

9.3 CREATIVE DEVELOPMENT **OVERLAY DISTRICT (CDOD).**

9.3.1 Purpose. The intent of this Section is to provide a process for Town Meeting to approve development standards tailored for special locations in consideration of a concept plan which it approves and which gives assurance of consistency between Town Meeting intent and development outcomes. **The CDOD is an overlay district, superimposed over underlying districts as shown on the map entitled** . Provisions of the underlying district shall continue to apply except for development subject to the Town Meeting-approved concept plan, which may be either more or less restrictive than the zoning provisions otherwise applicable within the underlying districts.

1. The provisions of Section 8.2, Multifamily dwellings, shall not apply to developments proposed pursuant to this Section, Creative development.

9.3.2 Uses.

1. Any use allowed in at least one of the districts under a given Creative Development Overlay District is allowed at any location throughout that Creative Development Overlay District, including within underlying districts where such use is not otherwise allowed. Dwelling units are allowed within such structures without limitation on structure type or form of tenure.

9.3.3 Lot Area. Lot area shall be not less than as provided in an approved concept plan which in no event shall be less than the following sum:

1. The number of detached single-family dwellings times 1/8 acre each; plus
2. The number of units in two-family or attached dwelling structures times 1/12 acre each; plus
3. The number of units in other multifamily structures times 1/20 acre each.

No additional lot area is required for nonresidential uses, except that, in satisfying the FAR requirements that may be established in the concept plan, nonresidential as well as residential uses shall be included.

9.3.4 Building Height. Building height shall not exceed six stories or 70 feet. 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.

9.3.5 Other Dimensional Standards. Other dimensional standards shall be as provided in an approved concept plan, rather than those stated in Table 2, Table of Dimensional Regulations, ~~or in § 190-3, General regulations.~~ Usable open land shall cover at least 15% of the site area.

9.3.6 Parking and Loading.

1. The number of parking spaces shall be as required by Section 6.1, required off-street parking. The number of required spaces may be reduced by the Planning Board in acting

upon the special permit to reflect demand reduction commitments agreed to by the developer and enforceable by the Town, such as **affordable** dwelling unit commitments to participation in the MassHousing "Take the T (and the ZIPCAR) Home Mortgage Program," or formal employee ride-sharing arrangements, as well as for different uses having different timing of peak demands.

2. Legal on-street parking spaces adjacent to the premises may be included in satisfying the parking requirement.
3. Parking shall preferably be structured, but in no event shall it be so located that it separates buildings from street sidewalks, instead being below the building or to its rear. Required parking may be located in part or whole off premises, provided that a substantial portion of the parking is within 300 feet of the premises served and is under permanently binding legal agreement for that use.
4. Access to parking and loading shall be shared with adjacent premises where feasible, subject to the provisions of § ***190-37I, and shall be located so as to minimize interruptions of pedestrian movement along business-oriented streets.
5. Loading facilities must be provided as required at § ***190-39.

9.3.7 Housing Affordability. All developments authorized under CDOD provisions that create six or more housing units shall be subject to the affordability requirements of § 8.6.

9.3.8 Concept Plan. Parties anticipating making proposals for establishment of a Creative Development Overlay District by Town Meeting 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 exchanges with those who live near or otherwise would be impacted by the proposal. A petition to be presented to Town Meeting for creation of a Creative Development Overlay District shall include a concept plan and report for that district, which shall contain at least the following:

1. Residential uses proposed: tabulation of the number of dwelling units proposed, categorized by building type (multifamily, attached single-family, etc.), bedroom type (studio, one-bedroom, etc.), floor area in each type of dwelling unit, and sales or rental level, including affordability provisions.
2. Open space proposed: tabulation of the extent of open space of various categories: land, landscaped, and usable.
3. Nonresidential uses proposed: tabulation of floor area by land use category.
4. Visual representations of the development, indicating general scale, massing, materials, and arrangement within the site, at least in plan, elevation, and sectional views, preferably supplemented with perspective or axonometric views.

5. A plan view context drawing, covering the premises and at least all parcels abutting and across the street, indicating street and property lines, building locations, and other features of relevance, such as important trees.
6. Itemization of departures from the use, dimensional, parking or other provisions applicable to the underlying zoning districts.
7. 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.
8. A traffic analysis indicating that full construction and occupancy as provided in the concept plan will not cause the peak hour traffic level of service to either be lower than reasonably expectable from development not relying upon these provisions or below level of service "D," as defined by MassDOT in current publications of the Highway Research Board.
9. A verbal and graphic analysis documenting that the development is assured to be compatible with the character and scale of the immediately surrounding neighborhood.
10. 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.

9.3.9 Procedures. The concept plan 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 on the proposed zoning amendment creating the overlay district, 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's recommendation to Town Meeting shall include its observations and recommendations regarding the consistency of the concept plan and report with the requirements of § 9.3.8 and the intentions articulated at § 190-3, Purpose.

9.3.10 Site Plan Approval. Following Town Meeting approval for creation of a Creative Development Overlay District and its accompanying concept plan, permit applications relying upon that plan shall require site plan review by the Planning Board under the provisions of § 10.6, site plan review, where a special permit is not required. The Planning Board shall approve such site plan, provided that it is consistent with the approved concept plan, and consistent with the provisions of § 10.6. A site plan shall not be found consistent unless each of the following is met:

1. The uses proposed are consistent with those of the concept plan in type and extent.
2. Although locations of individual buildings, parking, and open space may have been modified subsequent to plan approval, the general scheme is unaltered, and all of the applicable use and dimensional regulations have been met.
3. Site and building design shall be in substantial conformance with "6.0 Design Guidelines" in the housing component of the Wakefield Master Plan, May 20, 2003.

4. Means have been established to assure compliance with special provisions stipulated at § 9.3.8.

5. A revised concept plan not consistent with the one approved at the time of Creative Development Overlay District creation may gain approval by going through the same process as required for an original concept plan, that is, being approved by Town Meeting pursuant to an article on the Warrant, following Planning Board hearing and review prior to Town Meeting action, as provided above.