



# CITY OF NEW BEDFORD

In the Year Two Thousand and Twenty One

## 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 inserting "Advanced Manufacturing Campus (AMC)" after "Soule Mill Overlay District (SMOD)."

### SECTION 2.

Chapter 9 of the New Bedford Code of Ordinances, Comprehensive Zoning, is hereby amended by inserting the following new Section 7000 et seq.:

#### **7000 – Advanced Manufacturing Campus Overlay.**

##### **7010. Purpose.**

The purpose of the Advanced Manufacturing Campus (AMC) is to create a new master-planned mixed-use district suitable for uses related to life sciences and advanced manufacturing. The campus setting also permits small-scale commercial uses and an integrated network of pedestrian paths, set among appropriate landscaping, that will attract both employers and employees. The AMC has frontage on and access to a freight rail: frontage onto Hathaway Road and I-195 with direct access from Hathaway Road to the interchange between I-195 and Route 140.

##### **7011. The Master Plan.**

A detailed master plan (the AMC Master Plan) shall be prepared and submitted to the Planning Board for approval of the entirety of the proposed development and/or redevelopment within the AMC Overlay District, even if such property(ies) is/are developed incrementally over an extended period. As the intent of this Section is to ensure conformance with a well thought out long term plan, the preparation and approval of the Master Plan is a condition precedent to the

issuance of any building permit or approval of either site plan review or a special permit as required by this Ordinance. The proposed AMC Master Plan shall illustrate both the initial development proposal as well as development intended to be implemented over time. The Master Plan may be amended from time to time and the Planning Board may, in its discretion, approve, deny, or approve with conditions the original and/or proposed revisions to the Master Plan. The Planning Board shall approve, deny, or approve with conditions the original and/or revised Master Plan in writing with a copy of the same to the applicant and the City Clerk within sixty (60) days of receiving a Master Plan that conforms with the requirements of Section 7012, below.

**7012. Master Plan Contents.**

The Master Plan shall include a context map indicating adjoining properties and streets; the proposed sequence of development; an illustrative timetable for development; the proposed location of all streets, walkways, and open spaces, proposed topography, lot layout, landscaping, signs, lighting and utilities; building locations, intended or anticipated uses and structures, design and heights presented at a level of conceptual design plans; parking locations and amounts, including the manner in which parking requirements will be met prior to full build-out of the development; required easements and deeded areas; and a listing of any variance from the Zoning Ordinance that may be required to implement the Master Plan. The Planning Board may condition the approval of a Master Plan on the receipt of any such variance or any other required approvals from the City, state or federal government.

**7013. The Master Plan Governs New Development.**

Once approved, the AMC Master Plan shall govern development within the AMC, subject to site plan or special permit approval, where relevant.

Subsequent applications for specific uses shall be reviewed as follows:

All applicants shall be required to follow the requirements in Section 5450. In addition, all applicants must demonstrate the manner in which the requirements of Section 7010 are met and are consistent with the AMC Master Plan as approved by the Planning Board or revised thereafter.

Applicants for Class A uses that are consistent with the approved AMC Master Plan may submit an application for a building permit for administrative review by the Department of City Planning, the Department of Inspectional Services, and the Department of Public Infrastructure, including a site plan prepared in accordance with Section 5400 that meets the requirements of Section 5451.a through 5451.f. The Department of Inspectional Services shall grant a building permit if the site plan submitted is materially consistent with the AMC Master Plan as approved by the Planning Board and the application complies with all other requirements for a building permit. The site plan shall be attached and incorporated into the building permit.

Applicants for Class A uses or structures that do not strictly comply with the approved Master Plan, may, in lieu of revising the Master Plan as set forth in Section 7011, submit an application for site plan review to the Planning Board indicating how the application does not comport with the approved Master Plan and containing support for why the non-complying proposed use or structure does not constitute a

substantial conflict with the Master Plan. The application shall comply with the requirements of Sections 5430, 5440, 5450, and 7000. The Planning Board may approve the non-conforming site plan only if it concludes that the non-conformance with the Master Plan is *de minimis* or otherwise does not derogate from the intent of the approved Master Plan.

