



# IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2024

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## ORDERED:

### **Suspension of the Rules requested – granted.**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS 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 BY AMENDING AND ADDING THERETO AS FOLLOWS:

- I. Chapter 650, Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby amended by **inserting** a new Section 650-39.1, entitled “Lizotte Drive Overlay District”, which shall read as follows:

### **§650-39.1 – LIZOTTE DRIVE OVERLAY DISTRICT**

- A. Purpose and Objectives. The Lizotte Drive Overlay District (the “LDOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district as an alternative to land use controls that exist in the underlying district. The establishment of the LDOD is to enhance land use development, promote housing by allowing the construction of market-rate and affordable-rate multifamily condominiums, and to encourage the redevelopment of underutilized commercial buildings.
- B. Location; Underlying Zoning.
  - (1) For the purposes of this section, the LDOD is located along the west side of Lizotte Drive and the east side of Interstate 495 containing approximately 18 acres as indicated on the City Zoning Map and more particularly depicted in Exhibit “A” attached hereto and incorporated herein by this reference.
  - (2) Except as specifically provided herein, the provisions of the Zoning Ordinance relating to the underlying zoning districts not otherwise impacted by this section (§ 650-39.1, et seq.) shall continue to remain in full force and effect. In the event of any conflict between the provisions of this section (§ 650-39.1, et seq.) and any other provision of the Zoning Ordinance, the provisions of this section (§ 650-39.1, et seq.) shall govern and control.
- C. Authority of Permit Granting Authority.
  - (1) The City Council shall be the special permit granting authority in the LDOD.
  - (2) Site plan review in the LDOD shall be conducted administratively in accordance with §270-2.



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## ORDERED:

- (3) The City Council may elect to vary the dimensional, parking, design, and landscaping requirements applicable to a use or structure by special permit upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent of purpose of this Section.

### D. Use Regulations

- (1) The following uses are permitted in the LDOD:

- i. Uses allowed by right in the underlying zoning district, as set forth in the Table of Use Regulations, §650-17, are permitted as of right;
- ii. Uses allowed by special permit in the underlying zoning district, as set forth in the Table of Use Regulations, §650-17, may be permitted by special permit;
- iii. By special permit: Multifamily dwellings, as defined in §650-5(B), including multiple buildings on a single lot, provided that the total number of multifamily dwelling units in the LDOD shall not exceed 250.

- (2) Prohibited Uses. Notwithstanding any provisions in this section (§ 650-39.1, et seq.) or the Zoning Ordinance to the contrary, if any portion of the LDOD is used as a contractor's yard and/or landscape contractor's yard, then multifamily dwellings are prohibited in the entire LDOD and are not permissible by special permit. For purposes of clarity, any and all uses of land within the LDOD as a contractor's yard and/or landscape contractor's yard shall cease prior to submitting an application for a special permit for multifamily dwellings and no such uses shall be permitted or re-established following the granting of the first special permit for multifamily dwellings.

- E. Affordable Housing. Notwithstanding any provisions in the Zoning Ordinance to the contrary, development of multifamily dwellings in the LDOD shall be subject to the requirements of §650-26.

- F. Dimensional Standards. Notwithstanding any provisions in the Zoning Ordinance to the contrary, development in the LDOD shall be subject to the dimensional standards of the Limited Industrial District.

- G. Landscaping Regulations. Notwithstanding any provisions in the Zoning Ordinance to the contrary, development in the LDOD shall be subject to the landscaping regulations of §650-47; provided, however, that §650-40.F(8) and §650-18(A)(9) shall not apply to development of multifamily dwellings in the LDOD.

- H. Parking Regulations. Notwithstanding any provisions in the Zoning Ordinance to the contrary, the minimum parking requirement for multifamily dwellings in the LDOD shall be one and one half (1.5) spaces per unit.



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## ORDERED:

### I. Modifications.

- (1) After approval, applicants may seek modifications to any approved Special Permits or Site Plan Approvals. Major modifications to a Special Permit may be granted by a vote of the City Council, and minor modifications to a Special Permit may be granted by the Building Commissioner. Major or minor modifications to a site plan shall be subject to the provisions of § 270-2 of the Marlborough City Code. The Building Commissioner shall have jurisdiction to determine whether a requested modification is major or a minor. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce a material increase in impact on City services, the environment, or the neighborhood. Where the effect of a modification to a Special Permit is quantifiable (by way of example only, modifications to building size or location, parking count or location, or other such quantifiable modification), it shall be presumed minor if the quantifiable effect does not result in a ten percent (10%) or greater variation from the applicable approval, provided however, that said modification would not result in a violation of any provision of this Section. If it is determined that a modification to a Special Permit is not minor, per §650-59 of the Zoning Ordinance, 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.
- II. The Zoning Map described in § 650-8 is amended as stated herein and in Exhibit "A" annexed hereto. The newly established "Lizotte Drive Overlay District" shall include portions of the property shown on the Assessors Map as existing at the passage of this Ordinance, which property includes the following parcels of land (herein identified by the Assessors' Map and Parcel Number): Assessors Map 90, Parcel 2A, Assessors Map 90, Parcel 82, and Assessors Map 90, Parcel 83.
- III. The City Clerk is authorized to assign other numbering for the new section 650-39.1 as deemed appropriate for sequential ordering in the Zoning Ordinance.
- IV. The effective date of these amendments shall be the date of their passage.

Be and is herewith **APPROVED**.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**



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ORDERED:

ADOPTED  
In City Council  
Order No. 24-1009121B

Approved by Mayor  
J. Christian Dumais  
Date: July 30, 2024

A TRUE COPY  
ATTEST:

City Clerk