

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE MASSACHUSETTS GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. A. Chapter 650, is hereby amended by inserting in paragraph B. of § 650-5, entitled “Definitions, word usages”, the following new definitions:

Artist Studios/Live/Work Gallery Space

The use of all or a portion of a structure for both habitation and work by persons engaged in the creation, manufacture or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking, or the composition of music (but not to include Adult Entertainment). Sales of artist-created work are also permitted in a portion of the space.

Recording Studio/Live/Work Space

The use of all or a portion of a structure for both habitation and work by persons engaged in sound recording and mixing, which studio may be used to record musicians, voice-over artists for advertisements or dialogue replacement in film, television or animation, or to record their accompanying musical soundtracks, to be stored on tapes, records, compact disks, computers or other storage devices.

Bed and Breakfast

An owner-occupied dwelling unit in which 8 or fewer rooms without kitchen facilities are let, on an overnight basis, as a temporary sleeping quarters for persons who have their residence elsewhere. Food and beverage service is limited to breakfast for registered, paying overnight guests at no additional cost. The length of occupancy by a registered guest does not exceed 14 days. Hotels, motels, boarding, lodging or rooming houses are not classified as Bed and Breakfast establishments. Extended stay may be permitted beyond fourteen days with the approval of the Building Commissioner. Such approval shall be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested.

Brew Pub

Restaurants which are licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts, under the relevant statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and/or ale on the premises which may be sold wholesale to other establishments, but not more than 20% of the production capacity.

Hotel

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is through the lobby and interior corridors. This definition does not include boarding, lodging or rooming houses.

Motel

An establishment providing lodging for guests on a short-term basis; dining rooms, function rooms and other support services may be included. Access to the individual sleeping rooms is directly from parking spaces or by an exterior walkway.

Drive-thru Facilities

The use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-thru facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Mixed Use

A combination of Permitted (Y) or Special Permit (SP) Residential/Business Uses as listed in § 650-17, Table of Use Regulations, for a particular zoning District, located on the same lot and arranged vertically in multiple stories of a structure or horizontally adjacent to one another in one or more buildings.

The mix of uses shall be balanced and compatible and shall contribute to a vibrant downtown atmosphere, including a combination of ground floor street front uses such as retail or restaurant.

Ground floors of buildings fronting streets or public access ways shall be reserved for non-residential uses, except as specified below:

Dwelling units shall be allowed on ground floors of buildings if:

- a) The building is set behind another building that has commercial uses on the ground floor, OR
- b) The residential portion of the ground floor if a building is set behind street-front non-residential uses within the same building.

B. Chapter 650 is hereby amended by deleting from paragraph B. of § 650-5, entitled “Definitions, word usages”, the definition of “Retail Sales and Services” and inserting in place thereof the following new definition:

Retail Sales and Services

Establishments offering goods and services, not specifically listed in the Table of Uses, to the public. Sales of a wide variety of goods and services include, but are not limited to: antiques, apparel, books, food, drugstore, sporting goods, and similar; custom services such as tailoring, photography, framing and similar; and services such as insurance, optometry, banks; dry-cleaning and laundry drop-off stations; hairdressers and barbers; health clubs,

gyms, dance or yoga studios; repair services for appliances, shoes, etc.; catering and similar. Retail Sales and Services do not include Adult Entertainment, check cashing services, pawn shops, gold exchange shops, medical marijuana facilities or drug treatment facilities.

II. Section 7 of Chapter 650, entitled “Districts Enumerated,” is hereby amended as follows:

- (1) By deleting from the first sentence the number “11” and by inserting in place thereof the number “12”.
- (2) By inserting at the end of the list of District types, the following:
Marlborough Village District MV

III. Chapter 650 is hereby amended in 650 Attachment 1 (§ 650-17), entitled “Table of Uses,” as provided in the highlighted portions of Exhibit “A” attached to this order, which Exhibit “A” includes amendments not limited to the following:

- (1) By inserting under the heading entitled “Zoning District Abbreviations” a new zoning district abbreviation as follows: “MV”, and by inserting beneath the new district abbreviation MV the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (2) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Artist Studio/Live/Work/Gallery Space”, and by inserting beneath the district abbreviations the letters “N” and “Y” as shown on said Exhibit “A”.
- (3) Under the heading entitled “Business Use”, by deleting from the Use category entitled “Hotels and motels” the words “and motels”, and by inserting after the word “Hotel” the following number: (41).
- (4) Under the heading entitled “Business Use”, by inserting the word “Motels”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (5) Under the heading entitled “Business Use”, a new Use category as follows: “Mixed Use Development”, and by inserting beneath the district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (6) Under the heading entitled “Business Use”, a new Use category as follows: “Brew Pubs”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (7) Under the heading entitled “Business Use”, by inserting new Use categories as follows “Copy shops, newspaper offices”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (8) Under the heading entitled “Business Use”, by inserting a new Use category entitled “Drive-thru facilities”, and by inserting beneath the zoning district abbreviations the letters “Y”, “N” or “SP” as shown on said Exhibit “A”.
- (9) Under the heading entitled “Residential Use”, by inserting a new Use category as follows: “Recording Studio/Live/Work Space”, and by inserting beneath the district abbreviations the letters “N” and “Y” as shown on said Exhibit “A”.

IV. Chapter 650 is hereby amended by inserting at the end of paragraph A (4) of § 650-18, entitled “Conditions for uses,” the following sentence: The above provision shall not

apply to mixed-use or multi-family developments within the Marlborough Village District.

