

Sec. 4.2. Mixed Use Districts

4.2.1. District Intent

- A. Mixed Use 1 and 2 District.** [Reserved]
- B. Mixed Use 3/Transit-Oriented Development.** The purpose of the Mixed-Use 3/Transit-Oriented district is to allow the development of a mixed-use center on a parcel of no less than 9 acres near the terminus of a mass transit rail line, an interstate highway, a scenic road, and the Charles River, commonly referred to as the Riverside MBTA station, pursuant to the City's Comprehensive Plan, particularly the mixed-use centers and economic development elements. This district shall encourage comprehensive design within the site and with its surroundings, integrate complementary uses, provide enhancements to public infrastructure, provide beneficial open spaces, protect neighborhoods from impacts of development, allow sufficient density to make development economically feasible, foster use of alternative modes of transportation, and create a vibrant destination where people can live, work and play.
- C. Mixed Use 4 District.** The purposes of the Mixed Use 4 district are to:
1. Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan.
 2. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
 3. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
 4. Expand the diversity of housing options available in the City.
 5. Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

(Ord. No. Z-108, 04/17/12; Ord. No. A-4, 10/01/12; Ord. No. A-6, 10/01/12)

4.2.2. Dimensional Standards

A. Applicability.

1. The density and dimensional controls in Sec. 4.2.2 and Sec. 4.2.3, apply to all buildings, structures and uses in each of the listed districts.
2. Where more than one dwelling unit is provided on a lot in certain Mixed Use districts, the following residential density control shall apply:

Mixed Use District	MU1	MU2	MU3/TOD	MU4
Lot Area Per Unit	10,000 sf	10,000 sf	1,200 800 sf	1,000 sf

3. Where a density or dimensional control is not set forth in the following tables for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the City Council.

B. Approval Process.

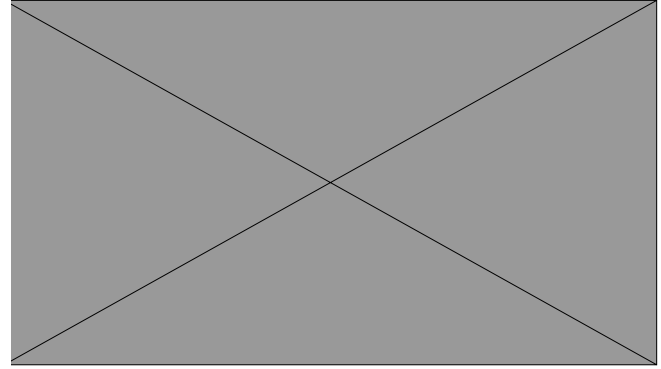
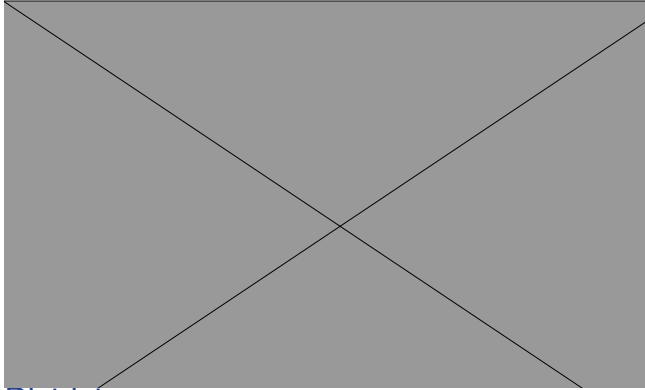
1. **Special Permit Required.** A special permit is required for any development in a mixed use district of 20,000 square feet or more.
2. **Site Plan Review Required.** A site plan is required for any development in a mixed use district that ranges from 10,000 to 19,999 square feet of new gross floor area. After August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure is not subject to site plan approval. All buildings, structures and additions shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot.
3. **Stories.** A special permit is required based on stories according to the following table:

Stories	MU1	MU2	MU3/TOD	MU4
2 stories	P	P	NA	P
3 stories	P	SP	NA	--
3 stories, mixed use residential	NA	NA	NA	P
4 stories	SP	SP	NA	SP
5 stories, mixed use residential	NA	NA	NA	SP

P = Allowed by Right
 SP = Special Permit by City Council Required
 NA=Not Applicable, -- Not Allowed

(Ord. No S-260, 08/03/87; Ord. No. A-73, 04/04/16; Ord. No. A-99, 01/17/17)

