



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

FARM ST – PLOT: 39 – LOT: 7 – ZONED DISTRICT: RA

DIMENSIONAL VARIANCE Required from the Zoning Board of Appeals

Zoning Code Review as follows:

DIMENSIONAL VARIANCE

- **2700 – DIMENSIONAL REGULATIONS**
- **2710 – GENERAL**
- **2720 – TABLE OF DIMENSIONAL REQUIREMENTS APPENDIX B**
APPENDIX B – RES-A ZONED – Minimum Lot Size, Lot Frontage Side Yard
- **2750 – YARDS IN RESIDENTIAL DISTRICTS**
- **2755 – SIDE YARDS**
- **3000 – PARKING AND LOADING**
- **3140 – LOCATION AND LAYOUT OF PARKING AND LOADING FACILITIES**
- **3145 – NO OPEN OFF-STREET PARKING SPACE SHALL BE LOCATED IN FRONT OF THE DWELLING OR PRINCIPAL BUILDING**

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 permit. (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, S54, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C111, S150A

The debris will be disposed of in: NO WASTE SHANMUT AFB NEW BEDFORD MA
(Location of Facility)

Signature of Permit Applicant _____

Date 9/30/15

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: BUILD A SINGLE FAMILY DWELLING Est. Cost _____

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. 142A.

signed under penalties of perjury:

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

Date _____ Contractor Signature _____ Registration No. _____

OR:

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 ZBA

Reason For Rejection:

SEE ATTACHMENTS

Fee

Permit #

Comments and Conditions:

Signed Wojciech W. Romanowicz Date: _____ 20____

Title Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner.



City of New Bedford, Massachusetts
 Building Department
 Application for Plan Examination
 and Building Permit

RECEIVED
 FOR BUILDING DEPT. USE
 DATE RECEIVED: OCT 1 2015
 RECEIVED BY: [Signature]
 ISSUED BY:
 BY: [Signature]

IMPORTANT — COMPLETE ALL ITEMS — MARK BOXES WHERE APPLICABLE — PRINT

Permit No.
 Completion Date

(AT LOCATION) FARM ST
 (NO) (STREET)
 BETWEEN BROWNELL AND BRIGHAM
 (CROSS STREET) (CROSS STREET)
 PLOT 39 LOT 7 DISTRICT _____ ACCEPTED STREET yes
 PLANS FILED YES NO

II. TYPE AND COST OF BUILDING — all applicants complete parts A through D — PRINT

A. TYPE OF IMPROVEMENT

- 1 New Building
- 2 Addition (if residential, enter number of new housing units added, if any, in Part D, 14)
- 3 Alteration (if residential, enter number of new housing units added, if any, in Part D, 14)
- 4 Repair, replacement
- 5 Demolition (if multifamily residential, enter number of units in building in Part D, 14, if non-residential, indicate most recent use checking D-18 - D-32)
- 6 Moving (relocation)
- 7 Foundation only

D.1 PROPOSED USE — For demolition most recent use

- | | |
|--|---|
| <p>Residential</p> <ul style="list-style-type: none"> 13 <input checked="" type="checkbox"/> One family 14 <input type="checkbox"/> Two or more family — Enter number of units _____ 15 <input type="checkbox"/> Transient hotel, motel, or dormitory — Enter number of units _____ 16 <input type="checkbox"/> Garage 17 <input type="checkbox"/> Carport 18 <input type="checkbox"/> Other — Specify _____ | <p>Nonresidential</p> <ul style="list-style-type: none"> 19 <input type="checkbox"/> Amusement, recreational 20 <input type="checkbox"/> Church, other religious 21 <input type="checkbox"/> Industrial 22 <input type="checkbox"/> Parking garage 23 <input type="checkbox"/> Service station, repair garage 24 <input type="checkbox"/> Hospital, institutional 25 <input type="checkbox"/> Office, bank, professional 26 <input type="checkbox"/> Public utility 27 <input type="checkbox"/> School, library, other educational 28 <input type="checkbox"/> Stores, mercantile 29 <input type="checkbox"/> Tanks, towers 30 <input type="checkbox"/> Funeral homes 31 <input type="checkbox"/> Food establishments 32 <input type="checkbox"/> Other — Specify _____ |
|--|---|

B. OWNERSHIP

- 8 Private (individual, corporation, nonprofit institution, etc.)
- 9 Public (Federal, State, or local government)

D.2. Does this building contain asbestos?

