

COMMITTEE ON ORDINANCES - September 16, 2019
MEETING AT 7:00 PM, City Hall, 133 William Street, New Bedford, MA City Council Chambers -
Room 214
AGENDA

REVISED AGENDA

1. PUBLIC HEARING on a WRITTEN MOTION, Councillor Lima, requesting that 183 Washington Street (Plot 36/Lot 378) be rezoned from Residential "B" to MIXED-USE BUSINESS in its entirety. (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 8/15/19) (Duly advertised in The Standard-Times on Monday, September 2, 2019 and Monday, September 9, 2019.)

1a. COMMUNICATION, Tabitha Harkin, City Planner, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on September 4, 2019 to discuss the proposed request for the rezoning of 183 Washington Street, Plot 36/Lot 378 from Residential B (RB) zone to Mixed-Use Business (MUB) zone; the Planning Board voted to send an UNFAVORABLE RECOMMENDATION, recommending the City Council deny the rezoning request for the above-mentioned parcel. (Ref'd from Committee 9/5/19)

INVITEES: David Sousa, Property Owner; David Gerwatowski, Legal Counsel Attorney; Tabitha Harkin, City Planner; Abutters

2. COMMUNICATION/ORDINANCE, Council President Morad, submitting AN ORDINANCE, amending Chapter 24, Section 24-16 RELATIVE TO VEHICLES FOR HIRE. (To be Referred to the Committee on Ordinances.) (Ref'd 3/28/19)

INVITEES: Dennis Farias, City Clerk / Clerk of the City Council; David Gerwatowski, Legal Counsel Attorney

3. WRITTEN MOTION, Councillor Lopes requesting that the Committee on Ordinances begin the process of drafting and approving an Ordinance that would require multi-state and national chain stores that are 10,000 square feet or larger begin phasing out the use of single-use plastic bags in the City of New Bedford; said Ordinance would require multi-state and national chain stores that are 10,000 square feet or larger adhere to the proposed Ordinance that prohibit from providing lightweight, single-use plastic bags to customers in the city of New Bedford by December 31, 2019. (Ref'd 2/14/19) (7/9/19-tabled 30 days)

INVITEES: David Gerwatowski, Legal Counsel Attorney; Mikaela McDermott, City Solicitor

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.



Item Title:
REVISED AGENDA

Item Detail:

REVISED AGENDA

Additional Information:



Item Title:

REZONE REQUEST - 183 Washington Street (Plot 36/Lot 378)

Item Detail:

1. PUBLIC HEARING on a WRITTEN MOTION, Councillor Lima, requesting that 183 Washington Street (Plot 36/Lot 378) be rezoned from Residential “B” to MIXED-USE BUSINESS in its entirety. (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref’d 8/15/19) (Duly advertised in The Standard-Times on Monday, September 2, 2019 and Monday, September 9, 2019.)

1a. COMMUNICATION, Tabitha Harkin, City Planner, to Councillor Hugh Dunn, Chairman, Committee on Ordinances, advising that the Planning Board held a public hearing on September 4, 2019 to discuss the proposed request for the rezoning of 183 Washington Street, Plot 36/Lot 378 from Residential B (RB) zone to Mixed-Use Business (MUB) zone; the Planning Board voted to send an UNFAVORABLE RECOMMENDATION, recommending the City Council deny the rezoning request for the above-mentioned parcel. (Ref’d from Committee 9/5/19)

Additional Information:

ATTACHMENTS:

Description	Type
1. REZONE - 183 Washington Street	Cover Memo
1a. Case 19-29_Rezoning Request_183 Washington Street_Planning Board Recommendation and Staff Report	Cover Memo



CITY OF NEW BEDFORD

CITY COUNCIL

August 15, 2019

WRITTEN MOTION

Requesting that 183 Washington Street (Plot 36/Lot 378) be rezoned from Residential "B" to MIXED-USE BUSINESS in its entirety. (To be Referred to the Committee on Ordinances and the Planning Board.)

