

September 8, 2021

RE: Proposed Amendments to the IPOD zoning bylaw to allow business-only projects

Planning Board,

I believe there is considerable interest within the town in entertaining business-only "IPOD" projects, and that we should propose something to meet that need.

Attached find a draft suggesting amendments to the existing IPOD bylaw that might allow such projects. Relative to any new bylaw that might be proposed, I believe amending the existing IPOD bylaw will be more to the town's taste:

- (1.) Uses the existing, tested IPOD bylaw as a base. This will be much easier for residents to weigh at a town meeting.
- (2.) Preserves tested protections for abutters and traffic.
- (3.) Uses the existing IPOD districts, which seems to suit the towns desire at this time.

A full marked-up draft is attached, but to summarize, I'll recommend five changes:

- (1) 220-8.7 A. (1) To the intention, append: "... IPODs will primarily promote the use of land in the designated for neighborhoods that carefully integrate both residential and business uses; IPODs will also allow the town to consider business-only projects that extend into the residential zone, in cases where careful review shows that abutting neighborhoods will be appropriately protected.

*We should be clear about our updated intent: although neighborhoods were the original intent of the bylaw, an entirely business district that sufficiently protects the existing abutting neighborhoods could be acceptable.*

- (2) 220-8.7 B. (1) In "Basic Use Requirements" remove: "...The Planning Board must find that there is no material impact to the neighborhood."

*This has been cited in the past as a subjective criteria that we should remove or improve.*

- (3) 220-8.7 B. (5) (b): Limitation on Enterprise Uses outside the Enterprise Zone. Remove "... , and in no event may the enterprise exceed 75,000 gross square feet in floor area or be contained within a building that exceeds 75,000 gross square feet in floor area"

*Remove upper-limit restriction on size of enterprise uses not allowed in the underlying zone. If the towns desire is to entertain business development in these IPOD zones we can remove this restriction. The sentence prior to this still makes it clear that enterprise uses larger than 35,000 square feet outside the enterprise zone will be carefully examined.*

- (4) 220-8.7 B. (6): Residential Requirement. Amend to read: “Residential uses shall comprise not more than 75% of the gross floor area planned within any Integrated Plan.”

*Remove the requirement that 25% of the gross floor area be residential. This would permit business-only projects. Leave the 75% cap on residential floor area in place: removing that would permit multi-family-housing-only developments of unbounded size and does not seem to be desired.*

- (5) 220-8.7 D. Regarding the requirement for phasing of large developments: replace “...of not more than 600,000 square feet gross floor area each” with “...that must be identified in the integrated plan submitted with the IPOD application.”

*If the town desires to contemplate structures larger than 600,000 square feet, we’ll need to amend this section. The 600,000 square foot limit was apparently arbitrary and it would fit our needs just as well if the applicant simply suggested appropriate phases for the Planning Board to concur to.*

Sincerely,



Russell W. Williston  
Chair, Lancaster Planning Board

Enc: Copy of the Existing IPOD Bylaw with Proposed Changes Indicated

**§ 220-8.7. Integrated Planning Overlay District (IPOD). [Added 5-4-2009 ATM by Art. 12]**

A. Intent and applicability.

- (1) The intent of § 220-8.7, Integrated Planning Overlay District (IPOD), is to provide design flexibility and efficiency in the siting of development, services and infrastructure; conserve open space; preserve the rural, historic character of the Town; provide for a diversity of lot sizes, building densities and housing choices to accommodate a variety of age and income groups; and to allow the integration of land for residential, rural, recreational, community, retail, service, commercial and industrial uses. IPODs will primarily promote the use of land in the designated for neighborhoods that carefully integrate both residential and business uses; IPODs will also allow the town to consider business-only projects that extend into the residential zone, in cases where careful review shows that abutting neighborhoods will be appropriately protected.
- (2) Integrated Planning Overlay Districts (IPODs) are created on the Zoning Map by Town Meeting vote, just as for any zoning amendment, except that they overlay rather than replace the zoning districts being overlaid. Applicants for development within the overlay district may choose between following the existing provisions of the district(s) underlying the IPOD or to propose an Integrated Plan and upon its approval to follow it and the IPOD requirements set forth below.

B. Basic use requirements.

- (1) Development under IPOD provisions requires special permit approval of an Integrated Plan by the Planning Board for the premises involved. ~~The Planning Board must find that there is no material impact to the neighborhood.~~
- (2) All proposed development within an approved Integrated Plan must be consistent with that Plan unless the Integrated Plan special permit is subsequently revised making the proposed development consistent or excluding the location from the Plan.
- (3) The minimum site area of an Integrated Plan shall be 10 acres.
- (4) An Integrated Plan 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.
- (5) Any use allowed by right or allowable by special permit in at least one of the underlying zoning districts within which the Integrated Plan is located shall also be allowed by right or allowable by special permit, as the case may be, at any location within that Integrated Plan, including within underlying districts where such use is not otherwise allowed, with the following exceptions:

- (a) Dwelling units are allowed by right within all Integrated Plans without limitation on form of tenure or structure type, including single-family, two-family or multifamily.
- (b) Retail, service, and office uses permitted or allowed by special permit in the Enterprise District are allowed within an Integrated Plan regardless of whether the Integrated Plan includes any portion of the Enterprise or other district allowing that use, provided that no enterprise allowed only by this exception may exceed 35,000 gross square feet in floor area unless the Planning Board, in acting on the Integrated Plan special permit, finds that the use is functionally supportive of or supported by other existing or planned uses within the Integrated Plan, ~~and in no event may the enterprise exceed 75,000 gross square feet in floor area or be contained within a building that exceeds 75,000 gross square feet in floor area.~~ **[Amended 5-6-2013 ATM by Art. 12]**
- (c) Hotel, motel or inn, and commercial indoor amusement or recreation place or place of assembly, are allowed by right within all Integrated Plans.
- (d) Medium or heavy industrial uses not allowed in an Enterprise District per § 220-9E(4) are expressly prohibited in the IPOD Districts. **[Amended 5-6-2013 ATM by Art. 12]**
- (6) Residential uses shall comprise ~~not less than 25% and~~ not more than 75% of the gross floor area planned within any Integrated Plan.
- (7) Not less than 10% of the Integrated Plan area disturbed by development shall be devoted to pedestrian walks or plazas and landscaping, and not less than 20% of the land area of the Integrated Plan shall be open space meeting the requirements of § 220-15C.

#### C. Design requirements.

- (1) The applicant must demonstrate to the satisfaction of the Planning Board that the amount and mix of types of development, and the travel demand management efforts such as car-pooling proposed for the Integrated Plan, will result in generation of no more than 20 auto trip ends per acre of Plan area. These trips ends should be calculated during the weekday afternoon peak traffic hour, as measured on the streets that provide access to the Plan area, net of pass-by trips and adjusted for estimated non-auto trips, such as walking among uses within the IPOD. **[Amended 5-1-2017 ATM, by Art. 12]**
- (2) The allowed number of trip ends within the Integrated Plan may be increased above 20 per acre by the number of potential trip ends on other land within the IPOD that has been reduced below the limit of 20 trip ends per acre, through a restriction enabled by the developer(s) of the benefiting Integrated Plan, and made enforceable by the Town through a condition in the Integrated Plan special permit. **[Amended 5-1-2017 ATM, by Art. 12]**

The maximum number of allowable dwelling units within an Integrated Plan shall not exceed 15 dwelling units per acre of lot area, including lot area devoted to nonresidential uses, but exclusive of streets. The Integrated Plan shall document how that allowable total is to be distributed among lots within the Plan, including documentation of the minimum lot area per dwelling unit on each proposed lot, which may vary among locations within the Plan. **[Amended 5-1-2017 ATM, by Art. 12]**

- (4) Rights to development of dwelling units may be transferred as provided at § 220-15B(3), but if such transfer takes place among lots within the IPOD then the approval criterion for such transfer shall be that the transfer must be consistent with an approved Concept Plan (§ 220-8.7C), instead of the criteria contained in § 220-15B(3).
- (5) There is no minimum lot area requirement for nonresidential uses, unless such a requirement is called for in the approved Integrated Plan.
- (6) Building height shall not exceed six stories or, if more restrictive, 70 feet unless in acting on the Integrated Plan special permit the Planning Board determines that the proposed height is consistent with the intent of IPOD zoning, is essential to the Integrated Plan design, and will have no adverse effect on the surrounding neighborhood, taking into consideration:
  - Height relative to that of the tree crown on nearby land;
  - Height of other existing or planned nearby structures;
  - Distance from the Integrated Plan boundary;
  - Appropriateness of any resulting building prominence in light of the functional or symbolic role of the structure;
  - Shadowing or loss of privacy on nearby properties, whether or not within the Integrated Plan; and
  - Whether the increased height is necessary for the building to be developed;

Rooftop mechanical equipment and its height shall be shown on special permit plan submittals, and shall be selected, located, and if necessary screened in order to achieve harmonious integration with the building design.

- (7) Yards abutting the perimeter of the Integrated Plan must comply with the yard requirements applicable in the underlying basic districts, except for the following:
  - (a) No portion of a building having a building height in excess of 35 feet shall be located closer to the perimeter of the Integrated Plan than a distance equal to its height above mean grade.
  - (b) District boundary planting as specified at § 220-37F and G of the Lancaster Zoning Bylaw shall be provided where nonresidential uses in

an Integrated Plan about a residential district, with a depth of not less than 100 feet.

- (8) Other dimensional standards shall be as provided in the approved Integrated Plan pursuant to § 220-8.7C, 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").
  - (9) 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 Overlay District and adjacent to the premises of the use or uses that they could serve may be included in satisfying the parking requirement.
    - (c) Access to parking shall be shared with adjacent premises whether in or adjacent to the Integrated Plan where feasible, subject to the provisions of § 220-22, and shall be located so as to minimize interruptions of pedestrian movement along business-oriented streets.
  - (10) A building or portion of a building with massing of more than 75 feet in length must be visually broken into smaller elements with variations among them in height, roof form, wall plane setbacks, entrance orientation, materials, or other means.
- D. Phasing. Any Integrated Plan involving a total of more than 1,000,000 square feet gross floor area summed over all buildings proposed must be developed in stages ~~of not more than 600,000 square feet gross floor area each~~ that must be identified in the integrated plan submitted with the IPOD application. Prior to initiation of development in the second phase, a report must be submitted to the Planning Board providing data on the following development outcomes to that point, together with comparisons with the outcomes anticipated in the application materials and resulting special permit.
- (1) Acres of land subject to open space restrictions;
  - (2) Acres of land physically altered for development;
  - (3) Total floor area of buildings given occupancy permits, reported by category of use;
  - (4) Trip generation by the development as a whole measured at the entrances to the development;
  - (5) Demand on public or community water supplies.

The Planning Board shall hold a public meeting to allow the developer to explain how any disparities between expectations and outcomes will be offset through the phases to follow in order to achieve overall compliance.

E. Procedures.

- (1) Parties seeking special permit approval of an Integrated Plan are urged to work closely with the Planning Board and Town staff in developing their proposal in order to assure a well-informed process, and similarly to arrange for a dialog with those who live near to or otherwise would be impacted by the proposal.
- (2) Review of applications for any related special permits for which the Planning Board is the special permit granting authority may be consolidated into the Integrated Plan special permit process, while being voted upon separately.
- (3) All applications for approval of an Integrated Plan shall include an Integrated Plan and Report, which shall contain at least the following:
  - (a) Residential uses proposed — tabulation of the number of dwelling units proposed, categorized by building type (multi-family, attached singlefamily, etc.), bedroom type (studio, one-bedroom, etc.), floor area in each type of dwelling unit, and sales or rental level, including affordability provisions.
  - (b) Open space proposed — tabulation of the extent of reserved open space of various categories, including conservation lands, recreation areas, and other public use areas.
  - (c) Nonresidential uses proposed — tabulation of floor area by land use category.
  - (d) A plan view context drawing, covering the premises and at least all parcels abutting and across the street, indicating street and property lines, and at a conceptual level building locations, reserved open space areas, and other features of relevance.
  - (e) Itemization of departures from the use, dimensional, parking or other provisions applicable in the underlying zoning districts.
  - (f) Special provisions proposed, including grants of benefits to the Town such as land for public purposes, construction of or contributions towards off-site improvements, or restrictions proposed such as view corridors or traffic management provisions.
  - (g) A traffic analysis indicating that full construction and occupancy as provided in the Integrated Plan will be in compliance with the 20 trips per acre limit, and also will not cause the peak hour traffic level of service to either be lower than reasonably expected from development not relying upon IPOD provisions, or below level of service "C" as defined in current

publications of the Highway Research Board. [**Amended 5-1-2017 ATM, by Art. 12**]

- (h) A verbal and graphic analysis documenting that the development is assured to be compatible with the character and scale of the immediately surrounding neighborhood.
  - (i) An assessment of the impacts of the development upon natural resources, Town utilities, schools, housing needs, taxes or other topics of salience in the particular case.
- (4) The Integrated Plan and Report shall be provided to the Town Clerk and the Planning Board no later than the date on which first notice is published for the Planning Board hearing for the special permit, with number of copies and distribution as may be provided in regulations adopted by the Planning Board for administration of these provisions, and shall be reviewed at that public hearing. The Planning Board shall approve such special permit based upon these considerations:
- (a) The consistency of the Integrated Plan and Report with the intent and requirements of § 220-8.7.
  - (b) The degree to which the Integrated Plan furthers the policies articulated in the 2007 Lancaster Master Plan.
  - (c) The consistency of the Integrated Plan with the purposes stated at § 220-1 of the Lancaster Zoning Bylaw.
  - (d) The completeness and technical soundness of the Integrated Plan and Report.
  - (e) The degree of assurance that there will be compatibility of building design and siting with the existing vicinity through selection of building materials and colors, building scale and massing, fenestration, roof forms, and signage design.
- (5) Following Planning Board approval of a special permit for an Integrated Plan, permit applications relying upon that Plan shall require site plan review by the Planning Board under the provisions of § 220-34, Site plan review. The Planning Board shall approve such site plan, provided that it is consistent with the approved Integrated Plan, and consistent with the provisions of § 220-8.7. A site plan shall not be found consistent unless each of the following is met:
- (a) The uses proposed are not inconsistent with those of the Integrated Plan in type and extent.
  - (b) The proposed locations of individual buildings, parking, and open space shall be substantially consistent with the approved Integrated Plan, and all of the applicable use and dimensional regulations have been met.
  - (c) Means have been established to assure compliance with special provisions stipulated at § 220-8.7E(3)(f).



- (6) An approved Integrated Plan may not be changed except through amendment of the previously issued special permit by the Planning Board following a new public hearing and review.

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