



CITY OF NEW BEDFORD

In the Year Two Thousand and Eight

AN ORDINANCE

AMENDING CHAPTER 9, ADDING 4610
~~HICKS-LOGAN-SAWYER INTERIM PLANNING OVERLAY~~
~~DISTRICT~~

31- 509

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

SECTION 1.

4610 Hicks-Logan-Sawyer District Interim Planning Overlay District (HLS IPOD)

4620 Statement of Purpose .

An Interim Planning Overlay District (IPOD) is established to regulate development in the Hicks-Logan-Sawyer District to permit the City of New Bedford adequate time to implement new permanent zoning regulations consistent with Hicks-Logan-Sawyer District Master Plan, which was adopted by the Planning Board on April 30, 2008.

These changes will assist the City in generating economic revitalization by retaining existing, and attracting new, sustainable businesses into the District, maintaining the historic character of the District, creating a Mixed-Use District as a new destination within the City, utilizing and enhancing the District's current and proposed multi-modal transportation options, removing blighted buildings to improve the appearance of the Project Area, better utilization of the waterfront and public access to the Acushnet River, improvement of internal circulation and connections to surrounding neighborhoods, and expansion of public open spaces and community resources within the Project Area.

4630 HLS IPOD Boundaries .

The boundary of the HLS IPOD is shown on the City of New Bedford Zoning Map, which map is hereby incorporated and made part of this Ordinance .

4640 Relationship to Existing Zoning .

4641 Generally. The HLS IPOD zoning regulations supersede all underlying zoning regulations. Development proposed in the area designated as the HLS IPOD shall be regulated by the procedures and criteria established by the HLS IPOD as described herein; and by the goals and objectives of the HLS District Master Plan as adopted by the Planning Board.

4630 HLS 1900 BOUNDARIES.



4642 Exceptions.

Development shall be permitted to occur consistent with the regulations of the underlying zoning districts if said development does not exceed 500 square feet and the purpose of the expansion is to improve the economic viability of existing uses, or to meet current health, safety and building codes. Further, if sites within the Hick-Logan-Sawyer District are currently subject to an existing Overlay District, and said District was adopted prior to the adoption of this section, the zoning regulations of said Overlay District shall apply and the HLS IPOD regulations shall not apply. Further, projects for which Building Permit Applications have been filed prior to enactment or effective date of the HLS IPOD must be consistent with Ch.40A, Sec.6.

4650 HLS IPOD Review Procedure and Criteria.

4651 Staff Review.

All development proposals subject to HLS IPOD regulations shall be submitted to the City of New Bedford Planning Department for review and comment. The Planning Department may solicit comments from any City agency as part of its administrative review. The Planning Department may prepare written comments and recommendations *within 30 days*, and submit said comments and recommendations to the Planning Board. If no comments are submitted *within 30 days* of the initial submission to the City Planning Department, the Planning Board shall proceed without said comments. Upon receipt of the Planning Department's comments the Planning Board shall commence the Special Permit application review process. If no comments are received from the Planning Department, the Planning Board shall commence the Special Permit application process *30 days from* the applicant's submission of materials to the New Bedford Planning Department.

4660 Special Permit and Site Plan Guidelines.

All development proposals within the HLS IPOD that are not exempt consistent with Sub-section 4642 above, shall require a Special Permit from the New Bedford Planning Board consistent with the procedures of this Ordinance and the guidelines noted below. Further, a Special Permit for development in the HLS IPOD shall be subject to the site design criteria of Section 5400 Site Plan Review, but shall not require a separate Site Plan Review filing. The HLS IPOD shall be construed as a combined Special Permit and Site Plan Procedure subject to the following additional guidelines. In order for any Special Permit to be approved, the New Bedford Planning Board shall make a written finding that the proposed development is consistent with the objectives of the HLS District Master Plan as adopted by the New Bedford Planning Board.

4661 Design and Development Guidelines.

The Planning Board shall make written findings that the proposed development is consistent with the following design policies, principles and goals, which are intended to provide policy guidance to property owners and the general public about the form and character desirable for development in the HLS District. Because the Master Plan for the HLS District provides for diverse types and mixtures of land uses, the appropriate management of transitions among private uses and between private and public spaces is critical.

The application of these principles can vary within the context of specific building proposals in ways that still fully respect the policies' intent. It is intended that project proponents, City staff, the Planning Board and the general public will be open to creative variations from the guidance presented here as long as the core values expressed are being served. A project need not meet all the goals of this section to receive a Special Permit, but the permit granting authority shall find that, on balance, the City's objectives are being served while more detailed planning for the District is being completed.

Project proponents shall indicate in narrative and graphic formats how their projects conform to the following design policies, principles and goals set forth in the HLS District Master Plan.

(A) Relationship to Public Spaces

“Public Spaces” shall include streets, sidewalks, squares, parks, pedestrian and bicycle paths and facilities. Development should enhance public spaces, *and where possible, make physical improvements on site, or on abutting public ways to enhance consistency of design, access and safety of public spaces consistent with the HLS District Master Plan.*

- Buildings and landscape elements should define and frame public spaces. Property lines should be defined by buildings, street walls, or fences. New development and adaptive reuse shall create a street edge at the sidewalk either by the building itself or by a fence or continuous landscaped edge.
- Buildings should be oriented toward public spaces with entrances and windows on the street. Blank walls parallel to the street are discouraged.
- New developments should follow and retain the existing block system, where feasible. New blocks should be sized proportionately to existing blocks.
- Building entrances should be located to facilitate pedestrian movement between private and public spaces and to promote strong physical connections to public spaces.
- New development and adaptive reuse should promote active ground floor uses with the potential to animate the street.
- Awnings, façade treatments and window displays for ground floor uses, which are compatible with surrounding uses, are encouraged.
- All street right-of-ways and pedestrian precincts should have new or repaired sidewalks, street trees, and pedestrian-scale streetlights.
- Curb cuts should be limited in size and number. Shared driveways between adjoining uses are encouraged.
- Off-street parking, service entrances, trash management, and mechanical equipment should be located away from streets and other public spaces. Surface parking in front of or underneath raised buildings is discouraged. Shared parking between adjoining uses is encouraged.
- Spaces that provide opportunities for public events programming, including public art and open market areas should be fostered and/or incorporated into development concepts.
- Connections to the proposed Commuter Rail Station should be provided for pedestrians, bicyclists and vehicles.
- New roads should follow the HLS District Master Plan framework and connect with existing roads within the District, creating a regular grid network where feasible. Roads that end in cul-de-sacs are discouraged.

(B) Historic Context

The HLS District contains mill buildings dating from the Nineteenth and early Twentieth Centuries, when the District was a center of textile and metals manufacturing. Some of these buildings may be "Brownfields" containing toxic contaminants. The City wishes both to encourage adaptive reuse of existing mill buildings and to encourage redevelopment of Brownfield Sites.

- Where relevant and feasible, the adaptive reuse of some or all of existing historic buildings should be considered, especially in the case of buildings deemed preferably preserved by the New Bedford Historical Commission. The HLS District Master Plan recommends the preservation of the following mills:
 - Mills within the proposed Wamsutta Mill National Register Historic District
 - Ice House within the Former Revere Copper Site
 - #26 North Front Street within the Former Revere Copper Site
 - #122-124 North Front Street
 - Fairhaven Mills
 - A portion of the Kilburn Mill
- Infill development near historic structures and new construction attached to historic structures should be compatible with the historic context. However, new construction should not attempt to be a copy of existing structures.

(C) Relationship to the Waterfront

The City wishes to enhance public access to the Acushnet River waterfront outside of the Designated Port District.

- Provide for a publicly accessible waterfront, regardless of whether the land is publicly or privately owned.
- Preserve views down streets to the water and waterfront activities.
- Provide active and passive recreation uses along the waterfront as part of the site plan.
- Activate the waterfront using active ground level uses such as restaurants and retail destinations.

(D) Environmental Goals

Buildings should be designed to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of the building.

- Compliance with Leadership in Energy and Environmental Design (LEED) Certification Standards and other evolving environmental efficiency standards is encouraged.

(E) Economic Development Goals

The City encourages developments that will promote economic development by retaining existing jobs and creating new jobs in the HLS District.

- Projects should have a mix of compatible land uses, such as residential, commercial and light industrial uses.
- New developments should support land uses that will utilize and encourage the usage of the proposed Commuter Rail Station south of the HLS District.

(F) Master Plan Approach

All applications for development should be presented using a Master Plan approach. Projects should address both the various development phases of the proposed project and the phasing of other known building and infrastructure improvements within the HSL District in order to coordinate and maximize the benefits of redevelopment and infrastructure improvements, as much as possible.

4670 Dimensional Regulations.

Building height, building-to-lot coverage, total lot coverage by impervious surfaces, building-to-lot setbacks, and all other dimensional regulations such as the sign regulations of this Ordinance shall not apply to Special Permit Applications in the area designated as the HLS IPOD. Said dimensional regulations shall be reviewed on a case-by-case basis to ensure consistency with the Hicks-Logan-Sawyer District Master Plan.

4671 Parking Regulations.

The Planning Board, in considering any development proposal within the HLS IPOD shall consider the off-street parking requirements of this Ordinance as maximum allowable off-street parking requirements. Further, the Planning Board may request and require that the proposed development provide off-street parking at a rate less than is required by this Ordinance or in a shared parking arrangement in order to further the objectives of the HLS District Master Plan.

SECTION 2.

This Ordinance shall take effect in accordance with the provisions of Chapter 40A of the General Laws.

IN CITY COUNCIL, November 13, 2008

Passed to a Second Reading.

Rita D. Arruda, City Clerk

IN CITY COUNCIL, December 18, 2008

Passed, to be Ordained – Yeas 11, Nays 0.

Rita D. Arruda, City Clerk

Presented to the Mayor for approval December 22, 2008.

Rita D. Arruda, City Clerk

Approved December 31, 2008.

Scott W. Lang, Mayor

a true copy, attest:

