

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY JUNE 11, 2012

Present: Ald. Johnson, Danberg, Baker, Yates, Sangiolo, Swiston, Kalis, Lennon  
Also present: Ald. Hess-Mahan, Fuller, Fischman, Linsky, Albright  
Staff: Seth Zeren (Chief Zoning Code Official), Candace Havens (Director of Planning and Development), Marie Lawlor (Assistant City Solicitor), Rebecca Smith (Committee Clerk)

#150-09(3) ALD. ALBRIGHT, JOHNSON, LINSKY proposing that a parcel of land located in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4. [12/10/10 @9:21AM]

**ACTION:** **HELD 8-0**

**NOTE:** The Planning Department presented to the committee. For the details of this presentation please see the attached power point. Mr. Zeren walked the committee through the Planning Department's presentation. For details on this presentation please see the attachment at the end of this report.

The Planning Department is encouraging that this zone be formed as a base zone and not an overlay district and they are creating it through edits made to the text of the Business 4 zone; this new zone will be classified as a Mixed Use 4 zone. The Planning Department presented an edited version of the use chart for Business 4 but Ald. Johnson suggested that for efficiency's sake, the committee should review the list of uses that they just mulled over the Riverside development and edit those if necessary. It was agreed by all that the Planning Department will provide the committee with the use chart for Riverside that was discussed at length and the committee will revise from there.

Ald. Baker, Lennon, and Kalis expressed their concern with the exportability of this zone; Ald. Baker expressed his opinion that we need to think clearly about whether there are aspects of this new zone that would make it clearly exportable and if so we need to assure people that this isn't going to be applied to other areas without care on the side of the Board. Mr. Zeren is going to do some research in relation to Ald. Kalis' question on whether zones have been reassigned to other locations within the city. Ald. Yates reminded the committee that whether or not a zone could be reused in another location is subject to the Board's approval of the application of that zone in that proposed location. It is not something that is done without substantial review. Mr. Zeren also noted that the Planning Department has clarified that this is for village *commercial* centers so there is no confusion about where this would apply. Ald. Baker made the point that part of the challenge of making this work is not works on the main street but set back a bit, as this lot is.

Ald. Johnson noted that one of the challenges in Newtonville is that there isn't much there. The city needs to have things that will attract people; places that are appealing to people with their purpose as well as their aesthetics. She requests that we keep this in the forefront of our minds and encourages the Planning Department and Land Use committee to encourage design guidelines in order to do these things attractively.

Mr. Zeren then walked the committee through the revised suggestions for the zone and the Planning Department's responses to questions from the last committee meeting where this was taken up; this memo can be found at the end of this report. The following are the comments and questions that came out of the review of that memo:

Ald. Hess-Mahan suggested that the Planning Department include criteria for granting a special permit so that when granting a special permit the Board is not simply working off the purpose statement.

Ald. Hess-Mahan asked whether it would be wise to have a higher minimum lot area (right now it is set as 10,000 sq. ft.) since if we use a higher lot area it would apply to fewer parts of the city and therefore decrease people's concerns about transportability. Mr. Zeren explained that the department can consider that.

Ald. Baker suggested that it would be wise to include a maximum sized parcel in addition to a minimum. Ald. Baker also urges the department to see if there are elements in the dimensional table that could be special permit variable.

Ald. Danberg shared that while the city is trying to encourage outdoor dining, the city also has very few sidewalks on which this can take place. She inquired as to whether the city can set a required setback that would create more sidewalks on which people can have outdoor seating. Mr. Zeren explained that the Planning Department has in part anticipated this but will look into it further.

Ald. Johnson requested that the Planning Department set the minimum height of two stories by increased to three. Mr. Zeren stated that the Planning Department will consider this.

Mr. Zeren explained that one concept that the planning department discussed was that part of the goal here is to try to return to some of the historic character and scale of Newtonville which is typically taller than some other parts of the city. The department is being mindful of the character and visual quality when trying to craft this.

Regarding Ald. Baker's concerns about setbacks, Mr. Zeren noted that the department anticipates a parking garage will be built on the parcel to accommodate the parking generated from the development. There are certain space needs for parking garages due to the requirements that must be met for turning radiuses and such. The department is nervous as is about setting setback thresholds too far into the lot as that may preclude the ability to build a garage.

