

## § 220-10. Lot dimensions.

- A. Lot area. The following requirements must be met without counting any area in a street or recorded way open to public use. At least 90% of the lot area requirement must be met without including any "wetland" as defined in MGL c. 131, § 40.
- (1) LI, LI2, EZ, and GI Districts: minimum lot area = 64,000 square feet. **[Amended 5-5-2008 ATM by Art. 14; 5-6-2013 ATM by Art. 12; 5-5-2014 ATM by Art. 14]**
  - (2) (Reserved)<sup>1</sup>
  - (3) Residential (R) and Neighborhood Business (NB): lot area shall have a minimum of two acres (87,120 square feet). **[Amended 5-4-1998; 10-24-2000]**
  - (4) Lot area requirements for special uses are as follows:
    - (a) Apartment dwelling: see § 220-8.1F.
    - (b) Rest home, housing for the elderly: see § 220-8.1C.
    - (c) Campground: the number of sites times 1/2 the lot area requirement of Subsection A(4)(b).
    - (d) Seasonal group accommodations: the proposed number of persons to be accommodated times 1/8 the lot area requirement of Subsection A(4)(b).
- B. Lot frontage. Minimum lot frontage in all districts shall be 225 feet, to be met along a continuous portion of a way determined by the Planning Board to meet the standards of access adequacy established in Chapter 301, Subdivision of Land, of the Code of the Town of Lancaster, and to which the lot has both rights of access and potential physical access. **[Amended 5-4-1998; 10-24-2000; 5-5-2008 ATM by Art. 14]**
- C. Lot frontage exception. Lots having less than the normally required lot frontage may be created and built upon for residential use provided that such lots are shown on a plan endorsed by the Planning Board as "Approved for Reduced Lot Frontage." Plans shall be so endorsed if meeting each of the following, but not otherwise: **[Added 6-11-1991]**
- (1) Each lot shall have frontage of at least 35 feet.

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1. Editor's Note: Former Subsection A(2), which provided the minimum lot area for LO Districts, added 5-3-1988, was repealed 5-6-2013 ATM by Art. 12.

- (2) Egress over that frontage shall be determined to create no greater hazard owing to grade and visibility limitations than would be normal for a standard lot in the same area.
- (3) Feasibility of compliance with § 220-22H, Extended driveways, is demonstrated for each lot.
- (4) Each lot having reduced lot frontage contains at least 4 1/2 acres without counting the area within any access strip. "Access strip" in this case shall mean any portion of the lot between the street and the point where lot width equals 165 feet or more.
- (5) All other normal lot requirements as specified in Article IV, Dimensional Requirements, are met.
- (6) Each lot having less frontage than normally required shall be capable of containing a square with sides of at least 165 feet, said square being shown on the plan submitted to the Planning Board for endorsement and each such lot shall also comply with the lot shape requirements of § 220-14.
- (7) No lot having less than normally required frontage shall be endorsed by the Planning Board if its access strip abuts another such lot, except that the Planning Board may approve one and only one such abutting lot if it determines that such approval will not derogate from the purpose of the Zoning Bylaw as set forth in § 220-1 hereof. The Planning Board shall not, under any circumstances, endorse any plan as "Approved for Reduced Lot Frontage" where endorsement of such a plan would create more than two contiguous reduced frontage lots.

#### **§ 220-11. Yard dimensions.**

##### **A. Front yard setback: [Amended 5-3-1988; 5-5-2008 ATM by Art. 14; 5-2-2011 ATM by Art. 14]**

- (1) **Not less than 40 feet in EZ** (except that the front yard setback shall be 100 feet for a lot facing a lot across a street that lies in a Residential district), 40 feet in the LI and LI2 Districts, or 30 feet in other districts, measured from the street sideline, or the following measured from the street center line, if more restrictive: **[Amended 5-6-2013 ATM by Art. 12]**
  - (a) Arterial street: 74 feet.
  - (b) Collector street: 60 feet.

(c) Minor street: 55 feet.

- (2) (NOTE: Arterial and collector streets are so designated on the Zoning Maps; all others are minor streets.)