YES NO If yes complete the following:

Name & Address of Asbestos Removal Firm:

Submit copy of notification sent to DEQE and the State Dept. of Labor & Industries and results of air sample analysis after asbestos removal is completed.

C. COST

- 10. Cost of construction \$ 160,000 (Omit cents)
 To be installed but not included in the above cost
 - a. Electrical
 - b. Plumbing
 - c. Heating, air conditioning
 - d. Other (elevator, etc.)
- 11. TOTAL VALUE OF CONSTRUCTION 160,000
- 12. TOTAL ASSESSED BLDG. VALUE

D.3. Non-residential — Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

III. SELECTED CHARACTERISTICS OF BUILDING —

For new buildings complete part E through I. For demolition, complete only parts G, H & I. For all others, (additions, alterations, repair, moving, foundation), complete E through L.

E. PRINCIPAL TYPE OF FRAME

- 33 Masonry (wall bearing)
- 34 Wood frame
- 35 Structural steel
- 36 Reinforced concrete
- 37 Other — Specify _____

G. TYPE OF SEWAGE DISPOSAL

- 43 Public or private company
- 44 Private (septic tank, etc.)

J. DIMENSIONS

- 53 Number of stories 2
- 54 Height 26
- 55 Total square feet of floor area, all floors based on exterior dimensions 1529
- 56 Building length 29
- 57 Building width 34
- 58 Total sq. ft. of bldg. footprint 816
- 59 Front lot line width 40
- 60 Rear lot line width 40
- 61 Depth of lot 178
- 62 Total sq. ft. of lot size 7138
- 63 % of lot occupied by bldg. (58-62) 11.7
- 64 Distance from lot line (front) 50
- 65 Distance from lot line (rear) 93
- 66 Distance from lot line (left) 10
- 67 Distance from lot line (right) 6

H. TYPE OF WATER SUPPLY

- 45 Public or private company
- 46 Private (well, cistern)

F. PRINCIPAL TYPE OF HEATING FUEL

- 38 Gas
- 39 Oil
- 40 Electricity
- 41 Coal
- 42 Other — Specify _____

I. TYPE OF MECHANICAL

- Is there a fire sprinkler system?
- 47 YES 48 NO
- Will there be central air conditioning?
- 49 Yes 50 No
- Will there be an elevator?
- 51 Yes 52 No

OTHER APPLICABLE REVIEWS

K. FLOODPLAIN

Is location within flood hazard area? yes

If yes, zone: _____ and base elevation _____

L. WETLANDS PROTECTION

Is location subject to flooding? no

Is location part of a known wetland? no

Has local conservation commission reviewed this site? _____

IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT

| OWNER OR LESSEE NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
|----------------------------------|-------------------------------------|---------------------|---------------|
| <i>x</i> Phillip Susan Medeiros | 36 BLUEBIRD LN WESTPORT MA 02790 | | |
| CONTRACTOR NAME | MAILING ADDRESS | ZIP CODE | TELEPHONE NO. |
| JASON BRAZ | 42 BUSH ST DARTMOUTH MA 02748 | LICENSE # 078606 | 774-263-0077 |
| ARCHITECT NAME | MAILING ADDRESS | HOME IMP # | TELEPHONE NO. |
| | | LICENSE # | |
| SIGNATURE OF OWNER | APPLICANT SIGNATURE | DATE | |
| <i>x</i> <i>Phillip Medeiros</i> | <i>[Signature]</i> | 9/30/15 | |

Omission of reference to any provision shall not nullify any requirement of this code nor exempt any structure from such requirement.

The applicants understands and warrant that they will comply with all pertinent federal and state statutes, local ordinances and all federal, state, and local regulations, including those of the Architectural Barriers board, Department of Environmental Protection Agency and may be forwarded for review to all pertinent local city agencies which may express specific concerns. It is understood that the issuance of a permit shall not serve as an acceptance or acknowledgment of compliance nor exempt any structure from such requirement. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of the State Building Code or local code of ordinances, except as specifically stipulated by modification or legally granted variation in accordance with Section 122.0 of State Building Code or local code of ordinances.