Ald. Yates then moved hold on the item which carried unanimously. The item will be taken up again at the next meeting of the Zoning and Planning Committee.

#152-10      ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]

**ACTION:    HELD 7-0 (Lennon not voting)**

**NOTE:**        Candace Havens, Director of Planning and Development, and Seth Zeren, Chief Zoning Code Official, presented the item to committee. It was decided by the committee through the recommendation of the Planning Department and their discussions with institution representatives that this needs to be vetted further and in collaboration with those institutions so everyone has a chance to weigh in on how revised requirements would affect their campus. The working group will meet over the summer with a deliverable for ZAP to consider at its first meeting in September. However if there is no recommendation coming forward from the group, ZAP will take up the item, as was originally proposed by the Planning Department, at its September meeting. Each college/university is to have one representative and not multiple. This is to ensure that there is an effective working group. Additionally there will also be two ZAP committee members involved to represent the Board. It was decided that Ald. Baker and Ald. Sangiolo would be these Aldermanic representatives. Ald. Baker and Sangiolo are charged with talking to their respective institutions to determine who will be the representatives from these institutions. The committee then moved hold on the item which carried unanimously.

Respectfully Submitted,

Marcia Johnson, Chairman

# Department of Planning and Development



## ZONING AND PLANNING COMMITTEE

JUNE 11, 2012

WORKING SESSION

**#150-09(3):** Aldermen Albright, Johnson, and Linsky proposing that a parcel of land located at 28 Austin street in Newtonville identified as section 24, block 9, lot 15, containing approximately 74,536 square feet of land, known as the Austin street municipal parking lot, currently zoned public use, be rezoned to business 4.



## Austin Street Rezoning

### Introduction

Responses to Questions

New Mixed-Use 4 Zone

Next Steps

## Introduction

- Austin Street parking lot declared surplus
- Recommended for mixed-use redevelopment
- Must be rezoned



Proposed New Zone: Mixed-Use 4

# Newtonville Village Context





## Austin Street Rezoning

Introduction

**Responses to Questions**

New Mixed-Use 4 Zone

Next Steps

## Responses to Questions

- Base zone or overlay zone?
- Applicability?
- Design Guidelines?
- Market Viability of Proposed Zone?
- Encouraging active use?
- Parking?
- Open Space?
- Status of RFP?
- What should the new zone be called?



## Austin Street Rezoning

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**Responses to Questions**

New Mixed-Use 4 Zone

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## Responses to Questions

### Base zone or overlay zone

- Base zones are fundamental
- Overlays modify
  - Accessory Apartment Overlay Districts
  - Historic Districts
- Overlay zone not ideal here:
  - Not unique site
  - Principles may be useful elsewhere
  - Overlays best with one major change
  - Many rules changes creates complexity
  - Changes are fundamental (height, setbacks, use)





## Austin Street Rezoning

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## Responses to Questions

### Applicability

- Not unique site
- Creates new tool
- Not one-size-fits-all template
- Rezoning other sites not proposed

### Design Guidelines

- Shape design, style, materials, aesthetics
- Significant time to craft carefully
- Broader city-wide applications
- Recommend working group



## Austin Street Rezoning

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## Responses to Questions

### Market Viability of Proposed Zone

- Working with Economic Development Commission (EDC)

### Encouraging active use

- Not zoning alone—market, population, culture
- Remove barriers, create incentives
  - Maximum setbacks bring buildings closer to street
  - Require transparent store fronts
  - Bonus floor for residential to incentivize mixed use



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## Responses to Questions

### Parking

- Comprehensive parking reform
- Other petitions in consideration
- Require shared parking analysis through RFP
  - Meet existing and future demand

### Open Space

- Open space desirable
- Little opportunity on small lots
- Require beneficial open space on 1+ acre lots



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## Responses to Questions

### Status of RFP

- Staff working on draft
- Release when rezoned
- Engineering preparing survey

### What should the new zone be called

- Mixed-Use 4



## Austin Street Rezoning

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Responses to Questions

**New Mixed-Use 4 Zone**

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## New Mixed-Use 4 Zone

Changes from BU4 District:

