

In City Council February XX, 2015

ORDINANCE:

**AN ORDINANCE AMENDING CHAPTER XXVII 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
R-4	Neighborhood Revitalization In-fill Overlay 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	R-4
Building height						

Planning Board's recommended changes to Amendment as submitted

Insertions are underlined, deletions are ~~crossed through~~

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(Maximum)							
Principal building	35 feet	35 feet	35 feet	45 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		4,000 for 1 unit 3,250 for 2 units
					12,000 for first 3 units then 2,000 for each additional unit over 3		
Maximum dwelling units per lot	1	1	1	3	N/A		2
Lot frontage (Minimum in feet)	175	175	175	100	100		45 one unit, 50 two units
					<i>One, two and three units</i>	<i>Four or more units</i>	
Yards (Minimum in feet)							
Front	30	30	30	20	20	35	20
Side							10
Total	50	30	30	20	20	40	
One side	20	15	15	10	10	20	
Rear	50	30	30	25	25	50	20
Lot coverage (Maximum)	20%	25%	25%	30%	30%	25%	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		2 space per 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) Commercial use	None	None	None	As per Section 27-31	10,000 s.f.	As per Section 24-32.5	None	None
Lot front (Minimum) Commercial use	None	None	None	None	75 feet	As per Section 24-32.5	None	None
Lot depth (Minimum)	100 feet	None	None	None	100 feet	As per Section 24-32.5	None	None
Yards (Minimum)								

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Front	10 feet	None	None ³	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
Lot Coverage (Maximum)	90%	90%	90%	90%	90%	90%	90%	90%
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).							

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 March 1, 2015. 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 relief from the parking requirement; however they may participate in the “payment in lieu of parking” option under the Downtown Brockton Smart Growth District Sec. 27-96 paragraph 3.

⁴ Properties abutting a public right of way in the C-3 zone ~~must~~ shall build to the front/side lot lines adjacent to said public right of way.

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, and 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 new construction, the side yard is measured from the lot line. No new principal building shall be constructed within the side yard. 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 which or was recorded in the case of an Approval Not Required plan 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.

3. When a vacant lot in a residential zone is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, but shall be not less than ten (10) feet. However, that where any lot shall front on a right-of-way which is proposed, on the official map of the city, to be widened, the front yard of such lot shall be as required in the district where such lot is located and shall be measured from such proposed future right-of-way.

4. Certain architectural features may project into required yards as follows:

a. Cornices, canopies, eaves or other similar architectural features may project into side yards a distance not exceeding two (2) inches per one foot of side yard width but may not exceed a total of three (3) feet.

b. Fire escapes may project into side and rear yards a distance not exceeding four (4) feet six (6) inches.

c. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

d. Patios may be located in side and rear yards provided that they are not closer than three (3) feet to any property line.

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.

6. Front yards in Residential Districts shall not be made more than twenty-five percent (25%) impervious ~~with the exception of a driveway which may be no wider than ten (10) feet or the openings of an existing garage.~~

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 are 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	Requires a minimum of 10% green space <u>None Required</u>
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
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~~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 ~~are~~ 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. 27-24. Fencing and planting screens, is hereby amended by deleting the section in its entirety and inserting in place thereof the following:

1. *Intent.* It is the intent of this section to require the provision of an effective barrier between nonresidential uses and residential uses and zones; nonresidential uses and parks or playgrounds; apartment buildings containing four (4) or more residential units and one-, two- or three-unit detached homes.

2. Any industrial use which directly abuts a residential use and/or zone ~~must~~shall be screened from the residential use and/or zone by an attractive wall or solid obscuring fence at the lot line and a planting screen not less than ten (10) feet in width, densely planted with shrubs, flowering plant (~~endicots~~) and/or vegetative ground cover and a row of deciduous shade trees, planted not

greater than twenty (20) feet apart. Said trees shall have an original planting height of not less than six (6) feet and be able to attain a height of at least twenty (20) feet.

2a. Any industrial use which directly abuts a park or playground ~~must~~ shall be screened by an attractive wall or solid obscuring fence at the lot line and a planting screen not less than ten (10) feet in width, densely planted with shrubs, flowering plant (~~endicots~~) and/or vegetative ground cover and a row of deciduous shade trees, planted not greater than twenty (20) feet apart. Said trees shall have an original planting height of not less than six (6) feet and be able to attain a height of at least twenty (20) feet.

