

6.6 DESIGNATED DEVELOPMENT DISTRICT (DDD)

6.6.1 Purposes

The designated development district and uses created herein are intended to:

- A. Encourage a regional node and cohesive community of compatible mixed uses including office, research and development and light manufacturing supported by hotels, restaurants, retail shopping, and recreational facilities within the designated development district.
- B. Establish incentives to encourage desirable land uses and coordinated land assembly for development.
- C. Reduce the number of regulations to a small set of essential standards for density, dimensions, and parking.
- D. Establish design and development guidelines to clarify city goals, assist developers, and result in coordinated signage and lighting, compatible architecture, and site work throughout the district.
- E. Establish development plan review to ensure quality and intent of proposed projects.
- F. Establish site specific performance standards to regulate impacts to the carrying capacity of the land and municipal facilities.

6.6.2 Reviewing authority

The community development authority will be responsible for development plan review and approval in the designated development district. The community development department will serve as professional staff to the authority, assisting the authority in all informal project review (including the pre-application conference) and coordination of all comments and recommendations from city agencies, including the public services department, board of health, building inspection, conservation commission, planning board, fire chief and police chief.

Development of all buildings and site improvements will be in accordance with the design and development guidelines prepared and adopted by the community development authority. The guidelines may be amended as necessary by the authority. The objectives of the design standards are to obtain consistency and quality in design, to protect and enhance values in the district, and to provide a high quality development area that will contribute positively to land values and the environmental quality of the surrounding area and the City of Peabody. It is intended that a basic design compatibility and harmony will result among the district buildings and site work.

The design and development guidelines will be used by the community development authority to set conditions for development plan approval, and as a basis for granting project approval.

Applicants can anticipate the city's concerns and comments by careful review of the guidelines prior to development plan submittals.

The building inspector will withhold a building permit for the construction, alteration or moving of any building or structure until a final development plan is approved in compliance with these district regulations. The CDA approval does not relieve the applicant of any of the provisions of MGL Chapter 143.

6.6.3 Development plan review

- A. *Pre-application conference.* An applicant seeking to obtain development plan approval should request a pre-application conference with the community development department prior to submitting an

application for preliminary development plan review. At the pre-application conference, the community development department will familiarize the applicant with the process for obtaining development plan approval and will explain to the applicant issues to be considered in planning the project.

At this conference, the applicant may present the community development department with basic data regarding the proposal, such as development program, map showing the important existing and man-made features in and around the site, and/or sketch plan showing the major features of the proposed development. This information will enable the applicant and the community development staff to discuss and clarify site-specific planning and process issues related to the project in an informal manner.

- B. *Preliminary development plan review.* A preliminary development plan may be submitted for community development authority review during the early stages of the project, prior to the submission of a final development plan. The purpose of the preliminary development plan is to elicit comments and recommendations from city agencies during the schematic design phase in which the general scope, scale, and relationship of project components are illustrated. It is strongly recommended that a preliminary development plan be filed in every case in order to incorporate agency and community concerns, and to identify major digressions from the intent of the designated development district before significant financial resources are committed by the applicant.

The preliminary development plan submittal should be prepared at a scale of not less than one (1) inch equals forty (40) feet unless another scale is requested and found suitable by the planning or engineering department. Plan shall be prepared by a registered land surveyor, and a registered architect, registered professional engineer and/or registered landscape architect and should include the following general information:

1. Name and address of applicant and person(s) responsible for preparation of drawings;
2. Graphic scale, date, north arrow, and vertical datum;
3. Property boundaries, rights-of-way, and easements and their uses within the lot;
4. Abutting streets and ways, and names of all abutters;
5. Existing and proposed topography at two-foot intervals;
6. Existing and proposed buildings and structures on site;
7. Existing and proposed utilities and storm drainage structures on and adjacent to the site;
8. Existing wetlands and watercourses;
9. Identification of any special site characteristics and noteworthy natural features such as views, existing vegetation, wetlands, topographic changes, soils, bedrock and required setbacks that are being considered in the siting and design of the building, roads, and parking areas;
10. Summary of the development program including gross square feet of floor area, use designation of each building or part thereof, number of parking spaces, and estimated number of employees;
11. Tabulation of area in square feet devoted to building footprint, parking and circulation areas, and open space;
12. List of all 'parties of interest' and their addresses, certified by the city assessor.
13. Architectural and site design documentation should illustrate the general scope, scale, and relationship of project components, including:
 - a. Conceptual building footprint, location and use;
 - b. Preliminary sections and elevations;
 - c. Preliminary selection of building materials;
 - d. Development of approximate building dimensions, areas, and volumes;
 - e. Access and circulation patterns for pedestrians and vehicles;
 - f. Functional relationships including entranceways, parking areas, service loading areas, and

