



CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty

AN ORDINANCE

Amending Chapter 9 Zoning

31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

SECTION 1. Chapter 9, Section 2110 (Districts) is amended by striking “Wamsutta Mill Overlay District (WMOD)” and inserting the following:

Waterfront Mixed Use District (WMU)

Section 2. Chapter 9, Section 4600 (Working Waterfront Overlay District) is hereby amended by striking the phrase “and Interstate Route I-195” and inserting “Wamsutta Street” in place thereof, so the section reads as follows:

4600. - WORKING WATERFRONT OVERLAY DISTRICT.

There shall be a Working Waterfront Overlay District, comprising the waterfront area between Gifford Street and Wamusutta Street. A fish fillet or fish processing plant shall only be allowed in Industrial “B” Zones that are located within the Working Waterfront Overlay District.

Section 3. Chapter 9, Section 4661(B) Hicks Logan Sawyer IPOD is hereby amended by striking the following language:

- Mills within the proposed Wamsutta Mill National Register Historic District
- Ice House within the Former Revere Copper Site
- #26 North Front Street within the Former Rever Copper Site
- #122-124 North Front Street
- A portion of the Kilburn Mill

so the subsection reads as follows:

(B) Historic Context. The HLS District contains mill buildings dating from the Nineteenth and early Twentieth Centuries, when the District was a center of textile and metals manufacturing. Some of these buildings may be "Brownfields" containing toxic contaminants. The City wishes both to encourage adaptive reuse of existing mill buildings and to encourage redevelopment of Brownfield Sites.

- Where relevant and feasible, the adaptive reuse of some or all of existing historic buildings should be considered, especially in the case of buildings deemed preferably preserved by the New Bedford Historical Commission. The HLS District Master Plan recommends the preservation of the following mills:
- Fairhaven Mills
- Infill development near historic structures and new construction attached to historic structures should be compatible with the historic context. However, new construction should not attempt to be a copy of existing structures.

Section 4. Chapter 9, Section 4100A Wamsutta Mill Overlay District (WMOD) through 4170A shall be struck in entirety and inserting in place thereof, "4100A – 4199A. RESERVED."

Section 5. Chapter 9, Section 4700A (WEDROD District) is amended by striking Section 4700A (WEDROD District) in its entirety and inserting the following in place thereof:

4700A - Waterfront Mixed Use District (WMU).

4710A. Purpose.

The Waterfront Mixed Use District (WMU) was established to promote and support economic revitalization by retaining existing and supporting uses. In Subarea A, Subarea B (along North Front Street), and Subarea C, the focus will be to attract new multifamily residential, multifamily mixed use, and neighborhood business uses into the district. Mixed use development should include a balance of development types and uses, including water-dependent uses where appropriate and neighborhood business uses that provide retail and personal services catering to the needs of local residents (e.g. coffee shops, convenience stores, dry cleaners, food establishments, and other small businesses).

In Subarea B (along the waterfront and including the Revere Copper site) and Subarea D, the focus will be to retain and expand existing water-dependent, water-related and supporting uses, and attract new, sustainable businesses into the District that may benefit from its prime waterfront access and visibility. Uses in Subarea D are subject to the restrictions of the Designated Port Area (DPA), Chapter 91, and the Massachusetts Environmental Policy Act (MEPA), along with the requirements of the municipal harbor plan in effect at the time of application. In Subarea D, only the identified design guidelines apply. The City may adjust the DPA boundary to remove it from

remove Subarea D from the DPA in the future. If this occurs, the regulations for Subarea C would automatically apply to any portion of Subarea D that is no longer designated as DPA.

The establishment of the WMU is also intended to maintain the historic character of the district and enhance public access to and within the waterfront.

4720A. Location and Boundaries.

The boundaries of the WMU are shown on the following maps, as may be subsequently amended by vote of the City Council. These maps are on file with the City Clerk.

- Waterfront Mixed Use District, Subarea A, April 2020
- Waterfront Mixed Use District, Subarea B, April 2020
- Waterfront Mixed Use District, Subarea C, April 2020
- Waterfront Mixed Use District, Subarea D, April 2020

The WMU District includes four subareas with different permitted uses and development standards, which are located within the following boundaries:

A. Subarea A (Wamsutta)

WMU Subarea A is bound by Interstate 195 to the north, Belleville Avenue and North Front Street to the east, Wamsutta Street and Kilburn Street to the south, and Route 18 to the west.

