

**§ 650-34. Marlborough Village District (MV). [Added 12-1-2014 by Ord. No. 14-1005947C
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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. 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 30 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 square feet. 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) Nonmandatory 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 MGL 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.
 - [3] 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 facade 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 nighttime.
- (d) External materials and appearance.
 - [1] Predominant wall materials shall be red brick, stone, or precast 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 nonmetallic 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 nonreflective.

- (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 United States 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:
 - [a] Studio and one-bedroom units: 0.75 space per unit.
 - [b] 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 three spaces per 1,000 square feet 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 one space per six legal occupants and a maximum of one space per four 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 0.75 space per room, maximum 1.0 space per room, and no parking required for employees. For hotels with 30 rooms or fewer, 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 Zipcar) 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. **[Amended 12-17-2018 by Ord. No. 18-1007404D]**

- (1) To encourage redevelopment and reuse of parcels within the Marlborough Village District, minimum and maximum heights are established. Minimum heights shall be 35 feet; maximum height is six stories and up to 70 feet except for where a proposed structure is within 50 feet of a residential district boundary, where the height limit shall be 52 feet. By grant of a special permit, maximum building height; including building areas within 50 feet of a residential district boundary, may be increased to seven stories and up to 85 feet. Height limits do not include roof-mounted mechanical appurtenances; however, said appurtenances, and the screening required for them in § 650-34D(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 section.
- (2) Roof decks, providing recreation and amenity areas for residents and businesses on the roof above the top story of a building, shall be encouraged in the Marlborough Village District. Roof decks may include open space areas for sitting and gardens; open air areas covered by permanent roofs (flat or sloped); indoor areas for social gathering, meetings, common kitchens, restrooms, and storage; spaces for mechanical equipment; and enclosures for elevators and stairs. The portions of a building designed as a roof deck shall be subject to maximum height restrictions, as may be increased by special permit.

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 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 two bedrooms in size.

H. Private open space.

- (1) Minimum open space. The minimum amount of private open space per residential unit shall be 100 square feet. 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 feet 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. 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.
- (1) 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.
 - (2) 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.
 - (3) Projecting (blade) signs. It is the intent of this section 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 that 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.
 - (a) 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 parallel display surfaces not over six 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.
 - (b) 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.

- (c) The projecting sign must clear sidewalks by at least eight feet from the bottom of the sign and may project no more than four feet from a building or 1/3 the width of the sidewalk, whichever is less.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Projecting signs which include three-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 three-dimensional element may add up to 33% of the allowed sign area, the size of the three-dimensional element to be measured as a cross section of the element perpendicular to the street.
- (h) The area of the blade or projecting sign, but not the additional area occupied by any three-dimensional element of the sign, shall count towards the total sign area (square footage) allowed under Chapter 526, the City of Marlborough Sign Ordinance.