I have read the above and sign under pain and penalty of perjury as to the truth of all of the information and statements contained in sections I through IV of this application.

[Signature]
Applicant's Signature

[Signature]
Address

42 BUSH ST DARTMOUTH MA 02748
City

V. OTHER JURISDICTION APPROVALS AND NOTIFICATION

| APPROVAL | CHECK | DATE OBTAINED | BY |
|-----------------|-------|---------------|----|
| Electrical | | | |
| Plumbing | | | |
| Fire Department | | | |
| Water | | | |
| Planning | | | |
| Conservation | | | |
| Public Works | | | |
| Health | | | |
| Licensing | | | |
| Other | | | |

VI. ZONING REVIEW

DISTRICT: _____ USE: _____

FRONTAGE: _____ LOT SIZE: _____

SETBACKS: _____

FRONT: _____ LEFT SIDE: _____ RIGHT SIDE: _____ REAR: _____

PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING _____

VARIANCE HISTORY _____

VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, JASON BOAZ
 (licensee/permittee) with a principal place of business/residence at:
42 BUSH ST DARTMOUTH MA

(City/State/Zip) do hereby certify, under the pains and penalties of perjury, that:

I am an employer providing worker's compensation coverage for my employees working on this job.

AIM MUTUAL Insurance Company Policy Number WC - 100 - 6014292-20154

I am a sole proprietor and have no one working for me.

I am a sole proprietor, ~~general contractor~~, or homeowner and have hired the contractors listed below who have the following worker's compensation insurance policies:

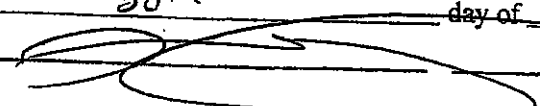
| | |
|-----------------------------|--|
| _____ Name of contractor | _____ Insurance Company/policy number |
| _____ Name of contractor | _____ Insurance Company/policy number |

I am a homeowner performing all the work myself.

NOTE: Please be aware that while homeowners who employ persons to do maintenance, construction or repair work on a dwelling of not more than three units in which the homeowner also resides or on the grounds appurtenant thereto are not generally considered to be employers under the Workers' Compensation Act (GL. C. 152, sect. 1(5)), application by a homeowner for a license or permit may evidence the legal status of an employer under the Workers' Compensation Act.

I understand that a copy of this statement will be forwarded to the Department of Industrial Accidents' Office of Insurance for coverage verification and that failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties consisting of a fine of up to \$1500.00 and/or imprisonment of up to one year and civil penalties in the form of a Stop Work Order and a fine of \$100.00 a day against me.

Signed this 30th day of Sept, 20 15



Location: NS ALLEN ST

Parcel ID: 39 7

Zoning: RB

Fiscal Year: 2015

Current Owner Information:

MEDEIROS PHILIP A
MEDEIROS SUSAN M
36 BLUEBIRD LANE

WESTPORT, MA 02790

Current Sales Information:

Sale Date:

06/20/2006

Sale Price:

\$85,000.00

Legal Reference:

8192-244

Grantor:

LAWRENCE, CAROLE ANN

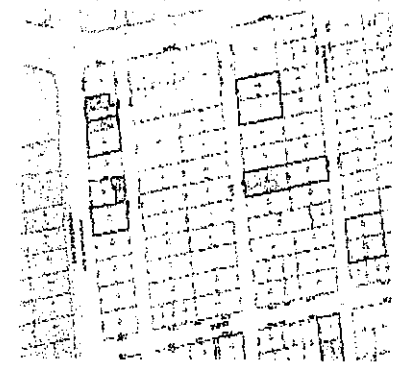
Card No. 1 of 1

This Property contains 0.164 acres of land mainly classified for assessment purposes as Land

| | | | |
|------------------------|--------------------|--------------------------|---------------------|
| Building Value: | Land Value: | Yard Items Value: | Total Value: |
| 0 | 82000 | 0 | 82000 |