No application for a Class B or Class C use or structure that does not comply with the approved Master Plan may be filed with the City until such time as the proposed use or structure shall conform with the Master Plan. Any application submitted in contravention of this requirement shall not be acted upon by the Planning Board unless the Master Plan is amended to include or anticipate the proposed use or structure.

**7014. Design Principles.** The design principles for the AMC focus on four key aspects to the anticipated physical experience of the AMC:

1. Treatment of buildings – Buildings shall be oriented to face the street, serving to define space for public and private activities. As the AMC develops over time, new buildings should be consistent with the design of existing buildings in the district.
2. Treatment of yards – Front yards shall be reserved for landscaping, sidewalks, and appropriately screened Guest Parking. Side yards shall be used for vehicular access and access to loading docks. Rear yards shall be used for vehicular access, loading docks, and parking.
3. Treatment of the site and landscape – Sites shall be landscaped to provide appropriate buffers between different types of site uses, including buildings, parking, and sidewalks. Landscaping shall be consistent with site plan review requirements and the Development Standards of this section and shall be integrated with stormwater treatment systems. Landscaping shall also be used to reduce the impact of the heat island effect on large areas of parking or other paved surfaces.
4. Connections between private and public infrastructure – Streets shall provide safe travel ways for all uses, including drivers of trucks and cars, pedestrians, and bicyclists. Private sidewalks shall connect building entrances and parking areas to public sidewalks, and where possible, provide connections between parking areas for pedestrian safety and to minimize curb cuts onto public ways.

**7015. Location and Boundaries.** The boundaries of the AMC are the boundaries of Parcel B (99.86 acres) on the plan titled “Subdivision Plan Prepared for Mass Development,” prepared by Nitsch Engineering and dated October 7, 2020. This plan is on file with the City Clerk.

**7020. Relationship to Existing Zoning.** The AMC 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 AMC and the FHOD regulations, the FHOD regulations shall apply. In the case of a conflict between the AMC and the underlying zoning district

regulations, the AMC regulations shall apply. Unless otherwise noted, reference to a “Section” followed by a “number” refers to the relevant Section of the New Bedford Zoning Ordinance.

**7030. Definitions.** The definitions contained in Section 1200 and the following additional definitions shall apply to the AMC Overlay District. In the event of a conflict between the definitions contained in Section 1200 and those below, the definitions below shall control within the AMC Overlay District.

Aquaponics: The cultivation of fish and plants together in a constructed, re-circulating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to retailers, restaurants, and consumers.

Biotechnology Facilities: The utilization of bioprocesses or other biological systems in manufacturing of drugs or pharmaceuticals, medical products, and in waste recycling for environmental management.

Brewery, Distillery, Cidery, Winery: A facility that uses equipment and/or processes for the large-scale production, packaging, and distribution of malt, spirituous, or vinous beverages pursuant to G.L. c. 138, §19 and relevant federal statutes. Such establishment may include on-site sampling via a taproom or counter, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment.

Brew Pub: Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not exceed 25 percent of the establishment’s production capacity.

Caterer/Wholesale Food Production: The preparation of food in significant quantities to be delivered and served or sold off-site.

Controlled Environment Agriculture (CEA): Any agricultural technology that enables the grower to manipulate the environment to desired growing and/or cultivation conditions. In the City of New Bedford, CEA is limited to food production.

Farmers Market, Vendors Court, and Mobile Food Markets: Individual or multiple vehicles that form a mobile market that travel to multiple locations to sell fresh fruits and vegetables, operating on a set schedule so residents know when they can shop. Mobile markets can be created from buses, trucks, vans, carts, or any other vehicle with space to display food and produce. Food trucks are large vehicles equipped with facilities for cooking and selling food and may be included in Mobile Food Markets or on separate sites with authorization from the City of New Bedford.