B. Subarea B (Revere Copper)

WMU Subarea B is bound by Kilburn Street and Interstate 195 to the north, the New Bedford Harbor to the east, the Wamsutta Street outflow to the south, and North Front Street and Belleville Avenue to the west.

C. Subarea C (Fairfield Inn and Eversource)

WMU Subarea C is bound by MacArthur Drive to the south and east and JFK Memorial Highway to the north and west.

D. Subarea D (Sprague/Eversource)

Subarea D is bound by MacArthur Drive and Leonard's Wharf to the north, New Bedford Harbor to the east, MacArthur Drive to the west, and comprised of parcels 42-287 and portions of parcels 47-181 and 47-241 .

4730A. Relationship to Existing Zoning.

The WMU supersedes all other zoning district regulations for this area, except the Flood Hazard Overlay District (FHOD). In the case of any potential discrepancy between the WMU and the FHOD regulations, the FHOD regulations shall apply.

4740A. Definitions

The following terms and constructions shall apply unless a contrary meaning is required by the context:

Arena: Enclosed area designed to showcase theatre, musical performances or sporting events, sometimes circular or oval-shaped, and allowing maximum visibility.

Artist Studio: An artist or worker’s workroom, designed and equipped with the necessary equipment and fittings an artist or worker would use to create art, teach lessons, or record music.

Brewery: A place or building where beer is made commercially and sold. A brewery may also include a taproom in which beer that is made on premises and food may be sold directly to the consumer.

Distillery: A place where alcoholic drinks are made by distillation. A distillery may also include a tasting room in which products that are made on premises and food may be sold directly to the consumer.

Farmers Market: An indoor or outdoor marketplace where farmers sell fruit, vegetables, and often meat, cheese and bakery products directly to consumers.

Flat Floor Event Space: A one-story space flexible enough to host a multitude of different events, allowing for different seating configurations.

Food Hall: An indoor food court or space where food products made by local artisans, local kitchens, and food vendors are marketed and sold.

Makerspace: A place in which people with shared interests, especially in computing or technology, can gather to work on projects while sharing ideas, equipment, and knowledge.

Multi-family Mixed Use: A building or development that combines residential dwelling units with commercial, cultural, institutional, or entertainment uses in the same building, or in a group of interconnected buildings.

Parking Garage: A building, often of several stories, that provides parking space.

Shipyard, shipbuilding: A yard, place, or enclosure where ships are designed, built, and/or repaired.

Wholesale: A building or place where goods are sold in large quantities to be retailed by others.

4750A. Table of Principal Use Regulations

Abbreviations:

Y = Permitted (by right)

YA**= Permitted as Accessory Use Only per Special Permit from the Zoning Board of Appeals

SP = Site Plan Review

PB = Special Permit from the Planning Board

BA = Special Permit from the Zoning Board of Appeals

CC = Special Permit from the City Council

N = Prohibited Use

Parcels situated in applicable subareas are subject to their own table of permitted uses as contained in this section. This table shall supersede Appendix A, Table of Uses for WMU district uses.