No
Sketch
Available

NO
IMAGE
AVAILABLE



| Fiscal Year 2015 | | Fiscal Year 2014 | | Fiscal Year 2013 | |
|---------------------|-------------------|---------------------|-------------------|---------------------|-------------------|
| Tax Rate Res.: | 15.73 | Tax Rate Res.: | 15.16 | Tax Rate Res.: | 14.33 |
| Tax Rate Com.: | 33.56 | Tax Rate Com.: | 31.08 | Tax Rate Com.: | 29.54 |
| Property Code: | 130 | Property Code: | 130 | Property Code: | 130 |
| Total Bldg Value: | 0 | Total Bldg Value: | 0 | Total Bldg Value: | 0 |
| Total Yard Value: | 0 | Total Yard Value: | 0 | Total Yard Value: | 0 |
| Total Land Value: | 82000 | Total Land Value: | 77100 | Total Land Value: | 97500 |
| Total Value: | 82000 | Total Value: | 77100 | Total Value: | 97500 |
| Tax: | \$1,289.86 | Tax: | \$1,168.84 | Tax: | \$1,397.18 |

Disclaimer: Classification is not an indication of uses allowed under city zoning.
This information is believed to be correct but is subject to change and is not warranted.

2516. No use or storage hazardous materials in quantities greater than associated with normal household use shall be permitted.

2517. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

2518. Only one home occupation may be conducted on the premises.

(Ord. of 12-23-03, § 1)

2520. Home Occupations by Special Permit. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by the owner of that dwelling upon the issuance of a special permit by the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

2521. The occupation or profession shall be carried on wholly within the principal building, or within a building or other structure accessory thereto, which has been in existence at least five (5) years, without extension thereof.

2522. Not more than thirty (30) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation.

2523. Only one home occupation may be conducted on the premises.

2524. The home occupation may serve clients, customers, pupils, salespersons, or the like on the premises, if the Board of Appeals determines that the neighborhood will not be detrimentally affected.

2525. Not more than one person not a member of the household shall be employed on the premises in the home occupation.

2526. An unlighted sign of not more than three (3) square feet in area may be permitted. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices.

2527. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard, and such parking shall not occupy more than thirty-five (35) percent of lot area.

2528. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

(Ord. of 12-23-03, § 1)

State law reference— Existing structures, uses or permits, M.G.L.A. c. 40A, § 6.

2600. - LOW-LEVEL RADIOACTIVE WASTE.

2610. Low-level Radioactive Waste or Nuclear Waste Facilities. No facility may be located within the City of New Bedford, the primary purpose or principal activity of which is the commercial collection, processing, reprocessing, storage, burial, incineration, disposal or brokerage of radioactive wastes, including but not limited to waste classified as, low-level radioactive waste.

(Ord. of 12-23-03, § 1)

2700. - DIMENSIONAL REGULATIONS.

2710. General. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this Section, unless exempted by this Ordinance or by statute.

2711. Lot change. No existing conforming or nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, utility improvements or except where otherwise permitted herein, so as to violate the provisions of this Ordinance with respect to the size of lots or yards or to create a nonconformity or increase the degree of nonconformity that presently exists.

2712. Merger of lots. Adjacent lots held in common ownership on or after the effective date of this Section shall be treated as a single lot for zoning purposes so as to minimize nonconformities with the dimensional requirements of this Ordinance. Notwithstanding the previous sentence, adjacent lots in common ownership may be treated as separate lots for zoning purposes upon a finding by the zoning enforcement officer that the owner of said lots has expressly exhibited the intent to maintain the lots as separate. In making said finding the zoning enforcement officer shall rely on the following factors:

2712.a. The existence and maintenance of walls or fences along the original lot lines;

2712.b. The fact that the lots are separately assessed for tax purposes;

2712.c. The placement of structures on the various lots.

The manner in which said lots were acquired or the fact that said lots were separately described on a deed shall not be considered by the zoning enforcement officer in making said finding.

2713. Recorded Lots. A lot or parcel of land having an area or frontage of lesser amounts than required in the following schedule of dimensional requirements may be considered as satisfying the area and frontage requirements of this Section provided such lot or parcel of land was shown on a plan or described in a duly recorded deed or registered at the time of adoption of this Ordinance and did not at the time of adoptions of adjoin other land of the same owner available for use in connection with such lot or parcel.