4.2.3. All Building Types in Mixed Use



Districts

Mixed Use Districts	MU1	MU2	MU3	MU4
Lot Dimensions				
Ⓐ Lot Area (min)				
2 stories	40,000 sf	10,000 sf	9 ac	10,000 sf
3 stories	40,000 sf	10,000 sf	9 ac	10,000 sf
4 stories	40,000 sf	10,000 sf	9 ac	10,000 sf
5 stories	--	--	9 ac	10,000 sf
Ⓑ Lot Coverage (max)	--	--	--	--
Ⓒ Beneficial Open Space	--	--	n/a by right; 15% by special permit	See Sec. 4.2.5
Building Setbacks				
Ⓓ Front (min)				
1 story	15'	15'	See Sec. 4.2.4	See Sec. 4.2.5
2 or more stories	total ht of bldg	total ht of bldg		
Parking Setback	20'	15'		
Ⓔ Side (min)				
Abutting residential or Public Use district	Greater of ½ bldg ht or 20'	Greater of ½ bldg ht or 20'	See Sec. 4.2.4	See Sec. 4.2.5
Not abutting residential or Public Use district	7.5'	7.5'		
Parking setback	5'	5'		
Ⓕ Rear (min)				
Abutting residential or Public Use district	Greater of ½ bldg ht or 20'	Greater of ½ bldg ht or 20'	See Sec. 4.2.4	See Sec. 4.2.5
Not abutting residential or Public Use district	7.5'	0'		
Parking setback	5'	5'		
Building and Structure Height				
Ⓖ Height (max)				
2 stories	36'	24'	36' by right;	24'
3 stories	36'	36'	35 170' by	36'
4 stories	48'	48'	special permit,	48'
5 stories	--	--	see Sec. 4.2.4	60'
Ⓖ Stories (max) see also Sec. 4.2.2	3	4	4 11	8
Floor Area Ratio				
Floor Area Ratio (max)				
2 stories	1.50	1.00	up to 36' = 1.0	1.00
3 stories	1.50	1.50	up to 35 170'	1.50
4 stories	2.00	2.00	= 2.4 2.5	2.00
5 stories	--	--		2.50

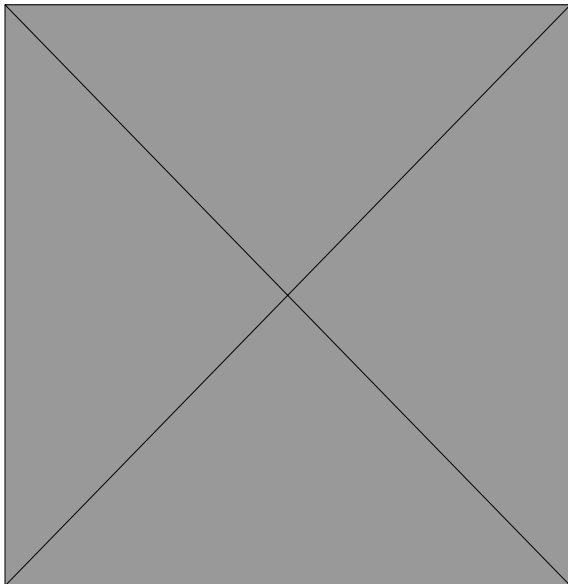
* Average setback is described in [Sec. 1.5.3](#)

-- Not Allowed

4.2.4. Additional Standards in MU 3/TOD

Any development permitted by special permit must meet the following requirements and the requirements of [Sec. 4.2.3](#). The City Council may grant a special permit to allow exceptions to the by-right dimensional standards of the MU 3/TOD, provided that the requirements of this [Sec. 4.2.4](#). are met and no dimension exceeds those allowed in [Sec. 4.2.3](#) for the mixed-use development special permit.

- A. Setbacks.** Any structure or building must be set back a distance equal to at least half the height of that structure or building from any lot line, except that for perimeter lot lines adjoining a state highway right-of-way or land owned by a Commonwealth of Massachusetts instrumentality, the setback may be 0 feet for nonresidential uses. To encourage stepped setbacks for taller structures, each portion of a building shall be treated as if it is a separate building for purposes of calculating required building heights and setbacks. In accordance with the procedures provided in [Sec. 7.3](#), the City Council may grant a special permit to allow a reduction in the minimum setback if it determines that the proposed setback is adequate to protect abutting uses.



