

## **Article XXIV. Lafayette-Main Commercial District**

### **300-157. Purposes**

The purposes of the Lafayette-Main Commercial District are to provide for high-quality, distinctive commercial and mixed use developments on Lafayette Road and Main Street, 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 as follows.

### **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 [insert final date], which is hereby incorporated in and made part of this Bylaw.

### **300-159. Definitions**

As used in this Article XXIV, the following terms shall have the following meanings. Definitions of other terms used herein shall be in accordance with Section 300-5.

**Bed and Breakfast.** A private owner-occupied residence with up to six guestrooms rented to the public for overnight or weekly accommodation for a fee, with breakfast served to guests at no additional charge. The guest rooms contain no cooking facilities and do not constitute separate dwelling units. The bed and breakfast is subordinate and incidental to the main residential use of the building.

**Mixed Residential Development.** A planned development that includes two or more residential uses and protected open space, and provides for the construction of detached dwellings in Lafayette-Main Subdistrict B.

**Mixed-Use Development, Vertical.** As defined in Section 300-82.3.

**Mixed-Use Development, Horizontal.** As defined in Section 300-82.3.

**300-160. Use Regulations**

A. Table of Uses. The following use regulations shall apply in the Lafayette-Main Commercial District.

Use	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
<b>Exempt, Community, and Agricultural Uses</b>					
Uses exempt under M.G.L. c. 40A, Sec. 3	P	P	P	P	P
Public utility except power plant, water or sewage treatment plant, or refuse facility	P	P	P	P	P
Public park, conservation area, or preserved open space	P	P	P	P	P
Town cemetery, including crematory	P	P	P	P	P
Street, bridge, tunnel, railroad haul lines	P	P	P	P	P
Agriculture, horticulture, floriculture	P	P	P	P	P
Non-Exempt Agriculture, horticulture, floriculture (under five acres)	P	----	----	----	----
<b>Residential Uses</b>					
Detached dwelling. (In Subdistrict B, allowed only in a Mixed Residential Development under Section 300-162)	P	----	PB	----	P
Multifamily dwelling	PB	----	P <sup>1</sup>	PB	P
Accessory uses					
Home occupation	P	----	P	----	P
Accessory apartment	P	----	P	----	P
Bed & breakfast	P	----	P	----	P
<b>Nonresidential Uses</b>					
Vertical mixed-use development	P	----	P	P	P
Horizontal mixed-use development	PB	----	PB	PB	P
Nursing, rest, or convalescent home	----	----	P	----	P
Hospital, medical center or clinic	----	PB	----	----	----
<b>Commercial Uses</b>					
Retail store, up to 10,000 sq. ft. gross floor area	P	P	P	P	P
Retail store, over 10,000 sq. ft. gross floor area	PB	P	PB	P	PB
Restaurant with food service located	P	P	P	P	P

<sup>1</sup>With exception that no multifamily dwelling units alone shall be located within 200 feet of the Lafayette Road right-of-way line.

Use	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
entirely within the building or on a patio or outdoor seating area operated in connection with an indoor-service restaurant					
Restaurant or other food service establishment with drive-through service	-----	PB	-----	PB	-----
Bakery, deli, coffee shop, ice cream shop, sandwich shop, or similar establishment preparing and selling foods for consumption off the premises; not including drive-through food service	P	-----	P	P	P
Fish, shellfish, food processing, and wholesale sale	----	-----	-----	P	-----
Bank	P	P	P	P	-----
Business or professional office, excluding medical office	P	P	P	P	P
Medical office	P	P	P	-----	-----
Hotel or motel	-----	P	PB	PB	-----
Personal service, such as a beauty salon or barber shop, dry cleaning and pressing or tailor shop	P	P	P	P	P
Bicycle shop, small appliance repair	P	-----	P	P	-----
Renting/leasing of vehicles, equipment, household, and functional supplies	----	P	P	P	----
Commercial amusements, such as cinema or live theatre, video arcade, bowling alley	-----	PB	PB	PB	-----
Indoor recreation, such as a gym, indoor pool, tennis court	-----	P	P	P	-----
Self-Storage Facility	P	----	----	----	----
Gas station, no convenience store	-----	PB	-----	PB	-----
Gas station with convenience store	-----	PB	-----	PB	-----
Wholesale trade	-----	-----	-----	PB	-----
Large-scale solar photovoltaic installations	PB <sup>2</sup>	-----	-----	-----	-----
On-site solar photovoltaic installations	PB	-----	PB	PB	-----
On-site wind energy facility	-----	-----	PB	PB	-----

<sup>2</sup> All utilities shall be visually screened from Lafayette Road or Toll Road through any one or combination of the following: location, distance, plantings, or other buildings. Owner is responsible for visual screen on own property regardless of other circumstances in front of property. All other guidelines from Article XXII. Solar Photovoltaic Installations shall be administered.

**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 Section 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. Where application for an MRD Special Permit under this Section 300-162 is approved by the Planning Board, the approved MRD shall be deemed to satisfy the requirement for a Flexible Residential Development (FRD) Special Permit under Article X, where applicable.