3. Any commercial use which directly abuts a residential use and/or zone ~~must~~ shall be screened from the residential use and/or zone by an attractive wall or a solid obscuring fence at the lot line and a planting screen not less than ten (10) feet in width, densely planted with shrubs, flowering plant (~~endicots~~) and/or vegetative ground cover and a row of deciduous shade trees, planted not greater than twenty (20) feet apart. Said trees shall have an original planting height of not less than six (6) feet and be able to attain a height of at least twenty (20) feet.

3a. Any commercial use which directly abuts a park or playground ~~must~~ shall by an attractive wall or solid obscuring fence at the lot line and a planting screen not less than ten (10) feet in width, densely planted with shrubs, flowering plant (~~endicots~~) and/or vegetative ground cover and a row of deciduous shade trees, planted not greater than five (5) feet apart. Said trees shall have an original planting height of not less than six (6) feet and be able to attain a height of at least twenty (20) feet.

4. Any apartment building containing four (4) or more residential units which directly abuts a one-, two- or three-unit house ~~must~~ shall be screened from the one-, two- or three-unit house by an attractive wall, fence or dense planting at least six (6) feet in height and of sufficient density not to be seen through.

4a. Any apartment building containing two (2) or more residential units which directly abuts a park or playground ~~must~~ shall be screened by an attractive wall or fence at the lot line and a planting screen not less than ten (10) feet in width, densely planted with shrubs, flowering plant (~~endicots~~) and/or vegetative ground cover and a row of deciduous shade trees, planted not greater than twenty (20) feet apart. Said trees shall have an original planting height of not less than six (6) feet and be able to attain a height of at least twenty (20) feet..

5. Any industrial use required by federal, state, or local regulation to install sound attenuation walls, structures, frameworks or similar protections in order to reduce sound levels shall be required to have a landscaped buffer densely planted with shrubs, flowering plant (~~endicots~~) and/or vegetative ground cover and not less than (2) rows of deciduous shade trees, planted not greater than twenty (20) feet apart. Said trees shall have an original planting height of not less than six (6) feet and be able to attain a height of at least twenty (20) feet. Said buffer shall be not less than one hundred (100) feet in width for each ten (10) feet in height of such sound attenuation protections.

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

Section 27-25. R-1, single-family residential zones.

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.

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.

The C-4 planned shopping center zone shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this section, in order to provide for modern retail shopping facilities in appropriate locations to serve residential neighborhoods.

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.

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 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.

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.

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. 27-33. 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 2 Paragraph "e" is hereby amended by deleting the paragraph in its entirety.~~

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.

NONDWELLING STRUCTURES. No commercial or manufacturing structure originally designed for other than residential use shall be converted to a dwelling structure unless such structure is in an R-3 District and conforms to all provisions of subsection b, above.

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

Sec. 27-40. Nonconforming building destroyed or damaged, is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

Where a nonconforming building is destroyed or damaged to such an extent that sixty (60) percent or more of the existing floor area of the nonconforming use or volume is destroyed by fire or other casualty or act of God, it shall not be restored or reconstructed unless the building and all its uses shall be made to conform to the use regulations of the district in which the building is located, unless the board of appeals grants permission to restore or reconstruct the building, and to continue any nonconforming use therein in accordance with procedure provided

in article VII of this chapter. Such building granted permission to be rebuilt or restored and used again subject to the following provisions:

- a. no lawful nonconformity shall be increased in area or degree of nonconformity beyond the state existing prior to the fire, or other casualty or Act of God.
- b. such reconstruction or restoration shall be duly commenced within twenty-four (24) months of the date such damage occurred, and shall be continued in a timely fashion to completion. In the event such reconstruction or restoration is not commenced within twenty-four (24) months, the nonconforming use or structure shall be deemed abandoned and shall not thereafter be returned to said nonconforming use, and any new structure shall be subject to all applicable provisions and standards of this Ordinance.

Sec. 27-53. Off-street parking—Compliance with certain regulations, Paragraph 2 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

2. In a residential district no parking areas, with the exception of an access drive that conforms to paragraph 1 above, shall be located between the street and the required front setback line. On corner lots, no parking areas, with the exception of an access drive that conforms to paragraph 1 above, shall be located between the side street and the required side yard setback line.

