

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section I. TOWN CENTER DISTRICT (B-1)

I. B-1 DISTRICT (TOWN CENTER)

I.1. Purpose

The Master Plan of the Town of Norfolk (the Town) sets forth goals for the Town Center, Economic Development, Housing, Open Space, Circulation, Facilities and Community Vision in Parts A and B of the Master Plan. In order to implement these Master Plan goals, the Town establishes this section for the B-1 District. Graphic examples and illustrations of the provisions of this section are included in the Appendix of the Zoning Bylaw.

I.2. Local Standards

Section I shall supersede the following sections of the Zoning Bylaw: D.1.e. Buffer/Green Belt/Landscaping Requirements in Non-Residential Districts, D.2. (Use Regulations), E.1.b. (Dimensional Requirements), E.1.c. (Lot Width, FRONTAGE and Setback), E.1.d. (YARD Requirements), E.1.e. (BUILD FACTOR), E.2. (Modification), F.4.a. (Alteration and Enlargement), and F.5. (ACCESSORY BUILDINGS) except F.5.e. (MOBILE HOMES). All other sections of the Zoning Bylaw, except where otherwise specifically stated herein, shall apply within the B-1 District.

I.3. District Boundaries

The B-1 District is further divided into two areas: (1) The **BUSINESS CORE**, which consists of that portion of the B-1 District which is west of "Carlson's Circle" (the access easement located 185 feet east of and parallel to Rockwood Road) and (2) **Outside the BUSINESS CORE**, which consists of all remaining areas of the B-1 District.

I.4. Lot and Yard Requirements and Standards

I.4.a. General B-1 District Requirements

I.4.a.1. Building Scale. No Building FOOTPRINT, other than a GROCERY STORE, Municipal BUILDING, or VARIETY STORE, shall exceed 15,000 square feet. No GROCERY STORE or VARIETY STORE FOOTPRINT shall exceed 50,000 square feet. No Municipal BUILDING FOOTPRINT shall exceed 30,000 square feet.

I.4.a.2. Planned Multi-Lot Development. PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of LOTS as part of a common scheme by Special Permit by the Planning Board so that such LOTS need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

I.4.a.2.A. Membership in a Property Owners Association shall be mandatory for all property owners within a PMLD and shall be made a required covenant in all deeds issued or passed for property in a PMLD.

I.4.a.2.B. The APPLICANT shall prepare Property Owners Association documents for the Property Owners Association(s). The Property Owners Association documents shall require the association to accept title to any Common Property in the PMLD and that all Common Property shall be deeded by the APPLICANT to the Property Owners Association. The Property Owners Association documents shall further provide that every Owner in a PMLD shall be jointly and severally liable for the ongoing maintenance, operation and upkeep of all Common Property, and that the Town shall have the right, but not the obligation, to enforce these responsibilities against any Owner.

I.4.a.2.C. The Property Owners Association documents for a PMLD shall provide voting and use rights, shall provide the Property Owners Association with the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due to the Property Owners Association from its members, and may also provide for the charge of dues, levies, or assess-

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ments to cover expenses which include, but are not limited to, tax liabilities, maintenance and municipal or State assessments.

I.4.a.2.D. For the purposes of these subsections, "Common Property" shall mean all land areas used in common for septic, drainage, parking or other land uses. In addition, Common Property shall include, without limitation, such personal property as pumps, pump chambers, piping, valves, manholes, culverts, asphalt and other paving materials, and septic tanks as may be used by two or more units or BUILDINGS in a PMLD. Common Property may also include similar personal property such as septic tanks even if not used by more than one unit if such personal property is to be maintained as a part of the common scheme for the PMLD.

I.4.a.3. **Phased Development.** APPLICANTS shall be allowed to plan, plat and create proposed LOTS or BUILDING sites in anticipation of a known PLANNED MULTI-LOT DEVELOPMENT or other proposal which will furnish needed infrastructure for a particular property provided the Town is given surety or other binding assurance, in a form and amount acceptable to the Planning Board, that will insure that no construction occurs without the necessary infrastructure.

I.4.a.4. **Pedestrian Ways and Street Trees.** LOTS or BUILDING sites which are either newly developed from unimproved land or REDEVELOPED shall provide PEDESTRIAN WAYS and street trees in accordance with the Subdivision Regulations along the FRONTAGE SIDE(s) of the LOT.