- B. Beneficial Open Space.** At least 50 percent of the beneficial open space required by [Sec. 4.2.3](#) for a

mixed-use development must be freely open to the public.

- C. Exclusion of Public Structures from Zoning Requirements.** Any portion of a development parcel for the proposed development owned by a Commonwealth of Massachusetts instrumentality and devoted to a governmental function from which the general public is excluded (including, but not limited to a rail yard, maintenance facility, or railroad right-of-way) and any portion of a building or structure dedicated for public use by a State instrumentality (such as a passenger station or associated facilities for use by customers of the Massachusetts Bay Transportation Authority) shall not be included in the calculation of:
1. The quantity of beneficial open space required;
 2. Minimum lot area; or
 3. Floor area ratio.
- D. Impacts of Takings by or Conveyances to a Public Entity.** The provisions of [Sec. 7.8.4](#) shall apply to any taking by or conveyance of land within the development parcel to a public entity or to any land otherwise dedicated and accepted as a public way.
- E. Establishment of a Development Parcel.** The area developed under a special permit must be organized into a development parcel as defined in [Article 8](#). The development parcel may contain more than 1 lot or a portion of a lot, together with any easement areas located on adjacent parcels of land. The provisions of this Chapter shall apply to the development parcel as it exists on the date that the special permit is granted as if the development parcel were a single lot for zoning purposes, without reference to interior lot lines dividing separate ownerships. After the grant of a special permit, the ownership may be further divided (subject to the establishment of an organization of owners defined below) and any interior lot lines shall be disregarded for zoning purposes. The development parcel may be modified from time to time to accommodate land swaps or the purchase of adjacent land, provided that the resulting development parcel is not less than 9 acres in size and does not create or expand any nonconformities.
- F. Intensity of development.**
1. The development must have at least one use from each of the three categories (A, B, and C) ~~plus a community use space.~~

- a. Category A: Office (including research and development, business incubator, medical office, and other similar uses but excluding office incidental to residential, retail, or community uses);
 - b. Category B: Retail sales, personal services, restaurants, banking, health club, ~~place of entertainment and assembly~~ place of amusement, indoor or outdoor, theater, lodging, hotel, motel, animal services; and
 - c. Category C: Multi-family, live/work space, single room occupancy, single person occupancy, assisted living, nursing home.
2. Notwithstanding paragraph G. below, any development that proposes an aggregate gross floor area of 20,000 or more square feet among all buildings within the development parcel shall require a special permit for a mixed-use development.
 3. For the purpose of calculating gross floor area in the MU3/TOD district, in addition to the exclusions set forth in Section 1.5.5.B.2 and 4.2.4.C, the calculation of gross floor area excludes accessory and non-accessory enclosed parking, loading areas, and enclosed areas devoted to housing mechanical equipment on the roof of a building or structure.
- G. The square footage in each category shall not exceed the maximums listed below, except, where approved by special permit, the maximums may be adjusted by up to 10 percent in each category, so long as the total gross floor area of all uses, excluding accessory parking, does not exceed 580,000 square feet:
1. Category A shall not exceed 225,000 square feet (excluding offices incidental to residential, retail or community uses); the majority of which must be contained within one structure;
 2. Category B shall not exceed 20,000 square feet, excluding those uses that are accessory to a use listed in Category A or C as determined by the Commissioner of Inspectional Services;
 3. Category C shall not exceed 335,000 square feet not to exceed 290 dwelling units.
- H. **Organization of Owners.** Prior to exercise of a special permit, an organization of all owners of land within the development parcel, except for owners of land subject to easements benefiting the mixed-use

development, shall be formed. The organization of owners will be governed by special permit with the authority and obligation to act on behalf of all such owners in contact with the City or its representatives regarding compliance with this Chapter. The organization shall serve as the liaison between the City and any owner, lessee, or licensee within the development parcel governed by a special permit. Such organization shall be the primary contact for the City in connection with any dispute regarding violations of this Chapter and, in addition to any liability of individual owners, shall have legal responsibility for compliance of the development parcel with the terms of the special permit for a mixed-use development, site plan approval, and other applicable provisions of this Chapter. In addition, any special permit shall provide for the establishment of an advisory council consisting of representatives of the adjacent neighborhoods and the organization of owners to assure continued compatibility of the uses and activities within the development parcel and its neighbors during and after construction. Membership of this advisory council shall be provided for in the special permit and shall be structured to ensure all neighborhood interests are represented.

