

Town of Palmer, Massachusetts

Chapter 171 – Zoning Ordinance

Article VI

Dimensional and Density Regulations

§171-34. Applicability of Dimensional and Density Regulations.

The regulations for each district pertaining to minimum lot area, minimum lot width, minimum lot depth, minimum front yard depth, minimum side yard width, minimum rear yard depth, maximum height of buildings, and maximum building area be as specified in this Article and as set forth in the Table of Dimensional and Density Regulations, and subject to the further provisions of this ordinance. (Amended Ord 2007- 07, RTCM 3/7/07)

§171-35. Table of Dimensional and Density Regulations.

NOTE: The following table of Dimensional and Density Regulations shall apply to all development within the Town of Palmer, except as these standards may be varied elsewhere in this ordinance. (Added ATM, May 14, 2001, Article 29, Amended Ord 2007- 07, RTCM 3/7/07)

Residential Uses:	RR	SR	TR
Single Family Home With Public Water & Sewer			
Minimum Lot Area (Square Feet)	60,000	30,000	20,000
Minimum Lot Frontage & Minimum Lot Width (Feet)	150'	150'	100'
Minimum Lot Depth (Feet)	200'	200'	200'
Minimum Front Yard (Feet)	50'	50'	30'
Minimum Side Yard (Feet)	30'	30'	15'
Minimum Rear Yard (Feet)	30'	30'	15'
Maximum Building Coverage (Percentage)	50%	50%	50%
Maximum Building Height (Feet)	35'	35'	35'
Single Family Home Without Public Water & Sewer			
Minimum Lot Area (Square Feet)	60,000	30,000	30,000
Minimum Lot Frontage & Minimum Lot Width (Feet)	150'	150'	150'
Minimum Lot Depth (Feet)	200'	200'	200'
Minimum Front Yard (Feet)	50'	50'	30'
Minimum Side Yard (Feet)	30'	30'	15'
Minimum Rear Yard (Feet)	30'	30'	15'
Maximum Building Coverage (Percentage)	50%	50%	50%

Maximum Building Height (Feet)	35'	35'	35'
Two Family Home			
Minimum Lot Area (Square Feet)	Not Permitted	Not Permitted	30,000
Minimum Lot Frontage & Minimum Lot Width (Feet)	NA	NA	150'
Residential Uses:	RR	SR	TR
Minimum Lot Depth (Feet)	NA	NA	200'
Minimum Front Yard (Feet)	NA	NA	50'
Minimum Side Yard (Feet)	NA	NA	30'
Minimum Rear Yard (Feet)	NA	NA	30'
Maximum Building Coverage (Percentage)	NA	NA	50%
Maximum Building Height (Feet)	NA	NA	35'
Three or Four Family Home			
Minimum Lot Area (Square Feet)	Not Permitted	Not Permitted	60,000
Minimum Lot Frontage & Minimum Lot Width (Feet)	NA	NA	200'
Minimum Lot Depth (Feet)	NA	NA	300'
Minimum Front Yard (Feet)	NA	NA	75'
Minimum Side Yard (Feet)	NA	NA	50'
Minimum Rear Yard (Feet)	NA	NA	75'
Maximum Building Coverage (Percentage)	NA	NA	50%
Maximum Building Height (Feet)	NA	NA	35'
Townhouse or Condominium Or multi-family units (Allowed in the RR District only for elderly housing – Amended ATM, May 14, 2001, Article 29)			
Minimum Lot Area (Square Feet)	20,000 per unit or family.	20,000 per unit or family	20,000 per unit or family
Minimum Lot Frontage & Minimum Lot Width (Feet)	400'	400	400
Minimum Lot Depth (Feet)	500'	500'	500'
Minimum Front Yard (Feet)	50'	50'	50'
Minimum Side Yard (Feet)	75'	75'	75'
Minimum Rear Yard (Feet)	75'	75'	75'
Maximum Building Coverage (Percentage)	50%	50%	50%
Residential Uses:	RR	SR	TR