I.4.a.5. **Pedestrian Access.** BUILDINGS shall generally be PEDESTRIAN WAY - oriented and shall be physically and visually accessible to pedestrians from the PEDESTRIAN WAY. BUILDINGS shall provide pedestrian entrances that open to the front PEDESTRIAN WAY and may provide other entrances to the side or rear. Within the BUSINESS CORE, unless otherwise provided by Special Permit by the Planning Board, the FRONTAGE SIDE of each BUILDING, excepting a Municipal BUILDING, shall have not less than 70% of the length of its PEDESTRIAN WAY level street-side facade comprised of doorways which provide physical access, and windows or other transparent elements of walls which provide visual access. Municipal BUILDINGS shall have not less than 30% of the length of its PEDESTRIAN WAY level street-side facade comprised of doorways which provide physical access, and windows or other transparent elements of wall which provide visual access;

I.4.a.6. **Streetscape.** Within the BUSINESS CORE, BUILDINGS shall be not more than forty feet in height. At least 60% of the vertical wall area of the FRONTAGE SIDE facade of BUILDINGS, excepting Municipal Buildings, (excluding porches) shall be parallel with and aligned to the BUILD-TO LINE, and a minimum 60% portion of the FRONTAGE SIDE facade shall also be made up of vertical BUILDING wall, dormers, or a parapet or false facade to a height of twenty feet. Bay windows and balconies above STREET level may project toward the STREET beyond the BUILD-TO LINE. Outside the BUSINESS CORE, BUILDINGS shall not be more than forty feet in height. BUILDING HEIGHT shall not include any steeples, flag poles, weather vanes, or cupolas. The highest point of any such steeples, flag poles, weather vanes, or cupolas shall not exceed eighty (80') feet. At least 60% of the vertical wall area of the FRONTAGE SIDE facade of a Municipal BUILDING shall be made up of vertical BUILDING wall, dormers, or a parapet or false facade to a height of 10';

I.4.a.6.a. Notwithstanding the provisions of I.4.a.6. above, a TOWN HALL shall have at least ten percent (10%) of the vertical wall area of its FRONTAGE SIDE facade (excluding porches) parallel with and aligned to the BUILD-TO LINE, and at least sixty percent (60%) of its FRONTAGE SIDE facade shall be made up of vertical building wall, dormers, or a parapet or false facade to a height of at least twenty (20) feet but not more than thirty (30) feet.

I.4.a.7. **Accessory Buildings.** Minimum front YARD setback for ACCESSORY BUILDINGS and attached or detached garages shall be twenty feet from the front YARD of the Principal BUILDING, STRUCTURE or Use on that LOT.

I.4.a.8. **Utilities.** All utilities within the B-1 District shall be located underground. Utility outlets, service entrances, transformers and other utility services shall generally be centrally clustered in a neat and orderly fashion and shall be located to the rear of BUILDINGS or screened from view.

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I.4.a.9. **Residential Use.** Notwithstanding any contrary provisions of the zoning bylaw, Section F.11., Site Plan Approval, and Section F.12., Design Review, shall also apply to all Assisted Living Facilities and mixed-use BUILDINGS, STRUCTURES or uses within the B-1 District.

I.4.a.10. **Street Specifications.** Notwithstanding any contrary provisions of the zoning bylaw, all STREETS and roads within the B-1 District shall conform to the specifications and construction details of the Town's subdivision regulations.

I.4.a.11. **Residential Density.** Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than two bedrooms per unit. Residential densities, except for ASSISTED LIVING FACILITIES, shall not exceed the ratio of sixteen bedrooms for any single LOT except by special permit. Residential densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of 16 bedrooms per acre for any single LOT except by Special Permit by the Zoning Board of Appeals.

I.4.a.12. **Residential Conversions.** Residential uses shall not be commenced in BUILDINGS or STRUCTURES existing at the time of the adoption of this section of the zoning bylaw, except by Special Permit by the Zoning Board of Appeals.

I.4.a.13. **Visual Corner Clearance.** All unsignalized STREET intersections shall provide adequate sight distance in conformance with the requirements of the Town's subdivision regulations, except by Special Permit by the Planning Board.

I.4.a.14. **REDEVELOPMENT.** (Deleted)

I.4.a.15. **Town Water.** All new water connections for domestic supply or fire protection shall be connected to the Town water system. Any REDEVELOPMENT which uses water shall be required to connect to the Town water system. [Connection to the Town water system is not required unless the lot upon which building or redevelopment is proposed is located within a PLANNED MULTI-LOT DEVELOPMENT or yet to be proposed subdivision. In order to require that a connection be made to the Town's water system, the portion of the way which fronts such a lot must contain a municipal water main into which such a connection may be made.]

I.4.b. Lot and Building Requirements and Standards

I.4.b.1. General Requirements

I.4.b.1.A. No BUILDING, STRUCTURE, Use, PARKING AREA, driveway, vehicle circulation area, or other vehicle access way shall be located less than 50 feet **from an** adjacent parcel within a Residential Zoning District.

I.4.b.1.B. All outdoor facilities for the storage of fuel, refuse, materials and/or equipment shall be screened from view with a solid fence STRUCTURE and located to the rear of the building to which it is accessory. The fence shall be of reasonable height, a minimum of 6 feet, and the enclosure shall not exceed 1,000 square feet in area except by Special Permit from the Planning Board.