Scott J. Lima, Councillor Ward Five

IN CITY COUNCIL, August 15, 2019

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
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY			
MAP #	36	LOT(S)#	378
ADDRESS: 183 Washington Street			
OWNER INFORMATION			
NAME: Almeida Andre			
MAILING ADDRESS: 65 Tucker Lane Dartmouth, MA			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Rudy Botoros - Planning Dept			
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	x67185		
EMAIL ADDRESS:			
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input checked="" type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (<i>Please explain</i>):		

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Judith Serdahl
Printed Name *(acting)*

Judith M. Serdahl (acting)
Signature

8/16/2019
Date

August 15, 2019
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 183 Washington Street (Map: 36, Lot: 378). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
36-281	224 GRINNELL ST <i>224-226</i>	RANSOM HILDA G, C/O WELLS FARGO BANK N A 3476 STATEVIEW BLVD FORT MILL, SC 29715
36-391	74 DARTMOUTH ST <i>74-76</i>	N B & D REALTY LLC, P O BOX 50123 NEW BEDFORD, MA 02745
36-405	66 DARTMOUTH ST	POULIN RICHARD R "TRUSTEE", POULIN FAMILY TRUST (THE) P O BOX 50964 NEW BEDFORD, MA 02741
29-6	182 WASHINGTON ST	DEMELLO KELLY A "TRUSTEE", LAROCQUE ROGER J "TRUSTEE" 182 WASHINGTON ST NEW BEDFORD, MA 02740
29-7	184 WASHINGTON ST	COSTA JONATHAN D, 31 CHESTNUT STREET SOUTH DARTMOUTH, MA 02748
36-35	179 WASHINGTON ST	CHORZEWSKI CARRIE M, 179 WASHINGTON STREET UNIT 2 NEW BEDFORD, MA 02740
36-34	181 WASHINGTON ST	SOUSA CIDALIA P, 181 WASHINGTON ST NEW BEDFORD, MA 02740
36-31	72 DARTMOUTH ST	LOPES DEIRDRE, 444 ASH STREET NEW BEDFORD, MA 02740
36-32	232 GRINNELL ST	ROSE CECELIA T, HADDOCKS FRANCIS 232 GRINNELL ST NEW BEDFORD, MA 02740
29-213	188 WASHINGTON ST	FELIX JOSEPH S, FELIX ANTONIO, <i>Felix Maria S</i> 188 WASHINGTON ST NEW BEDFORD, MA 02740-3244
29-2	192 WASHINGTON ST	BRADLEY MELINDA, 192 WASHINGTON STREET NEW BEDFORD, MA 02740
36-33	220 GRINNELL ST	GONCALVES MANUEL ANTONIO, GONCALVES JEANA P 795 NEW PLAINVILLE ROAD DARTMOUTH, MA 02747
36-30	80 DARTMOUTH ST	MELLO MICHAEL J, MELLO NANCY 78 DARTMOUTH STREET NEW BEDFORD, MA 02740-6113

