

**City of Brockton
Public Hearing**

A public hearing will be held by the City Council Ordinance Committee on November 15, 2016 at 6:00PM in the Council Chambers, 45 School St., Brockton on:

An Ordinance amending Chapter 27 Article 2 Zones and Zoning Map and Article 16 Downtown Brockton Smart Growth Overlay District of the Revised Ordinance of the City of Brockton as follows: Article 2 Zones and Zoning Map.

An Ordinance amending Chapter 27 of the Revised Ordinance of the City of Brockton as follows: Chapter 27. Zoning, is hereby amended by adding the following: Article XVII Wireless Communications Regulations.

An Ordinance amending Chapter XXVII of the Revised Ordinance of the City of Brockton as follows: Chapter 27. Zoning, Sec. 27-4 Designation of zones, is hereby amended by deleting the section in its entirety and inserting new section Sec. 27-35.1-I-4 Salvage Yard Overlay District.

The foregoing Ordinances are on file in the City Clerk's Office in their entirety for review by interested parties.

Anthony J. Zeoli, City Clerk

Please publish:
October 28, 2016 and
November 5, 2016

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ORDINANCE:

AN ORDINANCE AMENDING CHAPTER 27 OF THE REVISED ORDINANCE OF THE CITY OF BROCKTON:

Be it ordained by the City Council of the City of Brockton as follows:

Chapter 27. Zoning, Sec. 27-4 Designation of zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

R-1A	Single-Family Residential Zone
R-1B	Single-Family Residential Zone
R-1C	Single-Family Residential Zone
R-2	Multi-Family Residential Zone
R-3	Multi-Family Residential Zone
C-1	Neighborhood Commercial Zone
C-2	General Commercial Zone
C-3	Central Business Zone
C-4	Planned Shopping Center Zone
C-5	Office Zone
C-6	Regional Shopping Center Overlay Zone
C-7	Sports and Convention Complex Zones
C-8	Highway Commercial Zone
DBSGOD	Downtown Brockton Smart Growth Overlay District and sub-districts
I-1	Industrial Park Zone
I-2	General Industrial Zone
I-3	Heavy Industrial Zone.

Sec. 27-9. Standards for residential zones (Table 1), is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

TABLE 1. STANDARDS FOR RESIDENTIAL ZONES

All Items Listed Below Are Identified as Maximum or Minimum for Standards Imposed	R-1A	R-1B	R-1C	R-2	R-3
Building height (Maximum)					
Principal building	35 feet	35 feet	35 feet	45 feet*	45 feet*
Accessory building	20 feet	20 feet	20 feet	30 feet	30 feet
Lot area per dwelling unit					
(Minimum in square feet)	30,000	30,000	30,000	7,500 for 1 unit 10,000 for 2 units 12,000 for 3 units	7,500 for 1 unit 10,000 for 2 units 12,000 for 3 units
					12,000 for first 3 units then

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					2,000 for each additional unit over 3	
Maximum dwelling units per lot	1	1	1	3	N/A	
Lot frontage (Minimum in feet)	175	175	175	100	100	
					<i>One, two and three units</i>	<i>Four or more units</i>
Yards (Minimum in feet)						
Front	30	30	30	20	20	35
Side						
Total	50	30	30	20	20	40
One side	20	15	15	10	10	20
Rear	50	30	30	25	25	50
Lot coverage (Maximum)	20%	25%	25%	30%	30%	25%
Off-street parking	2 space per housing unit	2 space per housing unit	2 space per housing unit	2 spaces per housing unit	2 spaces per housing unit	
Signs (Maximum)	In all districts as per Article XIV, section 27-67(1).					

*Building height modifications: In the R-2 and R-3 Districts, buildings may be erected to a height of 6 stories or 80 feet, provided the yard requirements in each district are met and, in addition to these requirements, the rear and side yards shall be increased by one foot for each 5 feet of building height above 45 feet.

Sec. 27-10. Standards for commercial zones (Table 2), is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

TABLE 2. STANDARDS FOR COMMERCIAL ZONES

All Items Listed Below are Identified as to Maximum or Minimum for Standards Imposed	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8
Building height (Maximum)	35 feet	60 feet unless authorized by special permit pursuant to section 27-49	60 feet unless authorized by special permit pursuant to section 27-49	60 Feet	55 feet	As per Section 24-32.5	60 feet unless authorized by special permit pursuant to section 27-49	60 feet unless authorized by special permit pursuant to section 27-49
Lot area (Minimum)	None	None	None	As per Section 27-	10,000 s.f.	As per Section 24-	None	None

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Commercial use				31		32.5		
Lot front (Minimum)	None	None	None	None	75 feet	As per Section 24-32.5	None	None
Commercial use								
Lot depth (Minimum)	100 feet	None	None	None	100 feet	As per Section 24-32.5	None	None
Yards (Minimum)								
Front	10 feet	None	None ⁴	As per Section 27-31	30 feet	As per Section 24-32.5	None	None
Side	None, except abutting a Residential Zone, then not less than 20 feet	None, except abutting a Residential Zone, then not less than 20 feet	None ³	As per Section 27-31	20 feet	As per Section 24-32.5	None, except abutting a Residential Zone, then not less than 20 feet	None, except if abutting a Residential Zone, then not less than 20 feet ¹
Rear	None, except abutting a Residential Zone, then not less than 10 feet	None, except abutting a Residential Zone, then not less than 20 feet	None	As per Section 27-31	25 feet	As per Section 24-32.5	None, except abutting a Residential Zone, then not less than 20 feet	None, except if abutting a Residential Zone, then not less than 20 feet ¹
Floor area ratio	.75	None	None	None	.50	As per Section 24-32.5	None	None
Off-street parking	As per Article IX Table 4	As per Article IX Table 4	As per Article IX Table 4 ²	As per Article IX Table 4	As per Article IX Table 4	As per Section 24-32.5	As per Section 27-32.9	As per Section 27-32.95(4)
Off-street loading	As per Article IX Table 5	As per Article IX Table 5	As per Article IX Table 5	As per Article IX Table 5	As per Article IX Table 5	As per Section 24-32.5	As per Section 27-55	As per Article IX Table 5
Signs (Maximum) Commercial use			In all districts except C-8—As per Article XIV, Section 27-67(2), (3) and (4).					

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¹ Provided, however, that the 20-foot side and rear yard requirements when abutting a residential zone shall not apply to any retail use containing at least 50,000 square feet of retail floor area and a minimum lot size of 5 acres if the applicable yard is separated from such residential zone by any part of the street.

² Within the C3 Central Business zone no additional parking or loading spaces shall be required for any permitted non-residential use within the floor area that lawfully existed, or for which a building permit or special permit was issued, before May 1, 2016. Compliance with parking requirements shall be required for any additions to the building subsequent to this date.