- 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 will 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 detached single-family dwellings and multifamily dwellings.
- C. The number of detached single-family dwellings shall not exceed 50 percent of the total number of dwelling units in the MRD. In the instance of a fraction, the maximum number of detached single-family dwellings in an MRD shall be rounded up to the next whole number.
- D. No dwelling units in an MRD shall be located within 200 feet of the Lafayette Road right-of-way line.
- E. Open Space. At least 30 percent of the land in the MRD shall be open space protected in perpetuity under the provisions of this Article XXIV and M.G.L. c. 40A, Section 9. Such open space shall, to the maximum extent practical as determined by the Planning Board, conform to the requirements of Section 300-52 of this Bylaw. For an MRD served by public sewer, at least 50 percent of the site shall be protected open space.
- F. 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 water area and 50 percent of the wetlands area on the site, as determined by the Salisbury Conservation Commission; *minus* 10 percent 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.

G. 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  $\frac{1}{4}$  acre of Net Developable Area.
- (2) Multifamily dwelling: four units per acre of Net Developable Area.

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 Section 300-48 and applicable design standards for Flexible Residential Development (FRD) adopted by the Planning Board under Section 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 diversity and affordability of housing;
- (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, attractive 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 Section 300-162, no building or structure shall be built or shall any existing building or structure be enlarged except in conformance with the density and dimensional regulations set forth in this Section 300-159.

	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Minimum Lot Area (acres)	1/2	2/3	1/2 <sup>3</sup>	1/2	1/4 <sup>4</sup>
Minimum Lot Frontage	100 feet	150 feet <sup>5</sup>	100 feet	100 feet	75 feet
Minimum Front Setback	30 feet	30 feet	20 feet	20 feet	10 feet
Maximum Front Setback	50 feet	50 feet	40 feet	40 feet	30 feet
Minimum Side Setback	20   30	15 feet	15 feet	15 feet	10 feet
Minimum Rear Setback	20 feet	25 feet	20 feet	25 feet	20 feet
Maximum Building Height	35 feet	60 feet	45 feet <sup>6</sup>	40 feet	35 feet
Maximum Building Stories	---	4	3	3	2.5
<b>For nonresidential uses only:</b>					
Minimum Building Stories	---	---	2	n/a	2
Minimum Open Space % Lot Area <sup>7</sup>	15%	15%	20%	10%	20%
Minimum % Lot Width Occupied by Principal Building(s) at Maximum Front Setback	---	65%	60%	60%	50%

**300-164. Off-Street Parking and Loading.**

<sup>3</sup> Except that 1/4 acre lots may be allowed in a Mixed Residential Development under Section 300-162 in LM-B.

<sup>4</sup> One dwelling unit shall be allowed for every 10,000 square feet of Net Developable Area in LM-D.

<sup>5</sup> Minimum lot frontage may be reduced to 125 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 relinquishing access rights to the main road for adjoining lots served by the joint access drive once it is completed.

<sup>6</sup> For single-family detached dwellings in LM-B, maximum building height shall be 35 feet.

<sup>7</sup> Open Space as defined in Section 300-82.3. At least 50 percent 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.

- 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 (9) feet and a length of not less than eighteen (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: 1 space per sleeping room plus two spaces for the owner-occupants of the residence.
  - (3) Retail uses: 4 spaces per 1,000 square feet of gross floor area for the first 10,000 sq. ft.; 2.5 spaces per 1,000 sq. ft. for between 10,001-12,500 sq. ft. of gross floor area, and 2 spaces per 1,000 sq. ft. of gross floor area over 12,500 sq. ft.
  - (4) Restaurant: 1 space per three seats or 1 space per 50 sq. ft. of public floor area (i.e., area reserved for actual consumption of food and beverages by the general public), whichever is greater
  - (5) Personal service establishment: 1 space per 250 sq. ft. gross floor area
  - (6) Professional or business office, bank or post office: 3 spaces per 1,000 sq. ft. gross floor area for first-floor offices, an average of 2.5 spaces per 1,000 sq. ft. gross floor area for upper-story offices
  - (7) Hotel or motel: 1 space per sleeping room, and 1 space for every 3 employees on the largest shift
  - (8) For a use not specifically listed in this Section, the minimum required number of off-street parking spaces shall be as determined by the Planning Director 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 percent of the total required spaces for shared parking that is subject to a legally enforceable agreement or restriction.
- D. Location of Off-Street Parking.
- (1) No off-street parking shall be located between the street sideline and the front façade of any new building facing the street except by Special Permit from the Planning Board.
  - (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 not within 20

- feet of the front façade; 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.
- (3) The Planning Board may grant a Special Permit for an alternative off-street parking plan, including an increase the maximum front yard setback to the extent required to accommodate said parking, provided that the parking is screened from pedestrian view with appropriate building elements or landscaping features, or a combination thereof.

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 (10) foot buffer area. The buffer shall be suitably landscaped and maintained so as to create an effective year-round visual screen at least six (6) 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 (4) 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 (4) 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, including design guidelines to be considered during Site Plan Review under Article XVIII 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 and landscaping;

H. Signage;

I. Safety; and

J. Energy efficiency

Suggested Amendment to Section 300-5. Add the following definition:

**Self-Service Storage Facility.** A building or group of buildings consisting of individual, controlled access and self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.