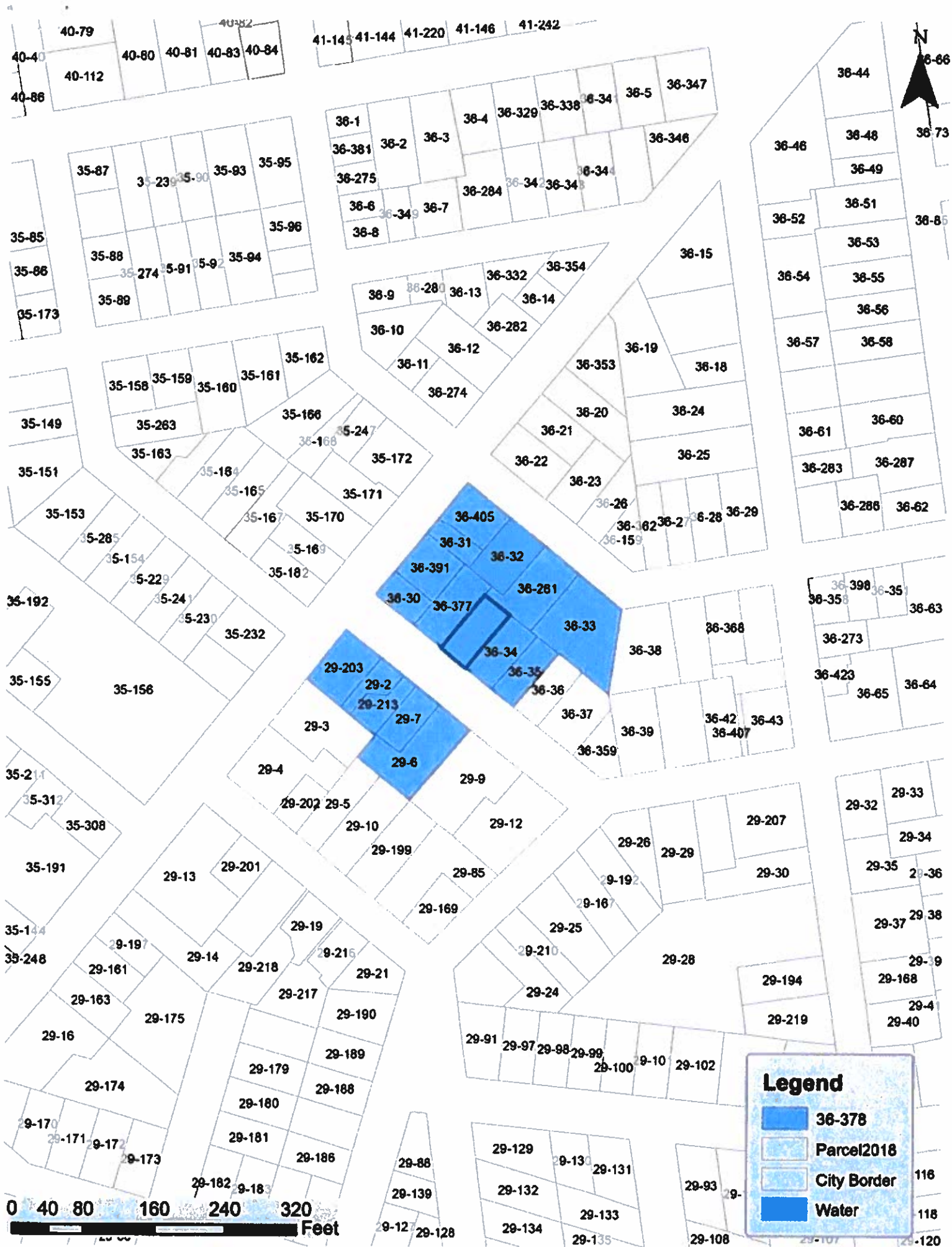
August 15, 2019

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Please find below the List of Abutters within 300 feet of the property known as 183 Washington Street (Map: 36, Lot: 378). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
36-377	191 WASHINGTON ST	DESNEVES MANUEL GARCIA, 191 WASHINGTON ST NEW BEDFORD, MA 02740
29-203	86 DARTMOUTH ST	PINARRETA JOSE, 693 PINE HILL DR NEW BEDFORD, MA 02745





2018 00028079

Bk: 12648 Pg: 294 Pg: 1 of 2 B6
Doc: DEED 11/30/2018 02:38 PM

Return to:

David Sousa
150 Woodcock Road
Dartmouth, MA 02747

MASSACHUSETTS EXCISE TAX
Bristol ROD South 001
Date 11/30/2018 02:38 PM
Ctrl# 020720-11337 Doc# 00028079
Fee: \$798.00 Cons: \$175,000.00

DEED

KNOW ALL MEN BY THESE PRESENTS that I, **Andre Almeida** of 65 Tucker Lane, Dartmouth, Bristol County, Massachusetts, for consideration paid and in full consideration of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00) grant to **David Sousa** of 150 Woodcock Road, Dartmouth, Bristol County, Massachusetts, with **quitclaim covenants**, the land in New Bedford, Bristol County, Massachusetts, with any buildings thereon, bounded and described as follows:

Beginning at the southwesterly corner thereof at a point in the North line of Washington Street, ninety-four and 50/100 (94.50) feet distant therein Easterly from its intersection with the East line of Dartmouth Street; thence

EASTERLY in said North line of Washington Street, thirty-seven and 25/100 (37.25) feet to land now or formerly of Carrie A. Martin; thence

NORTHERLY in line of last-named land, eighty and 57/100 (80.57) feet to land now or formerly of Samuel F. Winsper; thence

WESTERLY in line of last named land, thirty-seven and 25/100 (37.25) feet to land now or formerly of John J. Bem; and thence

SOUTHERLY in line of last-named land, eighty and 57/100 (80.57) feet to the point of beginning.

CONTAINING 11.02 square rods, more or less and BEING shown as Lot #3 on plan of land filed with the Bristol County S.D. Registry of Deeds in Plan Book 18, Page 59.

Said premises are conveyed subject to and with the benefit of all rights, restrictions, reservations, easements, appurtenances and rights of way of record, insofar as the same are still in force and applicable.