I.4.b.1.C. A green belt shall be provided on any LOT that abuts a Residential District should any use on said LOT (including any BUILDINGS, STRUCTURES, PARKING AREAS, driveways, vehicle circulation areas or other vehicle access ways) be located less than 100 feet from the Residential District. Such green belt shall:

I.4.b.1.C.1. Be located on the non-residential LOT along the shared property line.

I.4.b.1.C.2. Have a minimum depth from the shared property line of 30 feet.

I.4.b.1.C.3. Be used for no purpose other than planting and/or sidewalks.

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I.4.b.1.C.4. Constitute a screen of evergreen trees and/or shrubs not more than 15 feet apart planted in two or more staggered rows. The distance between each row shall not be more than 10 feet. Plants shall be no less than 6 feet in height at the time of planting and shall be continuously maintained.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section I.4.b.1.C., provided that the intent of Section I.4.b.1.C. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

I.4.b.1.D. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

I.4.b.2. Within the Business Core:

(A) BUILD-TO LINE: any distance from between six (6) feet and nineteen (19) feet from, and parallel with, the frontage line(s) of the lot as approved by the Planning Board as part of a comprehensive streetscape plan based on existing or planned buildings on lots within the same block on both sides of the street.

(A.)1. Notwithstanding the provisions of I.b.b.2.(A) above, the BUILD-TO LINE of a TOWN HALL shall be at least nineteen (19) feet and not more than one hundred twenty-five (125) feet from the FRONTAGE line of the LOT.

(A.)2. Notwithstanding the provisions of I.4.b.2.(A) above, the BUILD-TO LINE of a MUNICIPAL BUILDING which is used as a Library, shall be at least ten (10) feet and not more than thirty-five (35) feet from the FRONTAGE line of the LOT.

(B) Minimum front YARD setback: none;

(C) Minimum LOT size: 4,000 square feet* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 80 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

(F) Minimum LOT FRONTAGE: 20 feet* or 75 feet; and

(G) Minimum rear YARD setbacks: 5 feet.

*For PLANNED MULTI-LOT DEVELOPMENT

I.4.b.3. Outside the Business Core:

(A) BUILD-TO LINE: none;

(B) Minimum front YARD setback: 25 feet for principal BUILDINGS;

(C) Minimum LOT size: 8,000 square feet* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 60 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

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- (F) Minimum LOT FRONTAGE: 40 feet* or 100 feet; and
- (G) Minimum rear YARD setbacks: 10 feet.

*For PLANNED MULTI-LOT DEVELOPMENT

I.5. Sign Regulations

All signs and advertising devices within the B-1 District shall be subject to Section F.9, Sign Regulations, of the zoning bylaw.

I.6. Parking

The requirements of Section F.7., Parking, of the zoning bylaw are modified by the following subsections. In the event of a conflict between Section F.7. and any of the following subsections, the following sections shall control.

I.6.a. Shared Parking. Where the APPLICANT demonstrates to the Planning Board through the Site Plan Approval process that parking spaces within the STREET within the B-1 District can be utilized by more than one use located within 450 feet of the entrance of the principal BUILDING, STRUCTURE, or use of the premises, such that vehicles occupying a particular number of spaces are unlikely to require the use of those spaces at the same time of day or the same day of the week, the immediate construction of up to 30% of a parking area may be postponed, provided: (i) adequate land area is reserved for additional parking should it be needed in the future, (ii) the area reserved for future parking is shown on the site plan, (iii) no BUILDING or STRUCTURE may be placed on any area reserved for future parking, (iv) surety or other means of performance assurance in a form and amount acceptable to the Planning Board is given to the Town to insure that such additional parking area (including drainage and landscaping) will be constructed if needed, and (v) as a condition of postponing such construction, the Planning Board shall review the adequacy of the parking area every three years after endorsement of the site plan, or more frequently upon request of the Zoning Enforcement Officer, and certify that the number of parking spaces provided continues to be sufficient having regard for the actual uses of the site. The Planning Board shall be the determining authority regarding the future need of such parking.

I.6.b. Attribution of Parking Spaces. Parking spaces may be considered as a part of the requisite parking allocated to a particular LOT or use, if those spaces are entirely on that LOT or the use of the spaces has been assured by assignment through easement or other legal guaranty. On-STREET parking, where allowed, may be considered as a part of the requisite parking allocated to a LOT where an on-STREET space abuts the FRONTAGE of that LOT. Where an on-STREET space abuts more than one LOT, said space may be allocated to a particular LOT only if more than 66% of the space abuts that LOT.

I.6.c. Bicycles. Not less than one Bicycle Parking or Storage Space shall be created for every twenty vehicular parking spaces created.

