

Chapter 300. Zoning

Article XXIV. Lafayette-Main Commercial District

[Added 10-26-2015 ATM by Art. 13]

§ 300-157. Purposes.

The purposes of the Lafayette-Main Commercial District are to encourage diverse, high-quality, and attractive commercial developments and mixed use developments on Lafayette Road, Main Street, and Toll Road, substantially consistent with the Salisbury Master Plan; to meet the goods and services needs of residents and visitors; and to create attractive, organized activity centers on Lafayette Road and Main Street.

In the Lafayette-Main Commercial District, no structure shall be erected or altered and no building, structure, premises, or land shall be used for any purpose or in any manner other than as permitted in this Article **XXIV**, except as provided in Article **V** of this bylaw.

§ 300-158. District boundaries.

The boundaries of the Lafayette-Main Commercial District, consisting of LM, and Subdistricts LM-A, LM-B, LM-C, and LM-D, shall be as shown on a map titled "Lafayette-Main Commercial District," dated September 16, 2015, which is hereby incorporated in and made part of this bylaw.^[1]

[1] *Editor's Note: The map entitled "Lafayette-Main Commercial District" is on file in the Town offices.*

§ 300-159. Definitions.

[Amended 5-20-2019 ATM by Art. 14]

Definitions of terms used herein shall be in accordance with § **300-5**, Definitions.

§ 300-160. Use regulations.

[Amended 5-20-2019 ATM by Art. 14]

Table of uses. The uses in the Lafayette-Main Commercial District are subject to § **300-12**, Table of Use Regulations.

§ 300-161. Special permits.

- A. The Planning Board shall be the special permit granting authority for uses in the Lafayette-Main Commercial District.
- B. The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Article **XXIV**. Approval of a project shall be conditioned to provide that no further division of land which increases the number of lots or units or results in any alteration of the area to be set aside as open space may occur without a modification of the special permit.

§ 300-162. Mixed residential development (MRD) in Subdistrict LM-B.

Mixed residential development (MRD) may be allowed in LM-B by special permit in accordance with this § **300-162**. The purpose of MRD is to provide for a mix of residential uses in order to create housing choices and promote compact neighborhoods within walking distance of goods and services, and limit site disturbance for environmental and economic reasons.

- A. To be eligible for an MRD Special Permit, the proposed site shall be a tract of land with two or more acres and at least 50 feet of frontage on Lafayette Road. However, the Planning Board may waive the minimum frontage

requirement if access to the MRD will be via a shared access drive with a commercial or mixed use development facing Lafayette Road. Such shared access shall be contingent upon an easement or other legally enforceable restriction recorded with the deed and approved by the Planning Board following review by Town Counsel.

- B. Each MRD shall include two classes of residential use: detached single-family dwellings and units in multifamily dwellings. Neither class of residential use shall comprise less than 30% of the total number of units in the development. In the instance of a fraction, the maximum number of units in a use class may be rounded up to the next whole number.
- C. No dwelling units in an MRD shall be located within 200 feet of the Lafayette Road right-of-way line.
- D. Open space. At least 30% of the land in the MRD shall be open space protected in perpetuity under the provisions of this Article **XXIV** and MGL c. 40A, § 9. Such open space shall, to the maximum extent practical as determined by the Planning Board, conform to the requirements of § **300-52** of this Bylaw. For an MRD served by public sewer, at least 40% of the site shall be protected open space.
- E. Net developable area. For purposes of determining the maximum amount of development that may be approved for an MRD, the following calculation of net developable area shall apply:

Total site area (in acres) minus the sum of 50% of the wetlands area on the site, as determined by the Salisbury Conservation Commission; minus 10% of the site for roads and utilities. The net land available following application of this formula shall be the net developable area of the site.
- F. Maximum density. The maximum number of dwelling units in the MRD shall be determined as follows. Land counted toward one class of residential use shall not be counted toward any other class of use.
 - (1) Detached single-family dwelling: one unit per 1/4 acre of net developable area.
 - (2) Multifamily dwelling: six units per acre of net developable area.