Property Address: 183 Washington Street, New Bedford, MA 02740

Under pains and penalties of perjury, I, ANDRE ALMEIDA, release all rights of homestead in the property at 183 Washington Street, New Bedford, Massachusetts, being conveyed by this deed.

For my title, see deed from Jonathan M. Walsh, dated December 2, 2008 and recorded with the Bristol County (S.D.) Registry of Deeds in Book 9205, Page 158.

WITNESS my hand and seal this 30th day of November, 2018.


Andre Almeida

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 30th day of November 2018, before me, the undersigned notary public, personally appeared Andre Almeida, proved to me through satisfactory evidence of identification, which was his Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.




Notary Public:
My Commission Expires: 1/13/23



MAYOR
JON MITCHELL

PLANNING DIRECTOR
TABITHA HARKIN

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

PLANNING BOARD

September 5, 2019

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

RE: PROPOSED REZONING REQUEST
CASE #19-29 183 Washington Street (Map: 36 Lot: 378)

Dear Chairman Dunn:

This is to advise you of Planning Board action on Wednesday, September 4, 2019 regarding the proposed request for the rezoning of 183 Washington Street (Map: 36 Lot: 378) from the Residential B (RB) zone to Mixed-Use Business (MUB) zone. **The Planning Board sends an unfavorable recommendation for this proposal.**

At the hearing, Mr. David Sousa (150 Woodcock Road Dartmouth, MA) owner of 183 Washington Street presented the proposed rezoning request before the Board. Mr. Sousa explained that he had purchased the property last year, at which time it had an existing third floor apartment. In making improvements to the property he sought a building permit to add a second means of egress from the third-floor unit for fire safety. It was during an inspection for the second egress that he found out the unit was never permitted nor allowed in the Residential B zoning district. Subsequently he hired an attorney to investigate the matter and in speaking with the City he and his attorney were under the impression that a zoning change was the only way to make the third-floor apartment legal. Therefore, he sought to rezone the property to a zone in which three apartments would be allowed. It was recommended to them at the time to request the Mixed-Use Business zone (MUB) be extended from Dartmouth Street to this property.

No one spoke in favor or opposition of the request.

Board members discussed the proposed rezoning request and the comments received during the public hearing. Chair Duff explained that the board saw a few issues with this request: the site is surrounded by residential properties, there is a void between the property and the nearby Mixed-Use Business Zoned district, and the proposed residential unit would not need to be rezoned to be permitted.

Chair Duff highlighted that the City Planning Department Staff Report included a determination by the Commissioner of Inspectional Services, Danny Romanowicz, which explained that the property is an "existing non-conforming" property. This designation allows a property owner to seek a Special Permit through the Zoning Board of Appeals for structural changes to and/or use changes for existing non-conforming properties. Attestation from the Building department went on to explain that if the applicant seeks to create a third residential unit, the following permitting would be required, with or without the zoning change: from the Zoning Board of Appeal 1.) Special Permit – Nonconforming Use & Structures (under ordinance Section 2400) 2.) Variance – Parking requirements (under ordinance Section 3100) and from the Planning Board 3.) Site Plan Review – (under ordinance Section 5400 - New multiple-family residential construction of three (3) or more units or expansion of existing multifamily residential structures resulting in the creation of one or more additional units).

Ms. Tabitha Harkin, Director of City Planning, clarified that various City staff had originally suggested that rezoning the property would be the only option. However, upon further investigation and analysis it was discovered that the property qualified under the existing non-conforming section of the ordinance. Unfortunately, this was discovered after the request to rezone had been submitted.

As it does with all rezoning requests, the Planning Board's review included consideration of the following specific criteria to ensure its action is consistent with existing case law: **uniformity, consistency, surroundings, fiscal impact and discriminating benefit.**

The Board discussed their concern that if adopted as written this would be considered spot zoning due to the small gap between the existing MUB zone and the subject site. Further the board noted the applicant can seek permitting regardless of the zoning change.

After closing the public hearing, a motion was made in the affirmative to recommend that 183 Washington Street (Map: 36 Lot: 378) be rezoned from Residential "B" (RB) to Mixed-Use Business (MUB) in its entirety. **The motion failed on a vote of 0-5**, with no board members recorded in favor; board members A. Kalife, K. Khazan, P. Cruz, A. Glassman and K. Duff recorded in opposition.

