

## **Ipswich Zoning info on Planned Commercial 3 2013**

**6.** The Planned Commercial District is intended for non-residential uses. Office and service uses are generally permitted; retail, research and development, enclosed manufacturing, warehousing and other commercial uses require a special permit. The district is intended to preserve the natural features and vistas of the Route One Corridor. The district is not served by municipal sewerage or water. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

### **E. Screening Requirements**

Screening shall be required in the minimum side and rear setbacks of any new wholesale, transportation, industrial, commercial or multi-family use in all districts. Screening shall consist of fencing and/or densely planted vegetation along the entirety of each side and rear lot line. Vegetative screening shall be at least ten (10) feet in width, except where a use abuts a Rural or Intown Residence district boundary, in which case it shall be twenty (20) feet along the district boundary. Low impact development integrated storm water management practices, such as bioretention cells and vegetated swales, may be located within the vegetative screening setback areas, provided they are done so in a manner that does not prevent the screening from meeting the objective of providing a year-round vegetated buffer between properties. Where a lot is divided by a district boundary, use of the lot within another district may be used to comply with the rear and side screening requirements as set forth in this bylaw. Screening shall provide a year-round buffer between properties and, where plant materials are utilized, shall be species appropriate to the climate and terrain of the property. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

Except in the Limited Industrial District, by special permit, the Zoning Board of Appeals may approve alternative screening or alternative height, setback, or location thereof, unless the principal use is subject to special permit approval by the Planning Board, or is subject to site plan review, in which case said Planning Board may approve by special permit such alternative screening. In considering an alternative screening, the Zoning Board of Appeals or the Planning Board, as applicable, may consider approval of such alternative screening or approval of an alternative height, setback, or location thereof only if the applicant submits to said applicable Board a landscape plan prepared and stamped by a registered landscape architect. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

In the Planned Commercial and Limited Industrial Districts, a landscape and screening plan shall be provided for the entire site. The landscape plan shall provide for adequate screening as necessary from the street and abutting lots. Such screening shall consist of densely planted evergreen shrubs, trees, and/or berms which form an opaque barrier. (Added by 10/22/90 Special Town Meeting; approved by AG 1/14/91)

An existing natural screen on a lot having a non-conforming use (either principal or accessory) shall not be removed by the owner or occupant without a variance from the Board of Appeals.

## **FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS**

**1.** Except in the Rural Residence C, the Planned Commercial, and the Limited Industrial Districts, no building in any district need have a front setback greater than the front setback of the principal building(s) existing on the premises as of the effective date of this provision, or the average front setback of the principal buildings on abutting lots within 250 feet of each lot line facing the same street and located within the same area or district, whichever is less restrictive. In determining such average, a vacant lot having a frontage of at least eighty (80) feet shall be considered to have a front setback conforming to the requirements of this bylaw. (Amended by 10/22/90 STM; approved by AG 1/14/91) (Amended by 10/26/2010 STM; approved by AG 2/24/11)

**31.** In the PC District, for the purpose of minimizing curb cuts along Route One, the following performance standards shall apply: (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

- a. No new curb cut shall be allowed that is closer than 150 linear feet from any existing curb cut, except as provided in b. or d. below. In addition, new curb cuts on state and local roads shall be discouraged and developers shall be encouraged to seek access via a common driveway serving an adjacent lot or premises.
- b. Additional curb cuts shall be prohibited as set forth above; however, in general, one driveway curb cut shall be allowed per business, except that, in the case of a project with multiple businesses on the same premises, two means of ingress and egress shall be allowed and they may be constructed to be less than 150 linear feet apart and separated by a median strip.
- c. Curb cuts shall be limited to the minimum width for safe entering and exiting. The Mass Highway Department Project Development and Design Guide, current version, shall be used as a guide for determining adequate traffic design standards for any commercial project.
- d. The Planning Board, by special permit, may waive or alter any of the above performance standards, subject to a finding that said changes do not derogate from the intent of the Planned Commercial District.

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**5.** Except in the Industrial, Limited Industrial, and Highway Business District, no off-street parking facility shall be located within the front setback. However, in the Highway Business (HB) District, the number of off-street parking spaces allowed in the front yard setback shall not exceed fifty (50) percent of the total off-street parking spaces required by this bylaw. (Amended by 10/23/95 Special Town Meeting; approved 1/29/96 Attorney General) Additionally, within the Limited Industrial District, no parking facilities shall be located within the required 50 foot landscaped setback from Route One. Further, within the Planned Commercial District, no parking facilities shall be allowed within the required twenty (20) foot landscaped setback from Route One; however, a maximum of fifteen percent (15%) of the total number of required parking spaces of a lot may be located within the remaining portion of the minimum setback from Route One not subject to landscape requirements. Also, except as noted above in this section, in the Planned Commercial, Limited Industrial and Rural Residence C Districts, in no instance shall any parking or loading be allowed in any of the minimum setback requirements or required open space. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93; further amended by 10/18/93 Special Town Meeting; approved by Attorney General 2/3/94)

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**3.** In Highway Business and Planned Commercial Districts, the following signs are permitted: (Amended by 10/20/03 Special Town Meeting, approved by Attorney General 1/22/04)

- a. all signs listed in D.1. a through f;
- b. one banner sign;
- c. one wall sign which shall be no greater than thirty (30) square feet per business;
- d. one free-standing directory sign for lots with two (2) or more businesses and for all uses in common ownership. Said sign shall be no greater than fifty (50) square feet in total area, with each business having a maximum of eight (8) square feet in area, and which may include up to twenty (20) square feet for the name and/or address of the business complex. For lots containing a single business use, one free standing sign of twenty (20) square feet in total area shall be allowed. Said sign(s) shall not be located within five (5) feet of the edge of street pavement, shall have a clearance of four feet (4') above grade to the bottom of the sign,

and shall not impair visibility or ability to use any public way or area; (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

**e.** off-premises, free-standing signs may be permitted by special permit from the Planning Board. Each such sign shall have an area of no more than two (2) square feet per business or institution identified on the sign. Up to six (6) separate businesses or institutions may be advertised on one sign for up to twelve (12) square feet of combined area. (Amended by 10/26/2010 Special Town Meeting; approved by Attorney General 2/24/11)

**f.** one sandwich board sign which shall be located no closer than fifty feet (50') to the street line;

**g.** window sign(s);

**h.** awning sign(s)

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### **G. Wireless Communications Facilities**

(Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

#### **1. Purpose**

The purpose of this subsection is to:

- (1) minimize the adverse impacts of wireless communication facilities (hereinafter "WCF") on adjacent properties and residential neighborhoods;
- (2) minimize the overall number and height of such facilities to only what is essential;
- (3) promote shared use of existing facilities to reduce the need for new ones;
- (4) encourage the most appropriate use of the land and to guide sound development while promoting the health, safety and general welfare of the Town; and
- (5) establish districts in which WCFs may be located.

#### **2. Wireless Communication Districts**

To achieve the above purpose, this subsection establishes the following Wireless Communication Districts:

##### **Wireless Communication District A**

This overlay district consists of all land located in the Planned Commercial and Limited Industrial Districts, and the following parcels located in the Rural Residence A and Rural Residence B Districts, as shown on the official zoning map for the Town of Ipswich: Assessor's Map 13, Lot 25; and Assessor's Map 51, Lot 7. Within this district all of the requirements of the underlying zoning district(s) continue to apply, with the exception of the maximum height allowance, which is established in paragraph 3. of this section. The following additional uses shall be allowed:

- a. Indoor WCFs, allowed as-of-right subject to the dimensional requirements, performance and design standards of this subsection;
- b. Building-mounted and existing free-standing WCFs, allowed subject to Site Plan Review from the Planning Board and the dimensional requirements, performance and design standards of this subsection;
- c. New freestanding WCFs, allowed subject to a special permit and site plan review from the Planning Board and subject to the dimensional requirements, performance and design standards of this subsection.