1. Statement of purpose
2. Updated uses
3. Minimum two stories, four stories by SP, five if residential included
4. Maximum setback (build-to line), larger setbacks abutting residential zones
5. Stepped-back upper floors
6. Lower lot area per unit
7. Street-level transparency requirement
8. Open space for larger sites
9. New definitions



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**Next Steps**

## Next Steps

- Revise draft text
- Schedule a public hearing when ready
- Release RFP

# Department of Planning and Development



**PRESENTATION FROM  
PREVIOUS WORKING SESSION**

MAY 29, 2012



## Austin Street Rezoning

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Background and Planning  
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JAPG Report and  
Recommendations

**Analysis**

New Village Center Zone

Next Steps

## Analysis

### General zoning goals

- Contextually-appropriate visual scale
- Maximum setbacks along street frontage
- Encourage active uses
- A transparent street façade
- Multiple pedestrian access points

### Site-specific policy goals

- Minimum of 18 housing units on-site, 25% affordable and 5% accessible
- 5,000 square feet of non-residential floor area for active uses
- 5% open space
- Preserve public parking to meet demand





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## Newton's Village Centers

- Turn of the century
  - Dense, walkable, mixed-use communities
  - Three- and four-story buildings
- Last fifty years
  - More low-density single-story buildings
  - Fewer services, shops, houses, and amenities
  - Streetscape interrupted by driveways to parking lots
- Today
  - Restore variety of services
  - Improve walkability and transit access
  - Provide greater diversity of housing options





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## Planning Context

- *Comprehensive Plan* guidance
- Joint Advisory Planning Group Report
- Planning Dept. Memo
- Zoning Reform Group





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## Joint Advisory Planning Group (JAPG)

- JAPG began March 2011, concluded in June
  - Citizen representatives considered development options and made recommendations
- JAPG recommendations:
  1. Contextually appropriate
  2. “Build-to line”
  3. Street-level windows into building interiors
  4. Minimum 18 housing units; 25% affordable; 5% are accessible to persons with mobility disabilities
  5. At least 5,000 square feet of nonresidential floor area
  6. 5% open space
  7. Parking to meet existing and future demands

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## Analysis

- What is the most appropriate zone?
  - JAPG report suggests development of perhaps five-story buildings, matching context and needs of village centers
  - No existing zone is ideal

Feature	BU1	BU4	BU5
Height/Stories	2 stories (3 by SP)	3 stories (8 by SP)	3 stories (4 by SP)
FAR	1.0 (1.5 by SP)	1.5 (3.0 by SP)	1.5 (2.0 by SP)
Uses	Wide range	Wide range	Uses limited to office and banks

- JAPG recommendations include tools not currently used in Newton zoning:
  - Maximum setbacks (“build-to lines”)
  - Preference for active uses
  - Street level transparency and access requirements
- ***Mixed-Use/Village Center District***
  - Potentially applicable elsewhere?



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- Minimum of 18 housing units on-site, 25% affordable and 5% accessible
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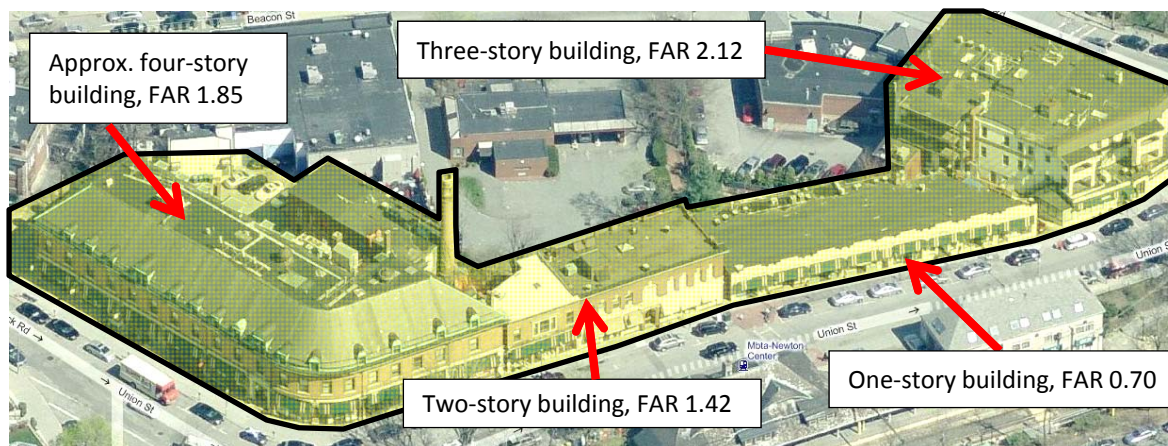
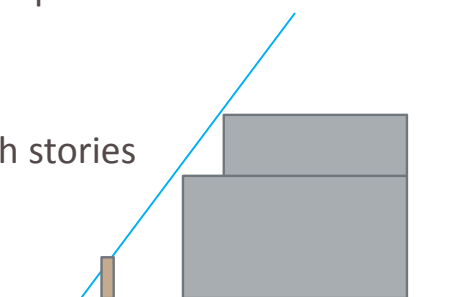
Analysis