(Ord. of 12-23-03, § 1)

2720. Table of Dimensional Requirements. See Appendix B.

(Ord. of 12-23-03, § 1)

2730. Dimensional Variation. The Board of Appeals may vary otherwise applicable dimensional requirements pertaining to frontage, lot area, building height and sidelines upon finding that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

(Ord. of 12-23-03, § 1)

2740. Vision Clearance on Corner Lots in Residence Districts. On a corner lot no fence, wall or structure more than three and one-half (3½) feet high above the plane of the established grades of the streets shall be erected on a front or side yard herein established which is included within the street lines of the intersecting streets and a straight line connecting said street lines at points which are twenty (20) feet distant from their point of intersection, measured along said street line, and no trees or hedges which will materially obstruct the view of a driver of a vehicle approaching the street intersection shall be placed or maintained within such area.

(Ord. of 12-23-03, § 1)

2750. Yards in Residence Districts.

2751. Front Yards. No story or part of any building except projecting eaves or uncovered steps shall be erected nearer to the street line of any street on which it fronts than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot and within the same block and district. Where there is a building on one or both of the adjoining lots, the front yard for a building shall have a depth equal to the average of the front yard depths of the two (2) adjoining lots. A lot without a building shall be counted as having a front yard of the depth required by this Ordinance. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of and directly opposite the lot shall govern. Nothing in this Ordinance shall require any story or part of a building to set back more than fifteen (15) feet from any street line. One street frontage of a corner lot shall be exempt from these provisions as provided in subsection 2752. The front yard of a lot shall remain clear of debris and junk.

2752. Where the alignment of a building is not controlled by subsection 2751, between every building and the line of the street upon which it fronts there shall be a front yard of a clear depth of fifteen (15) feet, except that on one side of a corner lot a yard of a clear depth of not less than ten (10) feet shall be provided, in which case this distance shall not be considered in determining the front yard depths on such street.

2753. Rear Yards. There shall be a rear yard on every lot and it shall be at least thirty (30) feet deep behind a dwelling, except that a ground story deck or porch, without a permanent roof, a patio, or a pool (including any projections therefrom) may extend to six (6) feet of a rear lot line. An unattached private garage or shed may extend to four feet of a rear yard. Unless referenced in this Code, nothing may be placed or constructed in or upon the ground within six (6) feet of a rear lot line. Notwithstanding the previous sentence, a fence may be constructed near or along a rear lot line and vegetation may also be planted within six (6) feet of a rear lot line.

2754. Where a lot is more than one hundred (100) feet deep, one-half (½) of the additional depth of the lot in excess of one hundred (100) feet shall be added to said rear yard depth; but in no case shall a rear yard depth in excess of forty (40) feet be required. The setbacks referenced in the previous section shall also apply to this Section.

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 sheds, which are located behind the dwelling within the rear yard may extend to four (4) feet of a side yard. 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)

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.

2775. A cornice or belt course shall not project more than six (6) inches into any inner court.

(Ord. of 12-23-03, § 1)

2780. **Height of Buildings.** The provisions governing the height of buildings in Appendix B shall apply to chimneys, cooling towers, flagpoles, elevator bulkheads, skylights, ventilators, and other necessary appurtenant features usually carried above roofs; to domes, stacks or spires and also to wireless communications facilities.

(Ord. of 12-23-03, § 1)