³ Properties in the C3 district shall not be eligible for relief from the parking requirement; however they may participate in the “payment in lieu of parking” option under Downtown Brockton Smart Growth District Sec. 27-96 paragraph 3..

⁴ Properties abutting a public right of-way in the C-3 zone shall build to the front/ and any side lot lines.

Sec. 27-11. Standards for industrial zones (Table 3), is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

TABLE 3. STANDARDS FOR INDUSTRIAL ZONES

All Items Listed Below are Identified as Maximum or Minimum for Standards Imposed	I-1	I-2	I-3
Building height (Maximum)			
Principal building	40 feet	60 feet	60 feet
Accessory building	25 feet	25 feet	25 feet
Structure	40 feet	60 feet	60 feet
Lot area (Minimum)	None	None	None
Lot front (Minimum)	None	None	None
Lot depth (Minimum)	None	None	None
Yards (Minimum)			
Front	50 feet	20 feet	20 feet
Side	None, except abutting Residential Zones, then 20 feet	None, except abutting Residential Zones, then 20 feet	None, except abutting Residential Zones, then 20 feet
Rear	None, except abutting Residential Zones, then 25 feet	None, except abutting Residential Zones, then 35 feet	None, except abutting Residential Zones, then 35 feet
Lot coverage (Maximum)	50%	75%	75%
Off-Street parking and loading.	See off-street parking and loading regulations, Article 9		
Signs (Maximum).	In all districts—As per Article XIV, section 27-67(2), (3) and (4).		

Sec. 27-13A. Minimum lot width, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

The minimum width of any lot shall be that frontage indicated in Section 27-9 Table 1, Section 27-10 Table 2 and Section 27-11 Table 3 above, as measured in Section 27-13,

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and in a Residential District said minimum width shall be maintained for a distance of one hundred (100) feet back from the lot front.

Sec. 27-17. Yard regulations, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

1. For existing buildings where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half the otherwise required minimum width. No expansion of the existing principal building shall reduce the width of the existing varied side yard.
2. The side street setback line of any corner lot platted on the assessor's tax map as the lot existed at the time of adoption of this chapter or any corner lot shown on any subdivision plat or Approval Not Required plan which was recorded prior to the adoption of this chapter shall not be less than one-half of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after the adoption of this chapter shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on the side street.
5. Notwithstanding the provisions in Tables 1, 2, and 3, the yard requirements for a "child care facility" as defined in M.G.L. chapter 40A, section 3, and M.G.L. chapter 15D, section 1A and with more than ten (10) children shall be as follows:
 - Front yard: Fifty (50) feet.
 - Side yard: Fifty (50) feet.
 - Rear yard: One hundred (100) feet.

Sec. 27-18. Maximum coverage, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

The sum total area of land covered by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

Every lot shall contain a certain percentage of space reserved for green space areas. Such areas shall not be made impervious to water percolation, paved or hardtop surfaced and shall be used and maintained for landscaping and storm drainage purposes.

General Planting Requirements for Green Space. Green Space may include one or more of the following densely planted, live vegetative plant categories: grass lawn, trees, shrubs, flowering plant, ornamental grasses and/or vegetative ground cover. Artificial plants and turf is prohibited.

Green Space Requirement Per Zoning Classification

R-1-A	Requires a minimum of 25% green space
R-1-B	Requires a minimum of 25% green space
R-1-C	Requires a minimum of 25% green space
R-2	Requires a minimum of 25% green space
R-3	Requires a minimum of 25% green space
C-1	Requires a minimum of 10% green space
C-2	Requires a minimum of 10% green space
C-3	None required
C-4	Requires a minimum of 10% green space
C-5	Requires a minimum of 10% green space
C-6	Requires a minimum of 10% green space

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C-7	Requires a minimum of 10% green space
C-8	Requires a minimum of 10% green space*
I-1	Requires a minimum of 10% green space
I-2	Requires a minimum of 5% green space
I-3	Requires a minimum of 5% green space

* Provided, however, that a 5% green space requirement shall apply to any retail use containing at least 50,000 square feet of retail floor area and a minimum lot size of 5 acres.

Applicability of Green Space Requirement

The provisions of this section shall apply to every lot with respect to which a building permit or certificate of occupancy for any new structure is hereafter required. Additions of existing structures shall be required to come into conformance with this section.

Sec. 27-23. Religious and educational institutions, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

This chapter shall not restrict the use of land for any church or other religious purpose or for any educational purpose which is religious, sectarian, denominational or public except as specifically detailed herein:

a. Facilities with long term, temporary or emergency living accommodations, including, but not limited to sleeping quarters for two (2) or more individuals, shall meet the following standards:

- 1) A minimum of fifty (50) square feet of useable open space for recreation purposes for each individual living in the facility (open areas designated for vehicle use may not be considered in open space computations);
- 2) A minimum of one off-street parking space for every two (2) individuals living in the facility;
- 3) The standards for building height, lot area, lot frontage, yards and lot coverage for the R-1 zone shall apply.

Nothing contained in this Article will be construed to apply to the use of land or structures for religious or educational purposes if doing so would violate the applicable provisions of M.G.L. Chapter 40A, Section 3.

Sec. 27-25. R-1 Zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

The following regulations shall apply in all R-1 Zones:

1. *Principal permitted uses.*
 - a. Single-family detached dwellings.
 - b. Public, private and business schools, parochial schools, libraries and public museums.
 - c. Churches and similar places of worship, parish houses, convents and cemeteries.
 - d. Public parks and playgrounds.
 - e. Reserved
 - f. Child Care Facility (day care center or school age child care program defined in MGL Chapter 15D Section 1A)

2. *Permitted accessory uses.* Any accessory use in an R-1 Zone shall not occupy more than thirty (30) percent of one floor of the principal building or more than an equivalent floor area in an accessory building.

- a. Private garage.
- b. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as business. Any accessory building or use shall be located on the same lot as the principal building.

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3. *Permitted special uses.* The following special uses are permitted under the provisions of Article V, pursuant to Article VII.

- a. Municipal buildings.
- b. Public utility installations.
- c. Philanthropic and eleemosynary uses or institutions, other than correctional institutions.
- d. Reserved
- e. Reserved.
- f. Kennels.
- g. Pay telephones.
- h. Family day care home, as defined in M.G.L. chapter 15D, section 1A.
- i. Reserved

Sec. 27-26. R-2 Zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

1. *Principal permitted uses.*

- a. Any use permitted in the R-1 Zones.
- b. Two- and three-family dwellings.

2. *Permitted accessory uses.* Any accessory use permitted in the R-1 Zones.