**New Village Center Zone**

Next Steps

## New Village Center Zone

- **Visual Scale:**
  - Allow up to three stories by right and up to five stories by special permit
  - Set a minimum of two stories
  - Require step backs for fourth and fifth stories
  - Allow FAR 1.5 by right and FAR 2.5 by special permit



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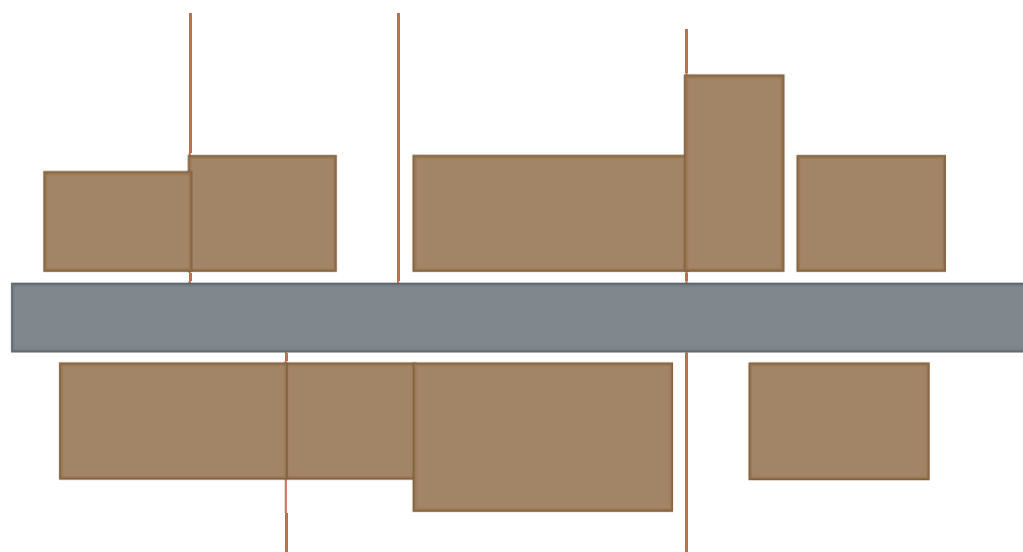
Analysis

**New Village Center Zone**

Next Steps

## New Village Center Zone

- Setbacks and orientation:
  - Maximum setbacks (“build-to lines”)
  - No side setbacks to encourage a continuous street-wall
  - Side and rear setbacks increase abutting residential districts





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## New Village Center Zone

- **Active uses:**
  - Low-activity uses at street level by special permit
  - Lobbies for access to upper floor businesses or ATMs
  - Incentivize residences
    - ✦ 24-hour community
    - ✦ Bonus floor
- **Street-level transparency and access:**
  - Require views into shops and display areas
  - Require multiple points of access







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## Other features to consider:

- **Parking**
  - Demand is different in villages and commercial corridors
  - Parking regulations differ by zone in other cities
  - Parking management plans and in-lieu-fees under discussion
- **Design Guidelines**
  - Guide features like building articulation, materials, rooflines, location of doorways and windows, and public space
  - Could be unique to each village's character
- **Special permit for buildings over 20,000 sq. ft.**
  - Building size *per se* does not determine impacts
  - May be redundant with S.P.s for height, FAR, parking, use
  - ZRG recommended that clearer zoning requirements could reduce the need for special permits