Sec. 27-53. Off-street parking—Compliance with certain regulations, Paragraph 6 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

6. In a commercial or industrial district, each parking lot that abuts a street and contains not less than four (4) spaces but not more than nineteen (19) shall be provided with a landscaped, properly maintained, planting strip not less than eighteen (18) inches wide separating the parking lot from the street or sidewalk. Said planting strip shall not extend across any driveway or access way to the parking lot. Suitable landscaping may include, but shall not be limited to, grass, flowers or shrubs not greater than three (3) feet in height. All said planting strips shall be bordered by granite curbing. For parking areas that contain twenty (20) or more spaces shall be provided with a densely planted, properly maintained, landscaped strip not less than seven (7) feet in width (two (2) foot car overhang and five (5) foot buffer with a screening hedge, plantings, or landscaped berm, or a combination of these features, no less than thirty (30) inches in height, on average with a continuous screening hedge no less than thirty (30) inches and no more than forty five (45) inches in height separating the parking lot from the street or sidewalk. Any damaged or dead trees shrubs or ground cover shall be replaced promptly. Said planting strip shall not extend across any driveway or access way to the parking lot. Planting Strips shall also include one (1) shade tree of not less than three (3) inches in width for each twenty-five (25) feet for frontage, calculated as an average along the frontage on a particular public way, i.e., shade trees may be clustered. Granite curbing shall not be required. Maintenance of landscaped areas shall include continuous operations of removal of weeds; mowing; trimming; edging; cultivation; reseeding; plant replacement; appropriate fertilization; spraying; control of pests, insects and rodents by nontoxic methods whenever possible; watering ~~(a working hose bib connected to an~~

~~active water supply must be available within 100 feet of perimeter landscaped areas~~; or other operations necessary to assure normal plant growth.

Sec. 27-53. Off-street parking—Compliance with certain regulations, Paragraph 7 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

7. In a commercial or industrial district, parking areas with a capacity of more than twenty-five (25) parking spaces shall have a minimum of twenty (20) square feet per parking space devoted to densely planted, well maintained open space. All such landscaped areas shall be designed in a manner so as to facilitate traffic channelization and control and ~~must~~shall: (1) Contain live shade trees of not less than three (3) inches in width with adequate spaces being left unpaved for their growth; and (2) place such landscaped areas so that they are not contiguous to the edge of the parking lot. The minimum width of each said area shall be three (3) feet, and the minimum area shall be twenty-four (24) square feet. The required landscaped area need not be contiguous, but it is recommended that no parking space be located more than ninety (90) feet from a landscaped area. Maintenance of landscaped areas shall include continuous operations of removal of weeds; mowing; trimming; edging; cultivation; reseeding; plant replacement; appropriate fertilization; spraying; control of pests, insects and rodents by nontoxic methods whenever possible; watering; or other operations necessary to assure normal plant growth.

These landscaped areas ~~must~~shall be in addition to the gross parking area.

Sec. 27-53. Off-street parking—Compliance with certain regulations, Paragraph 8 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

8. In the case of conversion of commercial and/or industrial buildings to residential use and new residential construction located within the C-3, central business zones, there shall be one (1) parking space provided per unit.

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) space for every three hundred (300) square feet floor area.

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:

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. 27-57. Development and maintenance of parking areas and structures and loading areas, Paragraph 4 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

4. Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. The lighting for retail uses shall dim by 50% no more than 30 minutes past the scheduled closing time.

ARTICLE XIII. Definitions, is hereby amended by deleting the definitions for Dwelling, Family, Hotel, Nonconforming Structure, Nonconforming Use, and Story in their entirety and inserting in place thereof the following:

Dwelling. Any building or portion thereof designated or used as a residence, containing sleeping, cooking and sanitary facilities for the exclusive use of the occupants.

- a. *Dwelling, single-family.* A detached building designated for or occupied exclusively by one family and containing not more than one dwelling unit.
- b. *Dwelling, two-family.* A building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- c. *Dwelling, three-family.* A building where not more than three (3) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- d. *Dwelling, multi-family.* A building with four (4) or more individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

Family. An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit and occupying one (1) dwelling unit; or a group or pair of individuals, not so related, but living together as a single housekeeping unit. For purposes of controlling residential density, not more than four (4) unrelated individuals shall constitute a family.

Hotel. A commercial building(s) with guest rooms subject to the City's rooms occupancy tax and designed primarily for sleeping, and usually including a lobby, reception area, conference rooms, recreational amenities, and common kitchen cooking facility(-ies) providing meals for paying guests in a dining room(s) or restaurant(s). The rooms shall be primarily designed for and occupied by transient persons, whose principal residences are elsewhere, renting them on a daily basis and usually staying on the premises less than thirty (30) days.

Nonconforming structure. A structure or sign which does not conform to the height, setback, floor area ratio, or other bulk regulations, etc. of this chapter for the district in which it is located.

Nonconforming use. The use of a building, structure or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and which does not conform with the use regulations of the district in which located.

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 review 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.
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.

