



City of New Bedford Department of City Planning

133 William Street · Room 303 · New Bedford, Massachusetts 02740
Telephone: (508) 979.1488 · Facsimile: (508) 979.1576

MAYOR
JON MITCHELL
DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

January 13, 2022

Councilor Hugh Dunn, Chairman
Committee on Ordinances
133 William Street
New Bedford, MA 02740

RE: ORDINANCE AMENDMENT – GARDEN STYLE APARTMENTS
CASE #21-41: Ordinance Amendment

Dear Chairman Dunn:

This is to advise you of the Planning Board's action on Wednesday, January 12, 2022, regarding the request by City Councilors Joseph P. Lopes and Brian K. Gomes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding proposed changes to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed-Use Business Districts at heights and density that other multi-family projects are afforded. **The Planning Board sends a favorable recommendation for the ordinance amendment.**

At the hearing, Planning Board Chair Kathryn Duff read the request and noted this is the same request the Board heard at the November 10, 2021, meeting, and no new changes are being proposed. Chair Duff asked if there was anyone present to speak on the matter. Mr. Mark Pilotte introduced himself as the proponent. He confirmed there are no changes to the amendment language.

Chair Duff noted that Planning staff had been preparing an update to the Zoning Ordinance use table and the issue this amendment seeks to remedy was also identified in that process; however the use table update has not come before the Board yet.

Hearing no further comments from the Board, Chair Duff opened the floor to members of the public wishing to speak in favor or opposition, and hearing none, she asked for a motion.

Board member Glassman made a motion, seconded by Board member Cruz, to **favorably recommend the ordinance amendment, Case #22-02 to the City Council.**

The motion passed on a vote of 5-0, with board members A. Kalife, A. Glassman, K. Khazan, P. Cruz, and K. Duff recorded in favor; no board members recorded in opposition.

As such, the **Planning Board sends a favorable recommendation**. Please find enclosed a copy of the Department of City Planning Staff Report regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Carloni". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jennifer Carloni

Director, Department of City Planning

encl.

- Department of City Planning Staff Report, dated 12/29/2021
- (Prior) Planning Board Recommendation Letter, dated 11/12/2021

cc. Jon Mitchell, Mayor
Danny Romanowicz, Building Commissioner
Linda Morad, Council President

Mikaela McDermott, City Solicitor
Dennis Farias, City Clerk



City of New Bedford

Department of City Planning

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MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

STAFF REPORT

REPORT DATE

December 29, 2021

MEETING DATE

January 12, 2022

Case #22-02: Mixed-Use Business

Overview of Request

Request by City Council President Joseph P. Lopes and Councilor-at-Large Brian K. Gomes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding proposed changes to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed-Use Business Districts at heights and density that other multi-family projects are afforded. In November 2021, the Board positively recommended this amendment, but due to procedural requirements, the City Council must resubmit it for the consideration.

In their letter to the City Council, the petitioner argues that their proposal would "correct a gap in the number of stories and style of housing allowed in the Mixed Use Business District." Specifically, the petitioner has requested the following changes (full text of the proposed changes is attached at the end of this report as Appendix B):

- Allowing Garden Style apartments in Mixed-Use Business (MUB) districts, where they are currently not allowed.
- Recategorizing Garden Style apartments to allow **up to four stories**. Currently, this style is limited to only four stories, no more and no less.
- Increasing the gross density of units per acre to a maximum of **thirty (30) per acre**. The current maximum is fifteen (15).
- Increasing the maximum number of units per structure to **forty (40) per structure**. The current maximum is twenty (20).

Impact on Existing Zoning

Currently, the City's Zoning Ordinance defines Garden Style apartments as:

One or more two- or three-story, multifamily structures, generally built as at a gross density of ten (10) to fifteen (15) dwelling units per acre, with each structure containing eight (8) to twenty (20) dwelling units and including related off-street parking, open space, and recreation.

As the petitioner notes, there is currently a "gap" in the use table for MUB districts, where housing up to three (3) stories is permitted by right and six (6) stories multi-family development is allowed via a special permit. However, no use between these heights is allowed. Hence the "gap" in the table below. Also shown in the use table below, Garden Style apartments are only allowed in the KHTOD district.

A. Residential	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI	KHTOD
1. Single-family dwelling	Y	Y	Y	Y	Y	N	N	N	N	N	N
2. Two-family dwelling	N	Y	Y	N	Y	N	N	N	N	N	N
3. Multi-family townhouse (3 stories)	N	N	Y	N	Y	N	N	N	N	N	Y
4. Multi-family garden style (4 stories)	N	N	N	N	N	N	N	N	N	N	Y
5. Multi-family mixed use (6 stories)	N	N	N	N	PB	PB	N	N	N	N	Y

Despite the proposed increase to 30 units per acre, the number of units allowed in a Garden Style apartment building would still be less than the maximum number of units currently permitted in MUB districts under the City's dimensional regulations, which allow three or six family buildings a maximum 1 unit per 1,000 square feet or 44 units per acre. For the Board's reference, visual examples of the current and proposed unit density per acre can be found in attachment A.