## Summary

Feature	BU1	BU4	BU5	Village Center Zone
Height/Stories	2 stories (3 by SP)	3 stories (8 by SP)	3 stories (4 by SP)	3 stories (5 by SP) stepbacks
FAR	1.0 (1.5 by SP)	1.5 (3.0 by SP)	1.5 (2.0 by SP)	1.5 (2.5 by SP)
Setbacks and building orientation	Minimum setback	Minimum setback	Minimum setback	Maximum setback
Active Uses	Not addressed	Not addressed	Uses limited to office and banks	Low-activity uses by SP at street level
Street-level access and transparency	Not addressed	Not addressed	Not addressed	Required



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Candace Havens  
Director

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## WORKING SESSION MEMORANDUM

**DATE:** June 8, 2012

**TO:** Alderman Marcia Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development   
Eve Tapper, Chief Planner for Current Planning  
Seth Zeren, Chief Zoning Code Official

**RE:** #150-09(3) Aldermen Albright, Johnson, and Linsky proposing that a parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4.

**MEETING DATE:** Working Session on June 11, 2012

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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## EXECUTIVE SUMMARY

At the Zoning and Planning Committee working session on May 29, the Planning Department presented an introduction to the rezoning of the Austin Street lot to permit a mixed-use development. In response to the questions raised at the working session, Planning staff has prepared a draft zoning text for a new zoning district: a Mixed-Use 4 District. In crafting this text, staff concluded that a new base zone would be most appropriate and the proposed text includes modest alterations to the Business 4 District (BU4). Like other zones in the City, this new zone could be applied to other parcels at the discretion of the Board of Aldermen. The Planning Department does not propose rezoning other parcels in Newtonville or other villages at this time, but rather, to add another zoning option to use as the Board sees fit. While the Board expressed interest and staff also supports creating design guidelines, in the interest of advancing the Austin Street project, as well as to give due consideration to guidelines that could be relevant citywide, staff recommends they be developed and considered

separately. Similarly, revisions to the City’s parking regulations are already being considered as part of other docket items and will require additional lengthy deliberation.

## **BACKGROUND AND PLANNING CONTEXT**

Initial discussions about the reuse of the City’s Austin Street parking lot for mixed-use development began in 2005. In March 2011, the Board of Aldermen appointed a Joint Advisory Planning Group (JAPG) to consider the reuse of the site. In June 2011, the JAPG submitted “The JAPG Report Austin Street Parking Lot,” spelling out the group’s recommendations. On May 29, the Planning Department presented an overview of the Austin Street JAPG report and staff analysis related to the proposed rezoning of the Austin Street parcel (see Planning Department report dated May 25, 2012 for analysis of the JAPG recommendations). The Planning Department supports the JAPG’s recommendations with only slight variations, most notably with regards to the height limit (96 feet is allowed by special permit in the BU4 zone).

## **RESPONSES TO QUESTIONS**

### Should the new zone be an overlay or base zone?

Base zones are the fundamental units of zoning. Most of Newton’s existing districts (SR-2, BU-1, M, etc.) are base zones. Base zones usually include a list of by-right and special permit uses and dimensional regulations, such as height, FAR, setbacks, etc. An overlay is added on top of an underlying base zone, typically modifying one or more features of the underlying zone. Examples of overlays include the Accessory Apartment Overlay Districts, which set higher standards for the location of accessory apartments, but leave all other rules in the zone unchanged; or historic overlay districts, which identify areas in which special considerations are given to ensure preservation of significant historic resources within district boundaries.

In general, best practices in zoning suggest that overlays are useful in limited situations where a specific area has some unique characteristic or need. Overlay districts that alter more than a few of the underlying regulations add substantial complexity to the zoning ordinance by requiring applicants, neighbors, and staff to consult multiple sections and interpret how two or more sets of rules might interact. Adjustments to dimensional standards and uses are generally addressed in the text of an underlying zone, as is the case here.

