

## October 19, 2009 Special Town Meeting

### Article 12. Miscellaneous Zoning Amendments (adopted version-10-20-09)

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich by:

(1) Amending Section “III. DEFINITIONS” as follows:

- a. add, in the correct alphabetical sequence, a definition of “FILLING STATION”, said definition to read as follows:

“FILLING STATION: An establishment which primarily sells automotive motor fuels, lubricants and accessory items, but which also may sell a limited range of convenience goods, as well as servicing and minor repairs of motor vehicles.”; and

- b. revise the definition of “MULTI-FAMILY RESIDENTIAL DEVELOPMENT” by adding to the end of the existing definition, the following: “, or (c) two (2) or more two-family dwellings”; and revise the definition of “GUEST HOUSE, PRIVATE” by adding, after the words “accessory residential building”, the words “with plumbing”; and

(2) Amending Section “V.D. Table of Use Regulations” as follows:

- a. under the **Community Facilities** heading, delete the principal use “Sale of farm, horticultural, and nursery products on a wholesale or retail basis”; and
- b. under the **Commercial** heading, add the following principal uses:
  - i. “Sale of agricultural, aquacultural, silvicultural, horticultural, floricultural, or viticultural products, on a wholesale or retail basis, on less than five (5) acres”; and maintain the same use allowances and prohibitions as designated for “Sale of farm, horticultural, and nursery products on a wholesale or retail basis”; and
  - ii. “Sale of agricultural, aquacultural, silvicultural, horticultural, floricultural, or viticultural products, on a wholesale or retail basis, on five (5) acres or more”; and insert “P<sup>7</sup>” under the columns for each district; and
- c. under **Community Facilities**, delete the principal use, “Gardens, orchards, nurseries, and silviculture”; substitute in lieu thereof, under the **Commercial** heading, the principal use “Greenhouses, gardens, orchards, nurseries, silviculture, viticulture, and aquaculture” and maintain the same allowances as designated for “Gardens, orchards, nurseries, and silviculture”; and
- d. under **Community Facilities**, delete the following principal uses:
  - i. “Greenhouses and farms, including the raising, keeping, slaughter, and dressing of livestock or other farm animals on five (5) acres or more”; and
  - ii. “.....on less than five (5) acres”; and



(3) Amending Section “V.D Footnotes to Table of Use Regulations” as follows:

a. revise Footnote “2.”, as follows:

- i. delete “G.L. Ch. 28A, Section 9” and substitute in lieu thereof “G.L. Ch. 15D, Section 1A”; and
- ii. delete the words “footnote 19 below” and substitute in lieu thereof “footnote 17 to the Table of Dimensional and Density Regulations in Section VI.B. of this bylaw”; and

b. revise Footnote “4.” by deleting the words, “Sale of farm, horticultural and nursery products, on a wholesale or retail basis,” and by deleting the words, “more than one story or twenty (20) feet in height, or”; and substituting in lieu thereof the words “or buildings”; and

c. amend Footnote “7.”, by deleting the word “RESERVED”, and substituting in lieu thereof the following:

“Provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, twenty five (25%) percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least twenty five (25%) percent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional fifty (50%) percent of such products for sale, based upon either gross annual sales or annual volume, have been produced on Massachusetts land used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities shall be limited to parcels of 5 acres or more in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture (G.L. Ch. 40A, Section 3). If the above requirements cannot be satisfied, the use may be allowed only by special permit of the Zoning Board of Appeals.”; and

d. add Footnote “29.”, to read as follows:

“29. If located on five (5) acres or more, and provided that the breeding, boarding, grooming, and training of dogs is strictly limited to dogs owned by the owner/lessee of the land on which the facility is located, (with an exception for the temporary boarding of breeding stock not owned by the owner/lessee of the land, but used for breeding with dogs owned by the owner/lessee of the land), then the use is allowed by right.”; and

e. add Footnote “30.”, to read as follows:

“30. Any expansion of or alteration to an existing two-family dwelling, a multi-family dwelling, or a multi-family residential development, whether said use is conforming or non-conforming, which creates one (1) or more additional residential dwelling units, shall require a special permit from the Planning Board.”; and

f. add Footnote “31”, to read as follows:

“31. *Reserved.*”; and

g. add Footnote “32”, said footnote to read as follows:

“32. Except that for properties of five (5) acres or more, the keeping, raising and breeding of farm animals and insects is permitted, as is the sale of agricultural products, pursuant to the conditions of footnote 7 above .”; and

h. add Footnote “33”, said footnote to read as follows:

“33. For properties of five (5) acres or more, the sale of agricultural products from these uses is permitted, pursuant to the conditions of footnote 7 above.”; and

i. add Footnote “34”, said footnote to read as follows:

“34. Retail establishments may also sell automotive fuels, lubricants and accessory items, including the sale of gasoline at pumps, but the latter only by special permit from the Planning Board, and only in the GB, HB, PC and I Districts.”; and

(4) Amending Section “VI.B. Table of Dimensional and Density Regulations” as follows:

a. add Footnote “2.” to the “Front” column heading under heading “Minimum Setbacks” in both the Accessory and Principal tables so that it reads, “Front<sup>1,2,7</sup> (foot)”;

b. delete the existing minimum rear setback requirement, “25”, for all uses in the Highway Business (HB) District, and substitute in lieu thereof, the requirement, “30”;

c. add the words, “**PRINCIPAL BUILDINGS AND STRUCTURES**” to the top of the existing principal dimensional table heading, above the words “**TABLE OF DIMENSIONAL AND DENSITY REGULATIONS**” and in the same location where the table is continued on other pages;

d. add the words, “**and Structures**” to the existing **Accessory Buildings** table heading, after the word, “**Buildings**”, and capitalize the words in the new heading;

e. amend the “Footnotes to Table of Dimensional and Density Regulations” by revising Footnote “2.” as follows:

i. delete the words “, and the front setback requirement up to a maximum of 10%.”, substituting in lieu thereof the words “. The Board may reduce by special permit the front setback requirement for all buildings and structures up to a maximum of 10%, except for accessory buildings or structures exceeding one hundred and fifty (150) square feet in area or one (1) story in height.”; and

(5) Amending Section “VI.F. Requirements for Accessory Buildings and Structures”, first paragraph, as follows:

a. add, to the second sentence, after the words “, that an accessory building”, the words “or structure”;

b. delete the first, fourth, and fifth sentences in their entirety;

- c. add, to the beginning of the paragraph, the following:

“An accessory building or structure may be located in accordance with the Table of Dimensional and Density Regulations (Accessory Buildings and Structures) and Footnote 2 to said table.”; and

- (6) Amending Section “VII.B. Table of Minimum Parking Requirements” as follows:

- a. under the **Community Facilities** heading, delete the use, “Gardens, orchards, nurseries, silviculture, greenhouses, farms, including the sale of farm, horticulture and nursery products on a wholesale or retail basis”, substituting in lieu thereof, under the **Commercial Uses** heading, “Gardens, greenhouses, orchards, nurseries, silviculture, viticulture, aquaculture, and farms, including the sale of products from such uses on a wholesale or retail basis”, and maintain the same parking spaces required; and
- b. relocate the **Community Facilities** use, “Kennel, stable, livery stable, riding academy or veterinary hospital”, to the **Commercial Uses** heading and maintain the same parking spaces required; and

- (7) Amending Section “VIII.D. Sign Requirements per Zoning District”, Paragraph “1.”, subsection “f.”, as follows:

- a. add, after the word “subdivision”, the words “; Great Estate Preservation Development, Green Space Preservation Development,”; and add, after the words “multi-family” the word “residential”; and
- b. delete the words “The top of the sign shall be no higher than four (4) feet above grade.”; and

- (8) Amending Section “IX.SPECIAL REGULATIONS” as follows:

- a. revise Subsection “C. Water Supply Protection Districts”, paragraph “7.d.”, by adding, after the words “are permitted”, the words “on that portion of any property located”; and
- b. revise Subsection “E. Common Driveways”, paragraph “2”, by deleting from the first sentence the words “public way”, and substituting in lieu thereof the word “street”;
- c. revise Subsection “J. Accessory Apartment”, paragraph “2.j.”, by deleting the words “in-law”;
- d. revise subsection “O. Green Space Preservation District” by adding to the subsection title, the word “Development”, after the word “Preservation”; or to take any other action relative thereto.

*(Requested by: Planning Board)*