Relation to Future Revisions of the Zoning Ordinance

The Department of City Planning has been working with consultants on a number of revisions to the Zoning Ordinance, including amending the use table to modernize the list of uses. Removing dimensional references, such as stories, in the use table was identified as recommended improvement. In these proposed revisions, all references to stories will be removed from the table. Instead, the anticipated revisions make distinctions based on the number of units, attached/detached, and the mix of commercial and residential uses. Importantly, all types of residential uses would be allowed by right in the MUB district under this revision. Specific dimensional regulations and performance criteria for each district are still pending and will appear in a separate draft document. Below is a DRAFT of the revisions to the Residential Uses allowed in MUB in the DRAFT Use Table.

DRAFT Principal and Convenience Uses	
	MUB
1. PRINCIPAL USES	
A. Residential	
<u>Household Living (As Listed Below)</u>	
Single-Family - Detached Dwelling	Y
Townhouse/Rowhouse	Y
Two-Family - Attached Dwelling	Y
Multi-Family - Attached Dwelling (≥ 3)	Y
Mixed Use - Attached Dwelling	Y

Additionally, the Department of City Planning with assistance from our Regional Planning Agency, SRPEDD, is developing Transit-Oriented Zoning Overlay Districts around the planned Kings Highway and Whale's Tooth South Coast Rail Platforms, the DRAFT zoning would allow for multi-family buildings of three or more units by right when the underlying district does not already allow that use.

Input from other City Departments

The request was distributed to relevant City departments. No comments have been received as the writing of this memo. Any comments subsequently received will be provided at the Planning Board's public hearing.

For Board Member Consideration

Merits: The proposed change will resolve conflicts between the City's density requirements for MUB districts and proposed developments in those districts. It will allow for more residential development including 4 stories, which is favorable for certain projects/areas, to be permitted and reduce the existing "gap" in the ordinance between allowed three-story and six-story residential development.

Concerns: The proposal allows for a density currently not allowed in MUB districts. Many of the city's neighborhoods consist of Residence A, B, and C districts interspersed with MUB-zoned lots on corners and along main thoroughfares, in order to allow for first-floor businesses in walkable, mixed-use neighborhoods. Conversely, while this proposal reduces the "gap" in the use table, five-story apartment buildings are still excluded in MUB districts while six-story buildings are allowed via Planning Board Special Permit approval.

For further consideration: As noted previously, the City has been engaged with consultants on multiple ordinance amendments including a comprehensive revision to the Use Table. The pending comprehensive revision alleviates the

issues the petitioner seeks to rectify; however, time is still needed to review, finalize, and present the wholesale ordinance changes.

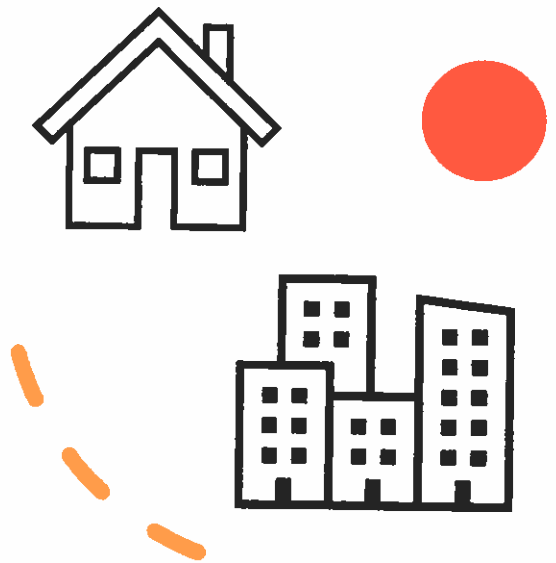
ATTACHMENT A:

VISUALIZATIONS OF CURRENT RESIDENTIAL DESENSITY IN NEW BEDFORD

New Bedford Residential Density Visual Examples

The following slides are provided as a visual reference for examples of residential density.

