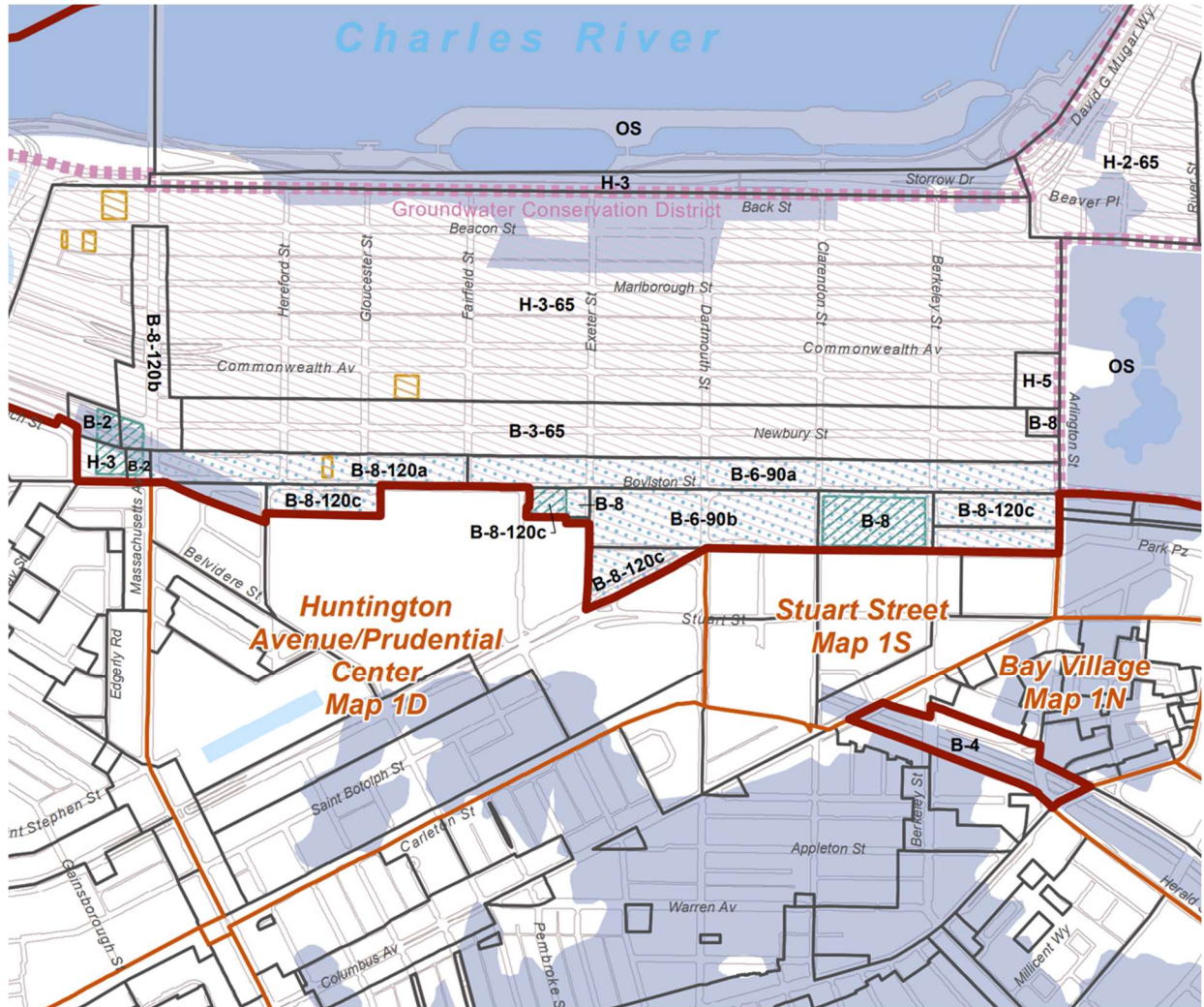
- Residential districts: H (apartment)
- Business districts: B (general)
- Open space district: OS (open space)

Zoning Subdistricts

These districts are further subdivided into subdistricts, that define the allowed structures' dimensions. These are identified by the zoning district designation, and numbers specifying the maximum allowed floor area ratio and the allowed height limit.

In the Residential District, properties are within the H-3-65 subdistrict, which means that the use is residential, the *floor area ratio* (aka FAR – see definition below) is limited to 3.0, and the maximum height is 65 feet (exclusive of unoccupied headhouses and roof mechanical equipment).

In the Commercial District, properties on Newbury are in the B-3-65 subdistrict, section of Massachusetts Avenue are zoned B-8-120, and portions of Boylston Street are B-6-90 from Arlington to Fairfield and B-8-120 west of Fairfield, as shown in the accompanying zoning map.



Zoning Map of the Back Bay

Setbacks

[Setbacks](#) provide important open space that is vital to the livability of the Back Bay. Setbacks in subdistrict H-3-65 are established as follows:

- Front Yard Setback: If applicable, twenty feet on east-west streets, none on north-south streets. A bay window (see definition below) may protrude into a front yard.