- V. Chapter 650, is hereby amended by inserting in paragraph (31) of § 650-18, entitled “Conditions for uses,” the following new paragraph [6]:

[6] Within the Marlborough Village District, a Special Permit may be granted to allow for roof-top, sidewalk, or other outdoor restaurant seating that varies the provisions of this section.

- VI. Chapter 650, is hereby amended by inserting after paragraph (40) of § 650-18, entitled “Conditions for uses,” new paragraphs numbered (41), (42), and (43) as follows:

(41) Hotels within the Marlborough Village District are by right, subject to Site Plan Approval by the City Council with input from Department staff who participate in administrative Site Plan Review as provided under § 270-2. See in § 650-33 (B) special provisions for Site Plan Review by City Council of Hotels in the Marlborough Village District.

(42) Mixed Use development, including multi-family residential uses, shall not be subject to special permit provisions for Multi-Family uses.

(43) A combination of permitted Business Uses is allowed, such as a coffee shop in a bookstore, or a restaurant in a food/wine shop, or entertainment/arcade elements accessory to a restaurant.

- VII. Chapter 650 is hereby amended by inserting after paragraph A (3) of § 650-26, entitled “Affordable housing”, the following new paragraph (4):

(4) The provisions of this section shall not apply to projects which are granted special permits within the Marlborough Village District.

- VIII. Chapter 650 is hereby amended by inserting a new § 33, entitled “Special Provisions Applicable to the Marlborough Village District (MV)”, as follows:

§ 650-33. Special Provisions Applicable to the Marlborough Village District (MV)

Within the Marlborough Village District (MV), the following provisions govern. Where these provisions conflict with other sections of the Zoning Ordinance, the provisions of this Section shall apply.

A. Purpose and Vision

The purpose of the Marlborough Village District is to implement smart growth principles with development that is compatible with the character of Downtown Marlborough. The Marlborough Village District is envisioned as the hub of community gathering places that reflects and celebrates the existing historic character and enhances the traditional village

atmosphere. The vision is to build value and to support our employers with a Downtown that attracts visitors and helps to retain and recruit employees while creating new housing opportunities.

B. Site Plan Review

Projects within the Marlborough Village District shall be subject to Site Plan Review as provided in § 270-2, entitled “Site Plan Review and Approval”, of the City Code.

(1) Applicability

- (a) Site Plan Review applies to both as of right and uses available by grant of a special permit within the Marlborough Village District. Site Plan Review applicability includes, but is not limited to new construction of any building or structure; addition to an existing building or structure; and increase in area of on-site parking or loading areas. (See § 270-2 (3)).
- (b) Site Plan Review shall be conducted administratively, as provided in § 270-2, except for hotel uses and for those projects over 10,000 square feet, which projects shall undergo site plan review by the City Council.

(2) Provisions for Hotel Site Plan Review

- (a) Within the Marlborough Village District, all hotel site plan reviews shall be conducted by the City Council. Site plan approval may contain conditions on the design and uses. The occupancy of the hotel may be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. The approval may allow extended stay to be permitted beyond thirty days with approval of the Building Commissioner. The extended stay approval may be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Extended stay may be permitted where the unit is rented by a business entity for use of its employees (customarily referred to as a Corporate Unit), so long as the occupant is an employee or guest of the business entity.

(3) Provisions for Projects over 10,000 sq. ft.

- (a) Within the Marlborough Village District, all site plan review for projects over 10,000 square feet shall be conducted by the City Council, which may delegate in part or in whole its site plan review to appropriate Department staff who participate in administrative Site Plan Review under § 270-2. This provision applies to new construction, rehabilitation, or alterations that will result in a total project size of over 10,000 square feet.

C. Special Permit Granting Authority

The City Council shall be the Special Permit Granting Authority within the Marlborough Village District.

D. Design Standards

- (1) The purpose of the following design standards is to promote quality development emphasizing the City's sense of history and desire for contextual, pedestrian-scaled projects. Supporting streamlined development review, design standards are integral to the Marlborough Village District regulations and must be met as part of any Site Plan Review and Approval.
 - (a) Non-mandatory Design Guidelines which will complement the design standards of this section, and which will provide a guide to the desired appearance and quality of design in the Marlborough Village District, will be available at the Building Department and/or on the official website of the City.
 - (b) In performing Site Plan Review, the City Council may employ the services of qualified professional consultants as provided under M.G.L. c. 44, § 53G, as amended, entitled "Employment of outside consultants." These services may include those of an urban designer, architect and/or landscape architect.
- (2) All Site Plan review and approval applications in the Marlborough Village District shall be subject to the following Design Standards.

(a) Building Scale:

[1] New buildings and/or substantial alterations shall be pedestrian-oriented and shall reflect the community preference for moderate-scale structures that are in harmony with the existing historic brick structures. Building design shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights, materials, and architectural details.

[2] Buildings shall relate to the pedestrian scale by:

[a] Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces.

[b] Articulating the base, middle, and top of the facade by cornices, string cornices, step-backs or other similar features.

[c] Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces are discouraged. Continuous blank walls in excess of 50% of the wall frontage are not allowed. If windows cannot be installed,

the façade should include different materials or a design element to vary the frontage.

(b) Roof Form:

- [1] Mechanical equipment located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element.
- [2] Adverse impacts on abutters from vents, HVAC, etc. are to be minimized.