As such the **Planning Board sends an unfavorable recommendation for this proposal.** Please find enclosed a copy of the Planning Division Staff Report regarding this matter for the Council's convenience and reference.

Sincerely,



Tabitha Harkin, LEED AP ND
Director of City Planning

encl. Staff Report

cc. John Mitchell, Mayor

Danny Romanowicz, Building Commissioner

Mickaela McDermott, City Solicitor

Dennis Farias, City Clerk



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
PLANNING DIRECTOR
TABITHA HARKIN

PLANNING BOARD

STAFF REPORT

REPORT DATE
August 22, 2019

PLANNING BOARD MEETING
September 4, 2019

Case # 19-29: REZONING
183 Washington Street
Map: 36 Lot: 378

Petitioner: City Councilor
Scott J. Lima, Ward 5
133 William Street, Rm 215
New Bedford, MA

Overview of Request:

The Planning Board reviews rezoning petitions as standard practice and provides a recommendation based on their findings to the City Council Committee on Ordinances.

This case requests the rezoning of **183 Washington Street** (Map: 36 Lot: 378) from Residential "B" [RB] to Mixed-Use Business [MUB] in its entirety.

Background:

New Bedford City Councilor Scott J. Lima, Ward 5 has put the rezoning request forward on behalf of the property owner Mr. David Sousa.

Planning staff has been informed the current owner acquired the property in November 2018. The rezoning proposal is requested as the property owner seeks to add a second means of egress for a third floor residential unit. However, the property is in a Residential B zoned district which allows for a maximum of two residential units. The requested Mixed Use Business District allows for the desired three residential units.

Existing Conditions:

The 183 Washington Street property, like other houses in the neighborhood, are primarily 2 family 2 story houses with some backyard green space. However, this property also includes a third-floor attic residential unit. Washington Street and the surrounding neighborhood just south and east of Dartmouth Street is a residential area with low traffic. The Dartmouth Street corridor begins at the intersection with Allen Street and extends to South Dartmouth. It is primarily zoned Mixed Use Business along both sides of the street (usually a lot or two deep) and is surrounded by Residential A, B,

183 Washington Street



and C zones. Most businesses in the area are located solely on Dartmouth Street. Currently 183 Washington Street is zoned as Residential B. A portion of the lot abutting the property to the west is zoned Mixed Use Business, the remaining portion is zoned Residential B. The building on the lot adjacent to this one faces Dartmouth Street and exists entirely within a Mixed Use Business zone.

Input from Other City Departments:

The rezoning request was distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

The Commissioner of Inspectional Services, Danny Romanowicz, has confirmed that the proposed project –to create a third residential unit – would not require a rezoning classification; however, would require multiple permit applications.

The Commissioner has confirmed this property qualifies as an existing nonconforming property under City Zoning Ordinance Chapter 9 Section 2400. This section of the ordinance allows the Zoning Board of Appeals to consider Special Permit Applications for structural changes to and/or use changes for existing nonconforming properties.

If the applicant seeks to create a third residential unit the following permitting would be required, (with or without the zoning change):

1. Zoning Board of Appeal
 - a. Special Permit – Nonconforming Use & Structures (Section 2400)
 - b. Variance – Parking requirements (Section 3100)

2. Planning Board
 - a. Site Plan Review – (Section 5400 - New multiple-family residential construction of three (3) or more units or expansion of existing multifamily residential structures resulting in the creation of one or more additional units.)

It is important to note regardless of whether the zoning of the property changes the permitting would remain the same.

Any additional comments subsequently received from City Departments will be provided at the public hearing.

For Board Member Consideration:

A table comparing the uses permitted in the existing RB zone and proposed MUIB zone is available as an attachment (Attachment #1) to these comments.

MERITS

If the rezoning was to be adopted, twenty-six (26) new uses would be allowed. These uses include: multi-family townhouse (3 stories), multi-family mixed use (6 stories), Boarding House, nonexempt educational use, animal clinic or hospital, adult entertainment establishment, motel/hotel/inn, retail stores, grocery stores, big box retail, health clubs, mixed-use, live/work, motor vehicle sales and rental, motor vehicle light service, restaurant, restaurant-fast food, business or professional office, medical office/center/clinic, bank/financial institution, indoor commercial recreational, wireless communication facility, theater & auditorium, convention centers, and research and development testing laboratories.

If adopted no existing uses of the RB zone would be prohibited, only additional uses would become available.

The Dartmouth Street corridor, west of the site, is zoned mixed use business and has historically been a mixed commercial and residential corridor.