Maximum Building Height (Feet)	NA	35'	35'
Residential Accessory Building			
Attached:			
Minimum Front Yard	50'	50'	30'
Minimum Side Yard	30'	30'	15'
Minimum Rear Yard	30'	30'	15'
Detached:			
Minimum Front Yard	50'	50'	30'
Minimum Side Yard	10'	10'	10'
Minimum Rear Yard	10'	10'	10'
Swimming Pools			
Minimum Front Yard	50'	50'	30'
Minimum Side Yard	15'	15'	15'
Minimum Rear Yard	15'	15'	15'
INDUSTRIAL DISTRICTS	URIP	IA	IB
MAIN BUILDING & ACCESSORY STRUCTURES			
Minimum Lot Area (Square Feet)	None	43,560	43,560
Minimum Lot Frontage & Minimum Lot Width (Feet)	None	200	None
Minimum Lot Depth (Feet)	None	200	None
Minimum Front Yard (Feet)	50'	50'	50'
Minimum Side Yard (Feet) *None if abutting railroad tracks	50'*	50'*	50'*
Minimum Rear Yard (Feet) *None if abutting railroad tracks	50'*	50'*	50'*
Maximum Building Coverage (Percentage)	40%	50%	50%
Maximum Building Height (Feet)	40'	50'	50'
BUSINESS DISTRICTS	HB	GB	NB*
MAIN BUILDING & ACCESSORY STRUCTURES			
Minimum Lot Area (Square Feet)	40,000	40,000	40,000
Minimum Lot Frontage & Minimum Lot Width (Feet)	200'	200'	200'
Minimum Lot Depth (Feet)	200'	200'	200'
Minimum Front Yard (Feet)	50'	50'	50'
Minimum Side Yard (Feet)	30'	30'	30'
Minimum Rear Yard (Feet)	30'	30'	30'
Maximum Building Coverage (Percentage)	50%	50%	50%

Maximum Building Height (Feet)	50'	50'	50'
VILLAGE CENTER DISTRICTS			
See Village Center Zoning Sheets for Requirements for the VC Districts			

NOTE: NB* Any lot in the NB zone that is being utilized for residential use shall conform to the lot size requirements and setback requirements as specified for the zoning district of the surrounding residential neighborhood. (Note added ATM, May 14, 2001, Article 29)

§171-39. Floodway.

No encroachments (including fill), new construction, substantial improvements, or any other development shall be permitted within the regulatory floodway, as designated on the FEMA Map(s), unless certification by a registered professional engineer or architect is provided, demonstrating to the satisfaction of the appropriate town authority that encroachments shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood.

§171-40. Accessory Structures.

In residential and business districts, accessory structures shall conform to the provisions set forth in the Table of Dimensional and Density Regulations, §171-35. (Amended ATM, May 14, 2001, Article 29) They must be located on the lot so as not to violate the minimum front yard, height restrictions.

Any accessory below-ground swimming pool shall be completely enclosed by a fence at least four (4) feet in height, having a self-closing gate with a latch.

In all districts, an accessory structure attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building. Where the Building Inspector finds:

- A. That a lot is to be used for residential purpose.
- B. That such lot was created before the date of adoption of this ordinance. (Amended Ord 2007- 07, RTCM 3/7/07)
- C. That such lot contains a principal structure.
- D. That such lot more closely conforms to the lot dimensions of the next less restrictive zone than the one in which it is located, the required setbacks of that zone may be applied in lieu of the setbacks required under Article VI Dimensional and Density Regulations.

§171-41. Other General Dimensional and Density Provisions.

In addition to the regulations in this section above, the following regulations shall apply:

- A. Existing residential uses in business or industrial districts shall be subject to the regulations for the particular type of dwelling in the TR district.
- B. Pre-existing nonconforming Residential Uses which are now prohibited in the Zoning District in which they are located shall conform to the provisions of §171-83 Pre-Existing Non-Conforming Uses, Structures and Lots.

C. In the case of one-family, two-family, and three-family dwellings, no more than one principal building may be built on any single lot. In all other cases (such as with condominiums or townhouses), more than one principal structure may occupy the same lot, provided that if they aggregate they do not represent a more intensive use of land than would be allowed if all uses were contained within a single structure.