### How widely applicable should this zone be?

Unlike zoning created for Riverside, which is a unique site and for which the newly adopted MU3/TOD zoning will not be used elsewhere, there is no reason to restrict the use of the proposed new MU4 zone if it achieves the goals desired in other places. This zone (previously referenced as a Village zone) is not intended to be a one-size-fits-all template for all villages. While it can be useful in other places, it is likely that additional base zone variations may be needed to encourage the desired characteristics that are unique to certain other villages. This new zone may be used in the future as the Board of Aldermen deem appropriate, but is only being proposed for use on the Austin Street lot at the present time.

### Should this new zone include design guidelines?

Design guidelines can be used to further shape the exterior features and form of structures, such as rooflines, windows, materials, and aesthetics in general. As several aldermen at the last ZAP meeting indicated, design guidelines can take significant time to craft carefully. In addition, design guidelines will have a broader application citywide. Being mindful of the general sentiment that the rezoning of Austin Street not be unduly delayed and to assure a thoughtfully crafted set of guidelines, staff recommends establishing a working group to begin this work in parallel with the upcoming zoning reform.

### Is there a market for the allowed density?

The Planning Department is working with the Economic Development Commission to provide the Committee with information on the feasibility of development under the proposed zone to verify it will result in development that is economically viable, while also providing the public benefits requested by the Board.

### How can zoning encourage pedestrian activity and active uses?

Zoning cannot by itself create a lively pedestrian environment. Market forces, demographics, and culture play significant roles; however, zoning can create barriers to or incentives for the types of uses and buildings that can generate street vitality. For example, the draft Mixed-Use 4 District would allow an additional story of height if residences are included in the mix of uses. This, in turn, would bring more people, presumably consumers, into the area. The zone can employ maximum setbacks (also known as build-to lines) to bring buildings closer to the street and create a sense of enclosure and comfortable pedestrian connections.

### How should parking be addressed in this zone?

Staff has considered whether to include a shared-parking option within the text of the zone, but recommends against it at this time. While best practices in Planning for commercial villages such as Newtonville and others in the City favor shared-parking principles and incentives, allowing it in this zone and not in other adjacent zones could complicate future consideration of parking options and management. For example, it might be appropriate to create a parking overlay to reduce parking requirements in “shared parking areas,” such as near public transit or in mixed use areas. Such an overlay would apply to all zones within the designated area. If a shared parking reduction is already embedded in the new zone, an already-reduced parking requirement in the MU4 zone might reduce required parking to a level that fails to address parking demand adequately.

In the meantime, staff continues to recommend that the RFP for Austin Street require prospective developers to demonstrate that parking for any proposed development is sufficient to address existing parking demand *plus* demand from any new development to address the site-specific parking situation.

### Should there be an open space requirement?

While creation of open space generally is desirable, there may not be adequate land for creating meaningful spaces on smaller parcels. In consideration of the desire to foster it where feasible, staff recommends there be a requirement for 5% beneficial open space for parcels over one acre in size. This would apply to the Austin Street site, which is 1.7 acres and is consistent with prior Board recommendations.

What is the status of the Request for Proposals (RFP)?

Planning staff is currently working on a draft that will be released when zoning for the site has been determined. Meanwhile, City Engineering staff is preparing to survey the site conditions so this information also can be provided to potential developers at the same time.

What should the zone be called?

To properly reflect the intentions of this zone, the Planning Department recommends that the new zone be entitled the “Mixed-Use 4” District, per Alderman Yates’ suggestion. As mixed-use development is the goal of this rezoning, it is logical to call it what it is: a mixed-use zone.

**SUMMARY OF PROPOSED TEXT**

Building from the recommendations of the JAPG and in response to the comments and questions raised by the Committee at the working session on May 29, 2012, staff prepared draft text for a Mixed-Use 4 District (Attachment A). The proposed Mixed-Use 4 District incorporates the following changes to the Business 4 District to foster the type of mixed-use development envisioned for this site:

- Statement of purpose
- Updated list of uses
- Minimum height of two stories, allowing up to four stories by special permit or five if residential uses are included
- Maximum setback (build-to lines), with exceptions by special permit
- Larger side and rear setbacks when abutting residential districts
- Stepped-back setbacks for upper floors to minimize visual impacts
- Lower lot area per unit standard to encourage affordability and diversity of housing types
- Street-level transparency requirement
- Open space requirement for larger sites
- Definitions for “street-level” and “mixed-use residential buildings”

**NEXT STEPS**

Based on Committee feedback, staff will provide additional information and/or revisions to a draft text for consideration at the next ZAP meeting.