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
A. Residential				
1. Single-family dwelling	Y	N	N	N
2. Two-family dwelling	Y	N	N	N
3. Multi-family townhouse	Y	N	N	N
4. Multi-family garden style (4 stories)	Y	N	N	N
5. Multi-family mixed use (6 stories)	Y	N	N	N
6. Multi-family mid-rise (12 stories)	N	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
7. Multi-family high-rise (18 stories)	N	N	N	N
Attached Dwelling -Single Family*	Y	N	N	N
Attached Dwelling – Mixed Use*	Y	N	N	N
8. Boarding house	BA	BA	N	N
9. Group residence	BA	BA	BA	N
10. Assisted or Independent living facility	BA	BA	BA	N
11. Nursing or Convalescent home	BA	BA	BA	N
Nursing Home/Assisted Living/Independent Living Facility*	SP	N	SP	N
Dormitory, Fraternity or Sorority*	Y	N	SP	N
Homeless Shelter and Service Center	SP	N	SP	N
Single Room Occupancy Housing (SRO)*	PB	N	N	N
12. Trailer camp or park	N	N	N	N
13. Hoofed animals	N	N	N	N
14. Animals or head of poultry, not to exceed one animal or head of poultry per one thousand (1,000) square feet of net area of the lot. Net area shall be determined by subtracting the gross ground floor area of all buildings and structures on the lots from the gross area of the lot plus any contiguous lots owned by the same party.	N	N	N	N
B. Exempt and Institutional Uses				
Religious Assembly/Establishment*	Y	Y	Y	N
1. Use of land or structures for religious purposes	Y	Y	Y	N
Educational Facility*	Y	Y	Y	N
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	N
3. Childcare facility (in existing building)	Y	BA	Y	N
4. Childcare facility (not in existing building)	Y	BA	Y	N
5. Use of land for the primary	Y	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area				
6. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	N	N
7. Municipal facilities	Y	Y	Y	Y ⁺
8. Essential services	Y	Y	Y	Y ⁺
Utility Services Facility*	N	SP	N	N
9. Cemeteries	N	N	N	N
10. Hospital	N	N	N	N
Museum*	SP	SP	SP	N
C. Commercial				
1. Nonexempt agricultural use	BA	BA	BA	N
2. Nonexempt educational use	BA	BA	BA	YA ^{**}
3. Animal clinic or hospital; with ancillary animal boarding	BA	BA	N	N
Pet Grooming*	SP	Y	SP	N
Pet Training, Care, or Shelter*	SP	Y	SP	N
Commercial Kennel*	SP	Y	SP	N
Veterinarian*	SP	Y	SP	N
Household Pet Crematory Service*	N	SP	N	N
Taxidermy*	N	SP	N	N
4. Adult day care	BA	BA	N	N
Adult Day Care Home*	BA	BA	N	N
5. Family day care	SP	N	SP	N
Child Day Care Center*	SP	N	SP	N
Child Day Care Home*	SP	N	SP	N
6. Large family day care	N	BA	N	N
7. Club or lodge, nonprofit	CC	N	N	N
8. Funeral home	BA	N	N	N
9. Adult entertainment establishment	N	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Adult entertainment retail establishment*	N	N	N	N
10. Bed & Breakfast	BA	N	N	N
11. Motel, hotel or inn	Y	Y	Y	N
Extended Stay Motel and Hotel*	Y	Y	Y	N
Hostel*	SP	N	SP	N
Youth Hostel	SP	N	SP	N
12. Retail stores and services not elsewhere set forth	Y	Y	Y	YA**
Weaponry Store*	N	N	N	N
Packaged Liquor Store*	SP	SP	SP	N
Pet Store*	SP	Y	SP	N
13. Grocery stores	Y	BA	N	N
Fresh Food Market or Grocery Store*	SP	SP	SP	N
14. Big Box Retail (60,000 Sq. ft. or greater)	N	N	N	N
Building/Home Supplies & Equipment*	N	Y	SP	N
15. Health clubs	Y	Y	N	N
16. Mixed use	Y	Y	Y	N
17. Live /work	Y	Y	Y	N
18. Motor vehicle sales and rental	N	N	N	N
19. Motor vehicle general repairs	N	N	N	N
20. Motor Vehicle body repairs	N	N	N	N
21. Motor vehicle light service	N	N	N	N
Motor Vehicle Light Service Station & Convenience Store*	N	SP	N	N
Property Repair and Maintenance Service*	N	Y	N	N
Maintenance & Repair of Consumer Goods*	SP	SP	SP	N
Dispatch Service*	N	SP	YA	N
Towing Service and Vehicle Storage*	N	SP	N	N
Commercial Parking Facility*	SP	SP	SP	YA**
22. Restaurant	Y	Y	Y	YA**
Restaurant, Café, Bakery*	Y	Y	Y	YA**
23. Restaurant, fast-food	BA	BA	BA	N
Bar or Tavern*	SP	SP	SP	N
Brew Pub*	SP	SP	SP	N
Brewery, Distillery, Winery*	Y	Y	Y	N
Microbrewery/Craft Brewery*	SP	SP	SP	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Fast Food or Take Out Restaurant*	BA	BA	BA	N
Food hall, farmers market*	Y	Y	Y	YA**
Caterer/Wholesale Food Production*	SP	SP	SP	N
24. Business or professional office	Y	Y	Y	YA**
25. Medical offices, center, or clinic	BA	BA	BA	N
26. Bank, financial agency	Y	Y	Y	N
Data Center*	SP	SP	SP	N
Personal Services*	SP	SP	SP	N
Body-Art Establishment*	SP	SP	SP	N
Business Support Services*	YA	Y	YA	N
Broadcast and/or Recording Studio*	SP	Y	YA	N
Co-Working Space*	Y	Y	Y	N
27. Indoor commercial recreation	Y	Y	Y	N
28. Outdoor commercial recreation	BA	BA	BA	N
Marine Recreation*	SP	SP	SP	Y ⁺
Maritime Trade*	Y	Y	Y	Y ⁺
Maritime Education*	Y	Y	Y	Y ⁺
29. Wireless Communications Facilities	PB	PB	PB	N
30. Theatres and auditoriums	PB	PB	PB	N
31. Convention Centers	PB	PB	PB	N
Flat floor event, arena space*	SP	SP	SP	N
Sports Complex*	N	N	SP	N
Community Center*	SP	SP	SP	N
32. Marijuana Retailer	N	N	N	N
Medical Marijuana Facility*	N	SP	N	N
Recreational Marijuana Facility*	N	SP	N	N
Drug Paraphernalia Store*	N	N	N	N
Artisan Production & Creative Studio*	SP	SP	SP	N
Shared Creative Workspace & Arts Education*	SP	SP	SP	N
Work/Live Artist Cooperative*	SP	SP	SP	N
Work/Live Shophouse*	SP	SP	SP	N
Work/Live Creative Studio*	Y	Y	Y	N
D. Industrial				
1. Earth removal	N	SP	N	N
2. Manufacturing	N	SP	N	Y ⁺
3. Light manufacturing	SP	SP	SP	Y ⁺
4. Research, development or testing laboratories and facilities	SP	SP	SP	Y ⁺
5. Biotechnology facilities	SP	SP	SP	Y ⁺