I.6.d. Linked Parking. PARKING AREAS of adjacent LOTS shall have reasonable and convenient off-STREET vehicular connections. Where adjacent property has not been developed, provision shall be made for future off-STREET connections with adjacent properties; "reserved" strips of land or other measures which preclude or are designed to prevent such off-STREET connections shall not be permitted.

I.7. Uses Permitted and Regulated in the B-1 District

No BUILDING, STRUCTURE or land in the B-1 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically listed in Section I.7.a. and I.7.b. is prohibited.

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I.7.a: Allowed Uses.

ADULT DAY CARE ancillary to an ASSISTED LIVING FACILITY;
Art Galleries and Studios;
ASSISTED LIVING FACILITIES if on a LOT with an existing ground elevation at the proposed BUILDING
at or above 255 feet elevation, mean sea level (1927) datum;

Automatic teller machines;

I.7.a: Allowed Uses (continued from previous page)

Bakeries;
Banks;
Coffee shops;
Collection center for dry cleaning and laundry drop-off;
CONVENIENCE STORES;
CRAFT WORKSHOP;
Cultural Center, symphony hall or other place for the Community's or the Public's enjoyment of indoor
or outdoor musical, dramatic, or artistic performances; amphitheatres;
Dance, exercise and aerobic studios, martial arts studio;
Delicatessens;
Electric Vehicle Recharger Facilities;
FARMER'S MARKETS;
Funeral home;
GROCERY STORE;
HARDGOOD sales stores;
Historical or cultural society;
JOB PRINTING;
Laundromats;
Licensed INN or HOTEL;
LIMITED USED MOTOR VEHICLE SALES;
Medical, Dental and Optical Clinics;
Meeting Rooms or BUILDINGS Accessory to ASSISTED LIVING FACILITIES;
Mixed use comprised of any of the Allowed uses;
Municipal BUILDINGS;
Offices and Office BUILDINGS;
Open Space, village greens and squares;
Parking lot as Principal Use as part of a Planned Multi-Lot development, except on corner LOTS;
Post office;
Private Schools (for profit);
Public transit facilities including stations and platforms;
Residential DWELLINGS UNITS as part of a commercial site plan where the square footage of
residential dwelling units consists of 65% or less of the total combined square footage of the
residential and commercial structures(s) and the footprint of residential structure(s) is equal to or less
than the footprint of the commercial structure(s), provided that the commercial structure is
constructed prior to residential occupancy, and further provided that all said buildings are located
within a PLANNED MULTI-LOT DEVELOPMENT;
RESTAURANTS;
RETAIL SALES;
RETAIL SERVICES;
SOFTGOOD sales stores;
TAKE OUT RESTAURANTS;
Theaters; movie cinemas;
VARIETY STORE;
Video conferencing and/or conference facility.

I.7.b: Special Permit Uses by the Zoning Board of Appeals.

Car Rentals;

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Conversion of a pre-existing SINGLE-FAMILY DWELLING to two-FAMILY DWELLING or to mixed business and residential use;
DRIVE-UP WINDOWS;
Gasoline and diesel fuel filling stations;
Massage Therapy Licensed by the Norfolk Board of Health;
Research facilities;
RESTAURANTS which serve Beer, Wine or Alcoholic Beverages;
Small wastewater treatment facilities, as regulated by the Town Board of Health;

I.7.b: Special Permit Uses by the Zoning Board of Appeals (continued from previous page)

TAKE OUT RESTAURANTS with vehicular drive-up or other in-vehicle patronage;
Telecommunications and cellular towers consisting of Wireless Communications Facilities limited to the Wireless Communications Overlay District 2 as provided for in Section F.13.;
TEMPORARY FAMILY APARTMENTS.
WIRELESS COMMUNICATIONS FACILITY Equipment Building limited to the Wireless Communications Overlay District 2 as provided for in Section F.13.

I.7.c. Prohibited Uses - except as expressly exempted from restriction by statute.

ADULT BUSINESS;
Aviation Field;
Can and Bottle Redemption Centers;
COMMERCIAL COMPOSTING;
Commercial Parking Garages;
DRY CLEANING OR POWER LAUNDRY;
Hazardous Waste Treatment Facility;
Massage Parlors;
OUTDOOR BUSINESS;
Outdoor Commercial Vehicle Storage;
Poultry or Stock Raising;
Power Generating Plant Generating More than 1500 Kilowatts of Electricity;
Radioactive Material Storage or Handling;
Schools of Nursing, Schools of Laboratory Technician Skills, Schools of Physiotherapy,
and Dormitory Facilities Ancillary Thereto;
SCRAP YARDS;
Truck terminal or motor freight station;
Use of trailers, buses and mobile units for residence in excess of 30 days.

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