

Attachment A

Sec. 1.5. Rules of Measurement

1.5.4. Height

A. Defined:

1. The vertical distance between the elevations of the average grade plane and the highest point of the roof. Not included in such measurements are:
 - a. Cornices which do not extend more than 5 feet above the roof line;
 - b. Chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed 15 feet in height above the roof line;
 - c. Enclosures for tanks which do not exceed 20 feet in height above the roof line and do not exceed in aggregate area 10 percent of the area of the roof; and
 - d. Solar panels which do not extend more than 1 foot above the ridgeline or in the case of a flat roof, no more than 4 feet above the parapet, unless greater extensions are allowed by special permit; and
 - e. Towers, spires, domes and ornamental features.
2. No space above the maximum height shall be habitable.

B. Story. That portion of a building, any part of which is above the ground elevation, excluding basements, contained between any floor and the floor or roof next above it. **No portion of a building shall be erected which exceeds the allowed maximum number of stories or exceeds the allowed maximum height, as indicated, except as set forth in Section 1.5.4.A.1. above or in Section 4.2.4.A.3 for buildings in the MU3 district.**

Sec. 4.1. Business Districts

4.1.1. District Intent

[Reserved]

4.1.2. Dimensional Standards

A. Applicability.

1. The density and dimensional controls in Sec. 4.1.2 and Sec. 4.1.3 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 Business districts, the following residential density control shall apply:

Business District	BU1	BU2	BU3	BU4
Lot Area Per Unit (min)	1,200 sf	1,200 sf	1,200 sf	1,200 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.
4. Where a lot does not meet these standards it is nonconforming (see Sec. Sec. 7.8).

B. Approval Process.

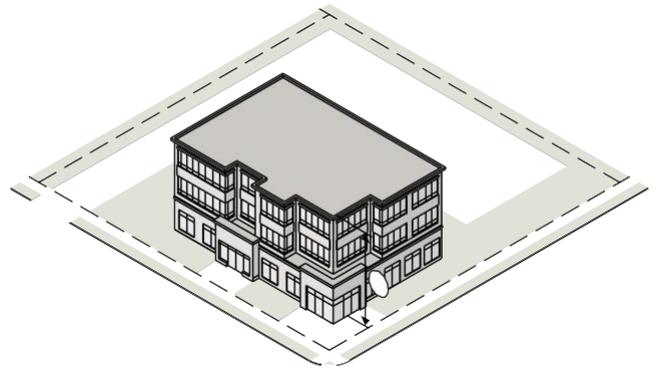
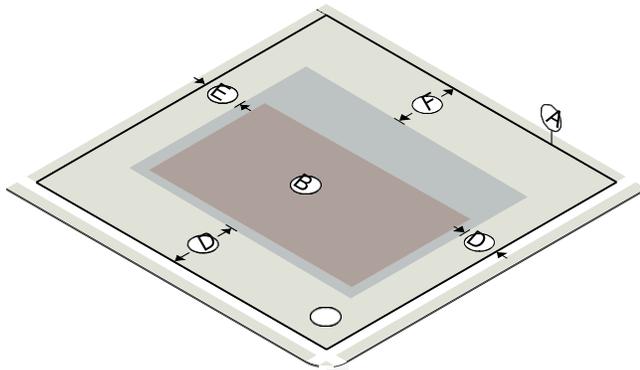
1. **Special Permit Required.** A special permit is required for any development in the business districts of 20,000 square feet or more of new gross floor area.
2. **Site Plan Review Required.** A site plan is required for any development in the business districts that ranges from 10,000 to 19,999 square 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	BU1	BU2	BU3	BU4	BU5
<u>Stories(max) – by right² stories</u>	<u>2^P</u>	<u>2^P</u>	<u>3^P</u>	<u>3^P</u>	<u>3^P</u>
<u>Stories(max) – by Special Permit³ stories</u>	<u>3^{SP}</u>	<u>4^{SP}</u>	<u>4^P</u>	<u>8^P</u>	<u>4^P</u>
<u>4 stories or more</u>	<u>—</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

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

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
Height (max)					
Height – by Right	24'	24'	36'	36'	36'
Height – by Special Permit	36'	48'	48'	96'	48'
Floor Area Ratio					
Floor Area Ratio (max)					
Up to 2 stories	1.00	1.00	1.50--	1.50--	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. 4.2. Mixed Use Districts

421. 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)

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 (min)	10,000 sf	10,000 sf	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
Stories (max) - by right 2-stories	3P	2P	3NA	3P

Stories (max) – by Special Permit. See also Sec. 4.2.23-stories	4P	5SP	11NA	8
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3-stories, mixed use residential	NA	NA	NA	P
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421. Dimensional Standards

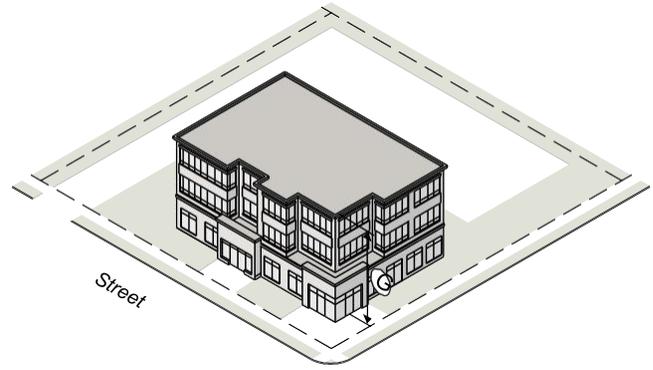
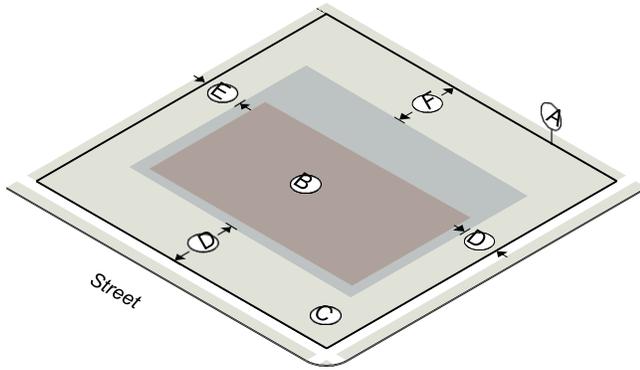
A. Applicability

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)

422 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; 135' by special permit	24'
3 stories	36'	36'		36'
4 stories	48'	48'		48'
5 stories	--	--		60'
Ⓖ Stories (max) see also Sec. 4.2.2	3	4	4	8

Height (max)				
Height – by Right	36'	24'	36'	24'
Height- by Special Permit	48'	48'	170'	60'

Floor Area Ratio

<u>Up to 2 stories</u>	1.50	1.00	1.0 up to 36' 4.0	1.00
3 stories	1.50	1.50	1.0 up to 135'	1.50
4 stories	2.00	2.00	=2.4 2.5	2.00
5 stories	--	--	2.5	2.50
<u>6 stories and above</u>	--	--	2.5	--

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.

Sec. 4.3. Manufacturing Districts

4.3.1. District Intent

[Reserved]

4.3.2. Dimensional Standards

A. Applicability.

1. The density and dimensional controls in Sec. 4.3.2 and Sec. 4.3.3 apply to all buildings, structures and uses in each of the listed districts.
2. 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.
3. Where a lot does not meet these standards it is nonconforming (see Sec. 7.8).

B. Approval Process.

1. **Special Permit Required.** A special permit is required for any development in the manufacturing districts of 20,000 square feet or more of new gross floor area.
2. **Site Plan Review Required.** A site plan review is required for any development in the manufacturing districts 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.

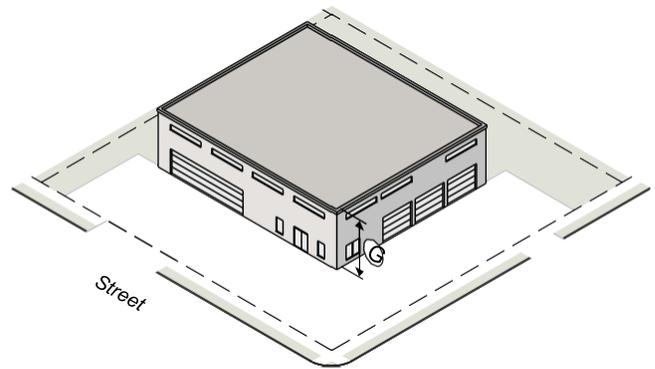
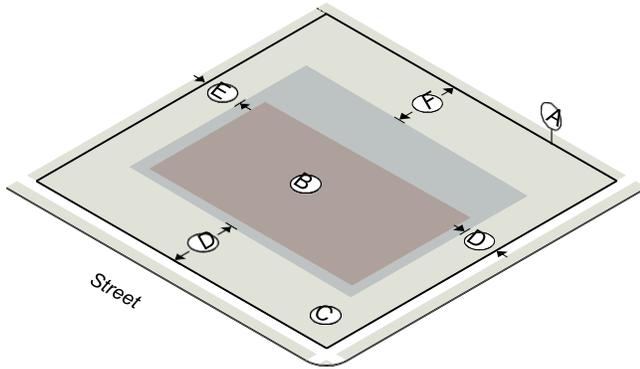
3. **Stories.** A special permit is required based on stories according to the following table:

Stories	LM	M
Stories (max) -by right 2-stories	3^P	2^P
Height – by Special Permit 3-stories	3^P	3^{SP}

~~P = Allowed by Right
SP = Special Permit by City Council Required~~

(Ord. No S-260, 08/03/87)

433 All Building Types in Manufacturing Districts



Manufacturing Districts		LM	M
Lot Dimensions			
A	Lot Area (min)		
	2 stories	0	10,000 sf
	3 stories	0	10,000 sf
B	Lot Coverage (max)	0.25	--
C	Beneficial Open Space	--	--
Building Setbacks			
D	Front (min)	25'	Greater of 15' or ½ bldg ht or Average*
E	Side (min)		
	Abutting residential or public use district	40' abutting residential district	Greater of ½ bldg ht or 20' abutting residential or public use district
	Not abutting residential district	20'	½ bldg ht
	Parking setback	5'	5'; None for landscaping
F	Rear (min)		
	Abutting residential or public use district	40' abutting residential district	Greater of ½ bldg ht or 20' abutting residential or public use district
	Not abutting residential or public use district	20'	½ bldg ht
	Parking setback	5'	5'; None for landscaping
Building and Structure Height			
G	Height (max)		
	Height – by right 2-stories	36' 24'	24'
	Height- by special permit 3-stories	36' 36'	36'
	Stories (max) see also Sec. 4.3.2.B.3.	3	3
Floor Area Ratio			
	Floor Area Ratio (max)		
	Up to 2 stories	**	1.00
	3 stories	**	1.50

-- Not Allowed

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

** [Refer to Wells Avenue deed restrictions and amendments](#)