3. *Permitted special uses.*

- a. Any special use permitted in the R-1 Zones, under the provisions of Article V, pursuant to Article VII.
- b. Hospitals and nursing homes not including contagious diseases or psychiatric treatment.
- c. Reserved
- d. Large family day care home, as defined in M.G.L. chapter 15D, section 1A.

Sec. 27-27. R-3 Zones, multi-family residential zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

1. *Principal permitted uses.*

- a. Any use permitted in the R-2 Zones.
- b. Multi-family dwellings.

2. *Permitted accessory uses.* Any accessory use permitted in the R-2 Zone.

3. *Permitted special uses.* The following special uses are permitted, under the provisions of Article V, pursuant to Article VII.

- a. Reserved
- b. Reserved.
- c. Hospitals and nursing homes.
- d. Any special use permitted in the R-2 Zones under the provisions of Article V, pursuant to Article VII.
- e. Reserved
- f. Reserved
- g. Reserved
- h. Reserved
- i. Lodging house

Sec. 27-27.5. R-4 Zones, Neighborhood Revitalization In-fill Overlay Zone, is hereby amended by deleting the section in its entirety.

Sec. 27-27.6. R-5 senior residential community, is hereby amended by deleting the section in its entirety.

Sec. 27-28. C-1 Zones, neighborhood commercial zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

1. *Principal permitted uses.*

- a. Greenhouse having a retail outlet on the premises.
- b. Bakery with sale of bakery products on the premises only.
- c. Barbershop, beauty shop, massage or similar personal service shops.
- d. Catering shop.
- e. Dressmaking, tailoring, shoe repairing, repairing of household appliances and bicycles and other uses of a similar character, provided that not more than five (5) persons shall be employed on the premises during a single shift.
- f. Drugstores of less than six thousand (6,000) square feet of floor area.
- g. Laundromats and shops for the delivery or picking up of laundry and dry cleaning.
- h. Medical and dental offices and other professional and business offices.
- i. Reserved.
- j. Retail stores of less than eight thousand (8,000) square feet in floor area.
- k. Offices, banks or lending institutions.
- l. Membership associations, corporations or clubs.
- m. Churches and religious institutions.
- n. Public and parochial schools and educational facilities.
- o. Child Care Facility (day care center of school age care program as defined in MGL Chapter 15D Section 1A).

2. *Permitted accessory uses.* Customary uses and structures which are clearly incidental to the principal use.

3. *Permitted special uses.* The following special uses are permitted, under the provisions of Article V, pursuant to Article VII.

- a. Joint-occupancy uses provided that the first floor is a commercial use.
- b. Package liquor store.
- c. Restaurant or coffee shop, or take-out establishment, provided that the serving of food or beverages to patrons waiting in parked automobiles shall not be permitted.
- d. Any business not operating as a principal tenant out of a permanent, fixed structure, except for any business requiring a common victualer's license.
- e. Reserved

Sec. 27-29. C-2 Zones, general commercial zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

2. *Permitted accessory uses.*

- a. Any accessory use permitted in the C-1 Zone.
- b. Other customary uses and structures which are clearly incidental to the principal use.
- c. Reserved

3. *Permitted special uses.* The following special uses are permitted under the provisions of Article V, pursuant to Article VII.

- a. Any special use permitted in the C-1 Zone.
- b. Gasoline stations.
- c. Open air or drive-in theatres.
- d. Pet shop, animal hospital or veterinarian.
- e. Car washing establishment.
- f. Taverns and restaurants including seasonal outdoor seating.
- g. Hotel.
- h. Adult Day Care

Sec. 27-30. C-3 Zones, central business zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

1. *Principal permitted uses.*

- a. Any use permitted in the C-2 Zone.
- b. Community health centers/clinics as defined in Section 330 of the Public Health Service Act (42 U.S.C. 254c).

2. *Permitted accessory uses.* Any accessory use permitted in the C-2 Zone.

3. *Permitted special uses.*

- a. Any special use permitted in C-2 Zone, subject to the same limitations, except adult day care facilities
- b. Multi-family dwellings (three (3) or more dwelling units in a structure) subject to the space standards for the R-3 Zone (See Table 1).
- c. Clinics, except as permitted in subsection 1.b above.

Sec. 27-31. C-4 Zones, planned shopping center zones, Paragraph 1 is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

1. *Principal permitted uses.* The use of each building or premises shall be in accordance with the plan referred to above, which use shall be limited to service, parking, retail sale of merchandise, offices and similar activities ordinarily accepted as shopping center uses and Child Care Facility (day care center or school age child care program as defined in M.G.L. chapter 15D, section 1A). No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker or watchman employed on the premises.

Sec. 27-31. C-4 Zones, planned shopping center zones, Paragraph 2, Subparagraph "a" "2" is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

2. Off-street parking shall be provided on the basis of one parking space for each ninety (90) square feet of ground floor space and comply with Section 27-53.

Sec. 27-32. C-5 Zones, office zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

- 1. *Principal permitted uses.*
 - a. Professional offices of physicians, dentists, optometrists, lawyers, accountants, engineers, architects, insurance, real estate and investment agents; banks, lending institutions, and other uses similar in function to those listed.
 - b. Hospitals, medical and dental laboratories and professional pharmacies.
 - c. Nursing homes subject to licensing under General Laws Ch. 111, Section 71-A.
 - d. Adult day care facilities.
 - f. Child Care Facility (day care center or school age child care program as defined in MGL Chapter 15D Section 1A).

2. *Permitted accessory uses.* Any accessory use permitted in the C-1 Zone.

- 3. *Permitted special uses.*
 - a. Hotel/conference center.
 - b. Reserved
 - c. Tattoo parlors.

Sec. 27-32.5. C-6 Zone, Regional Shopping Center Overlay Zone, Sub-Section 3 is hereby amended by deleting the sub-section in its entirety and inserting in place thereof the following:

(3) *Principal permitted uses.* Permitted Uses in a C-6 Zone shall be limited to retail stores and service establishments, including, without limiting the generality of the foregoing, restaurants, movie theaters, offices, automated teller machines (ATM's), entertainment and amusement centers and arcades (excluding any adult entertainment facility), automobile service centers, parts and accessories stores, and such other uses are customarily found in a Regional Shopping Center, and Child Care Facilities (day care centers or school age child care program as defined in MGL Chapter 15D Section 1A).

Sec. 27-32.5. C-6 Zone, Regional Shopping Center Overlay Zone, Sub-Section 6 Paragraph "d" is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

d. Each parking lot shall comply with section 27-53.