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Biomass Recycling Facility*	N	N	N	N
6. Medical devices manufacturing	SP	SP	SP	N
7. Fish processing	N	Y	Y	Y ⁺
8. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N	N	Y ⁺
9. Transportation terminal	N	SP	SP	Y ⁺
10. Water freight terminal	N	SP	N	Y ⁺
11. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery, provided that such businesses shall be primarily reliant upon a waterfront location or shall be in direct support of an industrial use which requires a waterfront location	N	N	N	Y ⁺
12. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery	N	N	N	N
Heavy Materials Sales and Distribution*	N	N	N	Y ⁺
13. Businesses engaged in salvaging, dismantling and reprocessing of scrap and waste materials including building materials, motor vehicles, machinery and equipment, paper, rags or any other discarded material, provided that such business shall be primarily reliant upon a waterfront location	N	N	N	Y ⁺
14. Junkyard or automobile graveyard	N	N	N	Y ⁺
15. Contractor's yard	N	N	N	Y ⁺
16. Low-level radioactive or nuclear waste facility	N	N	N	N
17. Tire recycling & re-treading	N	N	N	N
Recycling Collection Facility*	N	N	N	N
18. Batch asphalt & concrete plants	N	N	N	N
19. Craft Marijuana Cooperative	N	N	N	N
20. Independent Testing Laboratory	N	N	N	N
21. Marijuana Cultivator	N	N	N	N
22. Marijuana Product	N	N	N	N

Principal Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Manufacturer				
23. Marijuana Research Facility	N	N	N	N
24. Medical Marijuana Treatment Center	N	N	N	N
Shipyards, shipbuilding*	N	Y	Y	Y ⁺
Wholesale, warehouse or distribution facility*	N	SP	YA	YA ^{**}
Businesses engaged in the sale, distribution or storage of building materials and industrial machinery*	N	SP	SP	Y ⁺
Parking garage*	YA	YA	YA	YA ^{**}
Commercial Dry Cleaning & Laundry Services*	N	SP	N	N
Moving Services*	N	Y	SP	N
Self-Storage Facility*	YA	Y	YA	N
E. Agriculture				
Commercial Farming	N	N	N	BA
Community Garden Plots	Y	N	N	N

