



**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***

**1080 Kings Highway – Plot: 125 – LOT: 29 – Zoning District PB**

**Special Permit Required from the Zoning Board of Appeals**

**Zoning Code Review as follows:**

**Special Permit      Z.B.A.**

**❖ SECTIONS**

- **2000 – USE AND DIMENSIONAL REGULATIONS**
- **2200- USE REGULATIONS**
- **2210- GENERAL**
- **2230- TABLE OF USE REGULATIONS,SEE APPENDIX A**
- **APPENDIX A-COMMERCIAL #18 RESTAURANT--FAST FOOD**
- **5300 -5390 SPECIAL PERMITS**

**Variance required      Z.B.A.**

**SECTIONS**

- 2700-DIMENSIONAL REGULATIONS**
- 2710 –GENERAL**
- 2720-TABLE OF DIMENSIONAL REQUIREMENTS APPENDIX B**
- REAR – SIDE YARD SETBACK**



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## **PLANNING BOARD**

**Site Plan Review**  
**Sections 5400- 5490B**

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**Special Permit for reduction in Parking or loading requirements**

- **Sections**
- **3100- PARKING AND LOADING**
- **3110- APPLICABILTY**
- **3120 -3125 SPECIAL PERMIT**
- **3130 TABLE OF PARKING AND LOADING- APPENDIX B**  
**FAST FOOD DRIVE -IN CARRY-OUT RESTAURANTS**

**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: \_\_\_\_\_  
(Location of Facility)

Signature of Permit Applicant \_\_\_\_\_ 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: \_\_\_\_\_ 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  Rejection Date 7/7/15  
Reason For Rejection: ZBA + PLANNING BOARD

Fee \_\_\_\_\_

Permit # \_\_\_\_\_

SEE ATTACHMENTS

Comments and Conditions:

Signed Danny D. Romanowicz Date: \_\_\_\_\_ 20\_\_\_\_  
Title Building Commissioner

Not valid unless signed (not stamped) by Building Commissioner

**Location:** 1080 KINGS HWY

**Parcel ID:** 125 29

**Zoning:** PB

**Fiscal Year:** 2015

**Current Owner Information:**

CEDAR-KINGS LLC  
C/O CEDAR REALTY TRUST INC  
44 SOUTH BAYLES AVE STE 304

PORT WASHINGTON , NY 11050

**Current Sales Information:**

**Sale Date:**

10/11/2007

**Sale Price:**

\$12,000,000.00

Card No. 1 of 1

**Legal Reference:**

8820-194

**Grantor:**

KINGS PLAZA ASSOC LTD OF PA,

This Parcel contains 3.914 acres of land mainly classified for assessment purposes as RST/BAR with a(n) FAST FOOD style building, built about 1975, having Brick exterior, Asphalt Shingles roof cover and 5145 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 2 total half bath(s).

**Building Value:**

568200

**Land Value:**

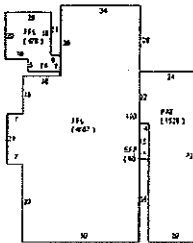
837500

**Yard Items Value:**

83200

**Total Value:**

1488900



**Fiscal Year 2015**

Tax Rate Res.: 15.73  
Tax Rate Com.: 33.56  
Property Code: 326  
Total Bldg Value: 568200  
Total Yard Value: 83200  
Total Land Value: 837500  
**Total Value:** 1488900  
**Tax:** \$49,967.48

**Fiscal Year 2014**

Tax Rate Res.: 15.16  
Tax Rate Com.: 31.08  
Property Code: 326  
Total Bldg Value: 568200  
Total Yard Value: 83200  
Total Land Value: 837500  
**Total Value:** 1488900  
**Tax:** \$46,275.02

**Fiscal Year 2013**

Tax Rate Res.: 14.33  
Tax Rate Com.: 29.54  
Property Code: 326  
Total Bldg Value: 622700  
Total Yard Value: 83200  
Total Land Value: 792600  
**Total Value:** 1498500  
**Tax:** \$44,265.69

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.



# LAND USE / ZONING INFORMATION & NOTES

1. APPLICANT:  
MCDONALD'S USA LLC  
690 CANTON STREET,  
WESTWOOD, MA, 02090
2. OWNER:  
CEDAR-KINGS, LLC  
C/O CEDAR REALTY TRUST, INC.  
44 SOUTH BAYLES AVENUE, SITE 304
3. PARCEL:  
MAP 125 & LOT 29  
1030 KING'S HIGHWAY  
NEW BEDFORD  
BRISTOL COUNTY, MASSACHUSETTS