Farming, Vertical: Controlled Environment Agriculture used for the practice of producing food on vertically inclined surfaces in vertically stacked layers. Farming techniques may include hydroponics, aquaponics, and aeroponics.

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

Medical Devices Manufacturing: The design and production of equipment and supply intended for the diagnosis or treatment of injury or disease.

Micro-Brewery, Distillery, Cidery, Winery with Tasting Room: A facility that uses equipment and/or processes for the production, packaging, and distribution of up to 15,000 barrels (1 barrel=31 gallons) of malt, spirituous, or vinous beverages pursuant to G.L. c. 138, §19 and relevant federal statutes. Such establishment may include on-site sampling, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment.

Research, Development or Testing Laboratories and Facilities: The analysis, testing, and development of products, or services predominantly for scientific research operations in biotechnology, pharmaceuticals, medical devices and equipment, communication and information technology, electronics, computer hardware, and their substantial equivalents but excluding marijuana research. Research and Development and/or Laboratory does not include activities involved in fabricating, assembling, warehousing, or sale of products for the retail or wholesale market.

**7040. Principal and Accessory Uses.** The List of Principal Uses in this section supersedes the Table of Principal Use Regulations in the Zoning Ordinance for purposes of this Section. Any use not identified as a Class A, Class B, or Class C use below is prohibited. Where relevant, the term “use” shall be construed to include “building” or “structure” such that permitted uses shall be deemed to include a structure(s) required to support the permitted use. The terms “accessory building” and “accessory use” are as defined in Section 1200.

**7050. Definition of Use Classes.**

Class A uses are allowed as-of-right. A building permit will be issued by the Department of Inspectional Services upon showing that the use is consistent with the AMC Master Plan as approved by the City and after staff review as described in Section 7070.

Class A Principal Uses are as follows:

Manufacturing

Research, development or testing laboratories and facilities

Biotechnology facilities

Medical devices manufacturing

Aquaculture/Aquaponics

Farming, Vertical

Controlled Environment Agriculture

Class B uses are allowed as-of-right but subject to site plan approval from the Planning Board to ensure consistency with Section 7010 and the requirements of Section 7070.

Class B Principal Uses are as follows with Farmer's Markets, Vendor Court and Mobile Food Markets permitted as Accessory Uses only:

- a) Child Day Care Center
- b) Health clubs
- c) Restaurant
- d) Bar or Tavern
- e) Brew Pub
- f) Brewery, Distillery, Winery
- g) Microbrewery/Craft Brewery
- h) Food Hall or Public Market

Class C Uses are as follows:

- a) Retail stores and services not elsewhere set forth
  - b) Caterer/Wholesale Food Production
  - c) Business or professional office
  - d) Medical offices, center, or clinic
  - e) Bank, financial agency
- i. Class C uses require site plan approval and a special permit from the Planning Board to ensure consistency with Section 7010 and the requirements of Section 7070 Development Standards, unless they meet the criteria listed below.
  - ii. Class C Uses Wholly Contained Within Class A Use.

Provided that the enumerated Use is (a) wholly contained within a permitted Class A use and the requirements of Section 7050(1) are met or, (b) provided that the Use is specifically identified as to use and location in the approved Master Plan (see Section 7011), Class C Uses do not require site plan approval or a special permit. Any Class C Use that does not meet the requirements of Section 7050(4)(a) or (b) shall require both site plan approval and a special permit from the Planning Board.

- iii. Class C Uses Wholly Contained Within Class B Use.

Provided that the enumerated Class C Use is (a) wholly contained within a permitted Class B use and the requirements of Section 7050(2) are met, or, (b) provided that the Use is specifically identified as to use and location in the approved Master Plan (see Section 7011), Class C Uses do not require a special permit but shall require site plan review approval from the Planning Board. Any Class C Use that does not meet the requirements of Section 7050(5)(a) or (b) shall require both site plan approval and a

special permit from the Planning Board.