Accessory Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
A. Accessory Residential				
Accessory Dwelling Unit*	Y	N	N	N
B. Home Occupations				
Home Office*	Y	Y	Y	N
Home-Based Business*	Y	Y	Y	N
Hobby Kennel*	N	SP	N	N
C. Accessory Lodging				
Short Term Rental of a Dwelling Unit*	Y	Y	N	N
Tourist Home*	N	N	N	N
D. Accessory Commercial				
Off-Site Accessory Parking Facility*	SP	SP	SP	YA ^{**}
Car Share Parking Facility*	YA	YA	YA	YA ^{**}
Moving-Vehicle Share Parking Facility*	N	YA	SP	YA ^{**}
Drive Thru Facility*	N	SP	N	N
Food Trucks, Vendors and Mobile Food Markets*	SP	SP	SP	N
Farmer Market and Vendor Court*	SP	SP	SP	YA ^{**}
Bike-Share Facility*				
Motorized Single-User Shared-Transport (Scooter/Moped)*	SP	SP	SP	N

Accessory Use	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Aquatic Equipment Rental*	N	SP	SP	YA**
Parklet*	SP	SP	SP	YA**
Outdoor Merchandise Display*	N	N	N	YA**
E. Accessory Agriculture				
Apiculture*	SP	SP	N	N
Aviculture*	SP	SP	N	YA**
Farm Stand*	Y	Y	Y	YA**

* Single asterisk indicates proposed new uses that are not listed in the Code of Ordinances as of the adoption of this code.

Subarea D is currently restricted by DPA and Ch. 91 Regulations. Uses in this area are listed as representative and subject to legal opinion. Uses marked Y† in Subarea D are allowed subject to a determination by CZM of Water-dependency as defined in 310 CMR 9.12 or by a state-approved municipal harbor plan for the New Bedford /Fairhaven Harbor in effect at the time of application.

Subarea D is currently restricted by DPA and Ch. 91 Regulations. Uses in this area are listed as representative and subject to legal opinion. Uses marked YA** in Subarea D are allowed subject to a determination by CZM that they are accessory to a Water-dependent Use as defined in 310 CMR 9.12(3) or by a state-approved municipal harbor plan for the New Bedford /Fairhaven Harbor in effect at the time of application.

4760A. Table of Dimensional Regulations

Requirement	WMU Subarea A	WMU Subarea B	WMU Subarea C	WMU Subarea D
Minimum Lot Size (sq. ft.)	8,000 for single family; 10,000 for two family units; 15,000 for 3 or more family units	0	0	0
Density of Dwelling Units per Lot	1 per 10,000 sq. ft. for single family; 1 per 5,000 sq. feet for two family; 1 per 1,000 sq. feet for three or more family	0	0	N/A
Lot Frontage (ft.)	75 for single family; 100 for two family; 150 for 3 or more family; 20 for other allowed uses	20	20	20
Height of Buildings (ft.) ¹	45 for single or two family; 60 for other allowed uses	60	60	60
Height of Buildings (# stories) ¹	2.5 for single and two family; 4 for other allowed uses	4	4	4
Front Yard (ft.)	10 for single and two family; 0 for other allowed uses	0	0	0
Side Yard (ft.)	10 on one side, 12 on the other for single and two family; for other uses, 10 on any side where adjacent lot is used for residential purposes	10	10	10
Rear Yard (ft.)	30 for residential uses; for other uses, 10 for 1-2 story buildings; 20 feet for 3 or more stories	20	20	10 for 1-2 stories; 20 feet for 3 or more stories
Lot Coverage by Buildings (%) ¹	40 for residential uses; 60 for other uses	60	60	60
Green Space (%) ¹	35 for residential uses; 10 for other uses	10	10	10

I See Section 4770A. Development Incentives.