**ATTACHMENT A:** Draft Zoning Text for the Mixed-Use 4 District

## Draft Zoning Text for the Mixed-Use 4 District

Version 1.0, June 5, 2012

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### **Section 30-13(h) Establishment and purpose of the Mixed-Use 4 District**

**(1) Purpose.** The purpose of the Mixed-Use 4 District is to:

- a) 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*.
- b) Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
- c) Allow sufficient density and intensity of uses to support a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
- d) Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and create sense of place and community.

**(2) Allowed uses.** In Mixed-Use 4 Districts, subject to the density and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19, land, buildings and structures may be used, or may be designed, arranged or constructed for one or more of the following purposes:

- a) Office;
- b) Retail sales, **including but not limited to specialty food store, convenience store, newsstand, bookstore, food coop, retail bakery, general merchandize store,** but excluding sale of motor vehicles;
- c) Library or museum;
- d) Bank, excluding drive-in facilities
- e) Theatre, hall or club; *(now by special permit)*
- f) Personal services, **including but not limited to barbershop, salon, tailor, cobbler, personal trainer or fitness studio, laundry, and dry cleaning drop-off;**
- g) Job printing establishment, provided, that no more than three thousand (3,000) square feet are used for work and storage;
- h) Restaurant having not more than fifty (50) seats which are not open for business between the hours of 11:30 p.m. and 6:00 a.m., and further provided that such restaurants are not fast food establishments;
- i) Dwelling units above the first floor, provided that the first floor is used for a use allowed in Section 30-13(h)(2) **or Section 30-13(h)(3);**
- j) **Car-sharing services, bike rental, electric car-charging stations that reduce reliance on single-occupancy vehicles;**
- k) ~~Accessory parking facilities, provided that such facilities are limited to a single level~~ **Parking facilities, both public and accessory to other uses;**
- l) **Open air businesses and appurtenant buildings or structures;**
- m) A dwelling for one (1) or two (2) families in existence as of January 1, 2000, but only on a lot abutted on two or more sides by lots in residentially zoned districts and subject to the density and dimensional controls set out in Section 30-15 Table 1 for the aforesaid abutting residentially zoned lots;
- n) Other uses similar or accessory to those authorized by Section 30-13(h)(2).

**(3) Special Permits.** In Mixed-Use 4 Districts, the board of aldermen may grant a special permit in accordance with the procedures in section 30-24 and the purpose of this section, subject to the density

and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19, to use land, buildings and structures for one or more of the following purposes:

- a) ~~Hospital, sanitarium, convalescent or rest home;~~
- b) Broadcasting studio;
- c) ~~Laboratory;~~
- d) Hotel/motel;
- e) **Theatre, hall or club;**
- f) ~~Funeral home;~~
- g) Job printing establishment using more than three thousand (3,000) square feet for work and storage;
- h) Multifamily dwelling;
- i) Non-accessory parking facilities;
- j) Restaurant having over fifty (50) seats which is not open for business between the hours of 11:30 p.m. and 6:00 a.m., except that such restriction as to hours of operation shall not apply to a hotel or motel restaurant;
- k) ~~Drive-in or open-air business and appurtenant buildings or structures, or a drive-in business as part of any building or land used for the purposes authorized by section 30-11(a);~~
- l) Elderly housing with services, including residential care facilities and congregate care facilities. The board of aldermen may grant a special permit according to the procedures of section 30-24 for elderly housing with services with a lot area of no less than four hundred (400) square feet per dwelling unit;
- m) Other uses similar or accessory to those authorized by section 30-13(h)(3).