The above-listed standards shall be used only for the purpose of determining maximum gross density on an MRD site. They shall not be construed as minimum lot area requirements.
- G. Open space residential cluster design. To protect natural features of the land and encourage creative site planning, the Planning Board may reduce or waive the minimum lot frontage and minimum side and rear setback requirements in § **300-163** for lots within the MRD if it determines that doing so will not derogate from the purposes of the Lafayette-Main Commercial District. Similarly, the Planning Board may approve a reduction in lot area for individual single-family dwellings as long as the maximum density on the site conforms to § **300-162G**.
- H. Application for a special permit shall be in accordance with the Planning Board's rules and regulations. In addition, the special permit application shall include evidence that the proposed MRD has been designed in accordance with § **300-48** and applicable design standards for flexible residential development (FRD) adopted by the Planning Board under § **300-53** of this bylaw.
- I. Decision criteria. The Planning Board may grant a special permit for an MRD after considering the following criteria:
 - (1) Whether the MRD facilitates construction and maintenance of streets, housing, utilities, and public services in an economical manner;
 - (2) Whether the MRD promotes permanent protection of open space and, where possible, provides for linkages with adjoining open space and recreation amenities;
 - (3) Whether the MRD provides for a mix of housing and housing affordability;
 - (4) Whether the proposed housing, landscaping, and streetscape are in harmony with the Town's architectural heritage and historic character; and
 - (5) Whether the MRD provides for safe pedestrian connectivity with nearby commercial and public uses.
- J. Relationship to subdivision control. A subdivision is not required for an MRD, but an MRD that involves a subdivision shall be submitted to the Planning Board in accordance with the Planning Board's Rules and Regulations of Subdivision Control. To the extent possible, the Planning Board will consider the special permit and subdivision plan together, simultaneously, if requested by the applicant, subject to the different review and decision periods established by state law.

§ 300-163. Density and dimensional regulations.

Except as provided in § **300-162**, no building or structure shall be built nor shall any existing building or structure be enlarged except in conformance with the density and dimensional regulations set forth in this § **300-163**. For purposes of this § **300-163**, a mixed-use development shall be subject to the minimum setback requirements for a commercial or nonresidential use.

	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Minimum lot area (acres)	1/2	2/3	1/2 ¹	1/2	1/4 ²
Minimum lot frontage (feet)	100	150 ³	100	100	100
Minimum front setback ⁴ (feet)	30	30	20	20	Nonresidential: 20 Residential: 30
Maximum front setback (feet)	50	50	40	40	40
Minimum side setback (feet)	Com/ 20 Com/ 30	Com/ 15 Res 30	15	15	15
Minimum rear setback ⁵ (feet)	20	25	20	25	20
Maximum building height (feet)	35	60	45 ⁶	45	35
Maximum building stories	—	4	3	3	2.5
For nonresidential uses only:					
Minimum open space percentage of lot area ⁷	15%	15%	20%	10%	10%

NOTES:

- ¹ Except that for a mixed residential development (MRD) in LM-B, maximum density for residential uses shall be determined in accordance with § 300-162.
- ² One dwelling unit shall be allowed for every 10,000 square feet of net developable area in LM-D.
- ³ Minimum lot frontage may be reduced to 100 feet in LM-A when two or more adjoining lots are served by a joint or cross-access service drive. Planning Board approval of joint or cross-access and associated reduction in frontage shall be contingent upon an easement recorded with the deed for the lot providing cross-access and a declaration granting access rights to the main road for adjoining lots served by the joint access drive once it is completed.
- ⁴ In its discretion, the Planning Board may grant a special permit to reduce the minimum front setback if it determines that strict compliance with this § 300-163 is impractical due to physical or natural constraints on the lot and if such waiver will further the purposes of this Article XXIV.
- ⁵ For a commercial or mixed-use development in the LM-B Subdistrict, no nonresidential structure shall be located closer than 50 feet to an existing residential use, and in a mixed residential development, no dwelling shall be closer than 50 feet to a nonresidential use or mixed-use structure.
- ⁶ For detached single-family dwellings in LM-B, maximum building height shall be 35 feet.
- ⁷ Open space as defined in § 300-82.3. At least 50% of the open space shall be landscaped open space located in front of or on the side of the building on the lot (or the building closest to the street, for lots with multiple buildings). The percentage of wetlands included in the open space shall not exceed the percentage of wetlands in the entire development site.

§ 300-164. Off-street parking and loading.

