



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

DEPARTMENT OF INSPECTIONAL SERVICES
133 WILLIAM STREET - ROOM 308
NEW BEDFORD, MA 02740

New Bedford Comprehensive Zoning Code Review ***Code of Ordinances – Chapter-9***

176 Shawmut Ave. – PLOT: 76– LOT: 126– ZONED DISTRICT: RB

Variance Required from the Zoning Board of Appeals

Zoning Code Review as follows:

DIMENSIONAL VARIANCE

❖ SECTIONS

- 2330-2334 - ACCESSORY STRUCTURES
- 2700 – DIMENSIONAL REGULATIONS
- 2710 – GENERAL
- 2720-- TABLE OF DIMENSIONAL REQUIREMENTS –APPENDIX B-SIDE YARDS
- 2730—DIMENSIONAL VARIATION
- 2750 – YARDS IN RESIDENTIAL DISTRICTS
- 2755—SIDE YARD

IX. HOMEOWNER LICENSE EXEMPTION

Supplement #1

The current exemption for "homeowner" was extended to include owner-occupied dwellings of two units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 110.5)

DEFINITION OF HOMEOWNER:

Person(s) who own a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to two family dwelling, attached or detached structures accessory to such use and /or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner shall submit to the Building Official, on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permits. (Section 110.5)

The undersigned "homeowner assumes responsibility for compliance with the State Building Code and other applicable codes, ordinance, rules and regulations, and will comply with the City of New Bedford Building Department minimum inspection procedures and requirements.

HOMEOWNERS SIGNATURE _____

X. CONSTRUCTION DEBRIS DISPOSAL

Supplement #2

In accordance with provisions of Massachusetts General Law C40, 554, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C 111, S 150A

The debris will be disposed of in: _____

ABC
(Location of Facility)

Signature of Permit Applicant _____

7/29/16
Date

XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT

(Residential Use Only) Supplement to Permit Application

Supplement #3

MGLC 142 A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units... or to structures which are adjacent to such residence of building" be conducted by registered contractors, with certain exceptions, along with other requirements.

Type of Work: Construct a Garage

Est. Cost: \$4000.00 ±

Address of Work: _____

Owner Name: _____

Date of Permit Application: _____

I hereby certify that: Registration is not required for the following reason(s):

_____ Work excluded by law _____ Job under \$1,000 _____ Building not owner-occupied _____ Owner obtaining own permit

Other (specify) _____

Notice is hereby given that:

OWNERS OBTAINING THEIR OWN PERMIT OR EMPLOYING UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OF GUARANTY FUND UNDER MGLC. 152A.

signed under penalties of perjury.

I hereby apply for a permit as the agent of the owner:

Date _____

Contractor Signature _____

Registration No. _____

Notwithstanding the above notice, I hereby apply for a permit as the owner of the above property:

Date _____

Owner Signature _____

XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS

C. Building Permit Rejected Variance

Rejection Date August 12 2016

Reason For Rejection: ZBA

Fee \$75.00

Install a 10' x 20' Prefab Garage

Permit # 15-1755

Comments and Conditions: _____

Signed _____

Date: _____

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Title _____

Not valid unless signed (not stamped) by Building Commissioner



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matter thereon, is hereby made a part of this Ordinance. The boundaries of all land use zoning districts adjoining tidal waters shall extend to the low water mark as defined in regulations promulgated pursuant to M.G.L.A. c. 91 by the Massachusetts Department of Environmental Protection.

(Ord. of 12-23-03, § 1; Ord. of 6-7-04, § 1; Ord. of 1-27-06, § 1)

2120. Boundary Definition. Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines at water body shoreline or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or at an angle to such lines shall be construed to be actually parallel, perpendicular, or at an angle thereto. When not located in any other way, boundaries shall be determined by scale from the map.

(Ord. of 12-23-03, § 1)

State Law reference— Zoning districts generally, M.G.L.A. c. 40A, § 4.

2200. - USE REGULATIONS.

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "**Table of Use Regulations**", unless otherwise provided by this Ordinance or by statute. Uses not expressly provided for herein are prohibited. Not more than one principal structure shall be placed on a lot, except in accordance with Section 2330.

Symbols employed below shall mean the following:

Y - A permitted use.

N - An excluded or prohibited use.

BA - A use authorized under special permit from the Board of Appeals as provided under Section 5300.

CC - A use authorized under special permit from the City Council as provided under Section 5300.

PB - A use authorized under special permit from the Planning Board as provided under Section 5300.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Table of Use Regulations. See Appendix A.

(Ord. of 12-23-03, § 1)

2300. - ACCESSORY BUILDINGS AND USES.