ZONING ANALYSIS TABLE			
ZONING DISTRICT	PLANNED BUSINESS ZONING DISTRICT PLANNING BOARD - SITE PLAN REVIEW PLANNING BOARD - SPECIAL PERMIT (PARKING REDUCTION) ZBA - SPECIAL PERMIT (DRIVE-THRU USE) ZBA - VARIANCE (TRASH ENCLOSURE SETBACK ENCROACHMENT) CONCOM - NOI		
ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA (MAP 129 LOTS 29 & 109)	0	662,172 SF	NO CHANGE
MCDONALD'S LEASE AREA	N/A	12,000 SF	41,534 SF
MIN. FRONTAGE	0	653.84-FT	NO CHANGE
MAX. BUILDING COVERAGE (%)	50%	11.4%	10.7%
MIN. FRONT SETBACK	25-FT	± 206-FT	174.8-FT
MIN. SIDE SETBACK	25-FT	± 148-FT	127.2-FT
MIN. REAR SETBACK	25-FT	± 50.5-FT	68.7-FT
MAX. BUILDING HEIGHT	7 STORIES / 100-FT	< 100-FT	< 100-FT
OPEN SPACE (%)	20%	15.0%	22.3%
PARKING SPACES	56	50	41 (SP)
PARKING CRITERIA (9x20)	1 SPACE PER EMPLOYEE + 1 SPACE PER 100 SF OF GFA 11 + 4,456 / 100 SF = 55.6		
ACCESSIBLE PARKING SPACES	2	2	2
ACCESSIBLE PARKING CRITERIA (STANDARD SPACE- 8x18' W/ 6' ACCESS AISLE) (VAN ACCESSIBLE SPACE-8x18' W/ 8' ACCESS AISLE)	TOTAL PARKING 1 TO 25 = 1 ACCESSIBLE SPACE VAN ACCESSIBLE SPACES= 1/6 SPACES		

(SP) - PLANNING BOARD SPECIAL PERMIT REQUESTED  
(\*) CALCULATION BASED ON THE PROPOSED 41,534 SF LEASE AREA.

SIGN SUMMARY TABLE			
TYPE	ALLOWED	EXISTING	PROPOSED
<b>SITE SIGNAGE</b>			
FREESTANDING I.D. SIGN	"UNRESTRICTED"	EXISTING TO REMAIN	
<b>BUILDING SIGNAGE</b>			
FRONT WALL SIGN	"UNRESTRICTED"	1 "M-PLAYPLACE-M" SIGN @ 450 SF	1 "M" LOGO @ 14 S.F. 1 "MCDONALD'S" SIGN @ 34 SF WALL SIGN AREA = 48 SF
NON DRIVE THRU WALL SIGN	"UNRESTRICTED"	NONE	1 "M" LOGO @ 14 SF
DRIVE THRU WALL SIGN	"UNRESTRICTED"	1 "MCDONALD'S" SIGN @ 34 SF	1 "MCDONALD'S" SIGN @ 34 SF
REAR WALL SIGN	"UNRESTRICTED"	NONE	1 "M" LOGO @ 14 SF
TOTAL BUILDING SIGNAGE	"UNRESTRICTED"		110 SF

NOTE: ALL SIGNS AREAS ARE "BOXED" FOR CALCULATIONS

PAVEMENT STRIPING LEGEND
6"SYSL = 6" SINGLE YELLOW SOLID LINE
8"SYSL = 8" SINGLE YELLOW SOLID LINE
4"SWSL = 4" SINGLE WHITE SOLID LINE

BY

DESCRIPTION

DATE

REV

DATE

REV

DATE

REV

DATE



MCDONALD'S

- CODE OF ORDINANCES  
Chapter 9 - COMPREHENSIVE ZONING

**SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.**

**Warehouse:** A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

**Wireless Communication Facilities (WCF):** A facility for the provision of wireless communication service including, but not limited to, towers, monopoles, satellite dish(es) over three (3) feet diameter, antennas, antennas attached to existing structures, and accessory structures, if any, which facilitate the provision of wireless communication service.

**Wireless Communication Service (WCS):** The provision of the following types of services: cellular telephone service, personal communication service and enhanced mobile radio service.

**Yard:** A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

A "front yard" is a required open unoccupied space, within and extending the full width of the lot, between the street line and the front of a building.

A "side yard" is a required open unoccupied space within the lot between a side lot line, not a street line, and the parts of the building nearest to such lot line. Such a side yard shall extend for its required width from the street line or the front yard to the rear yard or its equivalent or to another street.

A "rear yard" is a required open unoccupied space, the full width of the lot, lying between the extreme rear wall of the building and the rear line of the lot or the middle line of a public street or private way in case the lot borders on such street or way, except as hereinafter provided. In the case of a triangular lot with only one side fronting on a street, the rear yard is the open unoccupied space between the extreme rear wall of the building and a line half way between it and the point of intersection of the side lines of the lot, except as hereinafter provided.