Sec. 27-32.5. C-6 Zone, Regional Shopping Center Overlay Zone, Sub-Section 6 Paragraph "e" is hereby amended by deleting the paragraph in its entirety

Sec. 27-32.9. C-7 Zone, sports and convention complex zone, Sub-Section (d) is hereby amended by deleting the sub-section in its entirety and inserting in place thereof the following:

(d) Uses in the sports and convention complex zone:

(1) [Permitted uses.] The following uses shall be permitted as of right as either primary or accessory uses within the sports and convention complex zone:

- a. Parking lots, whether paved or unpaved, serving uses with seating or attendance capacities of over seven hundred fifty (750) people, provided that any such parking lot constructed after the effective date of this section shall comply with the parking standards set forth in article IX of the zoning ordinance;
- b. Mercantile or retail uses with a primary purpose of selling merchandise related to the activities allowed in this zone. Total square footage of floor space in the zone;
- c. Restaurants with or without seating, including, without limitation, restaurants employing "takeout service" and so-called "fast-food restaurants" as well as dining rooms to be used as function facilities;
- d. Stadiums for athletic or entertainment events;
- e. Parking garages, provided that any such parking garage shall comply with all applicable dimensional and other zoning requirements set forth in the ordinances;
- f. Offices, pursuant to the primary purposes allowed by this section;
- g. Entertainment productions held in an indoor, outdoor or combination setting;
- h. Auditoriums, function and convention facilities.
- i. Child Care Facilities

Sec. 27-32.9. C-7 Zone, sports and convention complex zone, Sub-Section f is hereby amended by deleting the sub-section in its entirety and inserting in place thereof the following:

(f) Parking standards and location: Off-street parking in the zone shall comply with Section 27-53 paragraphs six (6) and seven (7) and the following standards and provisions:

Sec. 27-32.95. C-8 Highway Commercial Zone, Sub-Section 4 Paragraph "a" is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

a. Off-street parking spaces shall comply with Section 27-53 paragraphs six (6) and seven (7) and have an area of not less than one hundred sixty-two (162) square feet, exclusive of access drives or aisles, and shall have a minimum width of nine (9) feet. There shall be adequate provisions for ingress and egress to all parking spaces. Access drives or driveways shall not be less than twelve (12) feet wide.

b. Required off-street parking for retail stores or shops shall be provided at a ratio of not less than 4.0 parking spaces for each one thousand (1,000) square feet of retail floor area. Parking requirements for uses other than retail stores or shops shall be determined by reference to Article IX, Table 4.

Sec. 27-32.95. C-8 Highway Commercial Zone, Sub-Section 4 Paragraphs "c" and "d" are hereby amended by deleting the paragraphs in their entirety.

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Sec. 27-33. I-1 Zones, industrial park zones, Sub-Section 1 is hereby amended by inserting the following:

s. Child Care Facilities (day care center or school age child care program as defined in MGL Chapter 15D Section 1A).

Sec. 27-33. I-1 Zones, industrial park zones, Sub-Section 1 Paragraph "b" is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

b. New and used vehicles sales and service.

Sec. 27-36. Miscellaneous uses; conversions, Paragraph "b" is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

b. Conversions are permitted with a special permit provided that:

1. There shall be not more than the maximum number of dwelling units than are permitted in the respective districts and complies with Section 27-9 Standards for Residential Zones and Section 27-18A green space requirements per zoning classification.
2. At least two off-street parking space shall be provided for each dwelling unit in the building.
3. There shall be at least four hundred (400) square feet of habitable dwelling space in each dwelling unit.
4. There shall be at least one bathroom including bathing, lavatory and toilet facilities in each dwelling unit.

Sec. 27-38. Standards enumerated, Paragraph "c" is hereby amended by deleting the paragraph in its entirety.

Sec. 27-54. Same—Requirements (Table 4) is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

TABLE 4. OFF-STREET PARKING REQUIREMENTS

Bowling Alleys—Four (4) parking spaces for each alley.

Child care facilities as defined in M.G.L. Chapter 40A, Section 3, and M.G.L., Chapter 15D, Section 1A, and with more than ten (10) children shall have one (1) parking space for each ten (10) children cared for and one (1) space for each staff member.

Churches, synagogues and houses of worship—One (1) parking space for each six (6) seats except as noted in subsection 5 of section 27-53.

Community buildings, country clubs, social halls, lodges, fraternal organization and similar uses—One (1) for each six hundred (600) square feet of floor area occupied by all principal and accessory structures.

Doctors and dentists—Six (6) spaces for each doctor.

Hotels —One (1) for each rental unit.

Funeral homes and mortuaries—Eight (8) parking spaces for each parlor.

Hospital, nursing and convalescing homes—One (1) for each bed.

Manufacturing, industrial and general commercial uses not otherwise specified herein—One (1) for each five (5) employees in the maximum working shift.

Offices (not designated elsewhere in this table)—One (1) pace for every three hundred (300) square feet floor area.

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Restaurants, bars and cafes—One (1) for each four (4) seats. Seasonal outdoor dining does not add to the required parking.

Retail stores, store groups, shops, etc.—One for each two hundred twenty-five (225) square feet of floor area.

Retail sale of furniture and other goods, which involve unusually extensive display areas in relation to customer traffic—One (1) for each seven hundred fifty (750) square feet of gross floor area.

Skating rinks or sports area—One (1) for each four (4) spectator seats or one space per four (4) person capacity of facility, whichever is the highest.

Wholesale establishments or warehouses—One (1) for each five (5) employees on maximum shift.

Adult Day Care – One (1) per each ten (10) adults cared for and one (1) for each staff member.

Sec. 27-57. Development and maintenance of parking areas and structures and loading areas, Paragraph 1 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

Every parcel of land hereafter used as a public or private parking area for other than R-1 uses for five (5) or more cars, or structure used as a parking garage or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements. Plans for such areas shall be approved by the city engineer and the highway department to insure compliance with these regulations.

1. Off-street parking areas and structures for five (5) or more vehicles and off-street loading areas shall be effectively screened by a fence and hedge. The screening shall be on the sides which adjoin, abut, are adjacent to or face premises situated in any residential zones or institutional buildings.

Sec. 27-85. Purpose, Paragraph 2 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

2. That the proposed project, development or proposed development will be in harmony with surrounding areas where appropriate and consistent with the orderly development of the city as a whole.

Sec. 27-87. Procedures, is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

This procedure for the PGA shall require notice, at applicant's expense, by publication and persons of interest in accordance with M.G.L. chapter 40A section 11 and chapter 27 of the Revised Ordinances of the City of Brockton. In order to receive a permit under site plan approval a vote of the majority of the planning board members attending and voting at the planning board meeting is required.

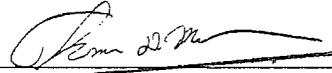
The applications for the permit under site plan review shall be processed in accordance with a defined system that assures city and public review and consistent with the Massachusetts General Laws and the rules and regulations as adopted by the PGA.