B. Side and rear yard setback:

- (1) In EZ, not less than 30 feet, except the setback shall be increased to 100 feet when abutting any residential district or existing dwelling. **[Added 5-6-2013 ATM by Art. 12<sup>2</sup>]**
- (2) GI Districts: not less than 30 feet. **[Amended 5-5-2014 ATM by Art. 14]**
- (3) LI and LI2 Districts: not less than 30 feet, except increased to 50 feet when abutting any Residential District or existing dwelling. **[Amended 5-3-1988; 5-5-2008 by Art. 14; 5-6-2013 ATM by Art. 12]**
- (4) All other districts: not less than 20 feet.

C. Permitted uses in required yards. All required minimum setback areas shall, except for driveways and permitted signs, be landscaped or left with natural vegetation, with the following exceptions:

- (1) In Residence Districts up to 25% of the area of front yard of lots may be used for accessory parking; **[Amended 5-2-2011 ATM by Art. 14]**
- (2) Rear yards may be used for accessory structures occupying no more than 30% of such yard, provided no structure, other than a boat- or bathhouse on a water body, is closer than 15 feet to any lot line;
- (3) Side and rear yards in EZ, LI, LI2 and GI Districts may be occupied by parking or by permitted accessory outdoor storage provided that no parking or storage is closer than 50 feet (except 100 feet in the EZ district) to any Residence district or to any dwelling existing prior to the adoption of this bylaw, and in EZ, LI or GI Districts, such parking or storage must be thoroughly screened by dense natural vegetation of a suitable height to conceal these areas. **[Amended 5-3-1988; 5-5-2008 ATM by Art. 14; 5-6-2013 ATM by Art. 12; 5-5-2014 ATM by Art. 14]**

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2. Editor's Note: This article also redesignated former Subsection B(1) through B(3) as Subsection B(2) through B(4), respectively.

- (4) Side and rear yards in an NB District may be occupied for parking provided no unscreened parking is within 15 feet of a Residence District line.
- D. **Setback for soccer fields.** No soccer field or associated parking area shall be closer than 150 feet from the lot line of a property with a residential dwelling unit. This setback may be reduced by special permit from the Planning Board. The Planning Board may consider site conditions and the use of vegetation and fencing and other types of screening to mitigate adverse impacts from noise, litter, trespassing and stray soccer balls. Land currently used for soccer at the time of the adoption of this provision shall be exempt from this provision.
- E. **EZ District waivers:** The Planning Board may grant a special permit to waive compliance with the yard dimensions of § 220-11 for the EZ District if it finds that due to the size, shape, or natural conditions of the property the yard requirements would not allow reasonable development of the site. In granting a special permit, the Board may impose conditions to protect the public interest and minimize impacts on residential properties or the environment. The Board shall not grant a waiver to allow a yard dimension that is less than 50 feet. **[Added 5-6-2013 ATM by Art. 12]**

## § 220-12. Building dimensions.

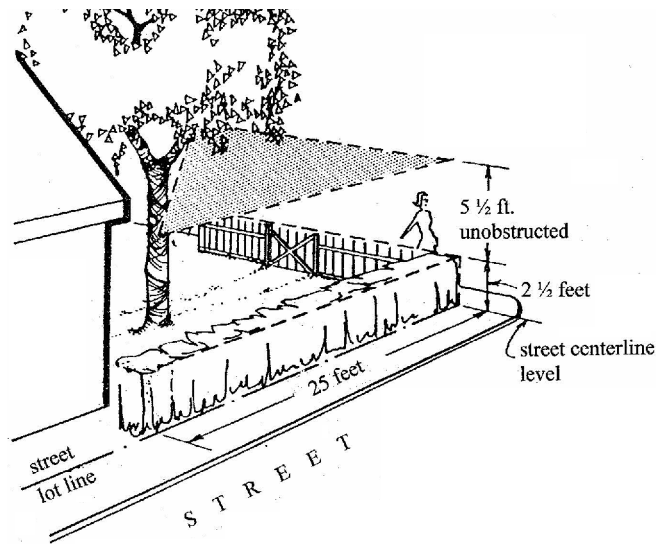
- A. **Building or structure height.** No building or portion thereof or other structure of any kind shall exceed 40 feet building or structure height in the LI, LI2, GI and EZ Districts or 32 feet in any other district, except as provided in Subsection B. **[Amended 10-24-2000; 5-5-2008 ATM by Art. 14; 5-6-2013 ATM by Art. 12]**
- B. **Exceptions.** Buildings or other structures may exceed the limits of Subsection A in the following cases:
- (1) Chimneys, towers, spires, cupolas, antennas or other projections of or attachments to a building that do not enclose potentially habitable floor space, provided that they do not exceed the height of the building by more than 10 feet or 20% of building height, whichever is the greater, or
  - (2) Within the Personal Wireless Service Overlay District a personal wireless service structure if authorized on special permit as provided in Article XI, or