Sec. 27-92. Definitions, is hereby amended by deleting the definition for Mixed-use development project in its entirety and inserting in place thereof the following:

Mixed-use development project—A development project containing a multi-family residential use over at least one floor of retail, restaurant, or office use where the retail, restaurant or office use is not less than seventy (70) percent of the lot area and provided that, in newly constructed buildings, separate and distinct building entrances are provided for residential and nonresidential uses.

Sec. 27-93. Allowed and prohibited uses, is hereby amended by deleting Table of Allowed Uses, in its entirety and inserting in place thereof the following:

Table of Allowed Uses				
Sub-districts				
Allowed Use	Arts/Culture	Corcoran	Downtown	Perkins Park

			Core	
Dwelling Units, Three-Family	-	P	-	P
Dwelling Units, Multifamily	P(1)	P	-	P
Mixed-Use Development Projects	P	P	P	P
Nonresidential Uses not located within a Mixed-Use Development Project provided that the development occurs within structures built prior to the year 1940 and pursuant to the requirements of this article	P	P	P	P
Nonresidential Uses not located within a Mixed-Use Development Project	-	-	P	-
(1) Multifamily dwelling units are prohibited on lots within the Arts/Culture sub-district that have frontage on Legion Parkway unless they are located within mixed-use development projects.				

Sec. 27-93. Allowed and prohibited uses, Section 1, Paragraph “a” is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

- a. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking provided, however, on site surface parking shall not provide more than thirty (30) percent of the required parking sub-district;

Sec. 27-94. Dimensional and other requirements, Sub-Section 1 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

(1) *Table of residential density allowances.* The following residential densities shall be allowed on all lots and within all buildings within the designated Sub-districts within the DBSGOD pursuant to the requirements of this article and applicable Design Standards:

Use	Minimum Lot Area per Dwelling Unit (sq. ft.)			
	Arts/Culture Sub-district	Corcoran Sub-district	Downtown Core Sub-district	Perkins Park Sub-district
Dwelling Units, Three-Family	N/A	2,880	N/A	2,880
Dwelling Units, Multifamily (1)	N/A	768	N/A	768
Mixed-Use Development	576	576(2)	345	768

Project (3)				
	(1) Buildings built prior to 1940 and existing on the date of adoption of this article may be converted to multifamily residential development projects at a density equal to the maximum allowable density in this table of residential density allowances, or at a density equal to 80% of the gross square footage of the building as the building existed on the date of adoption of this article divided by 900 square feet, whichever is greater.			
	(2) Mixed-use development projects within the Corcoran Sub-district may be constructed to a residential density of 346 square feet per dwelling unit provided said development projects are located on parcels that are both easterly of Montello Street and westerly of the railroad right-of-way, inclusive of assessors parcel numbers:			
	Map 135 Route 069 Plot 303-2 Crescent St.			
	Map 135 Route 070 Plot 303-3 Montello St.			
	Map 135 Route 071 Plot 303-1 Montello St.			
	Map 135 Route 072 Plot 303 Montello St.			
	Map 135 Route 073 Plot 304-1 Montello St.			
	Map 135 Route 074 Plot 305 Montello St.			
	as may be subdivided or combined over time.			
	(3) Buildings built prior to 1940 and existing on the date of adoption of this article may be converted to mixed-use development projects at a density equal to the maximum allowable density in this table of residential density allowances, or at a density equal to 80% of the gross square footage of the portion of the building proposed for use as residential dwelling units, as the building existed on the date of adoption of this article divided by 900 square feet, whichever is greater.			

Sec. 27-94. Dimensional and other requirements, Sub-Section 2 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

(2) *Building height and sub-districts.* The height of new structures within the DBSGOD shall be governed by this article in addition to specific requirements for building form in applicable design standards adopted pursuant to section 27-97. For any structure proposed for renovation or rehabilitation that was erected prior to the effective date of this article, the maximum allowable height shall be either the maximum allowable height permitted by this article, or the height of such structure as of the effective date of this article, whichever is taller. Accessory or appurtenant improvements necessary to the operation of a structure (for example, elevator or stairway enclosures and visual screening as may be appropriate) may exceed the maximum height limit defined herein by not more than fifteen (15) feet provided that they occupy in the aggregate less than ten (10) percent of the area of the roof on which they are located. To ensure an overall site design that complements the existing architectural scale and character within downtown Brockton, the maximum height for allowable structures located within the DBSGOD shall vary among five distinct Sub-districts shown on the Zoning Map as follows:

	Table of Maximum Allowable Building Height
--	--------------------------------------------

Planning Board's recommended changes to Amendment as submitted
 Insertions are underlined, deletions are ~~crossed through~~
 20150519 DRAFT