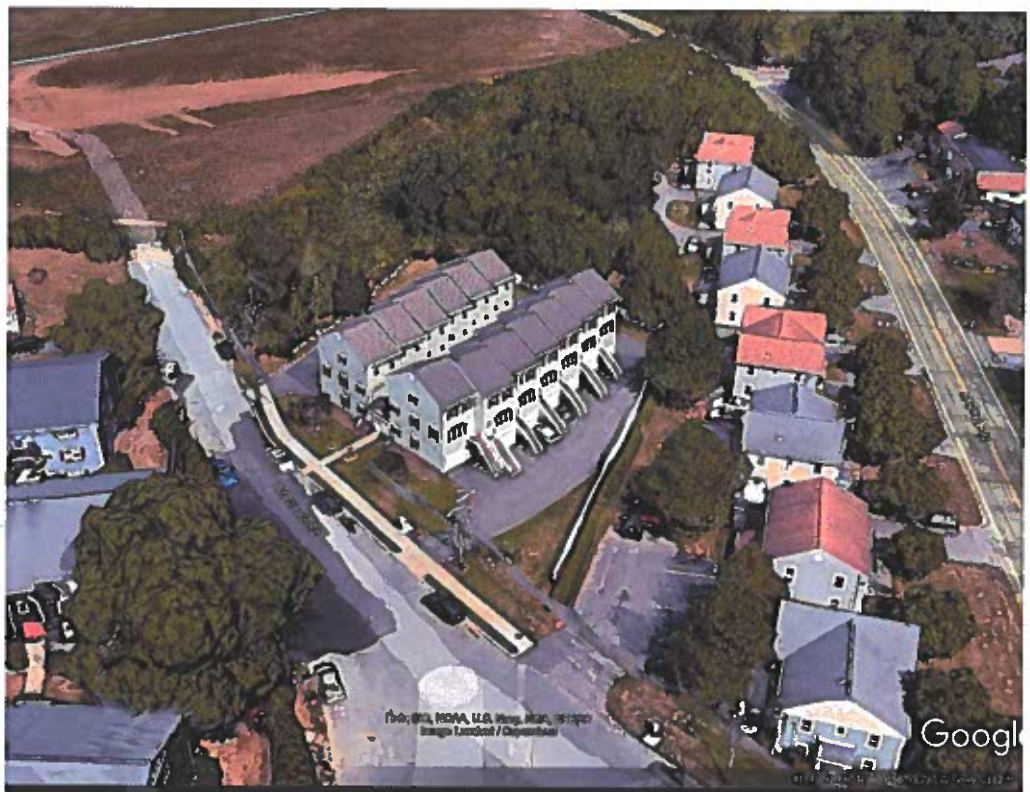
Please note: the density in the examples may appear lower than expected due to on-site parking and lawn/landscape areas.



Arborway Town Homes

Old Plainville Road

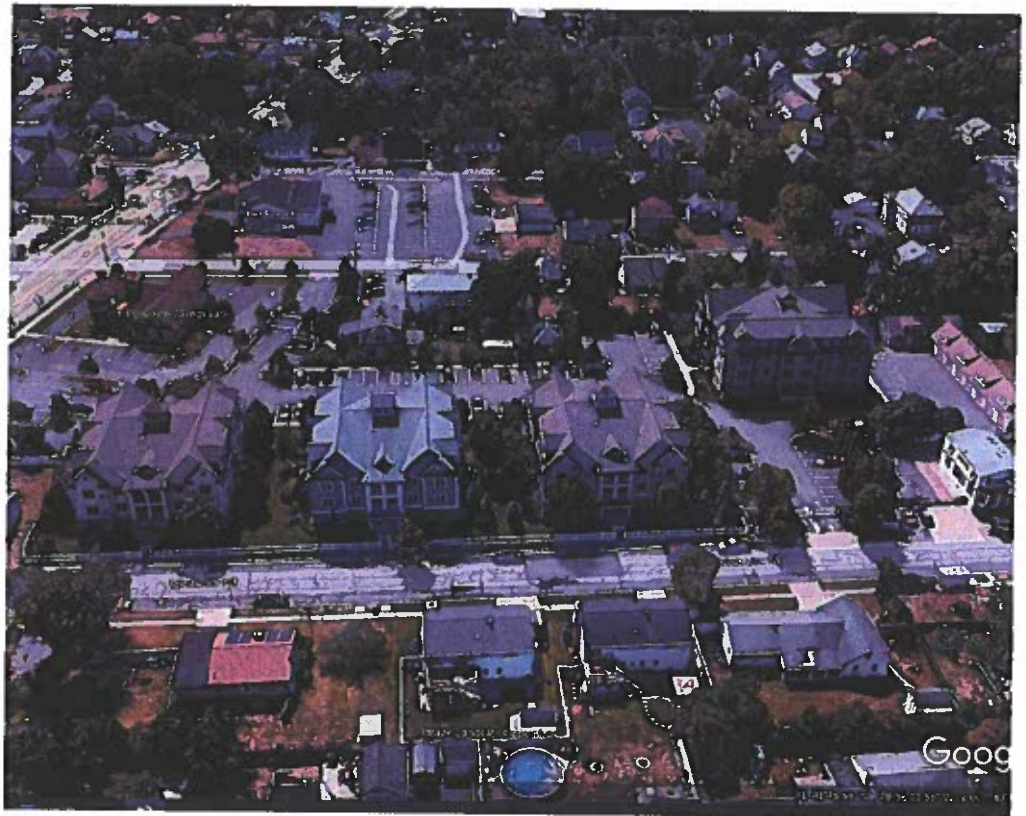
DENSITY: 13 units on 0.58 acres
(22 units/acre)



Ashley Boulevard Place

Tacoma Steet & Victoria Street
(Formerly Thad's Restaurant)

DENSITY: 36 units on 1.6 acres
(23 units/acre)



Temple Landing

Middle St, Cedar St,
Kempton St, Emerson St

DENSITY: 51 units on 2.6 acres
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Riverbank Lofts/
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Riverside Avenue, Manomet Street

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Union Street, Palmer Street

DENSITY: 18 units on 0.3 acres
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Casey-Miller Apartments

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Wamsutta Communities

State St., Hazard St., Hazard Ct.,
Austin St.