| | | | | | | | | | | | | | |
|--|----|----|----|----|----|----|-----|----|------|----|----|----|----|
| 8. Funeral home | BA | BA | BA | BA | BA | BA | N | N | N | N | N | N | N |
| 9. Adult entertainment establishment | N | N | N | N | N | CC | CC | CC | CC | CC | CC | CC | CC |
| 10. Bed & Breakfast | BA | BA | BA | BA | BA | BA | N | N | N | N | N | N | N |
| Motel, hotel or inn | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y |
| 11. Retail stores and services not elsewhere set forth | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y |
| 13. Motor vehicle sales and rental | N | N | N | N | N | CC | CC | CC | CC | CC | CC | N | N |
| 14. Motor vehicle general repairs | N | N | N | N | N | CC | CC | N | CC | N | Y | | |
| 15. Motor Vehicle body repairs | N | N | N | N | N | N | N | N | CC | N | N | | |
| 16. Motor vehicle light service | N | N | N | N | N | CC | CC | CC | CC | CC | CC | CC | CC |
| 17. Restaurant | N | N | N | N | N | Y | Y | Y | N | SP | Y | | |
| 18. Restaurant, fast-food | N | N | N | N | N | BA | BAB | AN | N | BA | | | |
| 19. Business or professional office | N | N | N | N | N | Y | Y | Y | N | Y | Y | | |
| 20. Medical offices, center, or clinic | N | N | N | N | N | BA | BAB | AN | BABA | | | | |
| 21. Bank, financial agency | N | N | N | N | N | Y | Y | Y | N | Y | Y | | |
| 22. Indoor commercial recreation | N | N | N | N | N | Y | Y | Y | Y | Y | Y | | |
| 23. Outdoor commercial recreation | N | N | N | N | N | BA | BAB | AN | BABA | | | | |
| 24. Wireless Communications Facilities | PB | PB | PB | PB | PB | PB | PB | PB | PB | PB | PB | PB | PB |
| 25. Theatres and auditoriums | N | N | N | N | N | PB | PB | N | N | N | N | N | N |
| 26. Convention Centers | M | M | M | M | M | PB | PB | PB | PB | PB | PB | PB | N |
| 9. INDUSTRIAL | | | | | | | | | | | | | |
| 1. Earth removal | N | N | N | N | N | N | N | N | N | N | N | N | N |
| 2. Manufacturing | N | N | N | N | N | N | N | Y | Y | Y | Y | Y | Y |
| 3. Light manufacturing | N | N | N | N | N | N | N | Y | Y | Y | Y | Y | Y |
| 4. Research, development or testing laboratories and facilities | N | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y |
| 5. Fish processing | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| 6. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility | N | N | N | N | N | N | N | Y | Y | Y | Y | Y | Y |
| 7. Transportation terminal | N | N | N | N | N | N | N | Y | Y | Y | Y | Y | Y |
| 8. Water freight terminal | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| 9. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery provided that such businesses shall be primarily reliant upon a waterfront location or shall be in direct support of an industrial use which requires a waterfront location | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| 10. Businesses engaged in the sale, distribution or storage of grain, petroleum products, building materials and industrial machinery | N | N | N | N | N | N | N | N | CC | N | N | | |
| 11. Businesses engaged in salvaging, dismantling and reprocessing of scrap and waste materials including building materials, motor vehicles, machinery and equipment, paper, rags or any other discarded material, provided that such business shall be primarily reliant upon a waterfront location | N | N | N | N | N | N | N | N | N | N | N | N | Y |
| 12. Junkyard or automobile graveyard | N | N | N | N | N | N | N | N | N | N | N | N | N |
| 13. Contractor's yard | N | N | N | N | N | Y | Y | Y | Y | N | N | | |
| 14. Low-level radioactive or nuclear waste facility | N | N | N | N | N | N | N | N | N | N | N | N | N |
| 15. Tire recycling & re-treading | N | N | N | N | N | N | N | N | N | N | N | N | N |
| 16. Batch asphalt & concrete plants | N | N | N | N | N | N | N | N | CC | N | N | | |

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, §§ 2-4; Ord. of 3-16-11, § 1)

