

## **§ 220-8.8. Industrial-Commercial Overlay District**

### **A. Intent and applicability.**

- (1) The intent of § 220-8.8, Industrial-Commercial Overlay District (ICOD), is to provide options and design flexibility and efficiency in the siting of development in areas suitable for industrial and commercial uses, services and infrastructure; while conserving open space where able to, either on site or off site in the vicinity of the ICOD; provide for a diversity of lot sizes, and building densities; and to allow the integration with abutting lands whose uses include recreational, retail, service, commercial, industrial and residential uses.
- (2) Industrial Commercial Overlay Districts (ICODs) are created on the Zoning Map by Town Meeting vote, just as for any zoning amendment, except that they overlay rather than replace the underlying zoning districts being overlaid. Applicants for development within the overlay district may choose between following the existing provisions of the district(s) underlying the ICOD or to seek site plan approval under the ICOD zoning and upon its approval to follow it and the ICOD requirements set forth below.

### **B. Basic use requirements.**

- (1) Development under ICOD provisions requires site plan approval by the Zoning Board of Appeals for the Premises involved.
- (2) A site plan seeking approval under the ICOD may apply to more than a single lot or parcel so long as the lots and parcels are contiguous and either in the same ownership or the application is jointly submitted by owners of each lot or parcel that is included.
- (3) Any use allowed by right or allowable by special permit in the Enterprise zoning district shall also be allowed by right, at any location within the ICOD, including within underlying districts where such use is not otherwise allowed, with the following exceptions:
  - (a) Retail, service, office, commercial and industrial uses permitted or allowed in the Enterprise District are allowed by right within an ICOD regardless of whether the ICOD site plan seeking approval includes any portion of the Enterprise or other district allowing that use.
  - (b) Medium or heavy industrial uses not allowed in an Enterprise District per § 220-9E (4) are expressly prohibited in the ICOD District.

- (c) A Class II automobile sales & service facility currently use allowed in an Enterprise District per § 220-8.5(D) is expressly prohibited in the ICOD District.
- (4) Not less than 5% of the ICOD Plan area disturbed by development shall be devoted to pedestrian walks or plazas and landscaping.

C. Design requirements.

- (1) The applicant must reasonably demonstrate to the satisfaction of the Zoning Board of Appeals that the amount and types of development, and the travel demand management efforts such as car-pooling and public transportation opportunities proposed for the ICOD Plan, will result in a reasonably acceptable level of traffic on existing area roadways and will not overburden said roadways as substantiated by a Traffic Impact study for the development. Where able, developer will work the ZBA to encourage the use of carpooling and public transportation within the development.
  - Building heights in the ICOD shall not exceed, 50 feet in height.
- (2) Yard dimensions. The yard dimension requirements that apply in the Enterprise Zone shall apply in the ICOD, except for the following:
  - (a) No portion of a building shall be located closer than 100 feet from the property line where abutting residential zoned land.
  - (b) Where a proposed building structure is to be located on an ICOD parcel abutting a residentially zoned structure, a landscape berm 10'-12' high will be constructed within the 100-foot buffer per (a) above. The landscape berm will be planted with 8'-10' evergreen trees so as to screen the proposed structure from the residential homes abutting said building site.
- (3) Other dimensional standards shall be as provided in the approved ICOD site plan pursuant to § 220-8.8C, rather than those stated in Article IV, Dimensional Regulations, and may include measures not otherwise used under Lancaster zoning, such as limits on the allowed ratio of gross floor area to lot area ("floor area ratio" or "FAR").
- (4) Parking.
  - (a) The number of parking spaces for each use shall be as required by § 220-23, Minimum number of spaces, or as may be

modified by special permit under that section.

- (b) Legal on-street parking spaces within the ICOD District and adjacent to the premises of the use or uses that they could serve may be included in satisfying the parking requirement.

D. Procedures.

- (1) Parties seeking approval of a site plan under the ICOD zoning are urged to work with the Zoning Board of Appeals in developing their proposal in order to assure a well-informed process, and similarly to arrange for a dialog with those residents abutting the premises.
- (2) Review of applications for any related special permits for which the Zoning Board of Appeals is the special permit granting authority may be consolidated into the proposed site plan application under the ICOD approval process, while being voted upon, each separately.
- (3) All site plan applications for approval under the ICOD zoning shall follow the filing requirements under the Enterprise zoning district, which shall contain at least the following:
  - (a) Itemization of departures from the use, dimensional, parking or other provisions applicable in the Enterprise zoning district.
  - (b) Special provisions proposed, including grants of benefits to the Town such as land for public purposes, construction of or contributions towards off-site improvements.
  - (c) A full traffic impact analysis for the proposed site plan.
- (4) An ICOD Report shall be provided by the applicants engineer to the Town Clerk and the Zoning Board of Appeals no later than the date on which the filing for site plan approval from the Zoning Board of Appeals for site plan approval permit under the ICOD zoning, with number of copies and distribution as may be provided in regulations adopted by the Zoning Board of Appeals for administration of these provisions and shall be reviewed at that public hearing. The Zoning Board of Appeals shall approve such permit based upon these considerations:
  - (a) The consistency of the ICOD Report with the intent and requirements of § 220-8.8.
  - (b) The consistency of the ICOD site plan application with the purposes stated at § 220-1 of the Lancaster Zoning Bylaw.

- (c) The completeness and technical soundness of the ICOD Report.
- (d) The degree of assurance that there will be compatibility of building design and siting as required under the Enterprise zoning district through the selection of building materials and colors, building scale and massing, fenestration, roof forms, and signage design.