(Ord. of 12-23-03, § 1; Ord. of 1-15-13, § 3)

**SECTION 2000. USE AND DIMENSIONAL REGULATIONS.**

**2100. DISTRICTS.**

**2200. USE REGULATIONS.**

**2300. ACCESSORY BUILDINGS AND USES.**

**2400. NONCONFORMING USES AND STRUCTURES.**

**2500. HOME OCCUPATIONS.**

**2600. LOW-LEVEL RADIOACTIVE WASTE.**

**2700. DIMENSIONAL REGULATIONS.**

**2100. DISTRICTS.**

**2110. Establishment.** For the purposes of this Ordinance, the City of New Bedford is hereby divided into the following districts:

- CODE OF ORDINANCES  
Chapter 9 - COMPREHENSIVE ZONING

SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.

(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.



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APPENDIX A - TABLE OF PRINCIPAL USE REGULATIONS

	PRINCIPAL USE										
	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI	
<u>6.</u> 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	Y	Y	Y	Y	Y	Y	Y	Y	Y	
<u>7.</u> Municipal facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
<u>8.</u> Essential services	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	
<u>9.</u> Cemeteries	Y	Y	Y	Y	Y	N	N	N	N	N	
<u>10.</u> Hospital	Y	Y	Y	Y	Y	N	N	N	N	N	
<b>C. COMMERCIAL</b>											
<u>1.</u> Nonexempt agricultural use	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	
<u>2.</u> Nonexempt educational use	N	N	N	N	Y	Y	BA	BA	BA	BA	
<u>3.</u> Animal clinic or hospital; with ancillary animal boarding	N	N	N	N	SP	N	BA	BA	BA	N	
<u>4.</u> Adult day care	BA	BA	BA	BA	BA	N	N	N	N	N	
<u>5.</u> Family day care	BA	BA	BA	BA	BA	N	N	N	N	N	
<u>6.</u> Large family day care	BA	BA	BA	BA	BA	N	N	N	N	N	
<u>7.</u> Club or lodge, nonprofit	CC	CC	CC	CC	CC	N	N	N	N	N	
<u>8.</u> Funeral home	BA	BA	BA	BA	BA	BA	N	N	N	N	
<u>9.</u> Adult entertainment establishment	N	N	N	N	CC	CC	CC	CC	CC	CC	
<u>10.</u> Bed & Breakfast	BA	BA	BA	BA	BA	N	N	N	N	N	
<u>11.</u> Motel, hotel or inn	N	N	N	N	Y	Y	Y	Y	Y	Y	
<u>12.</u> Retail stores and services not elsewhere set forth	N	N	N	N	Y	Y	Y	Y	Y	Y	
<u>13.</u> Motor vehicle sales and rental	N	N	N	N	CC	CC	CC	CC	CC	N	
<u>14.</u> Motor vehicle general repairs	N	N	N	N	CC	CC	CC	CC	CC	Y	
<u>15.</u> Motor vehicle body repairs	N	N	N	N	N	N	CC	CC	CC	N	
<u>16.</u> Motor vehicle light service	N	N	N	N	CC	CC	CC	CC	CC	CC	
<u>17.</u> Restaurant	N	N	N	N	Y	Y	Y	Y	Y	Y	
<u>18.</u> Restaurant, fast-food	N	N	N	N	BA	BA	BA	BA	N	BA	
<u>19.</u> Business or professional office	N	N	N	N	Y	Y	Y	Y	Y	Y	

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SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.

5224. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in M.G.L.A. c. 40B, §§ 20—23.

(Ord. of 12-23-03, § 1)

5230. **Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

(Ord. of 12-23-03, § 1)

5240. **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

(Ord. of 12-23-03, § 1)

**State law reference—** Zoning board of appeals, M.G.L.A. c. 40A, § 14 et seq.

**5300. SPECIAL PERMITS.**

5310. **Special Permit Granting Authority.** The Zoning Board of Appeals, the Planning Board or the City Council shall act as the Special Permit Granting Authority under this Chapter as specifically designated in a particular Section or in accordance with the Specific Designations in the Table of Principal Use Regulations under Appendix A of this Chapter.

(Ord. of 12-23-03, § 1; Ord. of 12-8-05, § 1)

5320. **Criteria.** Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

5321. Social, economic, or community needs which are served by the proposal;

5322. Traffic flow and safety, including parking and loading;

5323. Adequacy of utilities and other public services;

5324. Neighborhood character and social structures;

5325. Impacts on the natural environment; and

5326. Potential fiscal impact, including impact on City services, tax base, and employment.

(Ord. of 12-23-03, § 1)

5330. **Procedures.** Applications for special permits shall be filed in accordance with the rules and regulations of the various special permit granting authorities, as may be applicable.

(Ord. of 12-23-03, § 1)

5340. **Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5400, herein.

(Ord. of 12-23-03, § 1)

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Chapter 9 - COMPREHENSIVE ZONING

SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.

**5350. Development Impact Statement (DIS).** At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

**5351. Physical Environment.**

- (a) Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.
- (b) Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

**5352. Surface Water and Subsurface Conditions.**

- (a) Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- (b) Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
- (c) Describe any limitations imposed on the project by the site's soil and water conditions.
- (d) Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

**5353. Circulation Systems.**

Project the number of motor vehicles to enter depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

**5354. Support Systems.**

- (a) **Water Distribution:** Discuss the types of wells or water system proposed for the site, means of providing water for firefighting, and any problems unique to the site.
- (b) **Sewage Disposal:** Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
- (c) **Refuse Disposal:** Discuss the location and type of facilities, the impact on existing City refuse disposal capacity, hazardous materials requiring special precautions.
- (d) **Fire Protection:** Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
- (e) **Recreation:** Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.

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- (f) **Schools:** Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. **Phasing.** Where development of the site will be phased over more than one year, indicate the following:

- (a) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
- (b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. **Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

5390. **Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord. of 12-23-03, § 1)

**State law reference—** Special permits, M.G.L.A. c. 40A, § 9.

**5400. SITE PLAN REVIEW.**

5410. **Purpose.** The purpose of this Section is to provide for individual detailed review of development proposals which have an impact on the natural or built environment of the City in order to promote the health, safety and general welfare of the community; to ensure adequate parking, safe and accessible pedestrian and vehicular circulation; and to minimize traffic impact on City streets.

(Ord. of 12-23-03, § 1)

5420. **Applicability.** The following types of activities and uses require site plan review by the Planning Board:

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SECTION 1000. PURPOSE, AUTHORITY, AND DEFINITIONS.

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

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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

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APPENDIX B - TABLE OF DIMENSIONAL REGULATIONS

REQUIREMENT	RA	RB	RC	RAA	MUB	PB	IA	IB	IC	WI
Front Yard (ft.)	20'	20'	20'	40'	20 for uses allowed in residential district*, 0 for other allowed uses	25	25	25	25	10
Side Yard (ft.)	8 ft on one side 12 ft on the other or more	8 ft on one side 12 ft on the other	8 ft on one side 12 ft on the other	16 ft on one side 24 ft on the other or more	8 ft on one side, 12 ft on the other, or uses allow for residential district, or other uses. Where residential district in residential district or use 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 buildings; 20 feet for 3 or more stories	25	25	25	25	10 for 1-2 story buildings; 20 feet for 3 or more stories
Lot Coverage by Buildings (%)	50 40 on corner lots	50 40 on corner lots	50 40 on corner lots	50 40 on corner lots	50 40 on corner lots for uses allowed in residential district; 0 for other uses	50	50	50	50	50
Green Space	35%	35%	35%	35%	35% for uses allowed in residential districts; 0 for other uses	20%	20%	20%	20%	20%

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- (f) **Schools:** Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

5355. **Phasing.** Where development of the site will be phased over more than one year, indicate the following:

- (a) Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
- (b) Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(Ord. of 12-23-03, § 1)

5360. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

(Ord. of 12-23-03, § 1)

5370. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twelve (12) months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L.A. c. 40A, § 17, from the grant thereof) with the City Clerk.

(Ord. of 12-23-03, § 1)

5380. **Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this Section.

(Ord. of 12-23-03, § 1)

5390. **Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Ord. of 12-23-03, § 1)

**State law reference—** Special permits, M.G.L.A. c. 40A, § 9.

**5400. SITE PLAN REVIEW.**

5410. **Purpose.** The purpose of this Section is to provide for individual detailed review of development proposals which have an impact on the natural or built environment of the City in order to promote the health, safety and general welfare of the community; to ensure adequate parking, safe and accessible pedestrian and vehicular circulation; and to minimize traffic impact on City streets.

(Ord. of 12-23-03, § 1)

5420. **Applicability.** The following types of activities and uses require site plan review by the Planning Board:



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5421. Any new industrial or commercial construction or expansion over two thousand (2,000) gross square feet or any new industrial or commercial construction or expansion requiring more than five (5) additional parking spaces;

5422. 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.

5423. Any new construction or expansion of existing construction where a drive-thru window for any service including self-service is proposed; and any expansion of a structure presently containing a drive-thru; or any facility currently containing a drive-thru, at which the owner or operator of the drive-thru is altered or changed; or at which the drive-thru is closed for a period of 10 days or more and to be reopened.

5424. Any residential subdivision which is submitted under the subdivision control process;

5425. New industrial or commercial construction or additions less than two thousand (2,000) square feet if requiring a new curb cut or driveway or if substantially affecting existing internal circulation.

5426. Driveways in residential areas which require more than one new curb cut.

5427. Commercial or industrial ground signs.

(Ord. of 12-23-03, § 1; Ord. of 12-31-08, § 1)

**5430. Procedures.** Applicants for site plan approval shall submit seventeen (17) copies of the site plan to the Planning Board for distribution to City departments and commissions for their review. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate and notify the applicant of its decision. In the event two (2) meetings have lapsed after the application for site plan approval is filed, without the Planning Board taking action on said site plan said Applicant may file a statement with the Board that the Board has received complete information in accordance with this Ordinance and has had adequate time to consider the Site Plan. Upon receiving said statement, the Planning Board shall act on said Site Plan at its next meeting, if said Board determines that the Board has, in fact, received complete information in accordance with this Ordinance. The decision of the Planning Board shall be a vote of a majority of the members of the Planning Board and shall be in writing. No building permit, for activities requiring site plan approval, shall be issued by the Inspector of Buildings without the written approval of the site plan by the Planning Board.

5431. Application for Building Permit. An application for a building permit to perform work as set forth in Section 5410 available as of right shall be accompanied by an approved site plan.

5432. Application for Special Permit or Variance. An application for a special permit or a variance to perform work as set forth in Section 5420 shall be accompanied by an approved site plan; in the alternative, any special permit or variance granted for work set forth in Section 5420 shall contain the following condition and cause the same to be written on such special permit or variance:

The work described herein requires the approval of a site plan by the New Bedford Planning Board pursuant to Section 5400 of the Zoning Ordinance. Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.

5433. Where the Planning Board approves a site plan "with conditions", and said approved site plan accompanies a special permit or variance application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

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5434. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

5435. The applicant may request, and the Planning Board may grant by majority vote of its' membership, an extension of the time limits set forth herein.

5436. No deviation from an approved site plan shall be permitted without modification thereof.

5437. Site plan approval does not constitute a certification that the proposed plan conforms to applicable zoning regulations, wetland regulations and/or any other City, state or federal requirements that must be obtained prior to implementation the of elements of the site plan.

(Ord. of 12-23-03, § 1)

**5440. Preparation of Plans.** Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Department and are encouraged to schedule a pre-submission meeting with the Planning Department. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 40'.

(Ord. of 12-23-03, § 1)

**5450. Contents of Plan.** The contents of the site plan are as follows:

5451. Plan sheets prepared at a scale of one inch equals forty (40) feet or such other scale as may be approved by the Planning Board. The plans are as follows:

5451.a. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, general circulation plan for vehicles and pedestrians, drive-thru windows, curb cut locations, parking, fences, walls, walks, outdoor lighting including proposed fixtures, loading facilities, solid waste storage locations, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

5451.b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater runoff drainage.

5451.c. Utility plan, which shall include all facilities for refuse and sewerage disposal or storage of all these wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.

5451.d. Architectural plan, which shall include the ground floor plan, proposed exterior building materials, treatments and colors and architectural elevations of all proposed buildings and a color rendering where necessary to determine the proposal's affect on the visual environment.

5451.e. Landscaping plan, showing the limits of work, existing tree lines as well as those tree lines to remain, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures during construction.

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5451.f. Lighting plan showing the location and orientation of all existing and proposed exterior lighting, including building and ground lighting. The plan shall note the height, initial foot-candle readings on the ground and the types of fixtures to be used.

5452. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

5453. A written summary of the contemplated project shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Ordinance.

5454. The site plan shall be accompanied by drainage calculations by a registered professional engineer as well as wetland delineations, if applicable. Storm drainage design must conform to City of New Bedford subdivision regulations.

5455. The Planning Board may require a DIS as set forth in Section 5300, above.

5456. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

(Ord. of 12-23-03, § 1)

5460. **Waivers.** The Planning Board may, upon written request of the applicant, waive any of the submittal or technical requirements of Section 5430 and 5440 where the project involves relatively simple development plans.

(Ord. of 12-23-03, § 1)

5470. **Approval.** Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives: The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

5471. Minimize: the volume of cut and fill, the number of removed trees six-inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and the threat of air and water pollution;

5472. Maximize: pedestrian and vehicular safety to and from the site;

5473. Minimize obstruction of scenic views from publicly accessible locations;

5474. Minimize visual intrusion by controlling the layout and visibility of parking, storage, or other outdoor service areas viewed from public ways or premises which are residentially used or zoned;

5475. Minimize glare from vehicle headlights and lighting fixtures;

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5476. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

5477. Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of solid and liquid wastes and hazardous substances;

5478. Ensure compliance with the provisions of this Zoning Ordinance.

5479. Minimize damage to existing adjacent public ways.

5479A. Promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of traffic on a public way in general.

(Ord. of 12-23-03, § 1)

5480. **Lapse.** Site plan approval shall lapse after one year from the final approval if a substantial use in accordance with such approved plans has not commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant, within this one-year period.

(Ord. of 12-23-03, § 1)

5490. **Regulations.** The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

(Ord. of 12-23-03, § 1)

5490A. **Fee.** The Planning Board may, from time to time, adopt reasonable administrative fees and technical review fees for site plan review.

(Ord. of 12-23-03, § 1)

5490B. **Appeal.** Any person aggrieved by a decision of the Planning Board rendered pursuant to Section 5400 may appeal such decision to the Zoning Board of Appeals as provided in M.G.L.A. c. 40A, § 8.

(Ord. of 12-23-03, § 1)

**5500. AMENDMENTS.**

This Ordinance may from time to time be changed by amendment, addition, or repeal by the City Council in the manner provided in M.G.L.A. c. 40A, § 5, and any amendments thereto.

5510. **Amendment advertising.** Any advertisement for a hearing, the purpose of which is to serve as notice of a zoning amendment proposal under M.G.L.A. c. 40A, § 5, that proposes to change twenty-five (25) parcels or fewer from one principal use district to another principal use district under Section 2100, shall include the plot and lot number and the street address of the parcel or parcels whenever said plot and lot number and address is reasonably ascertainable.

(Ord. of 12-23-03, § 1; Ord. of 4-19-06, § 1)

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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)

**SECTION 3000. GENERAL REGULATIONS.**

3100. PARKING AND LOADING.

3200. SIGN REGULATIONS.

3200AA. SIGNS IN THE CENTRAL BUSINESS DISTRICT.

3300. SCREENING AND LANDSCAPING.

3400. STORAGE REGULATIONS.

**3100. 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.

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(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 residential district provided that the dwelling is set back a minimum of twenty (20) feet from the front property line and provided that said parking occurs only within the driveway, the width of which shall not exceed the lesser of the width of said garage or eighteen (18) feet. Any driveway in a residential district, requiring more than one curb cut, shall

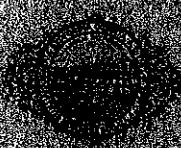
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**APPENDIX C - TABLE OF PARKING AND LOADING REQUIREMENTS**

USE	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 All 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 Loading requirements, if applicable	One (1) loading space for each building containing more than 20 guest rooms
Offices: General, professional, business, banks, medical clinics and laboratories, radio and television stations; office of non-profit 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
Fast food drive-in, carry-out restaurants	One (1) space per each employee per shift, or a minimum of five (5) spaces, plus one (1) space per 100 sq. ft. of gross floor area with a minimum of twenty (20) spaces	One (1) loading space for each building
Businesses engaged in retail sale of goods and services, not elsewhere enumerated herein	One (1) space per each 200 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises. After 20,000 sq. ft. gross floor area, one space per 400 sq. ft.	One loading space for each building containing more than 5,000 and less than 10,000 sq. ft. of gross floor area. Thereafter, one (1) additional loading space shall be required for each additional 25,000 sq. ft. of gross floor area
Businesses engaged in retail sale, rental, repair, servicing, storage and distribution of motor vehicles, trailers, campers, boats, furniture or building materials	One (1) space per each 400 sq. ft. of gross floor area, but not less than two (2) spaces for each business use intended to occupy the premises	





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

**FOR BUILDING DEPT. USE**

DATE RECEIVED \_\_\_\_\_  
 RECEIVED BY \_\_\_\_\_  
 ISSUED BY \_\_\_\_\_

**IMPORTANT - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE - PRINT**

Permit No. \_\_\_\_\_  
 Completion Date \_\_\_\_\_

(A) LOCATION: McDonald's 1080 Kings Highway  
 (LOCALITY) Local in Kings Plaza (STREET)  
 BETWEEN \_\_\_\_\_ AND \_\_\_\_\_  
 (GROSS SQUARE FEET) \_\_\_\_\_ (GROSS SQUARE FEET)  
 PLOT 125 LOT 29 DISTRICT Planned Business ACCEPTED STREET \_\_\_\_\_  
 PLANS FILED  YES  NO

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

<p><b>A. TYPE OF IMPROVEMENT</b></p> <p>1. <input checked="" type="checkbox"/> New Building</p> <p>2. <input type="checkbox"/> Addition (If residential, enter number of new housing units added. If any, in Part D-13)</p> <p>3. <input type="checkbox"/> Alteration (If residential, enter number of new housing units added. If any, in Part D-13)</p> <p>4. <input type="checkbox"/> Repair, replacement</p> <p>5. <input checked="" type="checkbox"/> Demolition (If multifamily residential, enter number of units in building in Part D-13. If non-residential, indicate most recent use checking D-19 - D-32)</p> <p>6. <input type="checkbox"/> Moving (relocation)</p> <p>7. <input type="checkbox"/> Foundation only</p>	<p><b>D1. PROPOSED USE - For demolition, most recent use</b></p> <table style="width:100%;"> <tr> <td style="width:50%; vertical-align: top;"> <p><b>Residential</b></p> <p>13. <input checked="" type="checkbox"/> One family</p> <p>14. <input type="checkbox"/> Two or more family - Enter number of units _____</p> <p>15. <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____</p> <p>16. <input type="checkbox"/> Garage</p> <p>17. <input type="checkbox"/> Gasport</p> <p>18. <input type="checkbox"/> Other - Specify _____</p> </td> <td style="width:50%; vertical-align: top;"> <p><b>Nonresidential</b></p> <p>19. <input type="checkbox"/> Amusement, recreational</p> <p>20. <input type="checkbox"/> Church, other religious</p> <p>21. <input type="checkbox"/> Industrial</p> <p>22. <input type="checkbox"/> Parking garage</p> <p>23. <input type="checkbox"/> Service station, repair garage</p> <p>24. <input type="checkbox"/> Hospital, institutional</p> <p>25. <input type="checkbox"/> Office, bank, professional</p> <p>26. <input type="checkbox"/> Public utility</p> <p>27. <input type="checkbox"/> School, library, other educational</p> <p>28. <input type="checkbox"/> Stores, mercantile</p> <p>29. <input type="checkbox"/> Tenant, towers</p> <p>30. <input type="checkbox"/> Funeral homes</p> <p>31. <input checked="" type="checkbox"/> Food establishments</p> <p>32. <input type="checkbox"/> Other - Specify _____</p> </td> </tr> </table> <p><b>D2. Does this building contain asbestos?</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes, complete the following:    Name &amp; Address of Asbestos Removal Firm  <u>TED</u></p> <p><small>Submit copy of notification sent to DE-05 and the State Dept. of Labor &amp; Industries and results of air sample analysis after asbestos removal is completed.</small></p> <p><b>D3. Non-residential - Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building, 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.</b>  <b>The proposed use will be a 4,500 SF McDonald's with Drive-thru. We are requesting a denial to Inmate Planning Board &amp; Zoning Board of Appeals permitting.</b></p>	<p><b>Residential</b></p> <p>13. <input checked="" type="checkbox"/> One family</p> <p>14. <input type="checkbox"/> Two or more family - Enter number of units _____</p> <p>15. <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____</p> <p>16. <input type="checkbox"/> Garage</p> <p>17. <input type="checkbox"/> Gasport</p> <p>18. <input type="checkbox"/> Other - Specify _____</p>	<p><b>Nonresidential</b></p> <p>19. <input type="checkbox"/> Amusement, recreational</p> <p>20. <input type="checkbox"/> Church, other religious</p> <p>21. <input type="checkbox"/> Industrial</p> <p>22. <input type="checkbox"/> Parking garage</p> <p>23. <input type="checkbox"/> Service station, repair garage</p> <p>24. <input type="checkbox"/> Hospital, institutional</p> <p>25. <input type="checkbox"/> Office, bank, professional</p> <p>26. <input type="checkbox"/> Public utility</p> <p>27. <input type="checkbox"/> School, library, other educational</p> <p>28. <input type="checkbox"/> Stores, mercantile</p> <p>29. <input type="checkbox"/> Tenant, towers</p> <p>30. <input type="checkbox"/> Funeral homes</p> <p>31. <input checked="" type="checkbox"/> Food establishments</p> <p>32. <input type="checkbox"/> Other - Specify _____</p>
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<p><b>B. OWNERSHIP</b></p> <p>8. <input checked="" type="checkbox"/> Private (individual, corporation, nonprofit institution, etc.)</p> <p>9. <input type="checkbox"/> Public (Federal, State, or local government)</p>			
<p><b>C. COST</b></p> <p>10. Cost of construction to be installed but not included in the above cost: <u>800,000</u> (Over cents)</p> <p>a. Electrical <u>100,000</u></p> <p>b. Plumbing <u>50,000</u></p> <p>c. Heating, air conditioning <u>50,000</u></p> <p>d. Other (elevator, etc.) _____</p> <p>11. TOTAL VALUE OF CONSTRUCTION <u>1,000,000</u></p> <p>12. TOTAL ASSESSED BLDG. VALUE _____</p>			

**III. SELECTED CHARACTERISTICS OF BUILDING** - For new buildings, complete part E through L; For demolition, complete only parts G, H & I. For all others (additions, alterations, repair, moving, foundation), complete E through L.

<p><b>E. PRINCIPAL TYPE OF FRAME</b></p> <p>33. <input type="checkbox"/> Masonry (wall bearing)</p> <p>34. <input checked="" type="checkbox"/> Wood frame</p> <p>35. <input type="checkbox"/> Structural steel</p> <p>36. <input type="checkbox"/> Reinforced concrete</p> <p>37. <input type="checkbox"/> Other - Specify _____</p>	<p><b>G. TYPE OF SEWAGE DISPOSAL</b></p> <p>43. <input checked="" type="checkbox"/> Public or private company</p> <p>44. <input type="checkbox"/> Private (septic tank, etc.)</p>	<p><b>J. DIMENSIONS</b></p> <p>53. Number of stories <u>1</u></p> <p>54. Height <u>&lt;25'</u></p> <p>55. Total square feet of floor area, as floors based on exterior dimensions <u>4,500 SF</u></p> <p>56. Building length <u>49'</u></p> <p>57. Building width <u>45'</u></p> <p>58. Total sq. ft. of bldg. footprint <u>4,500 SF</u></p> <p>59. Front lot line width <u>465'</u></p> <p>60. Rear lot line width <u>471'</u></p> <p>61. Depth of lot <u>465'</u></p> <p>62. Total sq. ft. of lot area <u>41,534 SF (lease area)</u></p> <p>63. % of lot occupied by bldg. (56+62) <u>10.7%</u></p> <p>64. Distance from lot line (front) <u>174.6'</u></p> <p>65. Distance from lot line (rear) <u>168.7'</u></p> <p>66. Distance from lot line (left) <u>128'</u></p> <p>67. Distance from lot line (right) <u>427'</u></p>
<p><b>F. PRINCIPAL TYPE OF HEATING FUEL</b></p> <p>38. <input checked="" type="checkbox"/> Gas</p> <p>39. <input type="checkbox"/> Oil</p> <p>40. <input type="checkbox"/> Electricity</p> <p>41. <input type="checkbox"/> Coal</p> <p>42. <input type="checkbox"/> Other - Specify _____</p>	<p><b>H. TYPE OF WATER SUPPLY</b></p> <p>45. <input checked="" type="checkbox"/> Public or private company</p> <p>46. <input type="checkbox"/> Private (well, cistern)</p>	
	<p><b>I. TYPE OF MECHANICAL</b></p> <p>Is there a fire sprinkler system?</p> <p>47. <input checked="" type="checkbox"/> YES 48. <input type="checkbox"/> NO</p> <p>Will there be central air conditioning?</p> <p>49. <input checked="" type="checkbox"/> Yes 50. <input type="checkbox"/> No</p> <p>Will there be an elevator?</p> <p>51. <input type="checkbox"/> Yes 52. <input checked="" type="checkbox"/> No</p>	



**OTHER APPLICABLE REVIEWS**

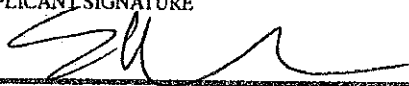
**K. FLOODPLAIN**

Is location within flood hazard area? yes  **no**  
 If yes, zone : \_\_\_\_\_ and base elevation \_\_\_\_\_

**L. WETLANDS PROTECTION**

Is location subject to flooding? No  
 Is location part of a known wetland? The site is in a wetland buffer jurisdictional to the Conservation Commission  
 Has local conservation commission reviewed this site? The Conservation Commission is aware of the upcoming filing, but has not reviewed this site as of 6/29/15.

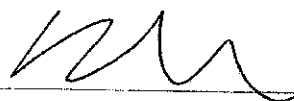
**IV. IDENTIFICATION - ALL APPLICANTS - PLEASE PRINT**

OWNER OR LESSEE NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
McDonald's USA LLC c/o			
Bohler Engineering (Eric Dubrule)	352 Turnpike Road Southborough, MA 01772		508 480 9900
CONTRACTOR NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
TBD		LICENSE #	
		HOME IMP #	
ARCHITECT NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE NO.
TBD		LICENSE #	
SIGNATURE OF OWNER	APPLICANT SIGNATURE	DATE	
		6/30/15	

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.

 352 Turnpike Rd Southboro MA  
 Applicant's Signature Address 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: Planned Business	USE: Restaurant with Drive-thru
FRONTAGE: ±653-ft	LOT SIZE: ±41,534 SF (Leased Area)
SETBACKS: (to property lines)	
FRONT: 174.6' (King Hwy)	LEFT SIDE: ±128'      RIGHT SIDE: ±427'      REAR: ±68'
PERCENTAGE OF LOT COVERAGE PRIMARY BUILDING (Leased Area) = ±10.7%	
VARIANCE HISTORY n/a	

VII. WORKER'S COMPENSATION INSURANCE AFFIDAVIT

I, \_\_\_\_\_  
 (licensee/permittee) with a principal place of business/residence at:

(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.

Insurance Company	Policy Number
<input type="checkbox"/> I am a sole proprietor and have no one working for me.	
<input type="checkbox"/> 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_