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**APPENDIX B
TABLE OF DIMENSIONAL REGULATIONS**

Section 2.02 DISTRICTS

| REQUIREMENT | RA | RB | RC | RAA | MUB | PB | IA | IB | IC | WI |
|-----------------------------------|---|---|--|---|---|-----|------------------|------------------|------------------|--|
| Minimum Lot Size (ft.) | 8,000 | 8,000 for uses allowed in RA; 10,000 for two-family units | 8,000 for uses allowed in RA; 10,000 for two-family units; 15,000 for 3 or more family units | 16,000 | 8,000 for uses allowed in residence A; 10,000 for two-family units; 15,000 for 3 or more family units | 0 | 0 | 0 | 0 | 0 |
| Density of Dwelling Units per Lot | 1 per 10,000 sq. ft. | 1 per 10,000 sq. ft. for single-family; 1 per 5,000 sq. feet for two-family | 1 per 10,000 sq. ft. for single-family; 1 per 5,000 sq. feet for two-family; 1 per 1,000 sq. feet for three or more family | 1 per 16,000 sq. ft. | 1 per 10,000 sq. ft. for single-family; 1 per 5,000 sq. feet for two-family; 1 per 1,000 sq. feet for three or more family | N/A | N/A | N/A | N/A | N/A |
| Lot Frontage (ft.) | 75 | 75 for uses allowed in RA; 100 for two-family | 75 for uses allowed in RA; 100 for two-family; 150 for 3 or more family | 150 | 75 for uses allowed in RA; 100 for two-family; 150 for 3 or more family; 0 for other allowed uses | 0 | 0 | 0 | 0 | 0 |
| Height of Buildings (ft.) | 45 ft.; 60 for religious, educational, or institutional buildings | 45; 60 for religious, educational, or institutional buildings | 60 | 35; 60 for religious, educational, or institutional buildings | 45 for single or two-family; 60 for three family, 100 ¹ for other allowed uses | 25 | 100 ¹ | 100 ¹ | 100 ¹ | 100 ¹ |
| Height of Buildings (# stories) | 2.5 3 for religious, educational, or institutional buildings | 2.5; 3 for religious, educational, or institutional buildings | 4 | 2.5 3 for religious, educational, or institutional buildings | 2.5 for uses allowed in residence A or B; 4 for three or more family; 7 for other allowed uses | 2 | 7 | 7 | 7 | 7 |
| Front Yard (ft.) | 20 ² | 20 ² | 20 ² | 40 ² | 20 for uses allowed in residential district ¹ ; 0 for other allowed uses | 25 | 25 | 25 | 25 | 10 |
| Side Yard (ft.) | 8 on one side; 12 on the other | 8 on one side; 12 on the other | 8 on one side; 12 on the other | 16 on one side; 24 on the other | 8 on one side, 12 on the other for uses allowed in residential district; for other uses, 8 on any side where adjacent lot is in a residential district or used for residential purposes | 25 | 25 | 25 | 25 | 10 |
| Rear Yard (ft.) | 30 | 30 | 30 | 30 | 30 for uses allowed in residential district; for other uses, 10 for 1-2 story | 25 | 25 | 25 | 25 | 10 for 1-2 story buildings; 20 feet for 3 or |

| | | | | | | | | | | | |
|------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---|-----|-----|-----|-----|-----|-----------------------|
| Coverage by Buildings (%) | 30; 40 on corner lots | 30; 40 on corner lots | 30; 40 on corner lots | 30; 40 on corner lots | buildings; 20 feet for 3 or more stories 30; 40 on corner lots for uses allowed in residential district; 0 for other uses | 50 | 50 | 50 | 50 | 50 | more stories 50 |
| Green Space | 35% | 35% | 35% | 35% | 35% for uses allowed in residential districts; 0 for other uses | 20% | 20% | 20% | 20% | 20% | 20% |

¹Provided, however, that no part of any building shall be erected to a height in excess of 1-3/4 times the horizontal distance from its face to the opposite street line.

²Provided, however, that no story or part of any building except projecting eaves or uncovered steps shall be erected nearer to the street line of any street on which it fronts than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot and within the same block and district. Where there is a building on one or both of the adjoining lots, the front yard for a building shall have a depth equal to the average of the front yard depths of the two (2) adjoining lots. A lot without a building shall be counted as having a front yard of the depth required by this chapter. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of and directly opposite the lot shall govern. One street frontage of a center lot shall have a clear depth of no less than ten (10) feet, in which case this distance shall not be considered in determining the front yard depths on such street. Nothing in this chapter shall require any building hereafter erected between two (2) existing buildings or immediately adjacent lots to set back from the street a greater distance than that one of such two (2) existing buildings which is farther from the street line.

(Ord. of 12-23-03, § 1)

New Bedford, Massachusetts, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 9 - COMPREHENSIVE ZONING >> APPENDIX C - TABLE OF PARKING AND LOADING REQUIREMENTS >>

**APPENDIX C
- TABLE OF PARKING AND LOADING REQUIREMENTS**

| JSE | PARKING REQUIREMENTS | LOADING REQUIREMENTS |
|---|---|---|
| One-family dwelling Two-family dwelling Multi-family (3) or more per structure | Two (2) spaces per dwelling unit Two (2) spaces per dwelling unit | One (1) loading space for each multifamily dwelling containing more than ten (10) dwelling units, or more than twenty (20) housekeeping units |
| Hotel, motel, bed and breakfast, rooming or boarding or lodging house, tourist home, dormitories, or other non-family residence accommodations, excluding group homes | One (1) space per each employee per shift, who does not reside on the premises; one (1) space per guest room, dwelling parking requirements, if applicable | One (1) loading space for each building containing more than 20 guest rooms |
| Offices: General, professional, business, radio and television stations; office of nonprofit educational, cultural, or charitable organizations | One (1) space per each 200 sq. ft. of gross floor area but not less than two (2) spaces for each business unit intended to occupy the premises. After 10,000 sq. ft. of gross floor area, one space for every 1,000 sq. ft. of gross floor area | One (1) loading space for each building containing 10,000 sq. ft. or more of gross floor area. Two (2) loading spaces for 100,000 sq. ft. or more of gross floor area |

SECTION 3000. - GENERAL REGULATIONS.

100. - PARKING AND LOADING.

3110. Applicability. Every building erected, enlarged, converted, or relocated and each use or change of use of land shall be provided with off-street parking spaces and off-street loading spaces in accordance with Section 3130, Table of Parking Requirements.

3111. In the event of the enlargement of a structure existing on the effective date of the ordinance from which this Section is derived, or the construction or relocation of additional structures on a lot, after such effective date, the regulations of this Section shall apply only to the enlargement, construction or relocation thereof, except that any off-street parking and off-street loading facilities established to serve any buildings and any uses prior to such effective date shall not be reduced below the required number.

3112. For a building or premises used for combined purposes, the number of off-street parking spaces and off-street loading spaces shall be determined as the sum of the required number of spaces in each component of the combined use.

3113. Where the computation of required parking spaces and loading spaces result in a fractional number, the required parking spaces shall be the next whole number.

(Ord. of 12-23-03, § 1)

3120. Special Permit. Any parking or loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

3121. Use of a common parking lot for separate uses having peak demands occurring at different times;

3122. Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;

3123. Peculiarities of the use which make usual measures of demand invalid;

3124. Availability of on-street parking or parking at nearby municipally owned facilities.

3125. Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in to provide the otherwise required number of spaces.

(Ord. of 12-23-03, § 1)

3130. Table of Parking and Loading Requirements. See Appendix C.

(Ord. of 12-23-03, § 1)

3140. Location and Layout of Parking and Loading Facilities. Off-street parking and loading, for facilities other than single- or two-family residences, may be provided in structures or in the open air, and shall be subject to the following regulations pertaining to their layout and location:

3141. Parking spaces shall be located on the same lot as the building or use where they are intended to serve, except that they may be provided on an adjoining lot in the same ownership.

3142. Where the provisions of subsection 3141 cannot be satisfied and the parking lot contains five (5) or more required spaces, the required parking spaces may be located on a lot in the same ownership within two hundred (200) feet of the building or lot they are intended to serve.

3143. Parking space for three (3) or fewer vehicles may be provided in the form of a driveway on a lot; the improved surface may be extended to one foot of the side line.

3144. Where a drive or aisle, other than a street, is required to maneuver a vehicle into or out of a parking space, such drive or aisle shall be at least twenty-two (22) feet wide for parking spaces situated at right angles, or nearly right angles to the aisle. For parking spaces situated at an angle of thirty (30) to sixty (60) degrees to the aisle, the required width of the aisle shall be at least fifteen (15) feet.

3145. Open-air off-street parking facilities may be located in required front, rear and side yards, except that in a residential district, no open-air off-street parking space shall be located in front of the dwelling or principal building. Notwithstanding the previous sentence, in cases where a garage faces the frontage of the dwelling and is located beneath the dwelling, open-air off-street parking may be located in front of the dwelling in a