**7060. Approval of Site Plans and Special Permits.** The Planning Board shall be the Special Permit Granting Authority for the AMC Overlay District. The requirements of Section 5300 and 5400 shall govern unless noted otherwise below. Applications for Site Plan Review within the AMC Overlay shall comply with the requirements of Section 7061 below, in lieu of compliance with Sections 5420 and 5470.

**7061. Criteria for Site Plan Approval.**

Site plan approval for uses within the AMC Overlay District may be granted by the Planning Board only for uses that are, or can be conditioned to be, consistent with the approved Master Plan.

- 1) Administrative Approval for Class A Uses. Prior to the issuance of a building permit for a Class A use, the Department of Inspectional Services, following consultation with the Department of City Planning, and the Department of Public Infrastructure shall agree that the following requirements have been met:
  - a) The application is complete with respect to Sections 5440 and 5450.
  - b) The application meets the development standards in Section 7080 and is consistent with the AMC Master Plan as approved by the Planning Board.

Approval by the Planning Board of Class B and Class C Uses. The Planning Board may grant site plan approval for Class B or Class C Uses upon determination that the following requirements have been met:

- a) The application is complete with respect to Sections 5440 and 5450.  
The application is consistent with the AMC Master Plan as approved by the Planning Board.

**7062. Criteria for Approval of a Special Permit.**

This section supersedes Section 5320. A special permit may be granted by the Planning Board only upon its written determination that the benefit to the City, the AMC District, and the neighborhood outweighs the adverse effects of the proposed use, taking into consideration the characteristics of the site and of the proposal in relation to the site. The determination shall also consider the following factors:

- 1) Consistency of the application and the site plan with the intent of Section 7010 and the approved Master Plan.
- 2) The development standards for specific uses in Sections 7070 are or if conditioned, can be, met.

Traffic and circulatory impact on the roads adjacent to the AMC are, or, if conditioned, will be of *de minimis* impacts.

**7070. Development Standards for Class A, Class B and Class C Uses.**

**7071. Development Standards for Class A Uses:**

1) Treatment of Buildings

- a) Buildings shall be oriented with their main entrance and principal façade facing the street.

Construction materials shall be durable, resilient and certified by the applicant to be of high quality.

Pedestrian entry points shall be clearly identified and ADA accessible.

All building signs are subject to Planning Department administrative review and Section 3200.

Treatment of Yards

- a) The front yard shall be well-landscaped with a combination of trees, shrubs, perennials, and grasses.

- b) The front yard shall include a publicly accessible sidewalk built to the City of New Bedford's standards for a public sidewalk and shall be connected to the existing sidewalks on either side of the lot frontage.

The public sidewalk shall connect to the parking area at the rear of the building by a sidewalk of no less than five (5) feet in width through one of the side yards.

The buffer between the street and any sidewalk shall have a minimum width of six (6) feet. Shade trees shall be planted at regular intervals to provide shade to the sidewalk.

Parking areas contiguous with a public sidewalk shall provide a minimum five (5) foot wide landscaped buffer between the parking area and the public sidewalk.

Guest parking may be located within the front yard of the principal building, not to exceed ten (10) spaces. Such parking shall be appropriately screened with landscaping and shall connect to the building's primary entrance and public sidewalk by a sidewalk of not less than five (5) feet in width.

All other parking shall be located to the rear of the building.

Loading shall be located to the rear or the side of the building.

All driveways to access parking and loading shall be designed to accommodate, at a minimum, the turning radius of a semi-truck trailer of fifty-three (53) feet.

Curb cuts shall be limited to a maximum of three per building: one for access to the guest parking in the front yard and two for entry and exit to the rear



parking and rear or side loading. Where possible, curb cuts shall be shared to allow access to loading and parking for more than one building.

The front yard may have a single monument sign identifying the address and the tenant(s) in the building at the primary vehicular entrance to the building. Access drives to parking and loading shall have appropriate directional signs at each entrance.

#### Treatment of the Site and Landscape

- a) Materials shall not be stored outdoors.

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 a campus environment. Stormwater management practices shall be consistent with Article VIII Stormwater Management of the City's Code of Ordinances (Section 16-131 et seq.); 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, or into an adjacent wetland buffer.

Healthy mature trees and vegetation shall be maintained and incorporated into the site plan to the greatest extent possible.

Invasive species included in the Massachusetts Prohibited Plant List are prohibited. Planting shall be native or adapted to the climate in the New Bedford area. For longer-term species, such as trees, a species that will adapt to the projected impacts of climate change is recommended.

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 shall not overrun public sidewalks).

Lighting shall be shielded or at a 75 to 90-degree cut-off. Lights shall not be operational during non-business hours, except for minimal lighting required for safety.

#### Public and Private Infrastructure

- a) 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 by the Planning Department and the Department of Public Infrastructure to align with City standards.

Bicycle parking and storage facilities shall be incorporated into all new facilities. Bike racks shall be U frame or similar, as directed by the

Planning Department and the Department of Public Infrastructure.

Utility lines shall be located underground or to the rear of buildings to improve the visual quality of the streetscape and to eliminate conflicts between sidewalks, plantings, and utility poles.

**7072. Development Standards for Class B Uses:**

- 1) Class B Uses shall be located within a larger structure whose primary use is a Class A use or clustered in a group of similar Class B Uses to provide one or more campus centers serving all buildings dedicated to Class A uses.
  - a) Class B uses must be located adjacent to public outdoor gathering spaces. Such spaces shall contain a mix of appropriate hardscaping and landscaping and provide outdoor seating.
  - b) One outdoor gathering space may serve more than one commercial use provided a sidewalk or other paved path connects the entrance of each use to the gathering space.
  - c) The façade of the ground floor that faces the principal street and the façade that faces the outdoor gathering space shall have a minimum transparency of 50%.
  - d) The outdoor gathering space(s) shall be the location of any Farmers Market, Vendors Court and Mobile Food Markets proposed in the AMC Overlay District.

**7073. Development Standards for Class C Uses:**

- 1) Class C Uses: Class C Uses shall be located either within a building whose primary function is a Class A Use or as noted below:
  - a) Banks: This use may be located either in a building with a Class A use or in a building with a cluster of Class B uses. A drive-thru for a bank is not allowed.
  - b) Medical Offices, Center, or Clinic: These uses may be allowed on the upper floors of a building which has either a Class A use or a cluster of Class B uses on the ground floor.
  - c) Caterer/Wholesale Food Production: This use may be located either in a building with a Class A use or in a building with a cluster of Class B uses.

**7080. Severability.**

If any provision of this Section 7000 et seq. is found to be invalid by a court of competent jurisdiction, the remainder of Section 7000 shall not be affected but shall remain in full force.

The invalidity of any provision of Section 7000 shall not affect the validity of the remainder of the City's Zoning Ordinance.

**SECTION 3. TABLE OF DIMENSIONAL STANDARDS.**

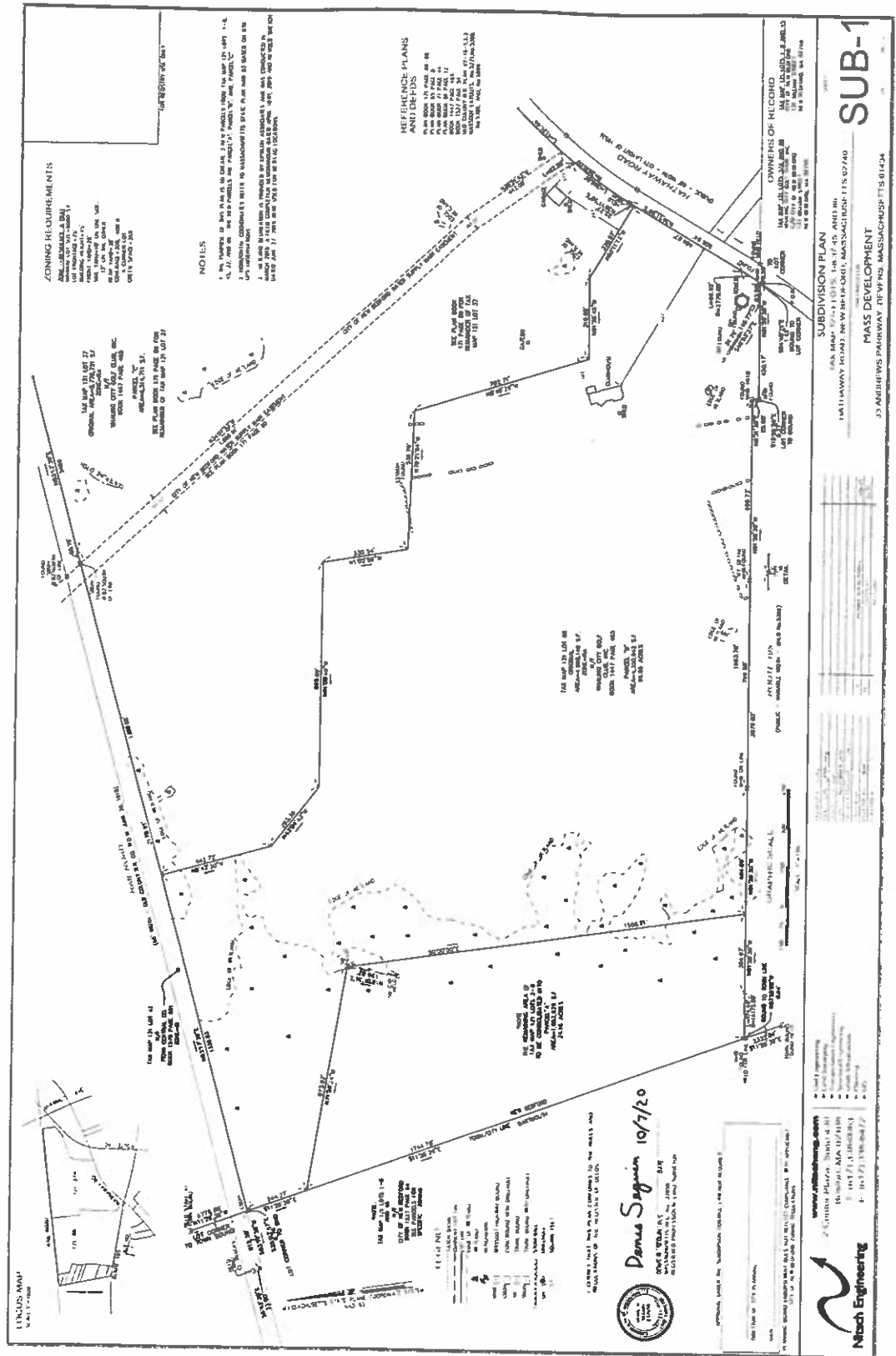
The Table of Dimensional Regulations set forth below shall be added as a column within Section 2700 Dimensional Regulations of the Zoning Ordinance.

<b>Requirement</b>	<b>AMC</b>
Minimum Lot Size (sq. ft.)	5,000
Density of Dwelling Units per Lot	N/A
Lot Frontage (ft.)	50
Height of Buildings (ft.)	Chapter 3, Article II, Section 3-23 of the New Bedford Code of Ordinances
Height of Buildings (# stories)	Chapter 3, Article II, Section 3-23 of the New Bedford Code of Ordinances
Front Yard (ft.)	25
Side Yard (ft.)	20
Rear Yard (ft.)	10
Lot Coverage by Buildings (%)	50%
Green Space (%)	20%

**SECTION 4.**

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





IN CITY COUNCIL, January 14, 2021  
 Referred to the Committee on Ordinances and the Planning Board – Yeas 10, Nays 1.  
 Dennis W. Farias, City Clerk

a true copy, attest:

*Dennis W. Farias*  
 City Clerk