Sec. 27-89A. Thresholds, is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

1. All multifamily or apartment development of four (4) or more units.
2. Any development located on an unconstructed or unimproved way (not covered by subdivision control) or any development that requires utility extension.

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3. All new or expansion of existing commercial, institutional and industrial buildings.
4. Changes in use from Residential to Commercial or Industrial, or Commercial or Industrial to Residential.



Councilor ~~Councilor~~ Thomas D. Monahan . . .

IN CITY COUNCIL

March 28, 2016

READ AND REFERRED TO STANDING

COMMITTEE ON Ord / Planning



CLERK



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In City Council February 8, 2016

ORDINANCE:

AN ORDINANCE AMENDING CHAPTER 27 OF THE REVISED
ORDINANCE OF THE CITY OF BROCKTON:

Be it ordained by the City Council of the City of Brockton as follows:

Chapter 27. Zoning, is hereby amended by adding the following:

Article XVIII Wireless Communications Regulations

Sec. 27-128. Purpose and intent.

The purpose of the Wireless Communications Regulations is to outline the permitting process to site a Wireless Communications Facility within the City of Brockton, while minimizing potential damage and adverse visual impacts of Wireless Communications Facilities on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communications services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.

Sec. 27-129. Special permit granting authority.

For all purposes pursuant to this article, the Zoning Board of Appeals is designated as the special permit granting authority ("SPGA").

Sec. 27.130. Definitions.

The following terms, when capitalized herein, shall have the following meaning unless the context otherwise requires.

DISTANCE - Shall be measured on a horizontal plane.

FAA - Shall mean the Federal Aviation Administration.

FCC - Shall mean the Federal Communications Commission.

HEIGHT - Shall be the distance measured from ground level to the highest point on the structure.

MUNICIPALLY OWNED LAND - Shall mean land/parcel and the structures on them owned and controlled by the City of Brockton, Brockton Housing Authority, and Brockton Redevelopment Authority except for land/parcel and the structures on them controlled by the School Department with a structure used as a school or for educational purposes.

SUITABLE STRUCTURES - Shall mean such structures as, but not limited to, high rise buildings (as defined by 780 CRM 202, Definitions, Amendments to the Massachusetts Building Code, 2009), smoke stacks, and water towers, but does not include houses or small apartment buildings.

WIRELESS COMMUNICATIONS BUILDING - Shall mean any building or shelter used to house equipment primarily for the installation and operation of equipment for generating and detecting electromagnetic radiation, and is an accessory to a wireless communication structure.

WIRELESS COMMUNICATIONS DEVICE - Shall mean any antenna, appurtenance, wiring or equipment used in connection with the reception or transmission of electromagnetic radiation which is attached to a structure.

WIRELESS COMMUNICATIONS FACILITY - Shall be used as a general term to include wireless communication building, wireless communication device, and wireless communication structure.

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WIRELESS COMMUNICATIONS STRUCTURE - Shall mean any structure or tower intended to support equipment used for the transmission and reception of electromagnetic radiation, including the antennas, wiring or other devices attached to or mounted on a structure.

Sec. 27-131. Exemptions.

The following shall be exempt from this article:

- A. Wireless Communications Facilities primarily and exclusively used for City or state emergency services.
- B. Amateur radio towers used in compliance with the terms of any amateur radio service licensed by the Federal Communication Commission and used solely for that purpose.
- C. Wireless Communications Structures and devices used expressly for home television reception.
- D. Communications facilities used for the purposes set forth in MGL Chapter 40A, Section 3.

Sec. 27-132. General guidelines.

- A. No Wireless Communications Facility shall be erected, constructed, altered, or installed without a special permit from the SPGA or in conformance with Sec. 27-133 below.
- B. Wherever feasible, Wireless Communications Devices shall be located on existing towers, on Municipally Owned Land, or other Suitable Structures, minimizing proliferation of new towers.
- C. Wireless Communications Structures shall be built so that the structural integrity of the facility is able to accommodate devices operated by another carrier with little or no modification.

Sec. 27-133. Structures on municipal land.

Wireless Communications Structures shall be allowed on land owned and controlled by the City of Brockton upon the issuance of site plan approval per Article XIV, entitled "Site Plan Review," of this chapter. Site plan approval shall conform to the guidelines, procedures and requirements established in this Article. The Mayor, with City Council approval, may lease City-owned property to facilitate the purposes of this article.

Sec. 27-134. Siting and Height requirements.

A. Setbacks.

- (1) The minimum Distance from the base of the Wireless Communications Structure to any property line or road right-of-way shall be at least 1.25 times the Height of the structure to ensure an adequate fall zone.
- (2) The setbacks for the Wireless Communications Building shall comply with the setback requirements for the zoning district.
- (3) The Wireless Communications Structure shall be a minimum Distance of three times the Height from school buildings, playgrounds, parks, athletics fields, and abutting residences to prevent the structure from appearing to tower over adversely affecting property values.

B. The maximum Height shall be 150 feet.

C. The Wireless Communications Structure shall, when possible, be sited off ridgelines and where their visual impact is the least detrimental to valuable historic and scenic areas.

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D. No new Wireless Communications Structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the SPGA that no existing Wireless Communications Structure can accommodate the applicant's proposed Wireless Communications Device or that there is no Municipally Owned Land where a structure could be erected to provide suitable coverage. Evidence submitted to demonstrate that no existing structure can accommodate the applicant's proposed device may consist of any of the following:

- (1) No existing Wireless Communications Structures or Municipally Owned Land where a structure could be constructed are located within the geographic area required to meet the applicant's engineering requirements.
- (2) No existing Suitable Structure could accommodate a proposed device within the geographic area to provide suitable coverage.
- (3) Existing Wireless Communications Structures or Suitable Structures are not of sufficient Height to meet the applicant's requirements.
- (4) Existing Wireless Communications Structures or Suitable Structures do not have sufficient structural strength or cannot be brought up to appropriate strength to support the proposed Wireless Communications Device.
- (5) The proposed Wireless Communications Device would cause electromagnetic interference with the existing devices on the site, or the existing devices would cause interference with the proposed Wireless Communications Device.
- (6) The fee, costs, or contractual provisions required by the owner in order to share an existing Wireless Communications Structure or to adapt an existing structure for use are unreasonable. Costs are unreasonable if they are equal to or greater than twice the cost of building a new structure.
- (7) The applicant demonstrates that there are other limiting factors that render existing structures unreasonable.

Sec. 27-135. Design requirements.

- A. New freestanding Wireless Communications Structures shall be limited to monopoles. No lattice or guyed towers shall be permitted.
- B. Whenever possible, antennas shall be concealed from view through the use of interior-mounting (e.g., inside church steeples, cupolas, bell-towers, or penthouses), or side-mounting onto existing structures and painted to match the surrounding materials and colors.
- C. Rooftop Wireless Communications Devices shall be located a minimum of ten (10) feet from the roof edge; and Rooftop Wireless Communications Devices shall be setback below a plane inclined at forty-five (45) degrees from the vertical, beginning at each cornice-line of the building.
- D. Wireless Communications Structures shall be designed to accommodate the maximum number of users as technologically possible.
- E. There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.
- F. All Wireless Communications Devices shall be colored, molded, and/or installed to blend into the structure and/or the landscape.
- G. The facility shall be fenced to control access (not necessarily the whole property).
- H. Night lighting of the facility shall be prohibited unless required by the FAA. If required by the FAA, a copy of the FAA permit requiring lighting should be submitted with the application.

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- I. There shall be a maximum of one parking space for each facility to be used in connection with maintenance of the site and not to be used for the storage of vehicles or other equipment.
- J. Existing on-site vegetation shall be preserved to the maximum extent possible.
- K. Vegetative screening shall be used to screen abutting residential properties and roadways. Plants that fit in with the surrounding natural vegetation shall be used.

Sec. 27-136. Application process.

- A. Applications submitted under this article shall be subject to the application procedure requirements of Sec. 27-100 (1), (2) b, (2) c, and (2) d.
- B. Application and technical review fees shall be submitted concurrently with any application submitted in conformance with this article.
- C. New Wireless Communications Structures. To site a new Wireless Communications Structure, the applicant shall submit:
 - (1) Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24-inch by 36-inch sheets at a scale of one inch equals 40, or one inch equals 200, where appropriate, on as many sheets as necessary, which show the following:
 - a. North arrow, date, scale, seal(s) of the licensed professional(s) who prepared plans and space for reviewing licensed engineer's seal.
 - b. Name and address of landowner and name and address of abutters.
 - c. Property lines and location of permanent structures or buildings within a radius of 500 feet of the proposed Wireless Communications Structure.
 - d. Existing (from a topographical survey completed within two years of application submittal date by a professional surveyor licensed to practice in Massachusetts) and proposed contour lines at a maximum of two-foot intervals and spot elevations at base of all the proposed and existing structures.
 - e. Vegetation to be removed or altered.
 - f. Plans for drainage of surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.
 - g. Delineation of wetlands, if any.
 - h. Location of Wireless Communications Structure.
 - i. Plans for anchoring and supporting the structure, including specifications of hardware and all other building material.
 - j. Plans for accessory buildings.
 - k. Layout and details of surfacing for access road and parking.
 - l. Amenities such as lighting, fencing, and landscaping.
 - m. A color photograph or rendition of the proposed equipment and mountings. A rendition or computer-simulated photograph shall also be prepared illustrating the facilities at the proposed location, viewed from at least two (2) prominent locations along the surrounding rights-of-way
 - (2) A map showing the areas covered/served by the proposed Wireless Communications Structure and devices of different signal strengths, and the interface with adjacent service areas.

- (3) A map showing and itemized description of all Personal Wireless Facilities currently existing within ten miles of the proposed installation and in addition those Facilities which the applicant expects to install and/or reasonably knows will be proposed or installed by itself and/or other Personal Wireless Service Providers within the next twenty four (24) months
- (4) A locus map at a scale one inch equals 1,000 (or whatever is necessary to show where in city the proposed tower is sited), which shall show streets and landscape features.
- (5) A description of the soil and subsurface geology at the proposed site.
- (6) A narrative report written by the carrier and licensed professional engineer which shall:
 - a. Describe the justification of proposed site.
 - b. Describe the structure and the technical, economic, and other reasons for the facility design.
 - c. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.
 - d. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.
 - e. Describe the projected future needs of the carrier, and how the proposed Wireless Communications Facilities fit with future projections to serve the city and adjacent towns.
 - f. Describe leasing agreement should another carrier desire to co-locate.
 - g. Describe special design features to minimize the visual impact of the proposed Wireless Communications Facility.
- (7) Proof of approval of all other necessary permits needed for construction and operation.
 - a. That any commercial or industrial site that is proposing a cell tower must have a complete 21E Assessment done on the entire parcel of the property, and it must be done by a licensed engineering firm qualified to do so.
- (8) Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three-foot-diameter brightly colored balloon at the maximum Height of the proposed facility. The dates (including a second date, in case of poor visibility on the initial date), times, and location of this balloon test shall be advertised, by the applicant, at least seven days in advance of the first test date, in a newspaper with a general circulation in the City of Brockton. The applicant shall inform the SPGA, in writing, of the times of the test at least 14 days in advance. The balloon shall be flown for at least four consecutive hours between the hours of 8:00 a.m. and 6:00 p.m. on the dates chosen, which shall be on a weekend.
- (9) Applicants proposing to erect Wireless Communications Facilities and Structures on Municipally Owned Land shall provide evidence of contractual authorization from the City of Brockton to conduct wireless communications services on said property.
- (10) The special permit granting authority may require any additional information, including but not limited to 21E Reports, it deems necessary in its review of an application.

D. Existing Wireless Communications Structures or Suitable Structures. To site a Wireless Communication Device on existing Wireless Communications Structures or Suitable Structures, such as buildings, steeples, water towers or other suitable structures, including

co-location with another carrier, provided that the new use does not add to the Height of the structure, the applicant shall submit:

- (1) Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24-inch by 36-inch sheets at a scale of one inch equals 40, or one inch equals 200, on as many sheets as necessary, which show the following:
 - a. North arrow, date, scale, the seal(s) of the licensed professionals who prepared the plans and a space for the reviewing licensed engineer's seal.
 - b. Plans for supporting and attaching the device, including specifications of hardware and all other building material.
 - c. Building plans for accessory buildings, if any.
 - d. Layout and details of surfacing for access road and parking, if it is to be altered from existing condition.
- (2) A map showing the areas covered by proposed device(s) of different signal strengths and the interface with adjacent service areas.
- (3) A narrative report written by the carrier and licensed professional engineer which shall:
 - a. Include a draft of the contract between the structure/building owner (whichever appropriate) and the applicant.
 - b. Demonstrate that the Wireless Communications Structure or Suitable Structure to which the device will be mounted has the structural integrity to support such device.
 - c. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.
 - d. Describe the projected future needs of the carrier, and how the proposed facility fits with future projections.
- (4) Proof of approval of all other necessary permits needed for construction and operation.
- (5) If the proposed facility adds more than five feet to the Height of the structure at the effective date of this ordinance and will exceed zone Height restrictions, the SPGA may require a balloon test as described above in Sec. 27-136 C. (8).

Sec. 27-137. Independent Review.

Upon receipt of an application for a special permit under this section, the Board shall hire independent consultants whose services shall be paid for by the applicant for the purposes of evaluating any aspect of the proposed facility, review of the application and review of current service coverage. The applicant shall cooperate with the independent consultant selected by the Board and shall provide all information reasonably requested by the independent consultant including but not limited to radiological testing of the site in question and the surrounding area as the Board determines.

Sec. 27-138. Special permit decision process.

- A. Action on an application submitted under this article shall occur only after a public hearing noticed in accordance with MGL c. 40A, § 11. Decisions on an SPGA application shall be filed in the office of the City Clerk and are appealable pursuant to MGL c. 40A, § 17.
- B. In granting a special permit for Wireless Communications Facilities, in addition to the findings required by the City's Zoning Ordinance for special permits, Editor's Note: See Art. XII, Special Permit Conditions, of this chapter, the SPGA shall find:

- (1) That the applicant has demonstrated to the satisfaction of the SPGA that the requirements of this bylaw have been met.
 - (2) That the size and Height of the structure is the minimum necessary.
 - (3) That the proposed Wireless Communications Facilities will not adversely impact historic structures or scenic views.
 - (4) That there are no feasible alternatives to the location of the proposed Wireless Communications Facilities, including co-location that would minimize their impact and the applicant has exercised good faith in permitting future co-location of facilities at the site.
- C. When considering an application for a Wireless Communications Facility, the SPGA shall place great emphasis on the proximity of the facility to residential dwellings, its impact on these residences, and will encourage the use of existing structures.
- D. Any extension, or construction of new or replacement towers or transmitters shall be subject to an amendment to the special permit, following the same procedure as siting a new wireless communication device on an existing structure.

Sec. 27-139. Conditions of use.

- A. The applicant shall post an initial bond to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site, and structure(s) and to cover the removal of facility in the event of nonoperation in an amount approved by the SPGA. An access road may include existing city roads not designed for heavy traffic.
- B. The applicant/owner shall reserve five (5) feet, in the top one-third (1/3) of the structure for City of Brockton communication devices.
- C. Regulatory compliance.
- (1) Annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute shall be filed with the Building Inspector by the special permit holder, and shall be reviewed by a licensed professional engineer hired by the City and paid for by the special permit holder.
 - (2) If the FCC or the FAA regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.
 - (3) Failure to comply with any regulations shall be grounds for removal of noncomplying structures, buildings, devices at the owner's expense.
 - (4) If the device is moved lower on the structure and the top of the structure is no longer needed, then the nonoperational part of the structure shall be removed within 120 days.
- D. Removal and repair.
- (1) An applicant must execute a covenant with the SPGA agreeing to remove, within 180 days of notice from the City, the Wireless Communications Facility not in operation for a period of 12 months, unless the reason for nonoperation is the result of major damage.
 - (2) If the facility is not removed within 180 days, the City will remove said facility at the owner's expense.
 - (3) In the event of major damage, repair must begin within six months of damage. Major damage shall mean damage to the facility caused by no fault of the owner or operator.

Sec. 27-140. Term.

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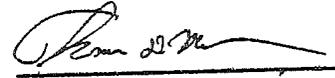
Unless an earlier expiration date is specified by the SPGA, all special permits issued under this section shall automatically expire five years from the date of issuance. Prior to the expiration the applicant may apply for successive five year renewals subject to the public hearing process. In determining whether the special permit shall be renewed, the SPGA may take into consideration whether there then exist any structure or technology available to the applicant which would enable the applicant to provide functionally equivalent services in a less intrusive manner. Upon expiration of a special permit that has not been renewed, the applicant shall disassemble and remove the entire facility forthwith at its expense, and any such facility not removed in its entirety within thirty (30) days of the expiration of the special permit shall be deemed abandoned.

Sec. 27-141. Insurance.

The wireless communications provider shall continuously insure its equipment and facilities against damages to persons and property in an amount established by the SPGA, in conjunction with the Superintendent of Buildings, based upon the nature and extent of the proposed facility. On an annual basis said provider must deliver to the Superintendent of Buildings a Certificate of Insurance, in which the City shall be listed as an additional insured.

Sec. 27-49. Special permits.

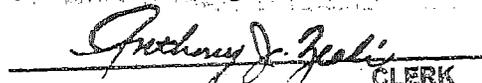
The board shall hear and decide applications for special permits for special uses as specified in article III, article IV, article XIV, and article XVIII of this chapter. The board may issue special permits only following public hearings held within sixty-five (65) days after filing of an application with the board. The board may, in accordance with Chapter 40A of the General Laws, grant special permits for such designated uses without any finding of hardship. In acting upon special permits the board shall take into account the general purpose and intent of this chapter and, in order to preserve community values, may impose conditions and safeguards deemed necessary to protect the surrounding neighborhood, in addition to the applicable requirements of this chapter, such as, but not limited to, the following:


Councillor

Councillor Thomas D. Monahan

IN CITY COUNCIL

March 28, 2016
READ AND REFERRED TO STANDING
COMMITTEE ON Ord./Planning


CLERK



**CITY OF BROCKTON
PLANNING BOARD**

November 13, 2015

Anthony Zeoli, City Clerk
City of Brockton
45 School Street
Brockton, MA 02301

2015 NOV 13 AM 11:17

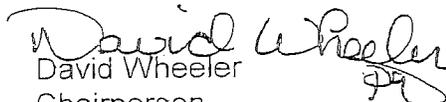
RECEIVED

RE: An Ordinance amending Ch. 27 of the Revised Ordinances of the City of Brockton, Article IV, Temporarily Prohibiting the Construction of New Personal Wireless Services Facilities (Cell Towers) Section 27.36.5 Temporary Moratorium on the Construction of New Personal Wireless Service Facilities

Dear Mr. Zeoli:

On November 4, 2015 the Planning Board held a public hearing regarding the above entitled zoning change. Please be advised that the Board voted unanimously to recommend the change favorably.