- (3) A structure or projection not used for human habitation and not permitted by Subsection B(1) or (2) above, provided that it is authorized for that height by special permit from the Board of Appeals, upon determination by the Board that the proposed height is functionally important for the use, that all public safety requirements will be met, that the added height will not result in substantial increase in off-site shadow cover or reduction in privacy on adjoining premises, that the structure or projection and its use will not result in threats to visual compatibility with the surroundings and, in the case of an antenna for use by a federally licensed amateur radio operator, that any restriction so imposed complies with the provisions of MGL c. 40A, § 3, dealing with such antennas. **[Amended 10-24-2000]**

**§ 220-13. Fences and walls; corner clearance. [Amended 5-2-2011 ATM by Art. 15]**

**A. Fences and walls.**

- (1) Fences and walls may be erected along or within 12 inches of a property line only upon issuance of a building or fence permit by the Building Inspector indicating that as proposed the fence is in compliance with the following. Application for such permit must be accompanied by a certified plot plan or a surveyor's parcel plan, noting the proposed location of the fence or wall.
- (2) Within the required front yard setback on the lot, fences and walls that obstruct vision must be in compliance with § 220-13B, Corner clearance.
- (3) Elsewhere on the lot, if the fence or wall exceeds six feet above grade it must be set back from the property line by a distance equal to its height.



- B. **Corner clearance.** On corner lots, no fence, wall, sign, structure or plantings shall be erected, placed, planted or allowed to grow or parking spaces be located so as to materially impede the vision of motor vehicle operators. No obstruction to such vision other than the land at its natural grade shall be allowed between the heights of 2 1/2 and eight feet above the center-line grades of the intersecting streets and within a triangular area bounded by the two street lot lines and a straight line connecting those two lines at a point 25 feet from their intersection.
- C. **Modification.** The requirements of § 220-13A and B may be modified by the Zoning Board of Appeals through the issuance of a special permit based upon its finding that such modification is warranted by concerns such as animal control or high levels of ambient noise or light that cannot otherwise be abated or other public interest considerations, and its finding that the modification would not be detrimental to the neighborhood nor would it jeopardize vehicular or pedestrian safety or convenience.

#### § 220-14. **Lot shape.** [Added 6-11-1991]

- A. No lot shall be created which is so irregularly shaped or extended that the square of the lot perimeter exceeds 30 times the gross lot area for any lot in excess of 80,000 square feet, or 25 times the gross lot area for any other lot, unless authorized on special permit by the Planning Board, upon the Board's determination that development can be better fitted to the characteristics of the land and to the purposes of the bylaw if such configuration is allowed.

- B. The "gross lot area" includes the entire area enclosed by lot lines, including wetland and any other areas excluded from the calculation of "lot area." However, a portion of the lot in excess of the required lot area may be excluded from the computation by use of a straight imaginary lot line, provided that the entire required frontage is included in the portion used for the calculation.

**§ 220-15. Flexible development. [Amended 10-6-2008 STM by Art. 11]**

- A. Intent. The intent of these flexible development provisions is to allow greater flexibility and creativity in residential development in order to gain:
- (1) Location of development on sites best suited for development, and protection of land not suited for development, reflecting such considerations as:
    - (a) Permanent preservation of open space for agriculture, conservation, or recreational use, especially in large contiguous areas within the site or linked to off-site protected areas;
    - (b) Protection of water bodies, streams, wetlands, wildlife habitats, and other conservation resources;
    - (c) Protection of the character of the community through preserving open space within view from public roads, preservation of stone walls and other historic landscape features, preservation of scenic vistas, and through siting of dwellings at low-visibility locations;
    - (d) Protection of street appearance and capacity by avoiding development close to such streets, except in already compactly developed areas;
  - (2) Efficient patterns for construction and maintenance of public facilities and services such as streets and utilities;
  - (3) Privacy for residents of individual lots; and
  - (4) Avoidance of unnecessary development costs.
- B. Dimensional requirements. Subject to conformance with the standards contained in the following Subsection B(1) through (3), the Planning Board may by special permit authorize the creation and use of residential building lots complying with the alternative

frontage and lot area regulations contained in Subsection B(4) below rather than those otherwise applicable to the zoning district in which the land is located.

- (1) Base number of building lots. The base number of building lots allowed to be created in a flexible development shall be equal to the number of building lots into which the parcel could reasonably be expected to be divided under normally applicable dimensional and (if not sewerred) on-site disposal regulations. That number may, at the owner's option, be determined by Planning Board estimate or by an alternative "conventional" plan certified to comply by a registered land surveyor and professional engineer. In either event, the Planning Board's final determination of the base number shall be conclusive. In addition to building lots, one or more parcels of deed-restricted open space shall be created in a flexible development in compliance with the regulations of Subsection C.
- (2) Bonus lots. As an open space and affordability incentive, the Planning Board may allow an increase over the base number of lots otherwise allowed, using the following calculations; provided, however, that in no event shall the number of bonus lots allowed exceed 50% of the base number of building lots.
  - (a) Open space. A number of bonus lots may be awarded equal to the base number times a percentage that equals  $\frac{1}{2}$  the percentage of open space set aside in excess of the minimum required, to a bonus limit of 10% of the base number. For example, a ten-percent bonus increase above the base number is allowed if open space set aside is 20% or more higher than the minimum required. Fractions of 0.5 lots or more shall be rounded up, and others rounded down.
  - (b) Affordability. Dwelling units permanently restricted to occupancy by persons, families or households who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, may be added to the base number, up to a bonus limit of not more than  $\frac{1}{3}$  of the base number.
- (3) Transfer of development rights. By agreement of its owner, land may be used in calculating the base number of lots under Subsection B(1) or the bonus lots under Subsection B(2) even



though such land is not contiguous with or in the same ownership as the premises being developed, but only as follows:

- (a) The land used in such calculation (the "transfer land") must be determined by the Planning Board to be of special importance to remain in a natural state because of its visual prominence or potential vista blockage, because of its ecological significance and fragility, because it has special importance as farmland, or because it is important to the Town's open space plan.
  - (b) The land being developed must not itself have the qualities specified immediately above.
  - (c) The transfer land must not be wetlands (as defined in MGL c. 131, § 40), or be used to satisfy lot area requirements for any other development, or already be restricted from development by a conservation restriction or other binding device.
  - (d) Prior to issuance of any building permit dependent upon the transfer, such transfer land shall be made subject to a permanent conservation restriction held by the Town pursuant to MGL c. 194, §§ 31-33, prohibiting nonagricultural development.
- (4) Alternative dimensional requirements. Lot area, lot frontage and width, and yard setback requirements of §§ 220-10 through 220-11 shall not apply to individual lots within a flexible development authorized under this § 220-15, provided that the Planning Board has approved the proposed alternative lot dimensions for the development, subject to the following limitations:
- (a) Lots having primary frontage on a street other than a street created by the development shall not have reduced frontage or front yard setbacks unless the Planning Board determines that doing so improves consistency of building spacing and bulk with the character of the existing vicinity.
  - (b) At least 50% of the required frontage and side and rear yard setbacks for the district shall be maintained in the development unless a further reduction is authorized by the Planning Board for a particular lot reflecting special circumstances of the lot.

- (c) A buffer area of not less than 50 feet shall be provided around identified resource areas on or adjacent to the tract such as ponds, wetlands, streams and riverfront areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area shall be disturbed, destroyed or removed, except to provide for necessary access and for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive or reduce the buffer requirement in these locations where it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein, or where necessitated to allow economic use of the property as a whole.

C. **Open space requirements.** The following open space requirements must be met unless the Planning Board determines that owing to peculiarities of the site a smaller amount of open space would better serve the intent of these provisions to facilitate sensitive use of Town resources. In all other cases, a minimum of 40% of the land in the flexible development shall be reserved as open space. Any proposed open space land, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction and/or conservation easement enforceable by the Town. Such restriction or easement shall be in a form satisfactory to the Planning Board, and shall provide that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for one or more of the purposes set forth in Subsection C(3) below, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- (1) The percentage of the open space that is wetlands shall not normally exceed the percentage of the flexible development parcel that is wetlands; provided, however, that the Planning Board may allow a greater percentage of wetlands to be included in such open space upon a demonstration that such inclusion promotes the purposes of this bylaw.
- (2) Designated open spaces shall be contiguous with each other in a continuous system except where separated by a roadway or an accessory amenity, and except where the Planning Board determines that allowing noncontiguous open space will promote the goals of this bylaw and/or protect identified conservation resources.

- (3) The open space shall be used for wildlife habitat and conservation and one or more of the following additional purposes: historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, visual amenity, and shall be served by suitable access for such purposes. The Planning Board may permit up to 5% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).
  - (4) Wastewater and stormwater management systems serving the development may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.
  - (5) Ownership of the open space. The designated open space shall be conveyed to:
    - (a) The Town or its Conservation Commission; or
    - (b) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or
    - (c) A corporation or trust owned jointly or in common by the owners of lots or dwelling units within the flexible development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots or units. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust through provisions for mandatory assessments of maintenance expenses to each lot or unit. The trust or corporation documents shall include an express consent to allow the Town, at its own option, to enter and access the open space and facilities and perform repairs, if the trust or corporation fails to provide adequate maintenance. Each individual deed for the lots in the flexible development, the open space deed, and the trust or articles of incorporation shall include provisions to effect these requirements. Documents creating such trust or corporation shall be subject to Planning Board approval, and shall thereafter be recorded.
- D. **Multifamily dwellings.** Multifamily dwellings may be permitted in a flexible development subject to the above provisions of § 220-15 and subject to the following:

- (1) The number of dwelling units may not exceed the number of building lots (including bonus lots) which could be allowed under the provisions of Subsection B, Dimensional Requirements, of this § 220-15.
  - (2) The proposed development must meet at least five of the following guidelines:
    - (a) Each dwelling unit should have a direct outside entrance not shared with any other unit.
    - (b) Setbacks and building alignment should be reflective of that existing in the vicinity.
    - (c) Individual attached units should be distinguished from each other through building massing, such as through differences in facade setback, roof height, major unit or roof gable orientation, without reliance on surface decoration or trim to distinguish them.
    - (d) No more than four dwelling units should be attached together in a single structure.
    - (e) The scale of parking areas should be kept small through having no more than eight parking spaces within any parking area not separated from others by intensive landscaping and, if containing more than two spaces, being located somewhere other than within a front yard area.
    - (f) Existing vegetation and other site features should be retained to the extent reasonably feasible.
    - (g) New plantings should be reflective of those common in the vicinity with regard to species, scale and location.
- E. Special permit considerations. A special permit for a flexible development shall be granted only upon Planning Board determination that such alternative form of development of the subject land better serves the bylaw intent than would development under otherwise applicable rules, considering possible deterioration of water quality, visual intrusion, displacement of natural features, or traffic conflicts.
- F. Documentation.
- (1) All lots created under the provisions of § 220-15, Flexible development, shall be shown on a recorded plan referencing the recorded special permit under § 220-15, and containing

notations specifying that no additional building lots are to be created through future division of the land shown on the plan, and specifying the maximum number of dwelling units to be allowed on each lot.

- (2) In addition, a permanent restriction, running with land and enforceable by the Town, shall be recorded with respect to the land included in the flexible development, provided that no land within the development may be divided into additional building lots and specifying the maximum number of dwelling units that may be developed on the land.

G. Subdivision Control Law. Nothing in this section shall be interpreted as conflicting with the Subdivision Control Law, MGL c. 41, §§ 81K et seq., and a special permit issued under this section shall not supplant the applicable requirements of the Subdivision Control Law.