(c) Entrances:

- [1] For visibility and accessibility, all primary commercial building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.
- [2] Doors shall not extend beyond the exterior facade into pedestrian pathways.
- [3] Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

(d) External Materials and Appearance:

- [1] Predominant wall materials shall be red brick, stone, or pre-cast concrete panels; wood siding may be used where the structures are adjacent to residential districts where the intent is to blend the structure more into the existing neighborhood. If painted, or coated, a non-metallic finish is to be used. Cladding materials should be consistent on all facades with the exception of special design elements such as turrets. Materials designed to “imitate” brick are not permitted.
- [2] The standards for acceptable masonry construction are as follows:
 - [a] Acceptable masonry construction will be of standard fired clay brick units bonded together with mortar. Acceptable applications include building components such as walls, stairs, columns, arches, planter beds, etc.
 - [b] Utilize bricks which are sound, hard, well burnt with uniform color shape and size.
 - [c] The bricks should be compact, homogeneous, free from holes, cracks, flaws, air-bubbles, spawls and stone lumps.
 - [d] Frogged bricks shall be laid with the frogs pointing upwards.
 - [e] Mortar specifications shall comply with relative ASTM standards.

[f] The properties of masonry units shall comply with the requirements of relevant ASTM Standards. Masonry units are classified into the following types: solid, hollow unit, cellular, perforated and frogged.

(e) Awnings and Canopies:

Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings, if any.

(f) Reflective Materials:

Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

(g) Transparent Windows at Ground Floor of Commercial Buildings:

Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 35% of the facade surface.

(h) Landscaping and Sidewalk Amenities:

To the maximum extent possible, projects shall provide pedestrian-friendly amenities, such as outdoor seating, patios, porches or courtyards. Window boxes are encouraged. Large windows that open up to provide the experience of “open air dining” are encouraged. Site landscaping shall be maximized. Links/sidewalks designed to connect Granger Boulevard parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within downtown Marlborough.

(i) Service Areas, Utilities and Equipment:

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces, and shall incorporate effective techniques for noise buffering from adjacent uses.

(j) Vehicle and Pedestrian Features:

Vehicle, pedestrian and bicycle features shall be designed to promote connectivity. Curb cuts shall be minimized.

(k) Parking:

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be discouraged.

(l) Bicycle Parking:

Bicycle parking shall be provided for all new development, and shall be located as close as possible to the building entrance(s). Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner within the same block.

(m) Sustainable Building Design:

It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council).

(n) Historic District:

Proposed structures or alterations to existing structures within any Historic District shall be allowed the design waivers under § 650-29, but shall otherwise be as consistent as possible with both the Historic District (as determined by the Marlborough Historic District Commission) and these Design Review criteria.

(o) Other Historic or Landmark Structures:

Historic structures not in the Historic District but which contribute to the character of the Marlborough Village District shall to the maximum extent possible be preserved.

E. Parking Requirements for the Marlborough Village District

(1) General Parking Requirements:

The following provisions are applicable within the Marlborough Village District.

(a) Residential Projects:

[1] For Residential and the residential component of Mixed Use projects:

Studio and 1 bedroom units	.75 space per unit
Two bedroom units	1.25 spaces per unit

[2] Spaces in City-owned garages and lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

(b) Retail, Restaurant, other Business Uses:

- [1] Eliminate parking minimums per the existing Off-Street Parking (§ 650-48).
- [2] A maximum of 3 spaces per 1,000 sq. ft. for these uses.

(c) Public Assembly:

For legal occupancy of up to 200 persons, no parking required. Over 200 persons legal occupancy, no parking required for the first 200; thereafter, a minimum of 1 space per 6 legal occupants and a maximum of 1 space per 4 legal occupants, except that parking may be reduced by special permit if the developer can show that there is adequate public parking available to service the place of assembly during the time that the facility will be used.

(d) Hotel:

Minimum of .75 spaces per room, maximum 1.0 spaces per room, and no parking required for employees. For hotels with 30 rooms or less, spaces in City-owned garages and parking lots within 1,000 feet of the development can be counted to fulfill the required spaces, with payment-in-lieu required.

(2) Payment in Lieu of Parking:

In the Marlborough Village District, any new commercial or mixed use structure that is required to provide parking spaces may make payments to the City of Marlborough in lieu of providing for all or part of the on-site required parking.

- (a) Payment made to the City of Marlborough in-lieu of providing some or all of the required off-street parking spaces for a project in the Marlborough Village District (MV) shall be allowed by-right, subject to Site Plan and Design Review.
- (b) A one-time fee to be paid shall be \$10,000 per parking space, which shall be paid prior to the receipt of an occupancy permit.
- (c) Fees in-lieu of parking shall be deposited into the City of Marlborough Downtown Parking Reserve Account, or such account as the City Council shall deem appropriate, to be used solely for expenses related to maintenance and capital repairs to the existing parking garages, improving the utilization of existing parking spaces (e.g., signage, parking management activities), reducing the need for new parking to serve the Marlborough Village District (e.g., bicycle parking, improved transit), or expenses (e.g., land acquisition, design/engineering services and construction costs) related to adding parking spaces. Requests to appropriate funds out of this Reserve Account, or such account as the City Council shall deem

appropriate, shall be filed with the City Council and referred to the appropriate committee of the City Council, which committee shall have 60 days to forward its comments and recommendations before a City Council vote of the appropriation is taken. Fees collected are not to be used for routine parking lot maintenance, such as sweeping or plowing snow, or for salaries of municipal staff.

(3) Additional Reduction in Parking Requirements:

Required on-site parking may be reduced by 10% if one of the on-site spaces is dedicated to use by a car-share service (such as ZIP Car) and an agreement with a car-share service to place a vehicle at the site is provided as part of the Site Plan Approval process.

F. Heights of Structures:

To encourage redevelopment and re-use of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is 70 feet except for where a proposed structure is within 50 feet of a residential lot boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height may be increased to 80 feet. Height limits do not include roof mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-33 D (2) (b), shall be subject to Site Plan Review and Design Standards. Rooftop mechanical equipment, including wireless communications equipment, shall be located and screened to minimize impacts on abutters and the general public. No interior space shall be occupied for any purpose above these height limits. This shall not preclude the use of a flat roof for purposes allowed in this ordinance.

G. Residential Development:

- (1) The maximum number of residential units for which building permits may be issued in a calendar year in the Marlborough Village District is one-hundred (100), including units developed as part of a mixed use development. This upper limit may be increased by Special Permit from the City Council.
- (2) Not more than 10% of the units in any proposed development within the Marlborough Village District shall be more than 2 bedrooms in size.

H. Private Open Space:

(1) Minimum Open Space:

The minimum amount of Private Open Space per residential unit shall be 100 sq. ft. The open space shall be designed as usable for sitting, recreation, etc., and shall not include the required buffer strips/plantings. Up to 50% of the required private open space may be placed in the building (recreation rooms, pools); as individual unit balconies large enough for a table and chairs; or on the roof of the structure as a garden or sitting area.

(2) Ground Level Open Space:

All or a portion of ground level open space may be reserved for residents of the development, or made available for public use.

(3) Joint Open Space:

Two or more developments may cooperate to share usable open space on one lot, as long as the minimum square footage per unit is maintained, and the joint open space is within 300 ft. of participating developments.

(4) City Council Waiver Under Site Plan Review:

In development or redevelopment proposals where, because of site-specific circumstances, it is not possible to meet the minimum standards for Private Open Space per unit, or where there is not sufficient space for ground level open space on the parcel, or where it is not desirable or possible to establish the required amount of private open space for other reasons, the City Council, as part of Site Plan Review, may negotiate with the developer and may set other conditions of approval to ensure or encourage other open space benefits, or may waive strict adherence to this provision.

I. Signage:

- (1) In addition to the provisions of Chapter 526 of the Marlborough City Code, the following regulations apply within the Marlborough Village District. If the provisions of Chapter 526 conflict with this Chapter, the regulations in this Chapter apply.

(a) Display:

The City Council may grant a license to display, on the sidewalk, items for sale in the adjacent business, for example flowers and plant materials. The displays must enhance the pedestrian experience and not detract from the Village character.

(b) Other Business Signs:

To maximize parking and strengthen the business environment, "A" frame valet parking signs may be licensed by the City Council after review by the Public Services Committee. An application fee will be required.

(c) Projecting (blade) signs:

It is the intent of this ordinance to allow for the installation of high quality, artistic, visually appealing projecting (or blade) signs that will enhance the quality of the visitor/patron experience in the Marlborough Village district. Within the Marlborough Village District, one projecting sign per establishment shall be

permitted by right, provided it meets the standards below. All projecting sign applications shall be subject to Site Plan Review and approval. Projecting signs exceeding these dimensions or using materials other than those specified may be allowed by Special Permit.

- [1] The sign may not exceed six square feet in area (not including the area of the supporting bracket or hanger); the area of a hanging sign with but two (2) parallel display surfaces not over six (6) inches apart shall be determined by the measurement of a single face; for all other configurations, the area of a hanging sign shall be the sum of the areas of all display surfaces.
- [2] For single-story structures, the sign shall not project above the roofline or 18 feet, whichever is lower; for multistory structures projecting signs may not extend vertically above the window sill of the second story;
- [3] The projecting sign must clear sidewalks by at least eight feet from the bottom of the sign and may project no more than four (4) feet from a building or one-third the width of the sidewalk, whichever is less;
- [4] The projecting sign must clear the wall by at least six inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.
- [5] Projecting signs may only be externally lit; no internally lit signs shall be allowed. Lighting shall be properly screened so as to have no impact on abutting properties or any residential or commercial units above the business associated with the blade sign.
- [6] All such projecting signs shall be wood, or have the visual impression of being made of wood, and shall be painted, stained, varnished or otherwise sealed. External finishing of the signs shall be maintained in its original quality; if not, the sign may be ordered to be removed as being in violation of its permit.
- [7] Projecting signs which include 3-dimensional elements that symbolically indicate the type of business being advertised are encouraged and may be allowed by Site Plan Review whether by the City Council or under § 270-2. Any such 3-dimensional element may add up to 33% of the allowed sign area; the size of the 3-dimensional element to be measured as a cross section of the element perpendicular to the street.
- [8] The area of the blade or projecting sign, but not the additional area occupied by any 3-dimensional element of the sign, shall count towards the total sign area (square footage) allowed under Chapter 526, the City of Marlborough sign ordinance.

- IX. Chapter 650 is hereby amended by inserting at the end of paragraph (B) of § 650-44, entitled “General off-street requirements”, the following sentence: Nothing herein shall prevent owners of abutting properties from jointly setting aside and managing an area for storage of refuse and like matter.
- X. Chapter 650 is hereby amended by inserting into 650 Attachment 2 (§ 650-41), entitled “Table of Lot Area, Yards and Height of Structures,” such amendments as provided in Exhibit “B” attached hereto.
- XI. Chapter 650, is hereby amended by inserting into § 650-47 the following:
- (1) By deleting paragraph E (1)(a)[2] in its entirety and inserting in place thereof the following new paragraph E (1)(a)[2]:
 - [2] Multi-family dwellings (except multi-family dwellings and mixed use structures in the Marlborough Village District): the minimum width of the required front yard.
 - (2) By deleting paragraphs [a] and [b] of paragraph E (1)(a)[3], entitled “Nonresidential use and districts” in their entirety and inserting in place thereof the following new paragraphs [a], [b], and [c]:
 - [a] Along Main Street in the Marlborough Village District: 0 feet
 - [b] Commercial and Automotive Districts, and for all portions of the Marlborough Village District not fronting on Main Street: 10 feet.
 - [c] Other districts: 15 feet.
 - (3) By inserting in paragraph E(1)(b) after the words “In nonresidential districts” the followings parenthetical words: (except in the Marlborough Village District).
 - (4) By inserting in paragraph F after the word “widths” in the sentence “Side line planting areas are required with the following minimum widths,” the following words: except for where structures are built according to 0-foot side yard setbacks as allowed in the Marlborough Village District.
 - (5) By inserting at the end of paragraph P of § 47 the following sentence: Within the Marlborough Village District, where significant topographic change or other site conditions on the development lot or the abutting parcel would eliminate the benefits of the above landscaping and screening requirements on the abutting parcels, other more appropriate measures may be approved as part of Site Plan Review and approval.
- XII. Chapter 650, is hereby amended by inserting into § 48, entitled “Off-Street parking”, the following:

(1) By inserting beneath the title heading the following paragraph:

Except as may be superseded by the provisions of § 650-33 for the Marlborough Village District, the following provisions apply within all zoning districts in the City of Marlborough.

(2) By inserting at the end of paragraph (A) (6) the following three sentences: All new commercial and mixed use buildings shall construct loading facilities. Renovated structures shall provide for loading facilities insofar as possible. Provision for loading facilities shall be shown on site plans.

XIII. The Zoning Map described in § 650-8 is amended as shown on the accompanying Map (Exhibit "C"). The newly established Marlborough Village District shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcels of land (herein identified by the Assessors' Map and Parcel Number):

69-209A; 69-210A; 69-211; 69-216; 69-216A; 69-217; 69-218; 69-218A; 69-219; 69-222; 69-368A; 69-369A; 69-370; 69-371; 69-372; 69-373; 69-374; 69-375; 69-375A; 69-376; 69-377; 69-377A; 69-378; 69-379; 69-381A; 69-381B; 69-382; 69-390; 69-390A; 69-390B; 69-390C; 69-394; 69-395; 69-395A; 69-396; 69-397A; 69-422A; 69-430; 69-431; 69-431A; 69-431B; 69-452; 69-455; 69-457; 69-458; 69-459; 69-460; 69-461; 69-462; 69-463; 69-465; 69-466; 69-477; 69-479; 69-480; 69-481; 69-482; 69-483; 69-492; 69-494; 69-531; 70-24; 70-25; 70-26; 70-28; 70-29A; 70-29B; 70-30; 70-30A; 70-31; 70-32; 70-33; 70-33A; 70-34; 70-77; 70-77A; 70-78; 70-79; 70-80; 70-82; 70-103; 70-122; 70-123; 70-124; 70-125; 70-126; 70-127; 70-128; 70-129; 70-130; 70-131; 70-131A; 70-132; 70-133; 70-134; 70-135; 70-135A; 70-136; 70-137; 70-139; 70-140; 70-140A; 70-140B; 70-141; 70-142; 70-143; 70-143A; 70-145; 70-145A; 70-145B; 70-147; 70-149; 70-150; 70-151; 70-152; 70-153; 70-154; 70-155; 70-156; 70-158; 70-201; 70-202; 70-203; 70-204; 70-206; 70-208; 70-212A; 70-213; 70-215; 70-216; 70-217; 70-218; 70-219; 70-220; 70-221; 70-222; 70-223A; 70-224; 70-226; 70-227; 70-228; 70-229; 70-230; 70-231A; 70-236; 70-237; 70-238; 70-239; 70-240; 70-248; 70-250; 70-251; 70-251A; 70-254A; 70-255; 70-256; 70-257; 70-258; 70-259; 70-260; 70-261; 70-267; 70-277; 70-277A; 70-278; 70-280; 70-281; 70-282; 70-283; 70-284; 70-285; 70-289; 70-291; 70-292; 70-293; 70-294; 70-373; 70-377; 70-378; 70-379; 70-380; 70-381; 70-382; 70-383; 70-527; 70-528.

XIV. The effective date of these amendments shall be the date of their passage.

ADOPTED

In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

City of Marlborough

Table of Use Regulations (§ 650-17)
[Amended 5-9-2005 by Ord. No. 05-100713C; 11-23-2009 by Ord. No. 09-1002277F]

KEY:

All uses noted with "Y" are allowed as of right, subject to any referenced conditions.

All uses noted with "SP" are allowed by special permit, subject to any referenced conditions. All uses noted with "N" are not permitted.

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use												
Single-family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
Single-family, attached (1)*	SP	SP	SP	SP	N	N	N	N	N	N	N	N
Conversion of detached one-family to a two-family (2)	SP	SP	SP	SP	Y	Y	N	N	N	N	N	N
Two-family homes	N	N	N	N	Y	Y	N	N	N	N	N	N
Conversion of a two-family dwelling to a three (3)	N	N	N	N	SP	SP	N	SP	N	N	N	N
Multifamily dwelling (4) (42)	N	N	N	N	SP	SP	N	SP	N	N	N	SP
Comprehensive developments (§ 650-27)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Boarding and lodging homes	N	N	N	N	N	SP	N	SP	N	N	N	N
Tourist home\Bed-and-Breakfast	Y	N	N	N	N	Y	N	N	N	N	N	SP
Open space development (§ 650-28)	SP	SP	SP	SP	N	N	N	N	N	N	N	N
Trailer mobile homes (5)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N
Retirement Community Overlay (§ 650-22)	N	N	N	N	N	N	N	N	N	SP	SP	N
Residential accessory uses (6)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupations (7)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Yard sales, charitable sales bazaars (8)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Two residential structures on a lot less than 80,000 square feet (9)	N	N	N	N	SP	SP	N	N	N	N	N	N
Artist Studio/Live /Work Gallery Space	N	N	N	N	N	N	N	N	N	N	N	Y
Recording Studio/Live /Work Space	N	N	N	N	N	N	N	N	N	N	N	Y

* (Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for use as noted in the Table of Uses.)

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Business Uses												
Convert buildings to office, bank, insurance use (18)	N	N	N	N	N	SP	N	N	N	N	N	Y
Commercial kennels and animal hospitals	SP	N	N	N	N	N	N	N	N	N	N	N
Veterinary hospital	N	N	N	N	N	N	N	N	Y	N	N	SP
Commercial kennels	SP	N	N	N	N	N	N	Y	Y	N	N	N
Riding academy	SP	N	N	N	N	N	N	SP	SP	N	N	N
Retail sales and services <75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	Y	Y	SP	SP	Y
Retail sales and services >75,000 square feet gross floor area (19) (43)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Offices, banks, insurance and financial institutions	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
Schools, for business, trade, music, dance, and television\or radio broadcasting studios (but not including towers)	N	N	N	N	N	N	N	Y	Y	N	N	Y
Commercial radio and television towers and wireless communications facilities (20)	SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	SP
Hotels (41)	N	N	N	N	N	N	N	SP	SP	SP	SP	Y
Hotels with conference facilities and commercial uses (21)	N	N	N	N	N	N	N	SP	SP	SP	SP	Y
Residential conference and training center with food and recreation services (22)	N	N	N	N	N	N	N	N	N	Y	Y	N
Recreation center (23)	N	N	N	N	N	N	N	N	N	SP	SP	N
Private clubs, nonprofit	N	N	N	N	N	Y	N	SP	SP	N	N	Y
Clubs (24)	N	N	N	N	N	N	N	Y	Y	N	N	Y
Self-service laundry	N	N	N	N	N	N	N	Y	Y	N	N	SP
Medical and dental clinic	SP	SP	SP	SP	SP	Y	Y	N	N	N	N	Y
Consumer service establishments	N	N	N	N	N	N	N	Y	Y	N	N	Y
Salesroom	N	N	N	N	N	N	N	N	Y	N	N	N
Wholesale office or showroom	N	N	N	N	N	N	N	N	Y	N	N	N
Wholesale sale and warehousing	N	N	N	N	N	N	N	N	Y	N	N	N
Commercial greenhouse	N	N	N	N	N	N	N	Y	Y	Y	Y	N
Motels	N	N	N	N	N	N	N	SP	SP	SP	SP	N

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Mixed Use Development (42)	N	N	N	N	N	N	N	SP	N	N	N	Y
Brew Pubs	N	N	N	N	N	N	N	SP	N	N	N	Y
Copy shops, newspaper offices	N	N	N	N	N	N	N	Y	N	N	N	Y
Place of repair for cars, boats, trucks and farm equipment (25)	N	N	N	N	N	N	N	N	Y	N	N	N
Places of assembly	N	N	N	N	N	N	N	SP	SP	N	N	SP
Outdoor recreation uses	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Outdoor storage (26)	N	N	N	N	N	N	N	Y	Y	SP	SP	N
Car parking lots, garages (27)	N	N	N	N	N	N	N	SP	SP	N	N	N
Gasoline filling stations (28)	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto service facilities for minor repairs, changing tires and lubrication (28)	N	N	N	N	N	N	N	SP	SP	N	N	N
Auto sales and service (25)	N	N	N	N	N	N	N	N	Y	N	N	N
Car wash (28)	N	N	N	N	N	N	N	SP	SP	N	N	N
Open air markets (29)	N	N	N	N	N	N	N	SP	SP	N	N	Y
Shopping malls	N	N	N	N	N	N	N	N	N	SP	SP	N
Soil removal (30)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Funeral homes, parlors and mortuaries	N	N	N	N	N	Y	N	N	Y	N	N	N
Public, private or commercial recreation establishments, recreation grounds or places of amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Restaurant, cafe	N	N	N	N	N	N	N	Y	Y	SP	SP	Y
Restaurant with drive-in or drive-thru facilities (31)	N	N	N	N	N	N	N	SP	SP	N	N	N
Restaurants serving food outdoors (31)	N	N	N	N	N	N	N	Y	Y	SP	SP	Y
Restaurants for employee use	N	N	N	N	N	N	N	N	N	Y	Y	N
Drive-thru facilities	N	N	N	N	N	N	N	SP	SP	N	N	N
Adult bookstore (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult video store (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult paraphernalia store (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult movie theatre (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Adult live entertainment establishment (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Tattoo and body piercing parlors and shops (32)	N	N	N	N	N	N	N	N	N	N	SP	N
Narcotic detoxification and/or maintenance facility	N	N	N	N	N	N		N	SP	SP	SP	N

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Agriculture, Public, and Institutional Use												
Agriculture, horticulture or floriculture >5 acres (10)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Forest, woodlots, portable, woodworking mills (11)	Y	N	N	N	N	N	N	N	N	N	N	N
Livestock farms > 10 acres (12)	Y	N	N	N	N	N	N	N	N	N	N	N
Farms and poultry farms (13)	Y	SP	SP	SP	N	N	Y	N	N	N	N	N
Cemeteries	SP	SP	SP	SP	N	N	N	N	N	N	N	N
Hospitals and sanitarium	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N
Correctional institutions	N	N	N	N	N	N	N	N	N	N	N	N
Golf courses, country clubs and beaches (14)	Y	SP	SP	SP	N	N	N	N	N	N	N	N
Charitable and philanthropic buildings	SP	SP	SP	SP	SP	SP	N	N	N	N	N	SP
Churches and religious buildings (15)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public recreation and conservation	Y	SP	SP	SP	N	N	N	N	N	N	N	N
Day camps	SP	SP	SP	SP	N	N	N	SP	SP	N	N	N
Public, private and religious schools, museums, libraries, parks, recreation facilities, buildings and playgrounds	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Child-care centers (16)	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Public utilities, not including storage yards or repair shops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public buildings (17)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water towers, reservoirs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Floodplain and Wetland Protection District (§ 650-23)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water Supply Protection District (§ 650-24)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Convalescent and nursing homes	SP	SP	SP	SP	SP	Y	N	N	N	N	N	N

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Industrial Uses												
Airports and heliports	N	N	N	N	N	N	N	N	N	Y	Y	N
Newspaper printing and publishing, job printing	N	N	N	N	N	N	N	N	Y	Y	Y	SP
Manufacturing where the majority of items are sold on premises to the consumer	N	N	N	N	N	N	N	N	Y	N	N	N
Transportation terminal and freight depots	N	N	N	N	N	N	N	N	SP	SP	SP	N
Food processing plants	N	N	N	N	N	N	N	N	N	N	Y	N
Research, experimental labs (33)	N	N	N	N	N	N	N	N	N	Y	Y	N
Bakery (nonretail)	N	N	N	N	N	N	N	N	N	N	Y	N
Light non-nuisance manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	N
Light manufacturing, using portable electric machinery (34)	N	N	N	N	N	N	N	N	Y	N	N	N
Light manufacturing incidental to research	N	N	N	N	N	N	N	N	N	Y	Y	N
Associated/accessory research uses (35)	N	N	N	N	N	N	N	N	N	SP	SP	N
Manufacturing and/or warehousing (36)	N	N	N	N	N	N	N	N	N	Y	Y	N
Manufacturing or warehouse (37)	N	N	N	N	N	N	N	N	N	N	Y	N
Retail sales accessory to manufacturing (38)	N	N	N	N	N	N	N	N	N	N	Y	N
Recreation center, indoor and outdoor	N	N	N	N	N	N	N	SP	SP	SP	SP	SP
Power laundries and dry cleaning	N	N	N	N	N	N	N	N	N	N	Y	N
Dye works	N	N	N	N	N	N	N	N	N	N	Y	N
Packaging or bottling plants	N	N	N	N	N	N	N	N	N	N	Y	N
Electric power substation for changing bulk power to distribution voltage	N	N	N	N	N	N	N	N	N	SP	SP	N
Accessory uses and service buildings (39)	N	N	N	N	N	N	N	N	N	Y	Y	N
Large tract development (40)	N	N	N	N	N	N	N	N	N	N	Y	N

ZONING

650 Attachment 2

City of Marlborough

Table of Lot Area, Yards, and Height of Structures

(§ 650-41)

EXHIBIT "B"

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height	Maximum Lot Coverage ⁷
Rural Residence RR	1 acre	180	25	40	50	2 ½ stories	20%
Residence A-1	22,500 square feet	150	20 ²	30	40	2 ½ stories	25%
Residence A-2	18,000 square feet	120	15 ²	30	40	2 ½ stories	30%
Residence A-3	12,500 square feet	100	15 ²	20	30	2 ½ stories	30%
Residence B	8,000 square feet, plus 4,000 square feet for each additional dwelling unit over 2	100	15 ²	20	30	2 ½ stories	30%
Residence C	10,000 square feet, plus 2,000 square feet for each additional dwelling unit over 3	90	10	20	25	3 stories	30%
Retirement Community Residence	15 acres	250 ⁷	25 ⁸	50 ⁸	— ⁸	2 ½ stories	50% ⁹
Business B	5,000 square feet	50	25 ³	50	None	52 feet	30% for residential; 80% for all other uses
Commercial and Automotive CA	5,000 square feet	50	50 ³	50	None	2 stories (no limit where use is exclusively for industry)	80%
Marlborough Village District MV	5,000 square feet	25	10 ³	10 ¹⁴	10 ¹⁵	Minimum 35 feet 6 Stories - not to exceed a Maximum of 70 feet ¹²	80% ¹³

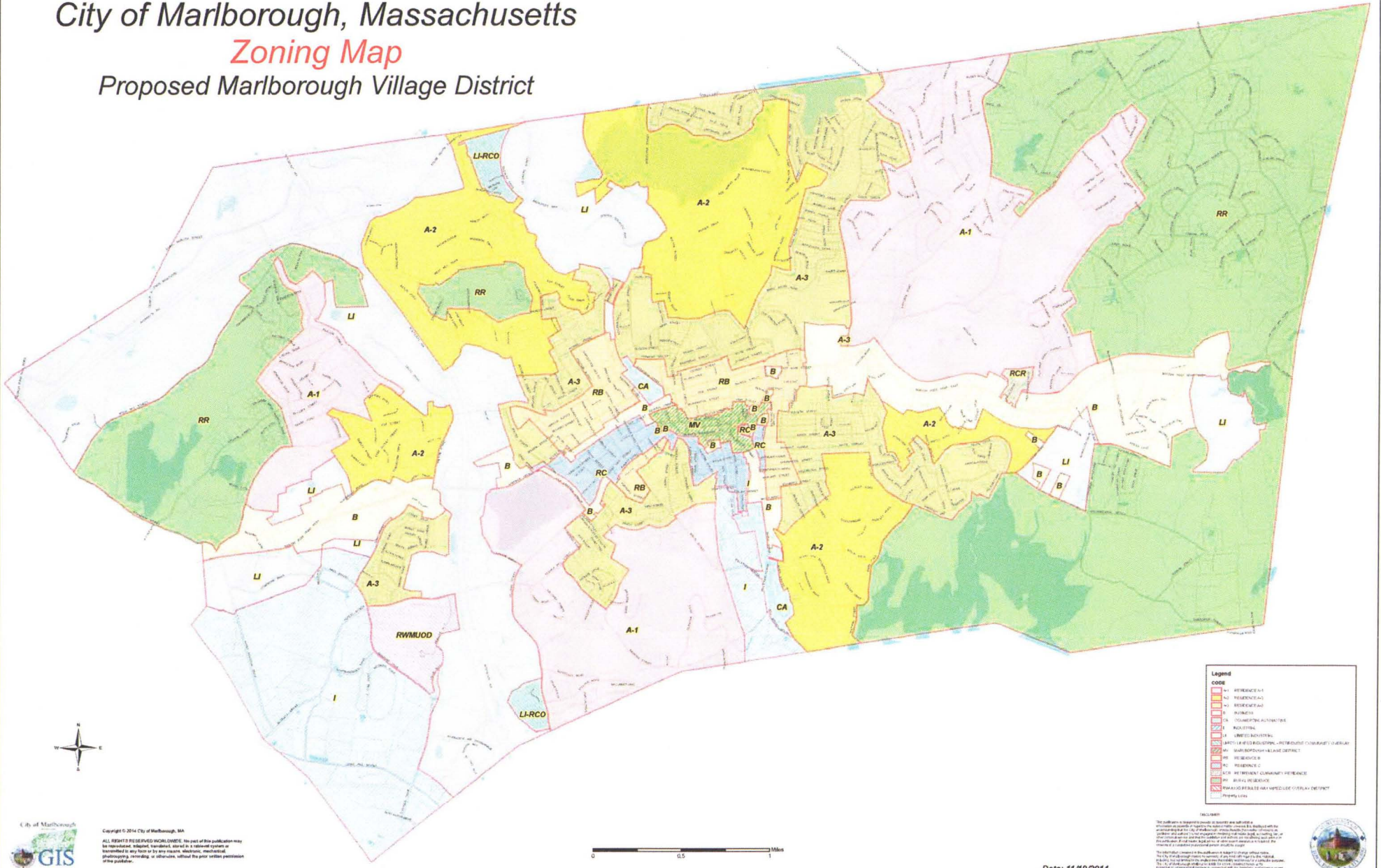
MARLBOROUGH CODE

District	Minimum Lot Area	Minimum Lot Frontage (feet)	Minimum Side Yard (feet)	Minimum Front Yard (feet)	Minimum Rear Yard (feet)	Height		Maximum Lot Coverage ⁷
						Distance from Residential Zone (feet)	Height ^{6, 10} (feet)	
Limited Industrial LI	2 acres	200	50	50	50	0 to 150:	30	60
						151 to 250:	36	
						251 to 400:	40	
						401 to 500:	52	
Industrial I	1 acre	50	25 ⁴	40	40 ⁵	-- ¹⁰		60 ¹¹

NOTES:

- ¹ Note deleted.
- ² Applies to all buildings erected on or after January 27, 1969; all others, 10 feet.
- ³ Where abutting a residence district or within the Marlborough Village District where abutting an existing structure that has side-facing windows at the structure's lot line; otherwise 0'.
- ⁴ Except where abutting a residence district, shall be 50 feet.
- ⁵ Except for buildings extending through a block or to a railroad siding.
- ⁶ For the purpose of measuring setback distances for the corresponding height restrictions, an owner of LI or I zoned land may count abutting residentially zoned land toward the setback requirement if such land is owned by the same owner. Ownership of the residential land and the LI or I land must continue to be held by the same entity.
- ⁷ However, this frontage need not be contiguous.
- ⁸ No part of any principal building shall be within 25 feet of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 feet to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 feet from the side line of a public way.
- ⁹ Excluding from lot size any land which prior to development of the site as a Retirement Community would be defined as a resource area as that term is defined in MGL c. 131, § 40.
- ¹⁰ Buildings on a Large Tract Development Lot, which are more than 1,200 feet from a Residential Zone, may be built to a maximum height of 85 feet.
- ¹¹ Maximum lot coverage for a Large Tract Development Lot shall be 50%.
- ¹² Within the Marlborough Village District, Special Permits may allow for an increase in height to 80'; also, provided that the height of any development adjacent to any residential district shall be stepped down and shall not exceed 52 feet (see Section 650-33(F)).
- ¹³ Within the Marlborough Village District, Special Permits may allow for an increase in lot coverage.
- ¹⁴ Except along Main Street within the Marlborough Village District where 0 feet setback is allowed by right.
- ¹⁵ Except that a Special Permit may be granted to reduce this to zero where public safety will not be impacted and the reduction will yield a better design.

City of Marlborough, Massachusetts
Zoning Map
 Proposed Marlborough Village District



Legend

CODE	DESCRIPTION
A-1	RESIDENTIAL A-1
A-2	RESIDENTIAL A-2
A-3	RESIDENTIAL A-3
B	RESIDENTIAL B
LI	LI
RR	RESIDENTIAL RURAL
RCR	RESIDENTIAL COMMUNITY RURAL
MV	MARLBOROUGH VILLAGE DISTRICT
RC	RESIDENTIAL COMMUNITY
CA	COMMUNITY CENTER
LI-RCO	LI RESIDENTIAL COMMUNITY OFFICE
RWMUOD	RESIDENTIAL WORKMANSHIP OFFICE
I	INDUSTRIAL

NOTES:
 1. The City of Marlborough is responsible for the accuracy of the information shown on this map. The City of Marlborough is not responsible for the accuracy of the information shown on this map if the information is derived from a third party.
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