Very truly yours,


David Wheeler
Chairperson

DW:pg

ORDINANCE

AN ORDINANCE AMENDING CHAPTER XXVII OF THE REVISED ORDINANCE OF THE CITY OF BROCKTON

Be it ordained by the City Council of Brockton as follows:

Chapter 27. Zoning, Sec. 27-4 Designation of zones, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

For the purpose of these regulations the city is hereby divided into the following zones, differentiated according to use and regulations:

R-1A	Single-Family Residential Zone
R-1B	Single-Family Residential Zone
R-1C	Single-Family Residential Zone
R-2	Multi-Family Residential Zone
R-3	Multi-Family Residential Zone
C-1	Neighborhood Commercial Zone
C-2	General Commercial Zone
C-3	Central Business Zone
C-4	Planned Shopping Center Zone
C-5	Office Zone
C-6	Regional Shopping Center Overlay Zone
C-7	Sports and Convention Complex Zones
C-8	Highway Commercial Zone
DBSGOD	Downtown Brockton Smart Growth Overlay District and sub-districts
I-1	Industrial Park Zone
I-2	General Industrial Zone
I-3	Heavy Industrial Zone.
I-4	Salvage Yard Overlay District

Floodplain, Watershed and Wetland Protection Zone. Under the authority of Chapter 40A, section 2 of the General Laws of Massachusetts and all acts in amendment thereof and in addition thereto, and other enabling laws, the Brockton floodplain, watershed and wetlands protection zone is hereby designated for regulation of the construction, alteration, repair, location and use of buildings and land thereon, as shown on an official copy of the Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, City of Brockton, Massachusetts, Plymouth, Community Panel Numbers 25023C0069J, 25023C0152J, 25023C0162J, 25023C0166J, 25023C0167J, 25023C0176J, 25023C0178J, and 25023C0186J dated July 17, 2012, and as amended, on file with the city clerk, which maps are hereby made a part of this ordinance.

Chapter 27. Zoning is hereby amended by adding the following new Section 27-35.1 after Section 27-35, as follows:

Sec. 27-35.1 – I-4 Salvage Yard Overlay District.

The I-4 Salvage Yard Overlay Zone permits the use of land therein for a salvage or junk yard as defined in this section. The applicant shall have the option of applying for site plan approval pursuant to the zoning controls set forth in this section or complying with all applicable dimensional zoning controls set forth in the zoning ordinances of the City for the underlying zoning districts. Development projects proceeding under this section shall be governed solely by the provisions of this

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 section and shall be deemed exempt from the standards and/or procedures of the underlying zoning except for those of Article XV. – Site Plan Review. All existing salvage or junk yards existing within the Overlay Zone use and site development shall be grandfathered and not require any approvals except for an expansion of its existing buildings.

1. *Establishment and Delineation of Salvage Yard Overlay District.* The Salvage Yard Overlay district is an overlay district that is superimposed over the underlying zoning districts. The boundaries of the Salvage Yard Overlay are delineated as the “Salvage Yard Overlay district” on the official zoning map of the city on file in the office of the city clerk, said map hereby made a part of the zoning ordinance.

2. *General requirements.* The regulations of this section shall apply only to a Salvage or Junkyard use, and not to any other use that is allowed or permitted in the I-4 zoning district; all other uses shall be subject to the requirements of the underlying zoning district.

3. *Principal permitted uses.*

a) Any use permitted in an I-3 zone.

b) Salvage or Junkyards. Salvage or Junkyards by definition shall mean and include automobile salvage and wrecking operations, outdoor storage and junk yards including the wholesale and retail sale of parts new or used and scrap, open lot storage of junk, scrap, used, wrecked, or junk vehicles, parts, tires, and other similar salvaged articles including petroleum based salvage accessory to wrecking and junking operations, together with the sale of used or salvaged trucks and motor vehicles. Open lot storage shall not exceed thirty feet in height. Storage may be conducted indoors and may contain retail offices for the sale of used or new vehicles, parts new or used, and scrap.

4. *Permitted accessory uses.*

a. Any accessory use permitted in the I-3 Zone.

5. *Standards.* The following dimensional standards shall apply to building within the I-4 Salvage Yard Overlay District:

Building Height (maximum)	Five (5) stories or sixty (60) feet, or as authorized by special permit under Section 27-49
Lot area (minimum)	None
Lot frontage (minimum)	None
Lot depth (minimum)	None
Yards (minimum)	None
Front	None
Side	None
Rear	None
Floor area ratio	None
Off-street parking	As per subsection 27-54, Table 4, Manufacturing Industrial, General Commercial Uses. No additional parking spaces shall be required for other Salvage Yard uses.
Off-street loading	One as per Section 27-55, Table 5
Green space (minimum)	As determined by the Planning Board not to exceed 5%.

a. Multiple buildings shall be allowed on any site within the Overlay Zone that may be connected or have a set back from existing buildings of no less than ten (10) feet.

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- 6. *Parking.* Off-street parking and loading for a Salvage Yard shall comply with the following standards and provisions:
 - a. Off-street parking spaces shall have a minimum width of nine (9) feet and a minimum depth of eighteen (18) feet, except that when any part of a building column or light pole intrudes into a parking space that space shall have a minimum depth of sixteen (16) feet. There shall be adequate provisions for ingress and egress to all parking spaces. Access drives or driveways shall not be less than twelve (12) feet wide.

- 7. *Signs.* Signs erected and maintained in connection with a Salvage Yard shall be subject to Sections 27-63. – Definitions, 27-64. – Enforcement, and 27-68. – Maintenance, as those sections exist on the date of enactment of this Section 27-35.1. All existing signs are grandfathered. The following types of signs shall be permitted in connection with a Salvage Yard
 - a. One (1) freestanding (pylon) sign subject to the following requirements:
 - (i) Maximum height—Eighty-five (85) feet.
 - (ii) Maximum sign area—Nine hundred (900) square feet per side.
 - (iii) Minimum distance from lot lines—Ten (10) feet.
 - (iv) Illumination shall be either by a steady, stationary light shielded and directed solely at the sign, by interior, non-exposed lights, or as an Electric sign subject to Section 27-32.100(7)d, or a combination thereof.
 - b. Wall signs identifying or advertising the Salvage Yard and uses within the Salvage Yard, provided that no wall sign shall extend higher than twelve (12) feet above the top of the roof or parapet wall and that no more than fifteen (15) percent of any individual wall façade may be covered with such signs.
 - c. The area of a sign shall include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign, and any “cutouts” or extensions, but shall not include any supporting structure or bracing.
 - d. Signs need not be located on the same lot as the identified use, provided that such signs shall be (i) installed pursuant to an easement or license agreement with the owner of the off-site property and (ii) located within the I-4 Salvage Yard Overlay district.

Be it further ordained that the Brockton Zoning Map is hereby amended to designate the Salvage Yard Overlay District as seen on the attached “EXHIBIT A”.

Paul Studenski
 Councillor

Councilor Paul Studenski

IN CITY COUNCIL

September 20, 2014
 READ AND REFERRED TO STANDING
 COMMITTEE ON *Ordinance Planning*
Anthony J. Zeoli
 CLERK

EXHIBIT A

BROCKTON, MASSACHUSETTS

PLAN SHOWING PROPOSED SALVAGE YARD OVERLAY ZONE

Scale: N.T.S. Howard B. Newton
Date: Sept. 21, 2016 Engineering Supt.

PROPOSED CHANGE: Plots 29, 32, 32-1, 32-2, 32-3, 33, and 34 Thatcher Street