Use	Maximum Allowable Building Height			
	Arts/Culture Sub-district	Corcoran Sub-district	Downtown Core Sub-district	Perkins Park Sub-district
Dwelling Units, Three-Family	-	35	-	35
Dwelling Units, Multifamily	-	45(1)	-	45
Mixed-Use Development Project	65	65	95	65
Nonresidential Development Project	-	-	95	-

(1) Mixed-use development projects within the Corcoran sub-district may be constructed to a height of 95 feet provided said development projects are located on parcels that are both easterly of Montello Street and westerly of the railroad right-of-way, inclusive of Assessors Parcel numbers:

Map 135 Route 069 Plot 303-2 Crescent St.
Map 135 Route 070 Plot 303-3 Montello St.
Map 135 Route 071 Plot 303-1 Montello St.
Map 135 Route 072 Plot 303 Montello St.
Map 135 Route 073 Plot 304-1 Montello St.
Map 135 Route 074 Plot 305 Montello St.
as may be subdivided or combined over time.

Sec. 27-94. Dimensional and other requirements, Sub-Section 3 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

(3) *Setbacks*. Setbacks are not permitted unless part of an overall plan to increase pedestrian space. Buildings shall be built to the front lot line.

Sec. 27-95. Mixed-use development, is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

Development projects may include a portion not to exceed fifty (50) percent of the total gross floor area to be used for nonresidential uses including office, retail, restaurant or institutional uses.

Sec. 27-96. Off-street parking, is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

(1) Off-street parking shall be provided in order to meet or exceed the following minimum requirements:

Use	Minimum Required Parking
Retail and Restaurant	3 spaces per 1,000 square feet
Office and Institutional	4 spaces per 1,000 square feet
Residential	0.8 space per unit

(2) *Location and buffering of surface parking.* Any surface parking lot shall, to the maximum extent feasible, be located at the side or rear of a building, relative to any public right-of-way, public open space, or pedestrian way. Surface parking areas shall be shielded from the public right of way by a seven (7) foot wide landscaped buffer yard. The buffer yard shall be separated in the a two (2) foot auto overhand area and a five (5) foot wide densely planted landscaped area, the two areas separated by a four (4) foot non obscuring decorative metal fence. A row of deciduous shade trees shall be planted in the landscaped area, not less than one tree for each twenty-five (25) feet of frontage.

(3) *Payment in Lieu of Parking* With the approval of the permitting authority, the applicant may make either a cash payment in lieu of providing the required parking, or a partial cash payment combined with a partial provision of the required parking. Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director prior to formal submission of an application to help determine project compliance. Payment must be made in an accordance with an adopted parking plan ~~for payment in lieu of parking~~, and must shall be applied to the nearest planned or existing municipal facility to the site in question.

Such payments shall be made to the City of Brockton ~~Parking Authority~~. The Parking Authority ~~City~~ shall hold such payments in a stabilization fund dedicated to land acquisition, design, and construction, of municipal parking. This may include repayment of any debt incurred by the City for capital costs associated with land acquisition, design, and/or construction of parking.

The Rules and Regulations of Permitting Authority shall be updated not less than every two years and shall designate the Parking Space Contribution. This shall be reflective of the cost to construct structured parking space in the City and shall be the payment required for each required parking space that will not be provided in the development.

No certificate of occupancy shall be issued unless and until all deeds, covenants, contractual agreements, and other documents necessary to ensure compliance with this Article have been submitted to and approved by the Permitting Authority's designee and the payment has been made. The payment-in-lieu fee shall be paid to the ~~Parking Authority~~ City in no more than three (3) equal annual installments upon the issuance of a certificate of occupancy. The remaining payments shall be due and payable annually on the anniversary of the first payment, and non-payment shall be grounds for revocation of certificates of occupancy for a development. For development projects that create condominium units, the payment for the whole project must be made before the issuance of a certificate of occupancy.

Upon payment of the in-lieu fee, the property shall be deemed "conforming" with respect to those spaces required.

(4) Reserved

(5) Reserved

(6) Reserved

(7) *Disability access.* Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act (ADA).

Sec. 27-99. Affordable housing, Paragraph 1 is hereby amended by deleting the paragraph in its entirety and inserting in place thereof the following:

(1) *Number of affordable units.* Twenty (20) percent of all dwelling units constructed in a development project shall be affordable units. Twenty (20) percent of all rental dwelling units in a development project shall be affordable units. Provided however, for development projects in which all of the dwelling units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five (25) percent of the dwelling units shall be affordable units, whether the dwelling units are rental or ownership units. Developments of twelve (12) or fewer units may request a waiver from the number of affordable units required.