

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 blocked 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 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.
3. **Residential Density.** The City Council may grant a special permit to waive the lot area per dwelling unit requirement of Sec. 4.2.3. by finding that the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in Sec. 4.2. Mixed Use Districts | Article 4. Business, Mixed Use & Manufacturing Districts 4-14 Chapter 30: Zoning Ordinance | Newton, Massachusetts the vicinity, and better achieves the purposes of this district than strict compliance with these standards.
4. **Setbacks.** The City Council may grant a special permit to waive the following setback requirements by finding the proposed plan can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following standards:
 - a. A minimum of 75 percent of the frontage of the lot facing a public way shall contain a building or buildings, the first floor facade of which is setback between 0 and 10 feet from lot line.
 - b. No side or rear setbacks are required, except, where abutting a residential district, the required side and rear setbacks shall be no less than 20 feet.
 - c. Any portion of a building greater than 40 feet in height must be setback 1 foot from the adjacent lot line for each additional foot of height.
5. **Accessibility.** The design of the buildings and the site plan shall comply with the Americans with Disabilities Act and the rules and regulations of the Massachusetts Architectural Access Board.
6. **Transparency and Entrances.** Commercial uses in a Mixed Use 4 district must meet the following requirement. The City Council may grant a special permit to waive these requirements by finding the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with the following standards:
 - a. There shall be at least one entrance every 50 feet of building frontage facing a public way
 - b. A minimum of 60 percent of the street-facing building facade between 2 feet and 8 feet in height above the street-level floor must consist of clear windows that allow views of indoor space or display areas.

- c. Display windows used to satisfy these requirements shall be changed and maintained to create an active window Article 4. Business, Mixed Use & Manufacturing Districts | Sec. 4.2. Mixed Use Districts Chapter 30: Zoning Ordinance | Newton, Massachusetts 4-15 display; any illumination of the display shall be internal to the facade of the building.
 7. **Lobbies for Low-Activity Uses.** This district permits office uses at street level by special permit only. Entryways and lobbies at street level are allowed for office uses occurring above or below street level subject to the following requirements:
 - a. Any dedicated entranceway and lobby space for such uses may not exceed a total of 15 linear feet of an exterior building wall and 400 square feet of gross floor area.
 8. **Open Space.** Parcels greater than 1 acre in area shall provide beneficial open space totaling no less than 5 percent of the total lot area. Parcels smaller than 1 acre in area are encouraged to provide and maintain attractive landscaping where it enhances the public realm, environmental sustainability, and/or the appearance of the site.
- B. **Special Permit.** In granting a special permit for a use allowed in this district, the City Council shall make a finding that the proposed use will encourage an active, pedestrian-oriented streetscape throughout the day and week, that the proposed use fills a demonstrated need for the use within the vicinity, and that the proposed use is not inconsistent with the purposes of the Mixed Use 4 district or the City's Comprehensive Plan.