2310. General. Any use permitted as a principal use is also allowed as an accessory use, as are others customarily accessory and incidental to permitted principal uses. Accessory uses are permitted only in accordance with lawfully existing principal uses. An accessory use may not, in effect, convert a principal use to a use not permitted in the zoning district in which it is located. Where a principal use is permitted under special permit, its accessory use is also subject to the special permit. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 5400, shall also require site plan review and approval.

2320. Accessory Uses.

2321. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board of Appeals finds that the proposed use does not substantially derogate from the public good.

2322. Boarders in Single-Family Dwelling. The renting of rooms and/or furnishing of board to not more than two (2) persons in an owner occupied single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to three (3) or more persons in an owner occupied single-family dwelling by the owner/occupant thereof shall be deemed a boarding house subject to the provisions of Section 2230, herein.

2323. Family Day Care Homes. In all districts, family day care may be provided as an accessory use upon the issuance of special permit by the Board of Appeals.

2324. In residence districts, by special permit from the Board of Appeals, off-street parking facilities for more than five (5) automobiles, provided that said parking facilities are on a lot directly across the street from the building they are intended to serve and that said parking facilities shall be used only by the occupants of the building and by persons visiting or doing business with said occupants.

2325. In residence districts, by special permit from the Board of Appeals, joint use of off-street parking facilities by buildings on contiguous lots provided that said parking facilities shall be used only by the occupants of the buildings they are intended to serve and by persons visiting or doing business with said occupants.

(Ord. of 12-23-03, § 1)

2330. Accessory Structures.

2331. Private Garages. Where a private garage constitutes an attached part of the principal dwelling, the minimum setback, side yard and rear yard requirements of the district shall be provided. Where the private garage is detached and accessory, the garage shall be at least ten (10) feet from the principal building, except for garages which meet the fire rating standards of the Massachusetts Building Code for attached garages, in which case the separation requirement is waived. Side yard requirements for detached accessory garages shall be the same as for the principal dwelling. The minimum distance from the rear lot line for detached garages shall be four (4) feet.

2332. Accessory buildings or structures, including private garages, may occupy in the aggregate not over forty (40) percent of the required rear yard area.

2333. Accessory buildings or structures shall not be erected over eighteen (18) feet in height, as measured from the mean average grade of the proposed location of the structure, prior to construction.

2334. No part of such accessory buildings or structures shall be located within thirty (30) feet of the street line on which the principal structure fronts, and, if located within fifty (50) feet from the front street line of the lot, no part of such buildings or structures shall be located within twelve (12) feet of any side lot line intersecting such street. If located in excess of fifty (50) feet from the front street line, the side yard setback shall conform to the requirements of the principal dwelling.

2335. In the case of corner lots less than fifty (50) feet in width, a garage not over twenty-four (24) feet in depth may be placed at the rear of the lot to comply with Section 2334 as nearly as possible, provided that in no case shall the said garage be located less than twenty (20) feet from the street line bounding the longer side of the lot and not less than twelve (12) feet from the lot line intersecting said street line. Such restriction may be waived by mutual agreement between the adjoining property owners, secured by and filed with the Inspector of Buildings.

2336. No trailer shall be occupied for dwelling or sleeping purposes within any residential district, except as allowed pursuant to M.G.L.A. 40A, § 3. A trailer may be permitted to locate within any district other than a residential district provided a special permit is granted by the City Council after a public hearing, upon a finding that the placement and occupancy of the trailer will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 5300 herein.

2337. The initial term and subsequent terms of a special permit for a trailer shall expire after two (2) years. In the event such special permit is renewed, after a public hearing, upon a finding that the placement and occupancy of the trailer will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 5300 herein, the City Council shall promptly notify the Inspector of Buildings. Subsequent special permit issuances for existing trailers, if any, shall be granted after certification by affidavit is made by the applicant that the trailer has not been extended, enlarged, or altered to increase its original dimensions, or use as defined in the initial special permit application, and that the need for the special permit still exists and there has been no change in the use or circumstances for which the special permit was originally granted.

2338. Protection of Swimming Pools and Fish Ponds. Every person owning land on which there is situated an inground swimming pool, an aboveground swimming pool four (4) feet or more deep, a fish pond or other natural or man-made body of water which constitutes an obvious hazard, having a depth at any point of more than two (2) feet, shall cause the same to be completely enclosed by a fence. All fence openings or points of entry into the land area shall be equipped with gates. The fence and gates shall be four (4) feet in height above the ground level. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Swimming pools or fish ponds, containing more than twenty-four (24) inches of water in depth, whether public or private, shall be located in such a way that it will not be closer than three (3) feet to any building, six (6) feet to any property line and shall not extend into any front yard or beyond the front sidewall of the dwelling on said lot.