Front set back in the Back Bay Architectural District may be overridden through another calculation called *modal front yard depth*. This calculation is based on the most frequent setback on a side of a block. The [details of the calculation](#) are in the zoning code. See also [Front Yard Requirements](#)



- Side Yard: If applicable, ten feet plus one twentieth of the length of the wall parallel (or within 45° of parallel) to the side lot line. [See further details](#)
- Rear Yard: 25% of the lot depth.

In B-3-65 subdistrict, the setbacks on the north side of Newbury Street are:

- Front Yard Setback: Twenty feet on east-west streets, none on north-south streets. A bay window may protrude into a front yard. See also [Front Yard Requirements](#)

As indicated for front yard setback in H-3-65, [modal front yard depth](#) may override the setback prescribed above.

- Rear Yard: 25% of the lot depth;

and on the south side of Newbury Street, the setbacks are established as follows:

- Front Yard Setback: Twenty feet on east-west streets, none on north-south streets. A bay window may protrude into a front yard. See also [Front Yard Requirements](#)

As indicated for front yard setback in H-3-65, [modal front yard depth](#) may override the setback prescribed above.

- Rear Yard: 5' is required.

Certain commercial blocks of Boylston Street have exceptional [setback requirements](#) as follows:

- North side of Boylston Street
 - Fairfield Street to Massachusetts Avenue: A minimum setback of 15' from the rear building line is required above a height of 90'.
- Both sides of Boylston Street
 - Copley Square, between Clarendon Street and Exeter Street: A minimum of 15' from the front building line, applicable above a height of 65'.
- South side of Boylston Street (not in the Architectural District)
 - Arlington Street to Berkeley Street: A minimum of 15' from the front building line, applicable above a height of 90'.

The north side of Boylston Street may also be subject to the modal front yard depth rules.



Floor Area Ratio

The floor area ratio (FAR) defines how much building can be built on a lot. Most buildings in subdistricts H-3-65 and B-3-65 must not exceed a floor area ratio of 3.0. However, if a [building overlaps another zoning subdistrict](#), the higher of the floor area ratio limits will apply.

Height of building

All building in subdistricts H-3-65 and B-3-65 must not exceed 65 feet in height, unless the [building overlaps another zoning subdistrict](#), in which case the higher of the limits will apply.

Zoning Overlays

There are two zoning overlays of significance in the Back Bay. [The Groundwater Conservation Overlay District \(GCOD\)](#) was enacted to “protect and enhance the city's historic neighborhoods and structures, and otherwise conserve the value of its land and buildings”. The GCOD requires that anyone doing substantial renovation of a building must install a groundwater recharge system to protect its wooden pilings and those of its neighbors. Further details can be found on the [Boston Groundwater Trust website](#).

The Back Bay also falls within the [Restricted and Limited Parking Districts](#). This district covers the downtown area east of Massachusetts Avenue and requires a permit for public parking structures and lots.

Zoning Relief

A project that does not comply with the Zoning Code may ask for zoning relief at the [Zoning Board of Appeal \(ZBA\)](#). If you are considering a zoning appeal, you can find [more about the process](#) online.

NABB's Architecture Committee reviews zoning relief requests that relate to changes in the form of a building. The committee then submit comments in favor or against the changes, based on the review of the proposal. Note: Zoning relief requests relating to the use of a building are reviewed by [NABB's Licensing and Building Use Committee](#).

Zoning Definitions

[Zoning code reference](#)

Bay Window:

A fenestrated projection from the face of a building entirely contained within the following dimensions:

- (a) depth not to exceed five feet,
- (b) width not to exceed eighteen feet or seventy percent of the width of the building, whichever is the lesser, and
- (c) each side to form an angle with the face of the building of not less than one hundred thirty-five degrees.



Building Height:

The vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding belfries, cupolas, domes, monuments, church spires, water, observation, radio and transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flagpoles, aerials, elevator penthouses, water tanks, monitors, signs, or other roof structures and penthouses normally built above the roof and not used or designed to be used for 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, provided that in any event, the total area of such roof structures and penthouses does not exceed 33 1/3 percent of the total of all roof areas, measured horizontally, of such building, except that, for any Proposed Project that (a) is subject to Article 80B (Large Project Review); and (b) is within a downtown district established under Section 3-1C, "height of building" means the vertical distance from grade to the top of the structure of the last occupied floor. A mansard roof shall be considered a flat roof.

Floor Area Ratio:

The ratio of gross floor area of a structure to the total area of the lot.

(An FAR of 3 means that you could in theory build three floors of structure from lot line to lot line. However, since the zoning also requires front, rear, and side yard setbacks, most buildings make up the FAR by adding floors within the height limit. If a lot is 2,000 sq ft, for example, the building on it cannot exceed 6,000 sq ft of occupiable space.)

Front Yard:

An open space extending across the full width of the lot and lying between the front lot line and the nearest building.

Rear Yard:

An open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.

Side Yard:

An open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line.