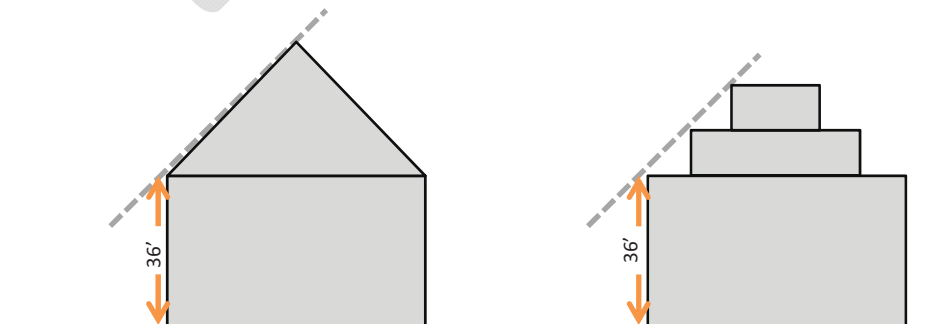
**30-15(w) Design Standards for the Mixed-Use 4 District.** Notwithstanding any provisions of Section 30-15 to the contrary, buildings and structures in the Mixed-Use 4 Zone shall conform to the following standards:

**(1) Height.** Buildings in the Mixed-Use 4 Zone shall be a minimum of two stories and shall conform to the limits for building height and stories established in Section 30-15 Table 3.

**(2) Mixed-Use Residential Incentive.** Buildings that meet the definition of Mixed-Use Residential Buildings per Section 30-1 shall conform to the specific limits for building height and stories established in Section 30-15 Table 3.

**(3) Setbacks.**

- a) No minimum front setback is required. The maximum front setback shall be ten feet. At least 50% of the building façade facing a front lot line must be no further than ten feet from the front lot line. The board of aldermen may grant a special permit in accordance with the procedures in section 30-24 and the purpose of Section 30-13(h) to vary these setback requirements.
- b) No side or rear setbacks are required, except where abutting a residential district the required side and rear setbacks shall be twenty (20) feet.
- c) Any portion of a building greater than 36 feet in height must be setback one foot from the façade of the exterior wall for each additional foot of height.





**(4) Transparency.** Commercial uses in a Mixed-Use 4 Zone must meet the following transparency requirements:

- a) A minimum of 60% of the street-facing building façade between two feet and eight feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas.
- b) Display windows used to satisfy these requirements must be regularly updated and maintained and illumination shall be internal to the façade of the building.

**(5) Open Space.** Parcels greater than one acre in area shall provide no less than 5% beneficial open space.

**Add the following to Section 30-15, Table 1:**

Zoning District	Minimum Required Lot Area	Lot Area per unit <sup>1</sup>	Frontage	
Mixed-Use 4	10,000	600	80	SEE TABLE 3 for other dimensional controls

**Add the following to Section 30-15, Table 3:**

Zoning District	Max. # of Stories	Bldg. Ht. (ft.)	Total Floor Area Ratio	Gross Floor Area/ Site Plan Approval (SF)	Threshold by Special Permit (Gross Floor Area; SF)	Min Lot Area (SF)	Lot Coverage	Beneficial Open Space	Front (feet)	Side (ft.)	Rear (ft.)
<b>Mixed-Use 4</b>											
As of Right <sup>14</sup>	2	24	1.0	10,000-19,999	20,000	10,000	N/A	N/A	0	0	0
By Special Permit <sup>14</sup>	4	48	2.0	10,000-19,999	20,000	10,000	N/A	N/A	0	0	0
Mixed-use residential Building, by right <sup>14</sup>	3	36	1.5	10,000-19,999	20,000	10,000	N/A	N/A	0	0	0
Mixed-use residential Building, by Special Permit <sup>14</sup>	5	60	2.5	10,000-19,999	20,000	10,000	N/A	N/A	0	0	0

<sup>14</sup> See sec. 30-15(w) for additional dimensional requirements for developments within the Mixed-Use 4 Zone.

**Add the following definitions to Section 30-1: Definitions**

**Mixed-use residential building:** A building occupied by residential uses and one or more of the following street-level uses: retail, personal services, restaurant, or other similar high-activity, non-residential uses.

**Street-level:** Any level of a building, the floor of which is located between four feet below and four feet above the average sidewalk grade.