2339. Barbed Wire. Barbed wire is prohibited in all residential zones, or on property lines abutting residential zones below a height of eight (8) feet above grade.

2339A. Structures used for kennels or the housing of animals. Any structure used for a kennel or for the housing of animals shall be located at least twelve (12) feet from any lot line, street line or dwelling and shall not extend into any front yard or beyond the front sidewall of any dwelling.

(Ord. of 12-23-03, § 1; Ord. of 11-12-04, § 1)

2340. Accessory Dwelling Units. For the purpose of enabling owners of single-family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements:

2341. Accessory dwelling units may be allowed on special permit, which shall lapse every two (2) years, in accordance with Section 5300, and provided that each of the following additional criteria are met.

2342. A plot plan, prepared by a registered land surveyor, of the existing dwelling unit and proposed accessory dwelling unit shall be submitted, showing the location of the building on the lot, proposed accessory dwelling unit, location of any septic system and required parking. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement;

2343. Certification by affidavit shall be provided that while said accessory dwelling unit is occupied, the primary dwelling until shall be occupied by the owner of the property;

2344. Not more than one accessory dwelling unit may be established on a lot. The accessory dwelling unit shall not exceed one thousand (1,000) square feet in floor space and shall be located in the existing residential structure on the premises;

2345. The external appearance of the structure in which the accessory dwelling unit is to be located shall not be significantly altered from the appearance of a single-family structure, in accordance with the following:

2345.a. Any accessory dwelling unit construction shall not create more than a fifteen (15) percent increase in the gross floor space of the structure existing as of date of enactment, December 23, 2003.

2345.b. Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located so that visibility from public ways is minimized.

2345.c. Sufficient and appropriate space for at least one additional parking space shall be constructed by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.

2346. The initial term and subsequent terms of a special permit for an accessory dwelling unit shall expire after two (2) years. In the event such special permit is not renewed, the Board of Appeals shall promptly notify the Inspector of Buildings. Subsequent special permit issuances for existing accessory dwelling unit, if any, shall be granted after certification by affidavit is made by the applicant that the accessory dwelling unit has not been extended, enlarged, or altered to increase

2755. Side Yards. There shall be a side yard on every lot and it shall be at least ten (10) feet on one side and twelve (12) feet on the other side. The side yard shall be unobstructed from the line of the street to the rear lot line except that open porches, decks, steps, patios and pools (including any projections therefrom), which are located behind the dwelling within the rear yard, may extend to six (6) feet of a side lot line, driveways may extend to four (4) feet of a side lot line and storage sheds, which are located behind the dwelling within the rear yard may extend to eighteen (18) inches of a side yard unless a fence is erected on the property along the side yard line. In such case the storage shed may extend eighteen (18) inches of the fence or fence post whichever is closest. For all driveways, including those regulated under Section 2756, the area between a driveway and the side lot line shall be of a different material than the material used for the driveway and shall not be covered with an impervious surface or crushed stone.

Notwithstanding any provision to the contrary, any driveway existing prior to April 15, 2009, that is made of a material that creates an impervious surface, may be permitted for repair, resurfacing or reconstruction with substantially the same type of material provided that the dimensions of the driveway are not increased and the location of the driveway layout is not altered.

2756. Special Driveway Side Yard Requirements. For existing dwellings on lot sizes of less than five thousand (5,000) square feet, driveways shall not extend to the side lot line closer than ten (10) percent of the distance between the side lot line and the principle dwelling. For any driveway in excess of thirteen (13) feet in width, the provisions of Section 2755 regulating driveway setbacks shall apply and this section shall not apply.

(Ord. of 12-23-03, § 1; Ord. of 4-15-10, § 1; Ord. of 10-20-11, § 1; Ord. of 1-15-13, §§ 1, 2)

2760. Cornices and Belt Courses.

2761. A cornice shall not project more than one-third (1/3) of the width of a required open space.

2762. A belt course or other ornamental feature shall not project more than nine (9) inches into a required open space.

(Ord. of 12-23-03, § 1)

2770. Courts.

2771. If any part of a story of a nonresidence building is used for offices, studios or workshops which are not lighted from the street or the rear yard, there shall be a court starting not more than fifty (50) feet from the main exterior walls of that story.

2772. If any part of a story is used for living or sleeping rooms which are not lighted from the street or the rear yard, such court shall be required starting not more than two (2) rooms or thirty-five (35) feet from the main exterior walls of that story.

2773. An inner court shall be at least one-third (1/3) as wide as it is high, measured from the sills of the lowest windows served by it to the average level of the tops of the enclosing walls, and shall be at least twice as long as its required width or of an equivalent area, but no court shall be less than ten (10) feet in width.

2774. The minimum width of an outer court shall be double that required in this Section for an inner court.