DENSITY: 64 units on 0.9 acres
(70 units/acre)



North End Tenement Block

Ashley Blvd., Davis St., Collette St.,
Brook St.

DENSITY: 85 units on 1.3 acres
(65 units/acre)



ATTACHMENT B:

FULL TEXT OF PROPOSED ORDINANCE TEXT AMENDMENT



CITY OF NEW BEDFORD

CITY COUNCIL

December 9, 2021

WRITTEN MOTION

Requesting that the Committee on Ordinances and the Planning Board, review and consider the following change to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed-Use Business Districts at heights, and density that other multi-family projects are afforded. (To Referred to the Committee on Ordinances and the Planning Board.)

Joseph P. Lopes, City Council President
Brian K. Gomes, Councillor at Large

IN CITY COUNCIL, December 09, 2021

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy, attest:

City Clerk

To: Councilor Brian K. Gomes

City Council President Joseph P. Lopes

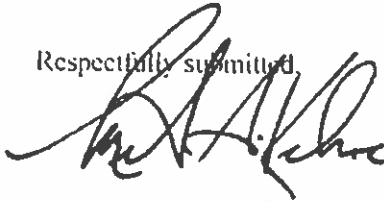
PROPOSED TEXT AMENDMENT TO CITY OF NEW BEDFORD CODE OF ORDINANCES
CHAPTER 9, SECTION 2230 "TABLE OF PRINCIPAL USE REGULATIONS" APPENDIX
"A"

In order to promote the general welfare of the City of New Bedford; to encourage the most appropriate use of Land in the Mix Use Business District as specified in City of New Bedford Code of Ordinances Section 1100; to make the provisions of Section 2230 more consistent; and to correct a gap in the number of stories and style of housing in the Mixed Use Business District

it is HEREBY proposed that Chapter 9 of the City of New Bedford Code of Ordinances be texturally amended as follows:

- i. Chapter 9, Section 2230, Table of Principal Use Regulations, Appendix "A" line 4, Districts/MUB column be changed from "N" to "Y"
- ii. Chapter 9 Section 2230, Table of Principal Use Regulations, Appendix "A" line 4 Principal Use . A Residential column be changed from "Multi-Family Garden Style (4 stories)" to "Multi-family Garden Style (up to 4 stories)"
- iii. Chapter 9, Section 1200 definition of Garden Apartment shall be changed from "One or more two-or three story, multifamily structures, generally built at a gross density of 10 (10) to fifteen (15) dwelling units per acre, with each structure containing eight (8) to twenty (20) dwelling units and including related off-street parking, open space, and recreation" to "One or more two-or three or four story, multifamily structures, generally built at a gross density of TEN (10) to THIRTY (30) dwelling units per acre, with each structure containing EIGHT (8) to FORTY (40) dwelling units and including related off-s street parking, open space, and recreation which may be shared between structures"

Respectfully submitted,



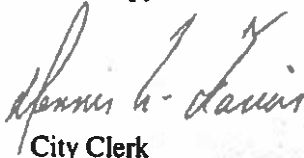
Michael A. Kehoe, Esq

IN CITY COUNCIL, December 09, 2021

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy, attest:



City Clerk



City of New Bedford Department of City Planning

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MAYOR
JON MITCHELL
DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

November 12, 2021

Councilor Hugh Dunn, Chairman
Committee on Ordinances
133 William Street
New Bedford, MA 02740

RE: ORDINANCE AMENDMENT – GARDEN STYLE APARTMENTS
CASE #21-41: Ordinance Amendment

Dear Chairman Dunn:

This is to advise you of the Planning Board's action on Wednesday, November 10, 2021 regarding the request by City Councilors Joseph P. Lopes and Brian K. Gomes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding proposed changes to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed-Use Business Districts at heights and density that other multi-family projects are afforded. **The Planning Board sends a favorable recommendation for the ordinance amendment.**

At the hearing, Planning Board Chair Kathryn Duff read the request and asked if there was anyone present to speak on the matter. Mr. Mark Pilotte introduced himself as the proponent. He described how the current Zoning Ordinance created obstacles for a development his company was pursuing in New Bedford. Mr. Pilotte said that he determined that Garden Style apartments best fit his project. However, he felt that the Ordinance needed more flexibility because currently the number of stories is fixed at four, the density is set in the definition for Garden Style apartments, and Garden Style apartments are only allowed in the Kings Highway Transit Oriented District. Therefore, Mr. Pilotte said he worked with his attorney to propose the amendments that increased the density, made four stories the maximum rather than the only number allowed, and allowed for Garden Style apartments in Mixed-Use Business districts.

Chair Duff noted that Planning staff has been preparing an update to the Zoning Ordinance and use table. Mr. Pilotte said, based on the staff report, that he believed his proposed amendment would align with the forthcoming revisions.

Hearing no further comments from the Board, Chair Duff opened the floor to members of the public wishing to speak in favor or opposition, and hearing none, she asked for a motion.

Board member Glassman made a motion, seconded by Board member Kalife, to **favorably recommend the ordinance amendment, Case #21-41 to the City Council.**

The motion passed on a vote of 5-0, with board members A. Kalife, A. Glassman, K. Khazan, S. Trimbell, and K. Duff recorded in favor; no board members recorded in opposition.

As such, the **Planning Board sends a favorable recommendation.** Please find enclosed a copy of the Department of City Planning Staff Report regarding this matter.

Sincerely,

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Jennifer Carloni

Director, Department of City Planning

encl.

- Department of City Planning Staff Report, dated 11/3/2021

cc. Jon Mitchell, Mayor
Danny Romanowicz, Building Commissioner
Joseph Lopes, Council President

Mikaela McDermott, City Solicitor
Dennis Farias, City Clerk



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Department of City Planning

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MAYOR
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PLANNING DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

STAFF REPORT

REPORT DATE

November 3, 2021

MEETING DATE

NOVEMBER 10, 2021

Case #21-41: Mixed-Use Business

Overview of Request

Request by City Council President Joseph P. Lopes and Councillor-at-Large Brian K. Gomes for the Planning Board to review and make a recommendation to the City Council for its consideration regarding proposed changes to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed-Use Business Districts at heights and density that other multi-family projects are afforded.

In their letter to the City Council, the petitioner argues that their proposal would "correct a gap in the number of stories and style of housing allowed in the Mixed Use Business District." Specifically, the petitioner has requested the following changes (full text of the proposed changes is attached at the end of this report as Appendix B):

- Allowing Garden Style apartments in Mixed-Use Business (MUB) districts, where they are currently not allowed.
- Recategorizing Garden Style apartments to allow **up to four stories**. Currently, this style is limited to only four stories, no more and no less.
- Increasing the gross density of units per acre to a maximum of **thirty (30) per acre**. The current maximum is fifteen (15).
- Increasing the maximum number of units per structure to **forty (40) per structure**. The current maximum is twenty (20).

Impact on Existing Zoning

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As the petitioner notes, there is currently a "gap" in the use table for MUB districts, where housing up to three (3) stories is permitted by right and six (6) stories multi-family development is allowed via a special permit. However, no use between these heights is allowed. Hence the "gap" in the table below. Also shown in the use table below, Garden Style apartments are only allowed in the KHTOD district.

A. Residential	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI	KHTOD
1. Single-family dwelling	Y	Y	Y	Y	Y	N	N	N	N	N	N
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4. Multi-family garden style (4 stories)	N	N	N	N	N	N	N	N	N	N	Y
5. Multi-family mixed use (6 stories)	N	N	N	N	PB	PB	N	N	N	N	Y

RA/RB/RC/RAA: Residential zones MUB: Mixed Use Business PB: Planned Business IA/IB/IC/WI: Industrial Zones

Despite the proposed increase to 30 units per acre, the number of units allowed in a Garden Style apartment building would still be less than the maximum number of units currently permitted in MUB districts under the City's dimensional regulations, which allow three or six family buildings a maximum 1 unit per 1,000 square feet or 44 units per acre. For the Board's reference, visual examples of the current and proposed unit density per acre can be found in attachment A.

Relation to Future Revisions of the Zoning Ordinance

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DRAFT Principal and Convenience Uses	
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Single-Family - Detached Dwelling	Y
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Two-Family - Attached Dwelling	Y
Multi-Family - Attached Dwelling (≥3)	Y
Mixed Use - Attached Dwelling	Y

Additionally, the Department of City Planning with assistance from our Regional Planning Agency, SRPEDD, is developing Transit-Oriented Zoning Overlay Districts around the planned Kings Highway and Whale's Tooth South Coast Rail Platforms, the DRAFT zoning would allow for multi-family buildings of three or more units by right when the underlying district does not already allow that use.

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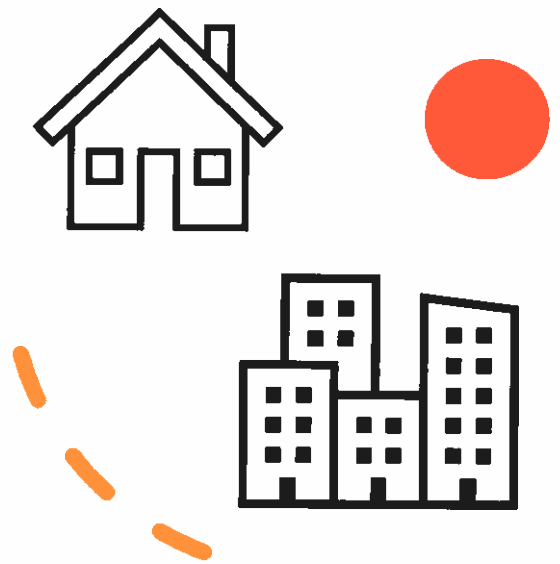
ATTACHMENT A:

**VISUALIZATIONS OF CURRENT RESIDENTIAL DESENSITY IN NEW
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New Bedford Residential Density Visual Examples

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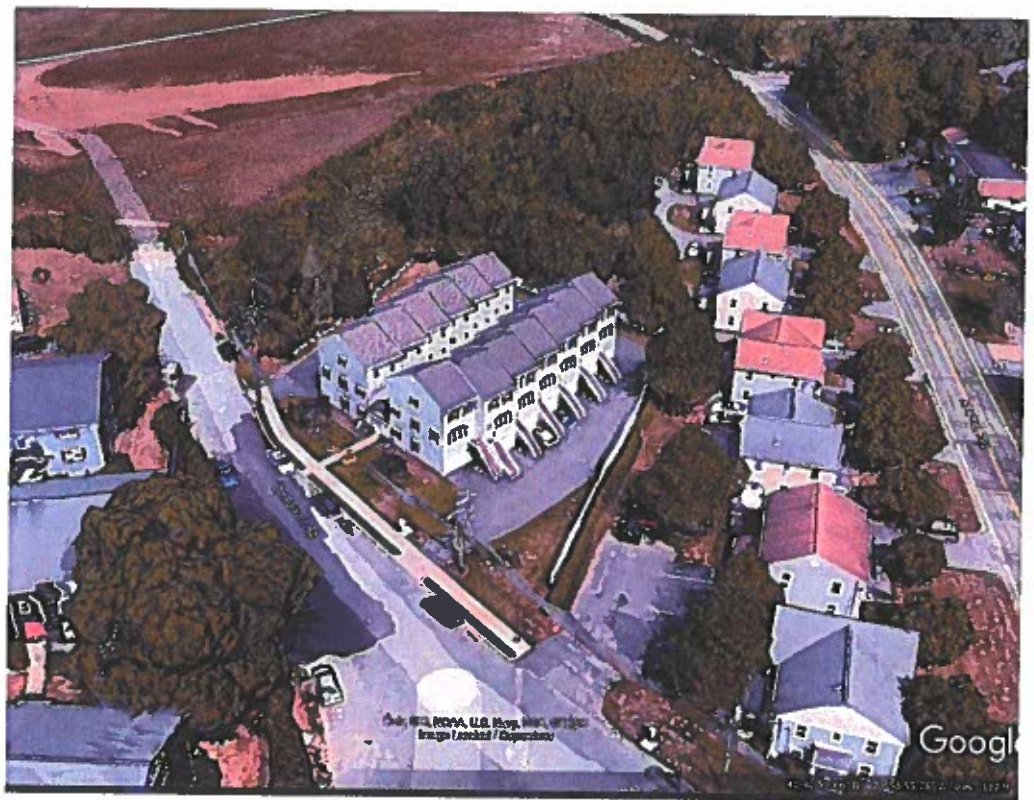
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DENSITY: 13 units on 0.58 acres
(22 units/acre)

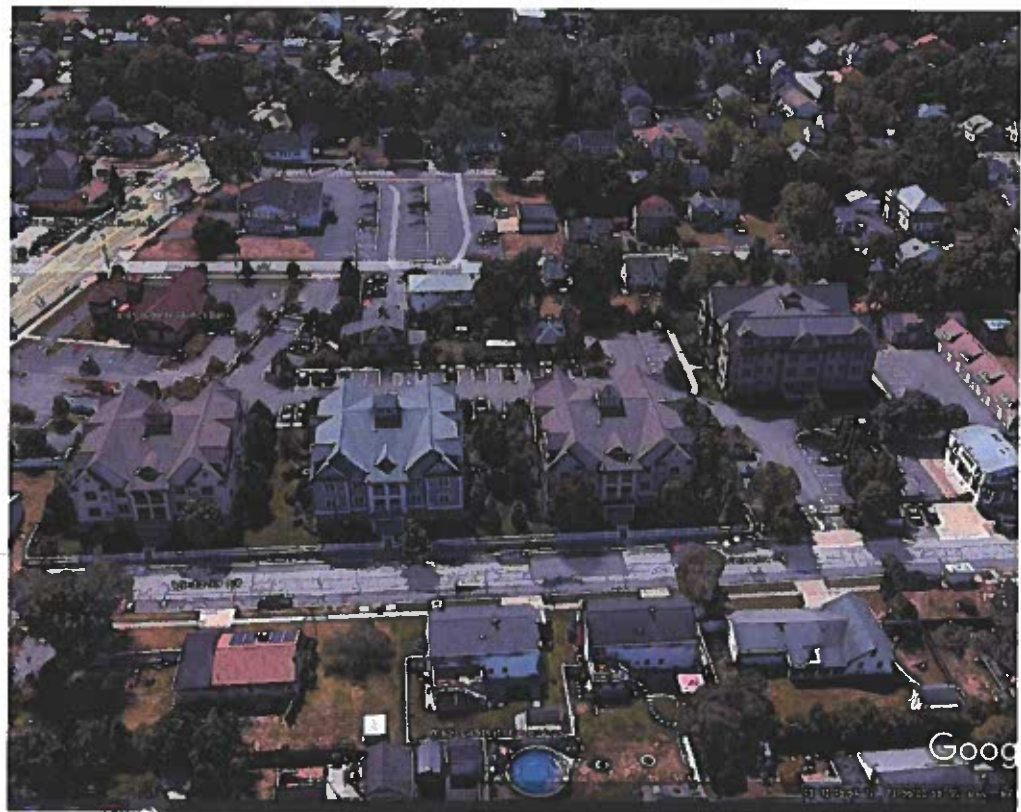




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Tacoma Street & Victoria Street
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Middle St, Cedar St,
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Phillips Road

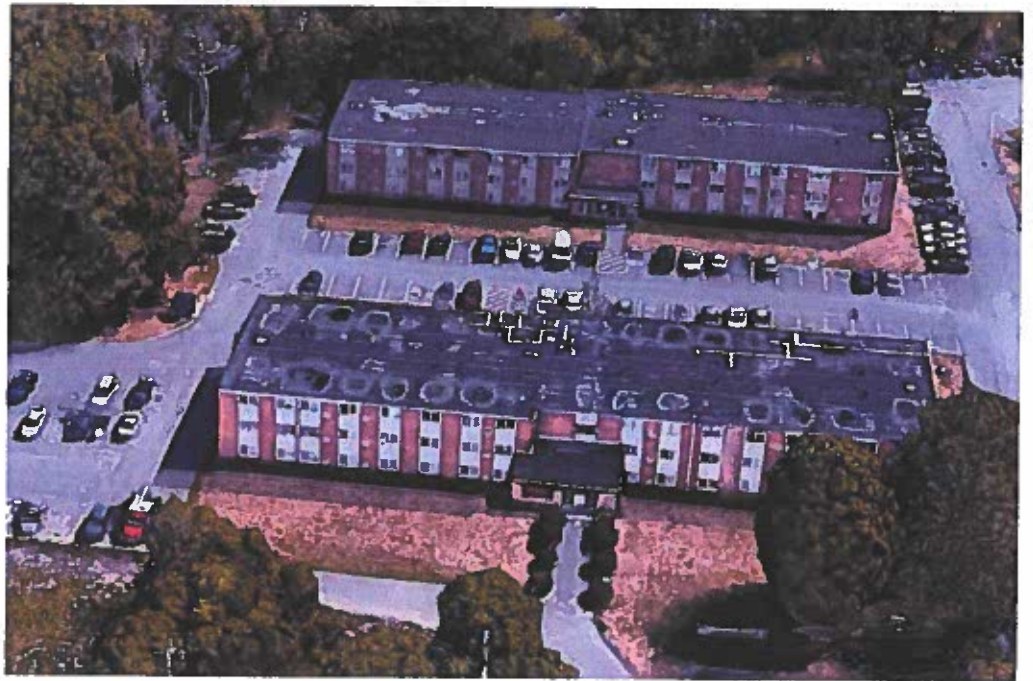
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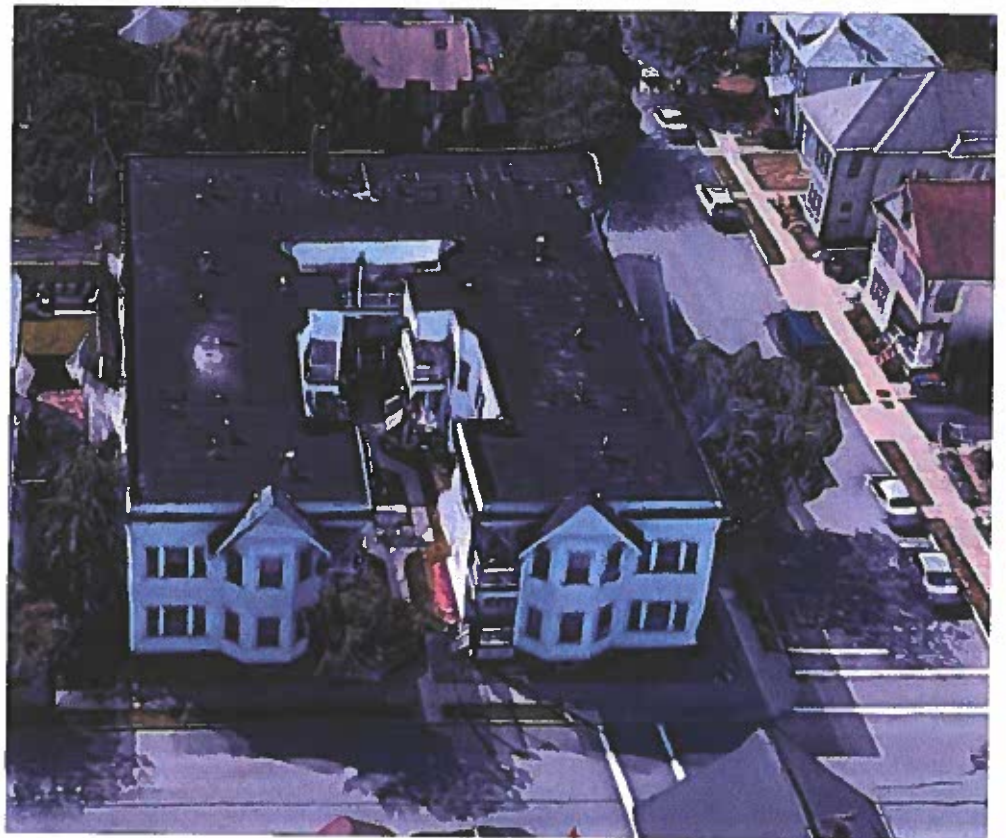




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Union Street, Palmer Street

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Casey-Miller Apartments

Phillips Road

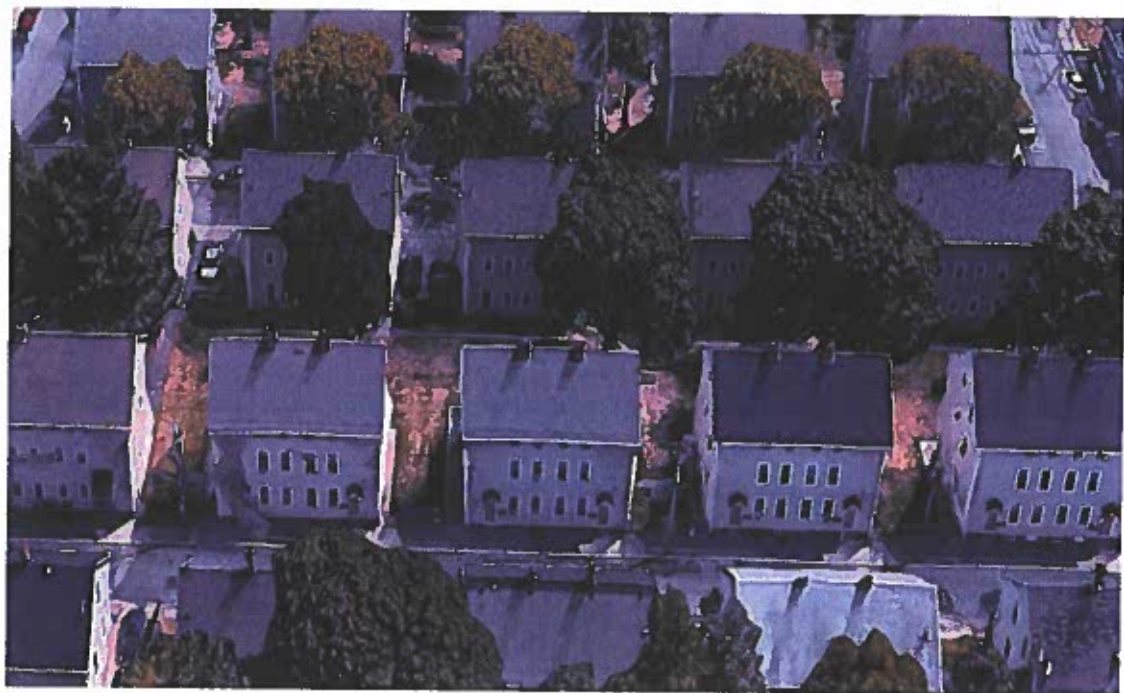
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North End Tenement Block

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(65 units/acre)



ATTACHMENT B:

FULL TEXT OF PROPOSED ORDINANCE TEXT AMENDMENT



CITY OF NEW BEDFORD

CITY COUNCIL

September 23, 2021

WRITTEN MOTION

Requesting that the Committee on Ordinances and the Commissioner of Inspectional Services review and consider the following change to the City's Building Codes to allow the establishment of Garden Style apartments in Mixed Use Business Districts at heights, and density that other multi-family projects are afforded. (To Referred to the Committee on Ordinances, the Planning Board and the Commissioner of Inspectional Services.)

Joseph P. Lopes, City Council President

Brian K. Gomes, Councillor at Large

IN CITY COUNCIL, September 23, 2021

Referred to the Committee on Ordinances, the Planning Board and the Commissioner of the Department of Inspectional Services.

Dennis W. Farias, City Clerk

a true copy, attest:

City Clerk

Planning Board

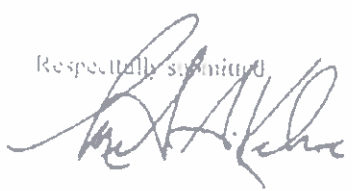
To Councilor Brian K. Gomes
City Council President Joseph P. Lopes

PROPOSED TEXT AMENDMENT TO CITY OF NEW BEDFORD CODE OF ORDINANCES
CHAPTER 9, SECTION 223 "TABLE OF PRINCIPAL USE REGULATIONS" APPENDIX
"A"

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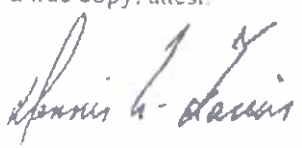
Respectfully submitted



Michael A. Kehoe, Esq.

IN CITY COUNCIL, September 23, 2021
Referred to the Committee on Ordinances, the Planning Board and the Commissioner of the Department of Inspectional Services
Dennis W. Farias, City Clerk

a true copy, attest:



City Clerk