D. (Amended ATM, June 16, 2003, Article 11, item 4 deleted)

E. Projections into required yards or other required open spaces are permitted subject to the following:

(1) Balcony or bay window may project up to two (2) feet into a required yard or other open space and provided it is limited in total length to no more than one-half ($\frac{1}{2}$) the length of the building face.

(2) Open terrace or steps or stoop, under four (4) feet in height may project into a required yard or open space up to one-half ($\frac{1}{2}$) the required setback.

(3) Steps or stoop over four (4) feet in height, windowsill, chimney, roof eave, fire escape, fire tower, awnings, storm enclosure, or similar architectural features may project not more than three (3) feet into a required yard open space.

(4) Generators, air-conditioner units and like equipment may be located within the setback provided that such equipment is adequately shielded to comply with noise and other regulations as specified in this ordinance or other regulations and state statutes. (Amended, Special Town Meeting, June 24, 2002, Article 2, (Amended Ord 2007- 07, RTCM 3/7/07)

F. The provisions of this ordinance governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above the roof, nor to domes, towers, stacks, or spires, if not used for human occupancy and if not occupying more than twenty (20) percent of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, telecommunication towers (Added ATM, May 14, 2001, Article 29), television and radio antennae and other like structures, which do not occupy more than ten (10) percent of the lot area; nor to public, agricultural or institutional buildings, or buildings or private schools not conducted for profit that are primarily used for school purposes, provided the expected appurtenances are not located within the flight paths of an airport or heliport as defined by FAA regulations, and approved by the FAA, and further provided that no tower or similar structure may be located closer to a property line than the distance equal to its height. (Amended Ord 2007- 07, RTCM 3/7/07)

G. The maximum gross floor area for any single business establishment in a NB District shall not exceed three thousand (3,000) square feet.

H. At no street intersection in any district shall any obstruction to vision exceeding three (3) feet in height above the plane established by the intersecting streets be placed or permitted to grow, on any lot within the triangle formed by the lot lines abutting the intersection and a line connecting points on these lot lines at a distance of twenty-five (25) feet from the point of intersection of the lot lines. This restriction shall also apply to the intersection of a street and a driveway in a "B" or "I" District.

I. A fence, hedge, wall, or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over three (3) feet in height above the adjacent ground within five (5) feet of the front lot line unless it

can be shown that such vegetation will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

J. Within the SR, TR, NB, and GB districts, the Planning Board may allow, by special permit, a different front yard set back than that otherwise currently allowed within the district under the following conditions:

1. The land for which the special permit is sought is, at the time of application, an unimproved, vacant lot and the applicant is seeking to construct a primary building for a use allowed in the district by right or special permit;
2. At least one lot, within two hundred fifty (250) feet of either side of the applicant's parcel, and having frontage on the same street, on the same block and lying within the same district, has a structure built before the current front yard set back was required but with less front yard set back than that currently required;
3. The proposed set back is not closer to the front line than the set back of a building within two hundred fifty (250) feet of either side of the applicant's parcel.

§171-42. Reserved.

§171-43. Reserved.

§171-44. Dimensional and Density Regulations for Lots Located in More Than One Zoning District.

Where a lot is located in more than one zoning district, the following dimensional and density regulations shall apply:

- A. Frontage - The frontage requirement for the district in which a majority of the frontage is located shall apply. In cases where the frontage is of equal length in all districts, then the most restrictive shall apply.
- B. Lot Area - The lot area requirement for the district in which a majority of the lot area is located shall apply. In cases where the lot area is of equal area in all districts, then the most restrictive shall apply.
- C. All Other Dimensional and Density Regulations - Those dimensional and density regulations required in a particular district shall apply to that portion of the lot, or structure, located in said district.

§171-45. Vehicular Egress/Access to a Lot and Common Driveways.

Vehicular egress/access to a lot must be across the front lot line of the lot meeting the minimum frontage requirements, except that in particular instances, the Planning Board may issue a Special Permit permitting vehicular egress/access to a lot over a front lot line having less than the required minimum frontage, or over any side lot line or rear lot line.

A. Common Driveways may be allowed by special permit in accordance with the provisions of §171-28 and subject to the following:

- (1) A common driveway in any "R" District shall serve no more than two lots. The driveway shall lie entirely within the lots being served. In the "I" Districts, or in the "GB" or "HB" Districts, the Planning Board may grant a special permit to allow a common driveway to serve more than two lots when it can be shown that the sharing of a driveway will result in a benefit

to the neighborhood due to decreased curb cuts and traffic flow. (Amended ATM, May 14, 2001, Article 29)

(2) Frontage along a common driveway shall not constitute frontage. The only area to be counted as frontage is that land which meets the requirements as specified in the definition of frontage in the Zoning Ordinance; furthermore, no common driveway shall be accepted as a public way; nor shall the Town of Palmer under any circumstances be held liable for construction, reconstruction, maintenance, or snow removal on any common driveway. (Amended Ord 2007- 07, RTCM 3/7/07)

(3) Under no circumstances shall the Town of Palmer be held liable in the event that emergency vehicles cannot get to their destination because of improper construction or maintenance of a common driveway. It shall be the owner's responsibility to be sure that the driveway is passable for emergency vehicles at all times.

(4) Each landowner served by the common driveway shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the common driveway to which more than one landowner holds a right-of-way.

B. Driveway Standards.

(1) Alignment and Dimensions.

- (a) The width of the right of way shall be forty (40) feet.
- (b) The minimum width of a common driveway surface shall be eighteen (18) feet.
- (c) The common driveway shall have three (3) foot gravel shoulders on each side.
- (d) The slope or grade of a common drive shall in no place exceed eight percent (8%) if unpaved or twelve percent (12%) if paved.
- (e) The common drive shall intersect a public way at an angle of not less than eighty (80) degrees.
- (f) The minimum curvature of a common driveway shall be sufficient for a fire engine to negotiate, generally no less than a radius of fifty (50) feet.
- (g) There shall be a turnaround area at the resident end of the driveway. Such turnaround shall accommodate safe and convenient turning by fire trucks and other emergency vehicles.
- (h) The maximum length of a common driveway shall be fifteen hundred (1,500) feet.
- (i) Other standards may be set based on site configurations, including requirements for drainage.
- (j) These standards may be waived when, the Planning Board finds that such action is not inconsistent with the purpose and intent of the Zoning Ordinance. (Amended Ord 2007- 07, RTCM 3/7/07)

(2) Construction.

- (a) The common driveway shall be constructed of a minimum fifteen (15) inches gravel base with an oil and stone top layer of one half ($\frac{1}{2}$) inch consisting of three (3) successive layers of three quarter ($\frac{3}{4}$) inch crushed trap rock stone, one half ($\frac{1}{2}$) inch crushed trap rock stone and one quarter ($\frac{1}{4}$) inch crushed trap rock stone, with a crown sufficient for drainage.

- (b) Drainage shall be adequate to dispose of surface runoff. Culverts shall be installed if deemed necessary by the Planning Board.
 - (c) These standards may be waived when, the Planning Board finds that such action is not inconsistent with the purpose and intent of the Zoning Ordinance. (Amended Ord 2007- 07, RTCM 3/7/07)
- (3) Alignment and Dimensions.
- (a) The common driveway, at its intersection with the street, must provide a leveling off area with a slope no greater than one percent (1%) for the first twenty (20) feet and a slope no greater than five percent (5%) for the next thirty (30) feet.
 - (b) Minimum safe sight distance must be provided at the intersection of a common driveway with a street.
 - (c) These standards may be waived when the Planning Board finds that such action is not inconsistent with the purpose and intent of the Zoning Ordinance. (Amended Ord 2007- 07, RTCM 3/7/07)
- (4) Street Numbers and Identification.
- (a) Each common driveway shall be assigned one street number; each residence served by the common driveway shall be assigned a letter to use together with the common driveway number for purposes of address and identification. All common driveways shall be clearly marked at the intersection of the driveway and the frontage road by a sign stating the driveway number and house letters, sufficiently readable from the road to serve the purpose of emergency identification. All other house numbering standards of the Town of Palmer shall be adhered to.

§171-46. Reserved.