CONCERNS

The property is located mid-block within an established residential section of Washington Street. While, there are mixed use zoned properties used for business purposes within close proximity to this site, the site is directly surrounded by residential properties.

Further, the request would need to be amended slightly as the existing MUB district does not correlate exactly with the property boundaries but rather splits the lot of the adjacent property to the west. The adoption of this request would leave a small gap of RB zoning between the properties.

Some of the additional uses that would be allowed under the MUB district would not be compatible with a dense residential neighborhood.



Standards for Evaluating Rezoning Requests

The Planning Board has previously relied on the following criteria in its evaluation of other rezoning requests to ensure its action is consistent with case law:

- **Uniformity:** the extent to which the zoning change would resemble the surrounding zoning;
- **Consistency:** whether or not the parcel is being singled out for a zoning change;
- **Surroundings:** how the proposal would change the neighborhood;
- **Fiscal Impact:** what impact on local/city economic development the rezoning would have; and
- **Discriminating Benefit:** an assessment of whether the reclassification of a single parcel that allows a use beneficial to the property owner is made to the detriment of the neighbors or community-at-large.

Attachments:

1. Use Table Comparison
2. Written Motion by City Councilors: Scott J. Lima, Ward 5
3. Zoning Maps & Aerials

ATTACHMENT 1: USE TABLE

Provided below is an abridged version of the City of New Bedford Ch. 9 Appendix A – Table of Uses showing only the two zoning districts relevant to the subject request.

- Highlighted (green) uses would be newly permitted if the proposed rezoning were to be adopted.
- Items not highlighted remain unchanged
- Prohibited uses in either zoning district have been removed from the use table for clarity purposes

Table Key:

Y	Yes, a permitted as of right use
N	No, a not permitted use
BA	Use allowed only through a Special Permit granted by the Zoning Board of Appeals
CC	Use allowed only through a Special Permit granted by the City Council
PB	Use allowed only through a Special Permit granted by the Planning Board

EXISTING:	
RESIDENTIAL B DISTRICT	
A. Residential Uses	
1. Single-family dwelling	Y
2. Two-family dwelling	Y
3. Multi-family townhouse (3 stories)	N
5. Multi-family mixed use (6 stories)	N
8. Boarding house	N
9. Group residence	BA
10. Assisted or Independent living facility	BA
11. Nursing or Convalescent home	BA
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.	Y
B. Exempt and Institutional Uses	
1. Use of land or structures for religious purposes	Y
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
3. Child care facility (in existing building)	Y
4. Child care facility (not in existing building)	Y
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y
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
7. Municipal facilities	Y
8. Essential services	BA
9. Cemeteries	Y
10. Hospital	Y

PROPOSED:	
MIXED-USE BUSINESS DISTRICT	
A. Residential Uses	
1. Single-family dwelling	Y
2. Two-family dwelling	Y
3. Multi-family townhouse (3 stories)	Y
5. Multi-family mixed use (6 stories)	PB
8. Boarding house	BA
9. Group residence	BA
10. Assisted or Independent living facility	BA
11. Nursing or Convalescent home	BA
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.	Y
B. Exempt and Institutional Uses	
1. Use of land or structures for religious purposes	Y
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
3. Child care facility (in existing building)	Y
4. Child care facility (not in existing building)	Y
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y
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
7. Municipal facilities	Y
8. Essential services	BA
9. Cemeteries	Y
10. Hospital	Y

Table continues on next page.

EXISTING:	
RESIDENTIAL B DISTRICT	
C. Commercial	
1. Nonexempt agricultural use	BA
2. Nonexempt educational use	N
3. Animal clinic or hospital; with ancillary animal boarding	N
4. Adult day care	BA
5. Family day care	BA
6. Large family day care	BA
7. Club or lodge, nonprofit	CC
8. Funeral home	BA
9. Adult entertainment establishment	N
10. Bed & Breakfast	BA
11. Motel, hotel or inn	N
12. Retail stores and services not elsewhere set forth	N
13. Grocery stores	N
14. Big Box Retail (60,000 Sq. ft. or greater)	N
15. Health clubs	N
16. Mixed use	N
17. Live /work	N
18. Motor vehicle sales and rental	N
19. Motor vehicle general repairs	N
21. Motor vehicle light service	N
22. Restaurant	N
23. Restaurant, fast-food	N
24. Business or professional office	N
25. Medical offices, center, or clinic	N
26. Bank, financial agency	N
27. Indoor commercial recreation	N
28. Outdoor commercial recreation	N
29. Wireless Communications Facilities	PB
30. Theatres and auditoriums	N
31. Convention Centers	N
32. Marijuana Retailer	N
D. Industrial Uses	
4. Research, development or testing laboratories and facilities	N