- open space;
 - g. Design objectives and environmental determinants;
 - h. Preliminary landscaping plan, including types and numbers of plants proposed, and other site amenities.
- C. *Final development plan review.* A final development plan should be submitted for community development authority review during the design development phase of the project, in which the size and character of the entire project is fixed and described. The purpose of the final development plan review is to confirm that the intent of the proposed project as illustrated in the preliminary development plan is being carried out, and to confirm that the proposed project is in conformance with the intent and regulations of the designated development district.

The final development plan submittal should be prepared at a scale of not less than one (1) inch equals forty (40) feet by a registered land surveyor, and a registered architect, registered professional engineer, and/or registered landscape architect and should include the general information as specified under preliminary development plan review.

Architectural and site design and documentation should establish the final scope, relationship, form, size, and appearance of the project through:

1. Architectural plans, sections and elevations;
 2. Typical building construction details;
 3. Three-dimensional sketches;
 4. Final selection of building materials and systems;
 5. Building locations;
 6. Roadways, walkways, parking areas;
 7. Building entrances and service areas;
 8. Utilities, on-site and off-site;
 9. Fire protection systems;
 10. Storm drainage including retention areas;
 11. Site grading at two-foot intervals;
 12. Lawns and plantings, including species, number of plants, and installation size;
 13. Site lighting;
 14. Signage;
 15. Final selection of site materials, sizes, dimensions, and areas;
 16. Typical site construction details;
 17. Roadway profiles and cross sections.
- D. *Procedure and time frame.* To start the approval process for preliminary plan review, and for final development plan review the applicant should file eight (8) copies of the application and accompanying documentation for the development plan review with the city clerk. The city clerk will transmit a copy of the submittal package to the planning board, community development department, board of health, department of public services, conservation commission, police department, fire department, and community development authority.

The agencies receiving copies of the development plan should submit to the community development department written recommendations on the proposed project within fifteen (15) days of filing. Failure to comment will be deemed lack of objection.

Within thirty-five (35) days of the filing of the development plan, the community development department should submit to the community development authority, accompanied by the agency comments, a report discussing the feasibility of the project and its consistency with the purposes of the designated development district.

The community development authority should within sixty (60) days of filing certify in writing to the applicant that the application is approved as submitted or approved subject to modification. Failure to take action within the said sixty-day period will be deemed to be a grant of development plan approval unless an extension is requested by the applicant and such requests approved by the authority.

Final development plan approval granted under this section will lapse within two (2) years if a substantial use has not commenced or if construction has not begun. The community development authority may grant an extension for good cause, and should grant an extension if the delay has been caused on account of the need to obtain other local, state, and federal permits.

6.6.4 Permitted uses

The intent of the use designations in the district is to promote a high quality employment center in this area of Peabody. Specific objectives are to encourage executive office, research and development, and light manufacturing activities which provide jobs for the community, and to support these businesses with auxiliary uses such as hotels, restaurants, retail shopping, and recreational facilities. Some of these auxiliary uses will require a special permit as a means of ensuring the appropriate location, mix, extent and quality of development. The special permit granting authority will be the city council as per Section 15.7.1 and applications reviewed according to procedures outlined in Section 15.7.3.

A. *Permitted uses as allowed in Section 4.2.*

1. Corporate headquarters, executive and clerical offices, banking and financial services;
2. High or advanced technology, research and development, testing laboratories;
3. Light manufacturing, processing and assembly;
4. Medical facilities;
5. Outdoor recreational facilities such as playing fields, exercise areas, jogging and walking paths;
6. Business support services;
7. Recycling Collection Centers; and
8. Printing/Binding/Publishing..

B. *Special permit uses as allowed in Section 4.2.*

1. Warehouses and distribution;
2. Hotels;
3. Restaurants and conference centers;
4. Commercial retail or wholesale businesses;
5. Private and public physical fitness and recreational facilities;
6. Day care centers provided they are located in conforming structures in the district;
7. Personal service establishments;
8. Indoor recreation facilities;
9. Reference laboratories;
10. Research and development, green development and new technologies;
11. Trucking Terminal;
12. Truck Services/Repair with no Outdoor Storage; and
13. Hospital

C. *Use limitations.*

1. All uses shall be completely enclosed in buildings. No merchandise materials, supplies or equipment shall be permitted to remain outside any building.
2. All uses must meet the design and development guidelines as set forth by the community development authority.

D. *Nonconformance.*

The regulations pertaining to nonconformance shall be the same as the amended Peabody Zoning Ordinance, section 1.5.

6.6.5 Schedule of density and dimensional regulations

A. For all as of right uses, and for hotels by special permit, dimensional standards shall be as follows:

Minimum lot size	2 acres
Maximum number of stories	6
Maximum building height	72 feet
Maximum floor to area ratio	0.4

B. For all uses allowed by special permit except hotels, dimensional standards shall be as follows:

Minimum lot size	2 acres
Maximum number of stories	6
Maximum building height	72 feet
Maximum floor to area ratio	0.3

C. All district uses except access should observe the following regulations:

(1) Building setbacks (minimum feet):	
Route 1	100
Residential abutters	100
District Access Road R.O.W.	50
Other property lines	30
(2) Impervious site coverage (maximum %)	60
(3) Compact parking (maximum % of total)	30
(4) Parking space size (minimum feet)	
Compact	8.0 × 16.6
Full	10.0 × 20.0
Handicap	12.0 × 20.0
Parking aisle (minimum feet)	24

6.6.6 Parking ratios

All parking shall be accommodated on-site and within designated parking areas for each building(s). No on-street parking will be allowed within the district.

The minimum number of off-street parking spaces should be two (2) spaces per one thousand (1,000) gross square feet of floor area, and the maximum number of off-street parking spaces should be four (4) per 1,000 gross square feet of floor area and determined specifically by individual users within the following exception:

1. Retail business uses should provide a minimum of five (5) spaces per 1,000 gross square feet of

- floor area.
2. Restaurants and conference facilities should provide a minimum of one (1) space for each three (3) seats of seating capacity.
 3. Hotels should provide a minimum of one (1) parking space for each unit plus one (1) space per five (5) employees.
 4. Special purpose uses such as health related facilities, private recreation uses, training and conference centers, etc., as allowed in the study area would have parking requirements determined on a use-specific basis as approved by the community development authority.
 5. Warehouse uses should provide a minimum of two (2) spaces per one thousand (1,000) gross square feet of building area allocated for office use as well as one (1) space per every one (1) person employed.
 6. As a minimum, the following number of handicapped parking spaces must be provided:
 - a. One (1) handicapped parking space per 10 to 25 parking spaces;
 - b. Two (2) handicapped parking spaces per 26 to 50 parking spaces;
 - c. Three (3) handicapped parking spaces per 51 to 100 parking spaces;
 - d. Four (4) handicapped parking spaces per 101 to 200 parking spaces;
 - e. Six (6) handicapped parking spaces per 201 to 500 parking spaces;
 - f. Ten (10) handicapped parking spaces per 501 to 1,000 parking spaces;
 - g. Fifteen (15) handicapped parking spaces per 1,001 or more parking spaces.

6.6.7 Peabody designated development district capital facility ordinance

- A. *Title.* This ordinance shall be known and may be cited as the "Peabody Designated Development District Capital Facility Ordinance".
- B. *Authority.* The community has authority to adopt this ordinance through its special permit and site plan review regulations pursuant to Chapter 40A, Section 9, Massachusetts General Law. This law allows a community to grant permitted increases in density for the provision of community amenities, in this case capital facilities needed to accommodate the increased density.
- C. *Intent and purpose.*
 1. Planning for the necessary capacity expansion of road, electrical, water, sewer and drainage facilities serving new development in the Peabody Designated Development District to ensure the health, safety, welfare and economic well being of the citizens of Peabody is the mandated responsibility of the community pursuant to Chapter 40A, Massachusetts General Laws.
 2. This ordinance is intended to implement and be consistent with the Peabody Comprehensive Plan, the Route 1/Route 128 Economic Development Strategy, subsequent city planning efforts, and Chapter 40A, Massachusetts General Laws.
 3. The objective of this ordinance is to require all land development activity that places additional demand on road, electrical, water, sewer and drainage facilities serving the Peabody Designated Development District to contribute its proportionate share of the construction or cost of providing road, electrical, water, sewer and drainage facilities.
 4. It is not the purpose of this ordinance to require improvements or to collect any funds from new land development activity in excess of the actual amount necessary to offset the demand on the community's facilities identified below. This ordinance is intended to be consistent with the principles for allocating a fair share of the cost of the new public facilities to new users as established in Emerson College v. City of Boston, 462 NE2d 1098 (MA, 1984).
- D. *Site plan review and special permit requirements.*
 1. Capital facility requirements.
 - a. Any person who proposes any development in the Peabody Designated Development District requiring site plan review or building permit plan review shall be obligated to provide the necessary road, electrical, water, sewer and drainage capital facilities in the manner and