4770A. *Development Incentives*

The height of buildings may be increased to 75 feet and the requirements for residential density, maximum lot coverage and minimum green space may be waived by the Zoning Board of Appeals as part of a Special Permit or Variance application. Requirements may be waived in exchange for significant public benefit to allow the maximum flexibility for accommodating such public benefit on the site:

- In WMU Subarea A, such benefit would include one or more in the following: development of a plaza or pocket park open to the public and fronted by active uses on the ground floor along Logan Street or North Front Street and improvements to the easement of surroundings to the fire pond area.
- In WMU Subarea B, such benefit would include one or more of the following: an easement to allow the extension of Logan Street from North Front Street to the water's edge; an expanded public walkway and/or plaza of 25 feet or more from the water's edge; and a pocket park on Logan Street between Acushnet Avenue and North Front Street open to the public and connected to the public sidewalk.
- In WMU Subarea C, the significant public benefit would include one or more of the following: a public plaza and/or public pocket park along MacArthur Drive and coordinated street trees, street furniture, and other pedestrian amenities in the private front yard setback along MacArthur Drive.
- In WMU Subarea D, the significant public benefit would include one or more of the following: a park along the water's edge at Leonard's Wharf; a public plaza and/or public pocket park along MacArthur Drive; and coordinated street trees, street furniture, and other pedestrian amenities in the private front yard setback along MacArthur Drive.

Green space requirements may also be fulfilled by incorporating permeable hardscape, tree canopy, and roof decks integrated into the onsite stormwater management program. Public amenities (e.g. public sitting areas including benches, lighting, bike racks, and trash receptacles, public viewing decks or terraces, public parking spaces, and/or landscaped green space in addition to the required 10% minimum) require maintenance agreements to be established with the owner/developer to maintain these amenities in good, safe, and usable conditions, consistent with the purpose of these regulations and *Section 7. Development Standards*.

4780A. *Development Standards*

Development Standards will be applicable to all projects in the WMU District that qualify for Site Plan Review and/or a Special Permit. These standards are intended to regulate the physical appearance of buildings and sites, and the relationship of new or rehabilitated structures to the existing structures. In addition, design guidelines are included with the intent to provide guidance for integration of the most appropriate design solutions for individual projects. Both standards and guidelines are based on general design principles, which support the long-term vision for the district as outlined in *Section 1. Purpose*, above.

A. Criteria for Approval

Compliance with development standards is mandatory, while design guidelines are advisory in character. Determination of a project's degree of compliance with the design guidelines is at the

discretion of the Special Permit Granting Authority (SPGA), as established in 5300. *Special Permits* (via the SPGA), and 5400. *Site Plan Review* (via the Planning Board) within the City's Code of Ordinances.

In addition to the criteria identified within *Section 5470. Site Plan Review, Approvals*, criteria for review and approval of development via the Special Permit and Site Plan Review processes include the following, respectively:

- 1) Special Permits (per Section 5320, Special Permits, Criteria):
 - a) Social, economic, or community needs which are served by the proposal
 - b) Traffic flow and safety, including parking and loading
 - c) Adequacy of utilities and other public services
 - d) Neighborhood character and social structures
 - e) Impacts on the natural environment
 - f) Potential fiscal impact, including impact on City services, tax base, and employment

- 2) Site Plan Review (per Section 5470. Site Plan Review, Approvals):
 - a) Minimize obstruction of scenic views from publicly accessible locations
 - b) Minimize visual intrusion by controlling the layout and visibility of parking, storage, or other outdoor service areas viewed from public ways or premises which are residentially used or zoned
 - c) Minimize glare from vehicle headlights and lighting fixtures
 - d) Ensure compliance with the provisions of this Zoning Ordinance
 - e) Minimize damage to existing adjacent public ways

For conversions of existing structures, the Planning Board must find that the proposal protects the City's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or adjacent properties.

B. Design Principles

These design principles focus on four key aspects to the physical experience of the WMU District:

- 1) Public access to the waterfront – Public access to the waterfront and pedestrian access along the water should be provided by properties with water frontage. In the WMU Subarea B, private access points should connect with streets and public sidewalks to ensure a continuous pedestrian network that allows access to public amenities along the waterfront. In the WMU Subarea D, public access to the waterfront should only be provided at single points that will not interfere with the safe operation of water-dependent uses, vehicles, boats, or machinery.
- 2) Treatment of buildings – New buildings should be oriented to face the street, serving to define space for public and private activities. Existing buildings should be rehabilitated to the same principles, to the greatest extent possible.
- 3) Treatment of the site and landscape – Sites should be landscaped to provide a buffer between incompatible uses and to define spaces for public and private activities. Landscaping should be consistent with Site Plan Review requirements.
- 4) Public and private infrastructure – Streetscapes should incorporate pedestrian and bicycle amenities throughout the district including shared use paths, encouraging on-street parking, designated ride share zones, and designated areas for ride hailing. Green

infrastructure/Low Impact Development (LID) should be considered for every project. Overhead utility lines should be relocated underground or to the rear of buildings to improve the visual quality of the streetscape and to reduce conflicts between sidewalks, plantings, and utility poles.

C. Standards and Guidelines

1) Public Access to the Waterfront

a) Development Standards

- 1) In WMU Subarea B, public access requirements along the water shall be met by a continuous public walkway running from Washburn Street to the intersection of North Front Street and Wamsutta Street. Public access shall consist of a landscaped area with a minimum width of twenty-five (25) feet from the project shoreline and include a designated walking/biking area with a minimum width of twelve (12) feet. For water-dependent industrial uses in WMU Subarea B and WMU Subarea D, public access shall be consistent with safety requirements and the need for industrial operations to access the water directly. The public walkway must terminate with access to a public right-of-way.
- 2) Public amenities (including benches, lighting, bike racks, and trash receptacles) and landscape materials (planting choices, paving materials) shall be consistent in quality and appearance throughout the district and are subject to Administrative Review to align with City standards.

b) Design Guidelines

- 1) In WMU Subarea B, priority should be given to the creation of a pedestrian connection from Logan Street to a public park along the waterfront and to connections at Washburn and Wamsutta Streets.
- 2) In WMU Subarea D, public access should be designed to improve walkability to the State Pier and other waterfront industries, the regional road network, and the downtown.
- 3) Property owners should work with the city to install paved or other hardscape pedestrian and bicycle connections from the public walkway to the city's public sidewalk and street network.
- 4) Property owners should follow the design guidelines for plantings and hardscape materials provided below in 3) *Treatment of the Site and Landscape*, using plants and materials that are appropriate to the waterfront environment.

2) Treatment of Buildings

a) Development Standards

- 1) Buildings shall be oriented with their main entrance and elevation facing the street.
- 2) New buildings along Logan Street and North Front Street and buildings with frontage on MacArthur Drive shall have ground floors with active uses. Active uses include office, educational, service, retail, restaurant, makerspace, and artist studios.
- 3) At least 60% of the ground floor façade of buildings along Logan Street, Washburn Street, and Hicks Street shall have storefronts, doors, windows, or fenestration that allow clear views from the street to the active uses inside the building. The use of reflective or tinted glass shall not be permitted on the ground floor.
- 4) Construction materials shall be durable, resilient and of high quality, and materials

traditional to the waterfront area are preferred (e.g., brick, stone, steel, wood, shingles or clapboard finishes). The use of vinyl siding or Exterior Insulation and Finish Systems (EIFS) shall not be permitted on the ground floor.

Building signs shall be located within a sign-band between the ground floor and the second floor, including projecting/blade signs. All signs are subject to Planning Department administrative review and *Section 3200. Sign Regulations* of the City's Code of Ordinances.

b) Design Guidelines

- 1) Building frontage shall be designed to include a clearly defined building entrance, architectural details, alcoves, covered walkways, awnings, windows, public seating, bicycle amenities, and other small-scale features that relate to pedestrians.
- 2) Façades should be treated with similar care on all sides of the building visible from a public right-of-way.
- 3) Parking garages should be integrated with the bulk and architecture of the main building, to enhance the design of the garage façade and reduce negative visual impacts from the street or the water.
- 4) Pedestrian entry points should be clearly identified and ADA accessible.
- 5) Windows should not be blocked by signage, blinds, or permanent materials that hinder visual access.
- 6) Historic buildings should be rehabilitated, and the historic elements preserved.
- 7) When historic preservation is not feasible, new construction or the adaptive reuse of old buildings should incorporate façade and roof articulation, window and door patterns, and building materials that establish a compatible design character with neighboring buildings.

3) Treatment of the Site and Landscape

a) Development Standards

- 1) Projects shall implement low-impact stormwater management techniques to control runoff and manage stormwater on-site, such as the use of structured soils, engineered tree wells, biofiltration swales, or other best management practices suited to an urban environment. Stormwater management practices should be consistent with Article VIII Stormwater Management of the City's Code of Ordinances; any alteration of land will require a stormwater management permit unless such alterations meet the exemptions in the ordinance. Stormwater shall not be permitted to drain into the City's sewer system, onto other properties, into surface waters or into New Bedford Harbor.
- 2) Parking areas contiguous with a public sidewalk shall provide a landscaped buffer between the parking and the public sidewalk with a minimum width of five (5) feet.
- 3) Healthy mature trees and vegetation shall be maintained and incorporated into the new site plan to the greatest extent possible.
- 4) Invasive species included in the *Massachusetts Prohibited Plant List* are prohibited.
- 5) Hardscape materials that connect to public infrastructure shall smoothly connect to ensure public safety and mobility and shall be consistent or compatible with the public infrastructure in terms of material type and durability. (e.g. a concrete public

sidewalk shall be matched with either a concrete private sidewalk or decorative pavers, private asphalt sidewalks should not overrun public sidewalks).

b) Design Guidelines

- 1) Where possible, curb cuts should be minimized, and property owners are encouraged to share access from the public right-of-way to contiguous parking lots and service areas to adjacent buildings.
- 2) Clear signage should be provided to direct drivers to private parking. All signs are subject to Planning Department administrative review and *Section 3200. Sign Regulations* of the City's Code of Ordinances.
- 3) Access to parking for buildings with their principal frontage on Logan Street should be located on Howe Street or Hicks Street to preserve the proposed pedestrian and bicycle connections from Purchase Street to the waterfront.
- 4) Parking lots should be located behind or to the side of buildings to effectively screen them and maintain the character of the streetscape.
- 5) Plants should be native or adapted to coastal conditions.
- 6) To supplement 3(a)(1) above, the use of vegetated buffers, rain gardens, bioswales, and wetlands restoration to control runoff and manage stormwater on-site is encouraged.
- 7) The visual impact of wide expanses of parking should be reduced with large landscaped islands and planting strips.

4) Public and Private Infrastructure

a) Development Standards

- 1) Public amenities (including benches, lighting, bike racks, and trash receptacles) and landscape materials (planting choices, paving materials) shall be consistent in quality and appearance throughout the district and are subject to Administrative review to align with City standard.
- 2) Bicycle parking and storage facilities shall be incorporated into all new facilities and waterfront access points. Bike racks shall be U frame or similar, as directed by planning staff.

b) Design Guidelines

- 2) Owners and developers of buildings with active ground floor uses should work in concert with the City to ensure that a minimum clear width of six (6) feet for pedestrians is maintained on every sidewalk (not including the space assigned to light poles, hydrants or street trees). If the available sidewalk clear width is less than six (6) feet, new buildings may consider setting back the storefront or ground floor active uses from the front property line as much as needed to achieve the desirable minimum sidewalk clear width.
- 3) Sidewalks should be continuous along all roadways as part of a "complete streets" design approach that allocates right of way access for bicycle lanes, sidewalks, and parked or ride share vehicles. If there is insufficient right of way to accommodate these design solutions, the applicant shall submit a waiver request to the planning department.

D. Compliance Alternative

If the Planning Board and the Applicant jointly agree that a proposed design meets the intent of the Design Principles but does not meet the requirements of the Development Standards, the Planning

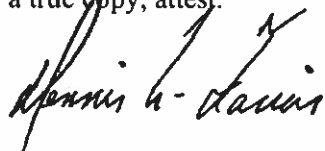
Board may accept to review a proposed Compliance Alternative design, provided it meets the public purpose of the stated Development Standards. The Applicant must submit documentation that indicates the specific proposed alternative method or standard that will be used, why the Development Standards are not applicable to the design project, and how the proposed alternative is fully compliant with the Design Principles. Approval by the Planning Board of a Compliance Alternative is discretionary, and it is the Applicant's responsibility to provide accurate and verifiable information to support the proposed alternative. The use of the Compliance Alternative must be by mutual consent between the Planning Board and the Applicant.

Section 6. This ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.

IN CITY COUNCIL, September 10, 2020

Referred to the Committee on Ordinances and the Planning Board. Dennis W. Farias, City Clerk

a true copy, attest:

A handwritten signature in black ink, appearing to read "Dennis W. Farias", written in a cursive style.

City Clerk