PROPOSED:	
MIXED-USE BUSINESS DISTRICT	
C. Commercial	
1. Nonexempt agricultural use	BA
2. Nonexempt educational use	Y
3. Animal clinic or hospital; with ancillary animal boarding	BA
4. Adult day care	BA
5. Family day care	BA
6. Large family day care	BA
7. Club or lodge, nonprofit	CC
8. Funeral home	BA
9. Adult entertainment establishment	CC
10. Bed & Breakfast	BA
11. Motel, hotel or inn	Y
12. Retail stores and services not elsewhere set forth	Y
13. Grocery stores	Y
14. Big Box Retail (60,000 Sq. ft. or greater)	BA
15. Health clubs	Y
16. Mixed use	Y
17. Live /work	BA
18. Motor vehicle sales and rental	CC
19. Motor vehicle general repairs	CC
21. Motor vehicle light service	CC
22. Restaurant	Y
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24. Business or professional office	Y
25. Medical offices, center, or clinic	BA
26. Bank, financial agency	Y
27. Indoor commercial recreation	Y
28. Outdoor commercial recreation	BA
29. Wireless Communications Facilities	PB
30. Theatres and auditoriums	PB
31. Convention Centers	PB
32. Marijuana Retailer	N
D. Industrial Uses	
4. Research, development or testing laboratories and facilities	Y

ATTACHMENT # 2: WRITTEN MOTION FOR CITY COUNCIL



CITY OF NEW BEDFORD

CITY COUNCIL

August 15, 2019

Planning Board

WRITTEN MOTION

Requesting that 183 Washington Street (Plot 36/Lot 378) be rezoned from Residential "B" to MIXED-USE BUSINESS in its entirety. (To be Referred to the Committee on Ordinances and the Planning Board.)

Scott J. Lima, Councillor Ward Five

IN CITY COUNCIL, August 15, 2019

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

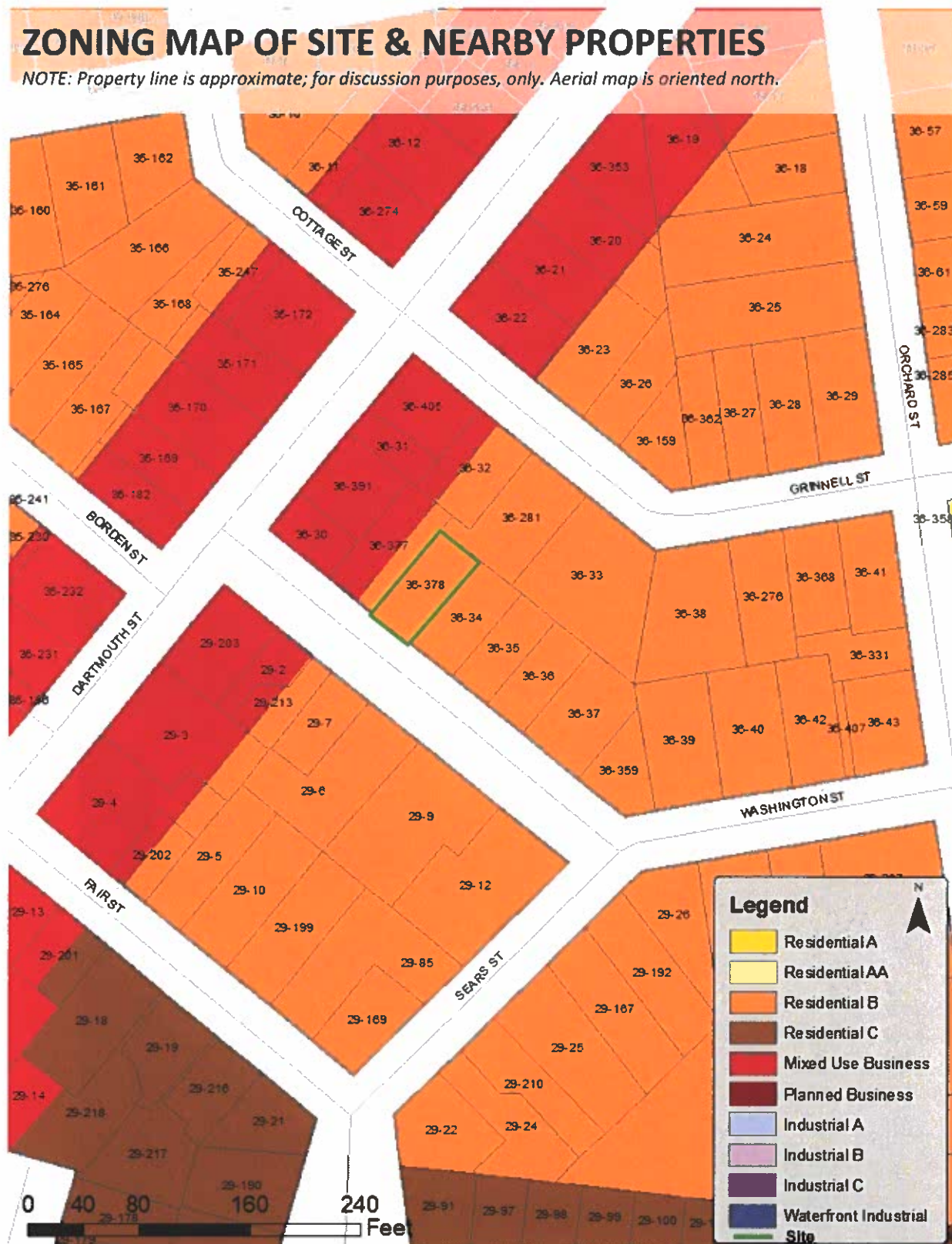
a true copy, attested:

Dennis W. Farias

City Clerk

ZONING MAP OF SITE & NEARBY PROPERTIES

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.



183 Washington Street Map: 36 Lots: 378

NOTE: Property line is approximate; for discussion purposes, only. Aerial map is oriented north.





Item Title:

ORDINANCE / VEHICLES FOR HIRE

Item Detail:

2. COMMUNICATION/ORDINANCE, Council President Morad, submitting AN ORDINANCE, amending Chapter 24, Section 24-16 RELATIVE TO VEHICLES FOR HIRE. (To be Referred to the Committee on Ordinances.) (Ref'd 3/28/19)

Additional Information:

ATTACHMENTS:

Description	Type
2. ORD re Vehicles for Hire	Cover Memo



CITY OF NEW BEDFORD

In the Year Two Thousand and Nineteen

AN ORDINANCE

RELATIVE TO VEHICLES FOR HIRE

31- 509

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

SECTION 1. Section 24-16 of Chapter 24 of the Code of Ordinances is hereby amended by inserting, in the first sentence after the word “\$50”, the following words: -

“or upon payment of a fee as otherwise provided in this Section.”

SECTION 2. Section 24-16 of Chapter 24 of the Code of Ordinances is hereby amended by inserting at the end thereof, the following paragraph: -

The City Clerk shall reduce the fee for the license from \$50 to \$25 if the applicant produces with the application, a letter from The Greater Attleboro Taunton Regional Transit Authority (GATRA) that is dated within 15 business days of the applicant filing the application detailing, to the satisfaction of the City Clerk, that the applicant has met all the suitability requirements for drivers set forth in a contract between GATRA and a company that employs the applicant.

SECTION 3. This Ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.

Referred to the Committee on Ordinances.

IN CITY COUNCIL, March 28, 2019

Dennis W. Farias, City Clerk

True copy attest:

Dennis W. Farias
City Clerk



Item Title:

WRITTEN MOTION re Single-Use Plastic Bags

Item Detail:

3. WRITTEN MOTION, Councillor Lopes requesting that the Committee on Ordinances begin the process of drafting and approving an Ordinance that would require multi-state and national chain stores that are 10,000 square feet or larger begin phasing out the use of single-use plastic bags in the City of New Bedford; said Ordinance would require multi-state and national chain stores that are 10,000 square feet or larger adhere to the proposed Ordinance that prohibit from providing lightweight, single-use plastic bags to customers in the city of New Bedford by December 31, 2019. (Ref'd 2/14/19) (7/9/19-tabled 30 days)

Additional Information:



Item Title:
Accessibility Statement

Item Detail:

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Clerk of Committees Office at 508-979-1482. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.

Additional Information: