



City of New Bedford

Department of City Planning

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MAYOR
JON MITCHELL
PLANNING DIRECTOR
JENNIFER CARLONI

PLANNING BOARD

STAFF REPORT

REPORT DATE

November 3, 2021

MEETING DATE

NOVEMBER 10, 2021

Case #21-41: Mixed-Use Business

Overview of Request

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

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

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

Impact on Existing Zoning

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

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

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

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

RA/RB/RC/RAA: Residential zones

MUB: Mixed Use Business

PB: Planned Business

IA/IB/IC/WI: Industrial Zones

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

Relation to Future Revisions of the Zoning Ordinance

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

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

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

Input from other City Departments

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

For Board Member Consideration

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

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

For further consideration: As noted previously, the City has been engaged with consultants on multiple ordinance amendments including a comprehensive revision to the Use Table. The pending comprehensive revision alleviates the issues the petitioner seeks to rectify; however, time is still needed to review, finalize, and present the wholesale ordinance changes.

ATTACHMENT A:

**VISUALIZATIONS OF CURRENT RESIDENTIAL DESENSITY IN NEW
BEDFORD**

New Bedford Residential Density Visual Examples

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

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



Arborway Town Homes

Old Plainville Road

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



Ashley Boulevard Place

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

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



Temple Landing

Middle St, Cedar St,
Kempton St, Emerson St

DENSITY: 51 units on 2.6 acres
(19 units/acre)



Schooner's Cove

Phillips Road

DENSITY: 36 units on 2.1 acres
(17 units/acre)



Image Landsat / Copernicus

Southcoast Condominiums

Phillips Road

DENSITY: 76 units on 3.2 acres
(24 units/acre)



Riverbank Lofts/ Manomet Place

Riverside Avenue, Manomet Street

DENSITY: 276 units on 7.8 acres
(35 units/acre)



634-636 Union Street

Union Street, Palmer Street

DENSITY: 18 units on 0.3 acres
(60 units/acre)



Casey-Miller Apartments

Phillips Road

DENSITY: 48 units on 0.8 acres
(60 units/acre)



Wamsutta Communities

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

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



North End Tenement Block

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

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



ATTACHMENT B:

FULL TEXT OF PROPOSED ORDINANCE TEXT AMENDMENT



Planning Board

CITY OF NEW BEDFORD

CITY COUNCIL

September 23, 2021

WRITTEN MOTION

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

Joseph P. Lopes, City Council President

Brian K. Gomes, Councillor at Large

IN CITY COUNCIL, September 23, 2021

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

Dennis W. Farias, City Clerk

a true copy, attest:

City Clerk

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

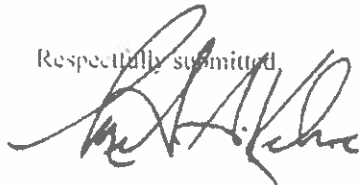
PROPOSED TEXT AMENDMENT TO CITY OF NEW BEDFORD CODE OF ORDINANCES
CHAPTER 9, SECTION 2230 "TABLE OF PRINCIPAL USE REGULATIONS" APPENDIX
"A"

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

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

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

Respectfully submitted,



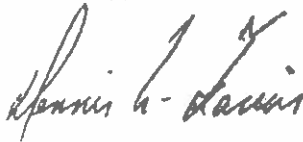
Michael A. Kehoe, Esq

IN CITY COUNCIL, September 23, 2021

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

Dennis W. Farias, City Clerk

a true copy, attest:



City Clerk