amount set forth in this section. Development proposals, which in the opinion of the CDA, do not place additional demand on the electrical, water, sewer and drainage capacities of the district shall not be required to contribute to capital improvements.

- b. The capital facilities shall be in the form of a constructed improvement as per plans prepared by the City of Peabody and inspected following established city inspection procedures and construction standards or a fee in-lieu thereof paid to the community development authority or its designee.
 - c. The value of the improvement or fee in-lieu of an improvement shall be computed on the basis of the capital needs of the district as they relate to the amount of square footage being built, as determined by the community development authority and set forth below.
2. Establishment of capital facility requirements. Any person who shall initiate any development in the Peabody Designated Development District requiring site plan review or a building permit plan review shall be required to undertake roadway, electrical, water, sewer and drainage improvements necessary to offset the impacts that the development will have on local facilities. These improvements will have been identified in the Peabody Comprehensive Plan, Route 1/Route 128 Economic Development Strategy or subsequent studies and will be listed in the Peabody Capital Improvement Program. The project proponent may select to construct improvements for the land development activity in-lieu of paying the established fee using the formula set out below for the district. The district boundaries are as stated in the zoning ordinance creating the Peabody Designated Development District and incorporated herein by reference.
 3. Formula for calculating capital facility fees for Peabody Designated Development District.
 - a. The Peabody Community Development Authority maintains a capital facility fee schedule based upon the formula listed below:

$$FEE = \frac{SQ. FT. \times CIP/CC}{FAR/CAP}$$

- SQ. FT = Gross square footage of the proposed development.
- CIP/C = Cost of the capital improvement program for the designated development district.
- FAR/CAP = The floor to area ratio theoretical yield for the district based on the most prevalent requirement of an FAR of .3.

There will be two (2) separate fee schedules. One for parcel one and another for both parcels two and three as described in the zoning ordinance creating the Peabody Designated Development District.

Editor's note-- Such description is not set out at length herein, but is on file and available for inspection in the office of the city clerk.

4. Management of capital facility fees. Management of all capital facility fees shall be as per the guidelines adopted by the community development authority, as approved by the city council and will be kept on file with the city clerk under the title of the "Designated Development District Capital Facility Fees Management Guidelines".

E. *Liberal construction and severability.*

1. The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, welfare and convenience.
2. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or

unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and an independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

- F. *Penalty provisions.* A violation of these provisions shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Peabody shall have the power to sue in civil court to enforce these provisions.

6.6.8 Designated Development District – Residential Overlay

- a) Residential use shall be as of right in the Residential Overlay District.
- b) A site plan shall be prepared and submitted in accordance with Sections 6.6.3 and 6.6.7 (D)) of this Ordinance.
- c) Density may not exceed 20 units per acre.
- d) For all residential use, the dimensional standards shall be as follows:

Minimum lot size	2 acres
Maximum number of stories	6
Maximum building height	72 feet
Maximum floor to area ratio	0.5

- e) All district uses except for access should observe the following regulations:

- 1) Building setbacks
(minimum feet) :

Route One (1)	100
Residential zoned land	100
District Access Road R.O.W.	40
Other property lines	30
- 2) Impervious site coverage
(maximum percentage) 60
- 3) Compact parking
(maximum percentage of total) 60
- 4) Parking space size
(minimum feet)

Compact	8.0 x 16.6
Full	9.0 x 18.0
Handicap	12.0 x 12.0
- 5) Parking aisle
(minimum feet) 20

- f) Parking