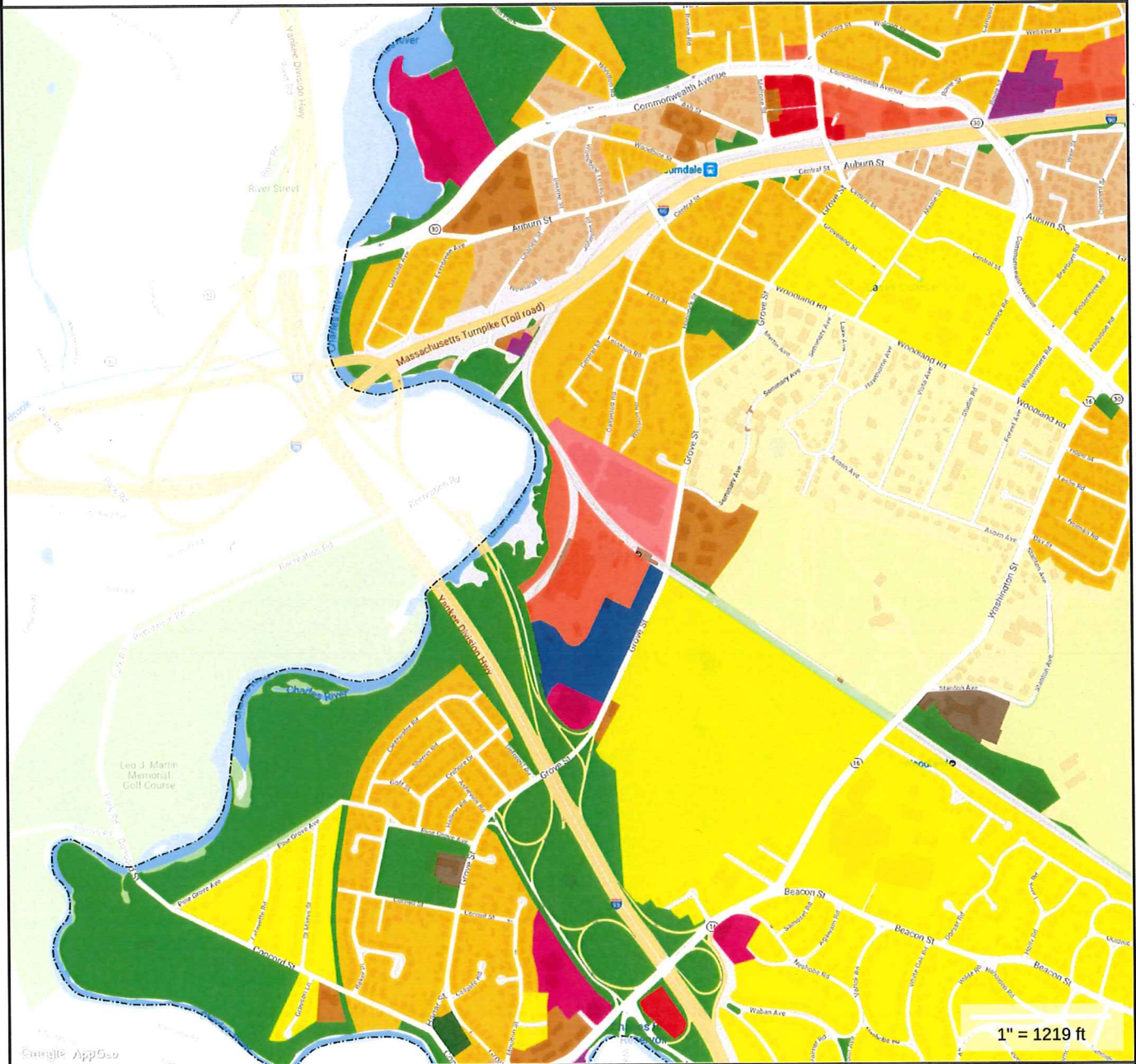


The Development Parcel consists of land in the MU-3 Zoning District.

Within the MU-3 zoning district, the allowed as of right uses include: residential, live/work space, community use space, standalone ATM, business incubator, car sharing service, dry cleaning or laundry, health club, office, personal service up to 5,000 square feet, research and development, restaurant, retail sales under 5,000 square feet, government offices, library, museum or similar institution. Buildings of up to 36' in height are allowed by right.

Copies of the dimensional and use tables from the Newton Zoning Ordinances are included herewith along with a Zoning Map for the immediate area.



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Newton, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/09/2018
Data updated 11/14/2018

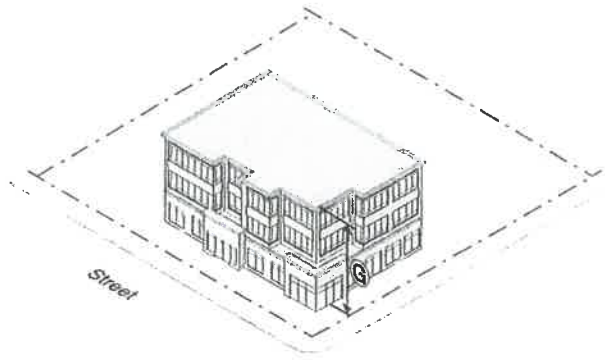
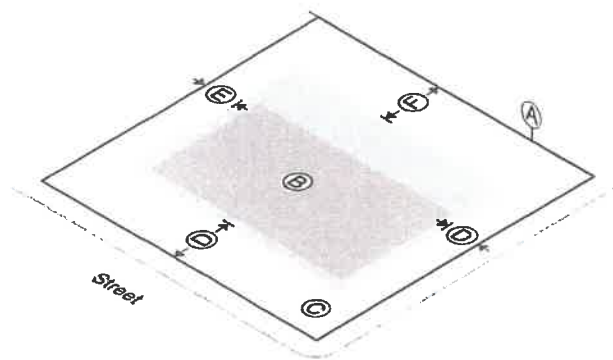
Map Theme Legends

Zoning

Zoning

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi Residence 1
-  Multi Residence 2
-  Multi Residence 3
-  Multi Residence 4
-  Business 1
-  Business 2
-  Business 4
-  Business 5
-  Limited Manufacturing
-  Manufacturing
-  Mixed Use 1
-  Mixed Use 2
-  Mixed Use 3
-  Mixed Use 4
-  Open Space/Recreation
-  Public Use

4.1.3. All Building Types in Business Districts



Business Districts	BU1	BU2	BU3	BU4	BU 5
Lot Dimensions					
(A) Lot Area (min)					
2 stories or less	10,000 sf	10,000 sf	10,000 sf	10,000 sf	0 sf
3 stories	10,000 sf	10,000 sf	10,000 sf	10,000 sf	0 sf
4 stories	--	10,000 sf	10,000 sf	10,000 sf	0 sf
5 stories	--	--	--	25,000 sf	--
6 stories	--	--	--	30,000 sf	--
7 stories	--	--	--	35,000 sf	--
8 stories	--	--	--	40,000 sf	--
(B) Lot Coverage (max)	--	--	--	--	0.25
(C) Beneficial Open Space	--	--	--	--	--
Setbacks					
(D) Front (min)					
2 or 3 stories	Average*	Average*	Average*	Average*	15'
4 or more stories	--	Lesser of ½ bldg ht or Average*	Lesser of ½ bldg ht or Average*	Lesser of ½ bldg ht or Average*	15'
(E) Side (min)	½ bldg ht or equal to abutting side yard setback; abutting residential district: greater of ½ bldg ht or 15'				10'; 20' abutting residential district
(F) Rear (min)	Abutting residential or Public Use district Not abutting residential or Public Use district				Greater of ½ bldg ht or 15' 0' 15'; 20' abutting residential district
Height					
(G) Height (max)					
2 stories	24'	24'	36'	36'	36'
3 stories	36'	36'	36'	36'	36'
4 stories	--	48'	48'	48'	48'
5 stories	--	--	--	60'	--
6 stories	--	--	--	72'	--
7 stories	--	--	--	84'	--
8 stories	--	--	--	96'	--
(G) Stories (max) see also Sec. 4.1.2.B.3.	3	4	4	8	4
Floor Area Ratio					
Floor Area Ratio (max)					
2 stories	1.00	1.00	--	--	--
3 stories	1.50	1.50	1.50	1.50	1.00
4 stories	--	2.00	2.00	2.00	1.50
5 stories	--	--	--	2.25	--
6 stories	--	--	--	2.50	--
7 stories	--	--	--	2.75	--
8 stories	--	--	--	3.00	--

* Average setback is described in Sec. 1.5.3 In a Business 1, 2, 3 and 4 district, a vacant lot or a lot where a building is set back more than 10 feet is counted as though occupied by a building set back 10 feet. -- Not Allowed

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	--	--	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; Ord. No. B-37, 09-03-19)

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
Bed & Breakfast	SP	SP	--	--	--	--	--	--	--	--	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/SP	Sec. 6.4.24
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	SP	SP	--	SP	SP	SP	Sec. 6.4.24
Parking facility, accessory, multi-level	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	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

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Radio or television broadcasting studio	SP	SP	SP	SP	SP	--	SP	--	--	L	--	Sec. 6.4.27
Radio, or television transmission station	--	--	--	--	SP	SP	--	--	--	SP	--	Sec. 6.4.27
Research and development	--	--	--	--	--	--	--	P	--	--	--	Sec. 6.4.28
Restaurant	L/SP	L/SP	L/SP	L/SP	--	SP	P/SP	P/SP	P/SP	--	L/SP	Sec. 6.4.29
Retail sales, under 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	Sec. 6.4.30
Retail sales, over 5,000 square feet	P	P	P	P	--	SP	P	SP	SP	--	P	Sec. 6.4.30
Service establishment, up to 5,000 sq. feet	P	P	P	P	--	SP	P	--	P	--	--	Sec. 6.4.31
Service establishment, over 5,000 sq. feet	P	P	P	P	--	SP	P	--	SP	--	--	Sec. 6.4.31
Stable, public	--	--	--	--	--	--	--	--	--	--	SP	Sec. 6.4.32
Taxidermist	--	--	--	--	--	--	--	--	--	--	P	Sec. 6.4.33
Vehicle repair shop, minor	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.34
Vehicle repair shop, major	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.34
Vehicles sales and service facility, indoor	--	SP	--	--	--	SP	SP	--	--	SP	--	Sec. 6.4.35
Vehicles sales and service facility, outdoor	--	SP	--	--	--	SP	--	--	--	SP	--	Sec. 6.4.35
Veterinary hospital	--	SP	--	--	--	SP	SP	--	SP	P	P	Sec. 6.4.36
Industrial Uses												
Assembly or fabrication of materials manufactured off premise	--	--	--	--	--	P	SP	--	--	P	--	Sec. 6.5.1
Bakery, wholesale	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.2
Boat building, storage and repair	--	--	--	--	--	--	--	--	--	L	P	Sec. 6.5.3
Bottling works (except for alcoholic beverages)	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.4
Building materials sales yard and storage building	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.5
Contractor's yard	--	--	--	--	--	--	--	--	--	P	--	Sec. 6.5.6
Feed and seed store	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.7
Food processing, wholesale	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.8
Laboratory and research facility	SP	SP	SP	SP	SP	P	P	SP	P	P	P	Sec. 6.5.9
Laundry, cleaning & dyeing establishment	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.10
Manufacturing	--	--	--	--	--	L	--	--	--	P	P	Sec. 6.5.11
Manufacturing, molding, shaping or assembly from prepared materials (including repairs)	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.11
Paint store	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.12
Printing, publishing and reproduction establishment	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.13
Sign painting shop	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.14
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed												

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Telecommunications and data storage facility	--	--	--	--	--	SP	--	--	--	--	SP	Sec. 6.5.15
Trash or yard waste, collection, storage, transfer-haul or composting	--	--	--	--	--	--	--	--	--	--	--	Sec. 6.5.16
Vehicle storage	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.5.17
Wholesale business or storage facility	--	L	--	--	--	SP	--	--	--	L	L	Sec. 6.5.18
Wholesale distribution plant	--	--	--	--	--	--	--	--	--	--	P	Sec. 6.5.19
Wireless communication equipment	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	Sec. 6.9
Manufacturing, uses not allowed by right	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.5.11
Open Space Uses												
Agriculture, on a parcel of 5 or more acres	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.6.1
Agriculture, on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.1
Resource extraction	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.4
Restricted Uses												
Adult business	--	--	--	--	--	SP	--	--	--	--	SP	Sec. 6.10.1
Keno	SP	SP	SP	SP	--	SP	SP	SP				Sec. 6.10.2
Registered marijuana dispensary	--	SP	--	SP	SP	SP	--	--	--	--	--	Sec. 6.10.3
Craft Marijuana Cooperative	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	SP	SP	Sec. 6.10.3
Marijuana Cultivator	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Marijuana Product Manufacturing	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Marijuana Research Facility	--	--	--	--	--	--	--	--	--	SP	SP	Sec. 6.10.3
Marijuana Retailer	--	SP	--	SP	SP	SP	--	--	--	--	--	Sec. 6.10.3
Marijuana Transporter	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
Microbusiness	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.10.3
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed												

See [Sec. 7.8.4](#), Substandard Commercial Lots.

(Ord. No A-72, 04/04/16; Ord. No A-73, 04/04/16; Ord. No. A-99, 01/17/17; Ord. No. A-113, 06-19-17; Ord. No. B-5, 03-19-18; Ord. No. B-16, 12-03-18)

- 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.

- 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.
- 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 (min)	10,000 sf	10,000 sf	800 sf	1,000 sf

- 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.

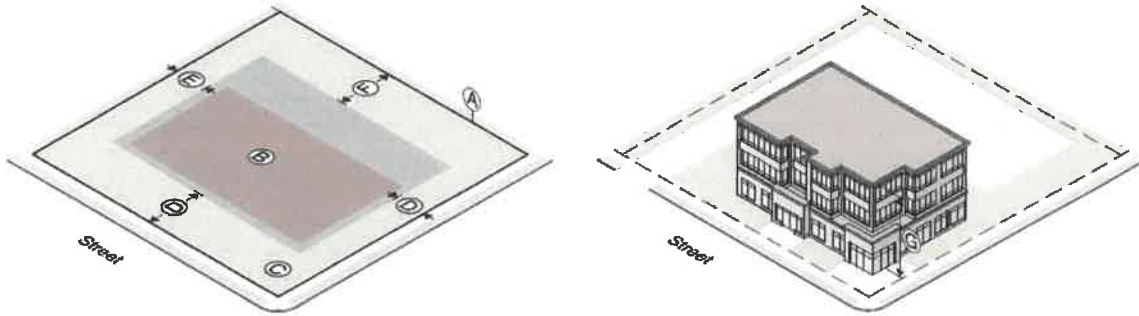
B. Approval Process.

- Special Permit Required.** A special permit is required for any development in a mixed use district of 20,000 square feet or more.
- 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.
- 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

4.2.3 All Building Types in Mixed Use Districts



Mixed Use Districts	MU1	MU2	MU3	MU4
Lot Dimensions				
A Lot Area (min)				
2 stories	40,000 sf	10,000 sf	11 ac	10,000 sf
3 stories	40,000 sf	10,000 sf	11 ac	10,000 sf
4 stories	40,000 sf	10,000 sf	11 ac	10,000 sf
5 stories	--	--	11 ac	10,000 sf
B Lot Coverage (max)	--	--	--	--
C Beneficial Open Space	--	--	n/a by right; 15% by special permit	See Sec. 4.2.5
Building Setbacks				
D 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'		
E 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'		

F	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

G	Height (max)			36' by right;	
	2 stories	36'	24'	170' by	24'
	3 stories	36'	36'	special permit	36'
	4 stories	48'	48'		48'
	5 stories	--	--	See Sec. 4.2.4	60'
G	Stories (max) see also Sec. 4.2.2	3	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 170' =	1.50
	4 stories	2.00	2.00	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

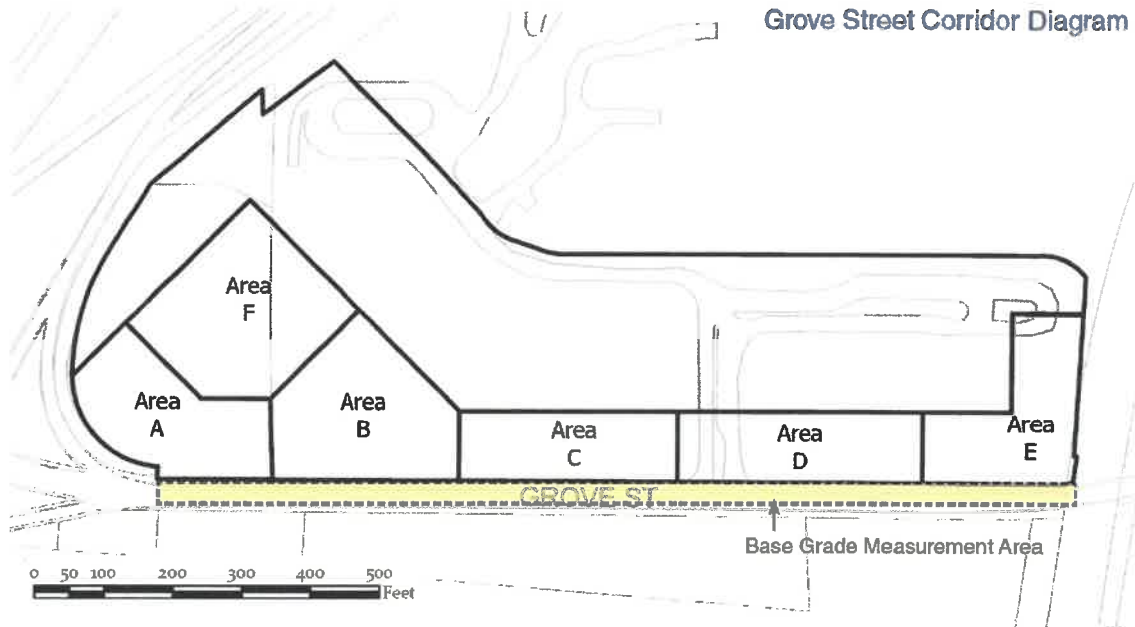
Any development permitted by special permit must meet the following requirements and the requirements of [Sec. 4.2.3](#). The City Council may grant a special permit to allow exceptions to the by-right dimensional standards of the MU 3/TOD, provided that the requirements of this [Sec. 4.2.4](#), are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

A. Building Height. Buildings in the MU3/TOD district must conform to the following:

1. **Grove Street Corridor Building Height.** The following rules apply to buildings along the Grove Street Corridor according to the area in which they are located as shown in the Grove Street Corridor Diagram.
 - a. For the purposes of this section [4.2.4.A.1](#) building height for those buildings in Areas A through E is measured as the vertical distance between the lowest grade of the Grove Street right of way within the Base Grade Measurement Area, as shown in the Grove Street Corridor Diagram, closest to the subject building at a point perpendicular to the subject building to the highest point of the roof. For all other areas in the MU3/TOD district, height is measured as described in Section [1.5.4](#).
 - b. The following maximum building heights apply within the different areas as shown in Grove Street Corridor Diagram:
 - i. Area A. 74 feet, provided that the top story is set back a minimum of 10 feet from the building facade along Grove Street.
 - ii. Area B. 64 feet, provided that the top story is set back a minimum of 10 feet from the building facade along Grove Street.

- iii. Area C. 50 feet.
- iv. Area D. 55 feet.
- v. Area E. 76 feet, provided that the top story is set back a minimum of 10 feet from the building facade along Grove Street.

2. **Area F Height.** The maximum building height in Grove Street Corridor Area F is 70 feet.



- 3. For the purposes of sections [4.2.4.A.1](#), and [4.2.4.A.2](#) height excludes parapets, HVAC equipment, elevator overrides and elements, stair towers, and the exclusions from height set forth in Section 1.5.4.A.1.a through d.
- 4. **Height Modifications.** A special permit may be granted to allow for increases in building height in the Grove Street Corridor Areas A through F of no more than 4 feet if the City Council finds that the proposed buildings are consistent with, and not in derogation of, the size, scale, and design of other structures.
- 5. **Height Generally.** Buildings in the MU3/TOD district must not exceed the 170 foot height limit, including all rooftop mechanical equipment, whether or not enclosed.

B. Grove Street Setback.

- 1. The setback along Grove Street is 25 feet excluding those portions of Grove Street that are part of a state highway right-of-way or land owned by a Commonwealth of Massachusetts instrumentality.
- 2. Balconies and canopies may project into the setback.
- 3. By special permit, the setback in Areas C, D, and E, as shown in the Grove Street Corridor Diagram, may be reduced to 20 feet if it is determined that the proposed setback is adequate to protect abutting uses.
- 4. There are no other required setbacks in the MU3/TOD district.

5. Building Spacing. A principal building that fronts on Grove Street must be a minimum of 15 feet from any other principal building in the district that also fronts on Grove Street.

C. Beneficial Open Space. At least 42,450 square feet of the beneficial open space required by Sec. 4.2.3 for a mixed-use development must be freely open to the public. Any portion of the beneficial open space designated as open to the public must be:

1. At least 400 square feet and at least 20 feet in width and 20 feet in length;
2. Not on rooftops or other elevated portions of buildings; and
3. Designed to accommodate public congregation and use, including any necessary amenities or infrastructure. Examples of such spaces include plazas, parks, playgrounds, playing fields, and community gardens.

D. 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. Gross Floor Area.

E. 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.

F. 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 11 acres in size and does not create or expand any nonconformities.

G. Intensity of development.

1. The development must have at least one use from each of the three categories (A, B, and C).
 - 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 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. 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.

H. Maximum Gross Floor Area. The total gross floor area of all uses in the MU3/TOD district must not exceed 1,025,000 square feet. The total gross floor area of Category C uses must comprise no less than 60 percent of the total gross floor area of Categories A, B, and C uses. Category A uses must not exceed 300,000 square feet of gross floor area.

I. 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.

J. Vehicular Access. Any development in the MU3/TOD district must provide for vehicular access with the following requirements and limitations:

1. Must provide a minimum of 2 primary means of vehicular non-emergency access.
2. No means of vehicular non-emergency access shall be located within 450 linear feet along Grove Street from the northeast corner of the development parcel.
3. 1 of the primary means of vehicular non-emergency access must provide access to and from Route 128/I-95 northbound without utilizing Grove Street. The timing of when this access must be provided will be determined during the special permit process.

(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:

weekday evening adjusted volume projected per Sec. 7.3.6.B.5. by more than 10 percent as a result of traffic generated by the mixed-use development. Within 6 months of notification, the owner of the mixed-use development site shall begin mitigation measures (reflecting applicable roadway design standards at the time and pending receipt of all necessary state and local approvals), as described in the roadway and transportation plan submitted by the applicant and listed in the mixed-use development special permit in order to reduce the trip generation to 110 percent or less of the adjusted volume. Such reduction is to be achieved within 12 months after mitigation begins. The Commissioner of Public Works and Director of Planning and Development must approve any mitigation efforts prior to implementation.

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

3. In Table 4.4.1 Business, Mixed Use & Manufacturing Districts, insert into the MU3 column for each of the uses below the following requirements:

	<u>MU3</u>
Animal service, excluding overnight boarding	SP
Parking facility, accessory, single level	P
Parking facility, non-accessory, single level	SP
Parking Facility, accessory, multi-level	SP
Parking facility, non-accessory, multi level	SP

Approved as to legal form and character:

ALISSA O. GIULIANI
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
22 yeas 0 Nays 2 Absent (Councilors Brousal-Glaser and Lappin)

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____