- A. For purposes of this Article XXIV, an off-street parking space is an all-weather, surfaced area having a width of not less than nine feet and a length of not less than 18 feet.
- B. Minimum off-street parking requirements. Development in the Lafayette-Main Commercial District shall provide off-street parking in accordance with the following schedule of parking spaces. Where fractional spaces result, the required number of parking spaces shall be construed to be the next highest whole number.
 - (1) Residential uses: for a studio or one-bedroom dwelling unit, one parking space; for a dwelling unit with two or more bedrooms, two spaces.
 - (2) Bed-and-breakfast: one space per guest room plus two spaces for the owner-occupants of the residence.
 - (3) Retail uses: three spaces per 1,000 square feet of gross floor area, except that in a building with two or more commercial tenants, no parking shall be required for one individual retail store with less than 1,000 square feet of gross floor area.
 - (4) Restaurant: one space per three seats or one space per 50 square feet of public floor area (i.e., area reserved for actual consumption of food and beverages by the general public), whichever is greater.
[Amended 5-16-2016 ATM by Art. 20]
 - (5) Personal service establishment: one space per 350 square feet gross floor area.
 - (6) Professional or business office, bank or post office: three spaces per 1,000 square feet gross floor area for first-

floor offices, and two spaces per 1,000 square feet gross floor area for upper-story offices.

- (7) Medical office: one space per 200 square feet gross floor area.
 - (8) Hotel or motel: one space per sleeping room, and one space for every three employees on the largest shift.
 - (9) For a use not specifically listed in this section, the minimum required number of off-street parking spaces shall be as determined by the Building Inspector based on a listed use with similar characteristics of parking demand generation.
- C. Through site plan review, the Planning Board may authorize a reduction in parking of up to 25% of the total required spaces for abutting properties with shared access and shared parking that is subject to a legally enforceable agreement or restriction.
- D. Location of off-street parking. The following requirements shall apply to any new commercial or mixed-use building with more than 2,500 square feet of gross floor area.
- (1) No off-street parking shall be located between the street sideline and the front facade of any new commercial or mixed-use building facing the street except by special permit from the Planning Board. The maximum number of spaces that may be allowed in front of the building shall not exceed 15% of the total number of spaces required for the proposed use(s) on the site or, in the case of an amendment to a special permit, not more than 15% of the total number of spaces required for existing and proposed uses combined. In granting a special permit hereunder, the Planning Board may authorize an increase in the maximum front yard setback to accommodate said parking, provided that the parking is screened from pedestrian and street views with appropriate building elements or landscaping features, such as a landscaped berm, or a combination thereof.
 - (2) Parking for commercial uses or dwelling units above ground-floor commercial structures shall be located to the rear of the building or to the side, but no closer to the street than the front building line; or within a building at grade, accessible from the rear of the building, or under a building. Where parking is located behind buildings in a mixed-use development with additional buildings located to the rear of the site, a quadrangle effect should be created with parking, landscaping, and walkways.
- E. Buffer areas. Off-street parking shall be buffered from adjacent land uses, as follows:
- (1) Any off-street parking or storage area which abuts a residential district shall be separated from the adjacent property by a ten-foot buffer area. The buffer shall be suitably landscaped and maintained so as to create an effective year-round visual screen at least six feet in height in order to insulate the residentially zoned land from the off-street parking area.
 - (2) At minimum, any off-street parking and loading area shall be separated from adjacent properties by a four-foot buffer area planted with grass or similar ground cover, or adjacent properties may be connected by a landscaped walkway. Where adjacent parcels agree to a joint or cross-access drive and shared parking, the Planning Board may approve eliminating the minimum four-foot buffer on all common property lines. No buffer area shall be required for a one-family detached dwelling.
 - (3) Landscaping. Off-street parking areas shall be landscaped in accordance with Planning Board rules and regulations.

§ 300-165. Lafayette-Main design guidelines.

The Planning Board shall adopt rules and regulations to administer this Article **XXIV** consistent with the provisions of Article **XVIII**, § **300-118A** of this bylaw. Such guidelines may include any or all of the following criteria:

- A. Building placement and orientation;
- B. Open space and natural features;
- C. Pedestrian, bicycle, and vehicular circulation;
- D. Water quality;
- E. Stormwater;
- F. Utilities, exterior lighting, parking, and snow removal;
- G. Trees (including removal of existing trees) and landscaping;
- H. Signage; and
- I. Safety.