(Ord. No. Z-108, 04/17/12)

4.2.5. Additional Standards in MU4

- A. **Design Standards for the Mixed Use 4 District.** Notwithstanding any provisions of this Article to the contrary, buildings and structures in the Mixed Use 4 district shall conform to the following standards:
1. **Height.** Buildings in the Mixed Use 4 district shall be a minimum of 2 stories and shall conform to the limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 4 stories and 48 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, does not adversely affect its surroundings by creating shadows or blocking views, and advances the purposes of this district.
 2. **Mixed-Use Residential Incentive.** Buildings that meet the definition of mixed-use residential buildings shall conform to the specific limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 5 stories and 60 feet of building height by finding that the proposed

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Residential Uses												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.1
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.2
Residential use, above ground floor	L/SP	L/SP	L/SP	L/SP	--	SP	L/SP	P	P	--	--	Sec. 6.2.4
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	Sec. 6.2.4
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	Sec. 6.2.10
Live/work space	P	P	P	P	P	P	P	P	P	--	--	Sec. 6.2.11
Lodging House, above ground floor	SP	SP	SP	SP	--	SP	SP	SP	SP	--	--	Sec. 7
Civic/Institutional Uses												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.1
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	Sec. 6.3.2
Community use space	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.4
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.3.5
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	Sec. 6.3.6
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	Sec. 6.3.7
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	Sec. 6.3.8
Public use	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.14
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.3.15
Commercial Uses												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	SP	SP	--	--	Sec. 6.4.1
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	Sec. 6.4.2
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed												

(Ord. No. B-1, 02/20/18; Ord. No. B-27, 04/01/19)

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank, up to 5,000 square feet	P	P	P	P	--	SP	P	SP	P	--	P	Sec. 6.4.4
Bank, over 5,000 square feet	P	P	P	P	--	SP	SP	SP	P	--	P	Sec. 6.4.4
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	Sec. 6.4.5
Business incubator	P	P	P	P	--	P	P	P	--	P	p	Sec. 6.4.6
Business services	--	--	--	--	--	SP	P	--	--	--	--	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station	P	P	P	P	P	P	P	P	P	--	P	Sec. 6.4.8
Car wash	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.4.9
Drive-in business	SP	SP	SP	SP	--	--	--	--	--	--	SP	Sec. 6.4.11
Dry cleaning or laundry, retail	P	P	P	P	--	SP	P	P	P	--	--	Sec. 6.4.12
Fast food establishment	--	SP	--	--	--	--	--	--	--	--	SP	Sec. 6.4.13
Fuel establishment	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.14
Funeral home	SP	SP	SP	SP	--	--	SP	--	--	--	--	Sec. 6.4.15
Health club, above or below ground floor	P	P	--	P	--	P	P	P	SP	P	P	Sec. 6.4.16
Health club, ground floor	P	P	--	P	--	SP	SP	SP	SP	P	P	Sec. 6.4.16
Hotel or lodging establishment	SP	SP	SP	SP	SP	--	SP	SP	SP	--	--	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	P	P	P	P	--	--	P	--	--	P	--	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	SP	SP	SP	SP	--	--	SP	--	--	P	--	Sec. 6.4.18
Kennel	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.4.19
Office	P	P	P	P	P	P	P	L	L/ SP	P	P	Sec. 6.4.20
Office of a contractor, builder, electrician or plumber or similar enterprises	--	L	--	--	--	--	--	--	--	--	L	Sec. 6.4.21
Open-air business	SP	SP	SP	SP	--	--	--	--	SP	--	SP	Sec. 6.4.22
Outdoor storage	--	SP	--	--	--	--	--	--	--	--	--	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	P	--	P	P	P	P	P	P/SP	Sec. 6.4.24
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	SP	SP	SP	SP	SP	SP	Sec. 6.4.24
Parking facility, accessory, multi-level	SP	SP	SP	SP	--	SP	--	SP	P	SP	SP	Sec. 6.4.24
Parking facility, non-accessory, multi-level	SP	SP	SP	SP	--	SP	--	SP	SP	SP	SP	Sec. 6.4.24
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	Sec. 6.4.25
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.4.25
Place of amusement, indoor or outdoor	--	SP	--	--	--	--	--	SP	SP	--	SP	Sec. 6.4.26

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed