

§ 650-37. Special Provisions Applicable to the Wayside Zoning District

Within the Wayside Zoning District, the following provisions govern. Where these provisions conflict with other sections of the Zoning Chapter, the provisions of this section shall apply.

A. Purpose and vision. The purpose of the Wayside Zoning District is to encourage compact mixed-use development that encourages walking and biking with development that will enhance compatible land uses and encourage desired growth patterns to improve a traditionally automobile-oriented commercial corridor for the benefit of public health, safety and welfare by promoting integrated, pedestrian-friendly, commercial mixed-use development, including retail, housing, and workplaces within close proximity to each other that are consistent with the stated economic development objectives of the City, contribute to enhanced streetscape, and designed to further promote livability and quality of life within the district.

(1) Commercial mixed-use development.

(a) For the purposes of this zoning district, a commercial mixed-use development shall include any eligible use set forth in Subsection E below which shall be commingled into a single structure or multiple structures with other eligible uses on the same property. Accordingly, commercial mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, to reduce automobile trips and traffic congestion, and accordingly to improve air quality.

(b) All developments shall be designed to be pedestrian-friendly, and that shall include site design, building layout, and pedestrian circulation features and amenities in compliance with the design standards of this zoning district. Pedestrian-friendly developments shall benefit the public health, safety and welfare through the encouragement of walking and physical activity.

B. Site plan review. Projects within the Wayside Zoning District shall be subject to site plan review as provided in § 270-2, entitled "Site plan review and approval," of the Marlborough City Code.

(1) Applicability.

(a) In all instances, a development which proceeds within the Wayside Zoning District is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code.

(b) Site plan review applies to both as of right and uses available by grant of a special permit within the Wayside Zoning 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 § 270-2A(3).]

(c) Site plan review shall be conducted administratively as provided in § 270-2, except for uses that are both over 10,000 square feet of building footprint and do not

require a special permit, which projects shall undergo administrative site plan review with final review and approval by the City Council.

- (d) The City Council may elect to vary the dimensional and parking requirements of this section by special permit or site plan approval if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.
- C. Special permit granting authority. The City Council shall be the special permit granting authority within the Wayside Zoning District.
- D. Exclusivity/control. This section of the Zoning Chapter exclusively controls the establishment, development, and design of any development undertaken in the Wayside Zoning District and supersedes any other provision of the Zoning Chapter. In the event of any conflict between the provisions of this section and any other provision of the Zoning Chapter, the provisions of this section shall govern and control.
- E. Eligible uses. Except as specifically provided herein, any uses which are not permitted, whether as of right or by a special permit, within the Wayside Zoning District under § 650-17, Table of Use Regulations, of the Zoning Chapter, shall be prohibited. Uses allowed as of right and uses allowed by special permit are encouraged to be combined as a commercial mixed-use development. All uses noted as not permitted shall be deemed prohibited, except where to so deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation, permit or license, or any state or federal law or regulation.
- F. Dimensional requirements. Dimensional requirements are set forth in § 650-41, Table of Lot Area, Yards and Height of Structures," as specified for the Wayside Zoning District. The special permit height of 85 feet shall step down to 52 feet when the building is within 50 feet setback from a property line that abuts a residential district.
- G. Parking, curb cut and landscaping requirements. Except as otherwise provided in this section, parking, circulation and landscape requirements shall conform to the provisions of §§ 650-47, 650-48 and 650-49 of the Zoning Chapter.
- (1) Parking locations.
- (a) Parking shall be located to the side and/or rear of all new building structures that front on Route 20 East, an existing connecting street, or a new internal access street.
- (b) Parking may be provided at ground level, underground, or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses but must be integrated with the surrounding site plan and oriented so as to minimize visual impact of the parking garage on surrounding uses.
- (2) Parking access. Where a proposed parking lot is adjacent to an existing parking lot of a similar use, providing vehicular and pedestrian connections between the two parking lots shall be required. This access shall allow vehicular circulation between parking

areas without the need to travel on Route 20. This access shall allow the unobstructed flow of pedestrians between adjacent properties, businesses, and parking areas. A sidewalk shall be provided on at least one side of the driveway.

- (3) Parking requirements. Parking in the Wayside District shall be provided at a minimum of one parking space per 250 square feet of net floor area for retail and restaurant uses. Parking for other commercial uses shall be provided at a minimum of one parking space per 350 square feet of net floor area. Parking for residential units shall be provided at a minimum of one parking space per unit.
- (4) Curb cuts. Curb cuts shall be minimized. Vehicular access shall be provided through one of the following methods:
 - (a) Through the use of a common driveway serving multiple lots; or
 - (b) Through the use of an existing side or rear street; or
 - (c) Through the reduction in the number of existing curb cuts or the reduction of the width of existing curb cuts.

H. Design standards. In addition to the following design standards which apply to all developments within the Wayside Zoning District, commercial mixed-use development that includes residential development shall incorporate design guidance from the City of Marlborough Multifamily Development Review Criteria and Design Guidelines as adopted by the City Council.

- (1) Site layout.
 - (a) Site and building layout. Buildings shall be located in close proximity to streets with the primary building frontage(s) oriented to street frontage(s) and to define outdoor spaces in coordination with adjacent buildings located on the same property or abutting property.
 - (b) Site and parking layout. Parking shall be located to the rear or to the side of buildings that front on a street. Where an existing parking lot is in front of a building that will be redeveloped, landscaping shall be placed to screen parking and enhance the visual appeal of the site and street frontage. Where a new parking lot is to the side or rear of a building, but adjacent to a street, landscaping shall be used to screen the parking and reduce the visual impact of the parking as viewed from the street.
 - (c) Site buffer. The setback abutting an existing residential or industrial use shall include landscape plantings and features that screen and separate adjacent residential or business uses from new commercial mixed-use development. This requirement does not need to be provided where adjacent to an existing commercial mixed-use development, retail, or restaurants.
- (2) Pedestrian and bicycle circulation.
 - (a) Pedestrian circulation. Safe, convenient, and attractive pedestrian circulation shall be incorporated into the site plan design. Where appropriate, new pedestrian and

bicycle paths shall connect the site with abutting sidewalks, trails, amenities, or parks to promote pedestrian and bicycle circulation and safety. Where appropriate, pedestrian access should be expanded into a shared-use path to provide safe, convenient, and attractive bicycle access. Where parking is located to the rear of the building, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.

- (b) Pedestrian connections. Sidewalks shall provide access from internal site uses, building entries, and parking areas to Route 20 and between adjacent sites.
 - (c) Bicycle amenities. All developments shall include provisions for the parking of bicycles at locations that are safely separated from vehicular and pedestrian circulation and convenient to building entries. Bicycle racks shall be placed as not to obstruct pedestrian walkways or impede the parking area for automobiles.
- (3) Outdoor pedestrian spaces.
- (a) Usable outdoor pedestrian space. Buildings and site features shall be arranged to create functional public and private outdoor spaces, including sidewalks, patios, entryways, courtyards, and other types of spaces. Usable and accessible outdoor pedestrian space shall be provided and integrated with the site plan and building design. Such outdoor pedestrian spaces shall enhance visual connections between buildings, streets, open spaces, and pedestrian circulation. Outdoor pedestrian spaces shall be set back from major vehicular ways and be of a scale that is appropriate to the anticipated level of foot traffic.
 - (b) Location of outdoor seating. Outdoor seating areas may be provided for restaurants, cafes, coffee shops, or other establishments with seating and may overlap with outdoor pedestrian spaces. Outdoor pedestrian spaces and seating areas shall be oriented to street frontage, with side streets and secondary access streets the preferred locations, and integrated with the streetscape. Amenities and seating shall not reduce the required sidewalk widths or impact pedestrian or bicycle circulation.
- (4) Building design.
- (a) Mixed uses. The Wayside Zoning District shall benefit from mixed-use development that combines several uses that are allowed as of right or by special permit in the district. These uses could be provided in a cluster of separate buildings or combined vertically in a single building. A mix of uses in close proximity shall be used to create smaller, walkable clusters that enhance the Route 20 East corridor and provide opportunities for residents and patrons to circulate between uses without the use of a vehicle.
 - (b) Facade step back. A step back in the facade of a building shall occur at the upper floor(s) for all buildings above three stories in height. For example, the fourth story of a four-story building shall be recessed from the lower three stories of the primary facade with a step back. Or, the fourth and fifth story of a five-story building shall be recessed from the lower three stories of the primary facade with a

step back. Five feet shall be the minimum step back.

- (c) Multiple buildings. In mixed-use developments with multiple buildings, recurring forms and materials shall be used to unify the development while establishing an overall hierarchy of buildings for visual interest and orientation.
- (d) Define corners. Prominent corners of sites and buildings should be defined and celebrated by the layout and design of the building(s). Prominent building corners may use design elements, such as towers, arches, unique building massing, or roof forms to serve as identifiable and memorable landmarks.
- (e) Roof forms. Gable, hip, mansard, gambrel, stepped, and peaked roofs add variety and interest to buildings and shall be incorporated into mixed-use developments. Flat roofs may be incorporated into the roof design with other roof forms and features.
- (f) Blank walls. Large portions of building facades which are unarticulated or blank walls shall be avoided through the careful placement of doors, windows, facade features, and transitions in facade materials and finishes.
- (g) Design quality. Building massing and facade design shall be of a high quality with well-composed and articulated building forms using a variety of techniques to create visual interest and character with architectural details, vertical and horizontal projections and recesses, changes in height, roof forms, cornice treatments, pilasters, window reveals, materials, colors, and prominent building entrances or other design features.
- (h) Building materials. Use of traditional, natural, and sustainable building materials, such as wood, brick, and stone, shall be preferred over other synthetic materials.

I. Signage.

- (1) Except as otherwise provided in this section, signage shall conform to the provisions of Chapter 526 of the City Code, the Sign Ordinance.
 - (a) Signage plan. A master sign plan for the premises shall be provided for review and approval by the City Council, setting forth the types, locations and dimensions of proposed signs.
 - (b) A maximum of two wall signs, individual-letter signs, logo signs or projecting signs affixed to a building for each store, business or tenant. No sign shall project above the highest line of the roof, parapet or building. Each wall sign, individual-letter sign, or roof sign shall not exceed an area of 2.5 square feet for each linear foot of the storefront, business front or occupied tenant space for each applicable business or tenant advertised. In the event that a storefront, business front or occupied tenant space occupies more than one front of a building, the longest front shall be utilized to calculate the total area per wall sign, individual-letter sign, logo sign or projecting sign (up to a maximum of two). The total area as calculated herein shall be the applicable maximum area for each sign and not split between the two.

- (c) Projecting signs shall not project more than six feet from the building, subject to approval by the City Council as part of the signage plan.
- (d) Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible.
- (e) Any business, tenant, or storefront may divide any allowed exterior sign(s) affixed to a wall of the building, to which it is entitled or hereinabove provided, into separate signs affixed to and parallel to such wall; provided, however, that the aggregate area of the separate signs shall not exceed the maximum area allowed under this section for a single exterior sign on the same front.
- (f) A lot shall be allowed one freestanding pole, monument, ground or pylon sign for frontage on Route 20 East, provided that each freestanding sign shall be subject to the following dimensional and lighting requirements:
 - [1] The total allowed illuminated cabinet square feet of signage shall not exceed the total area allowed for a freestanding sign as per § 526-9C, exclusive of any sign embellishments, structure and address panels located thereon;
 - [2] The height of any freestanding sign shall not exceed 30 feet from the ground measured directly at the sign base;
 - [3] No freestanding sign shall be located closer than five feet to any property line;
 - [4] Signs, logos or cabinets should be externally illuminated where possible, otherwise with translucent or transparent faces if no reasonable alternative is possible; and
 - [5] Wire frame signs and A-frame signs are prohibited.

J. Application.

- (1) Special permits. An application for a special permit for a use in a development in the Wayside Zoning District shall comply with the requirements of § 650-59 of the Zoning Ordinance.
- (2) Site plan approval. An application for site plan approval in the Wayside Zoning District shall comply with the requirements of Chapter 270 of the City Code, Article II, Permits and Approvals, § 270-2.

K. Site plan; special permit approval review criteria.

- (1) Review criteria. In connection with a special permit and/or site plan application in the Wayside Zoning District, such applications shall be reviewed with respect to the following additional review criteria:
 - (a) Compliance of the design with the design standards in the above Subsection H;
 - (b) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;

- (c) Scale of buildings relative to surroundings and relative to City of Marlborough Multifamily Development Review Criteria and Design Review Guidelines;
 - (d) Quality of design and materials for building facades visible from public ways;
 - (e) Quality of design and materials for public space; and
 - (f) Placement of utilities and wiring underground, to the extent practical.
- (2) Submission requirements:
- (a) Site plan depicting proposed development, buildings, parking, vehicular, pedestrian, and bicycle circulation, open space;
 - (b) Building elevations;
 - (c) Landscape plan;
 - (d) Lighting plan with photometrics; and
 - (e) Site and building signage plan.
- L. Standards for roadways and drainage.
- (1) Roadways. Internal Wayside Zoning District roadways shall be private ways and shall be maintained by owners/developers of the Wayside Zoning District and portions thereof. Private ways within the Wayside Zoning District, to the extent feasible, shall be constructed using the methods and materials prescribed in the City of Marlborough Subdivision Regulations,¹ but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. Developments proposed in the Wayside Zoning District shall have a stormwater management system designed in accordance with the City of Marlborough Subdivision Regulations, the Department of Environmental Protection's Storm Water Handbook, and the Standards and the City's Stormwater Ordinance (Chapter 271 of the City Code), as amended. The stormwater design shall infiltrate all stormwater on site and avoid runoff onto adjacent properties and is encouraged to integrate bioswales, rain gardens, or other surface stormwater treatment features that are integral to the function of the site's stormwater management and highlighted as a landscape feature.
- M. Amendments. After approval, the owner/developer may seek amendments to the approved permits. For special permits, amendments may be granted by a two-thirds vote of the City Council. For site plan approvals, amendments may be granted by a majority vote of the City Council. The Building Commissioner shall be responsible for determining whether a project change is major or minor. Minor project changes may be made by the Building Commissioner, and major project changes by the permit granting authority. In general, a

1. Editor's Note: See Ch. A676, Subdivision Regulations.

minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the surrounding neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Chapter, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3) of § 650-59.