

170

In City Council February 8, 2016

ORDINANCE:

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:

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

Article 2 Zones and Zoning Map

Sec. 27-4. Designation of zones, is hereby amended by deleting the Ralsco and Star Market sub-districts, creating a Perkins Park sub-district, and altering the boundaries of the Downtown Core, Corcoran and Arts/Culture sub-district as depicted in the attached maps, which maps are hereby made a part of this ordinance.

Article 16 Downtown Brockton Smart Growth Overlay District

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 first floor 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 Core	Perkins Park
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:

Table of Residential Density Allowances				
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	2,500	N/A	2,500
Dwelling Units, Multifamily (1)	N/A	768	N/A	768
Mixed-Use Development Project (3)	576	576(2)	345	768
(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				

170

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			
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 spaces 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, and 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. The 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 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

170

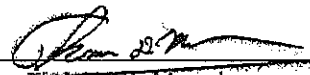
(5) Reserved

(6) Reserved


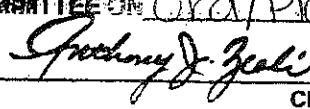
(7) *Disability access.* Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act (ADA).

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.* At least twenty (20) percent of all dwelling units constructed in a development project shall be affordable units. At least 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, at least 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.

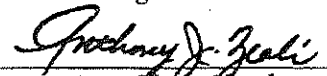

Councillor ~~Thomas D. Monahan~~

IN CITY COUNCIL

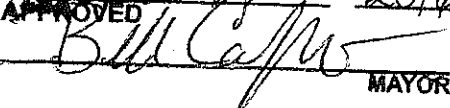

March 28, 2016
READ AND REFERRED TO STANDING
COMMITTEE ON Ord/Planning

CLERK

In City Council October 11, 2016

Ordained by a roll call vote taken by "yeas" and "nays"; 11 members present and all voting in the affirmative.


City Clerk

SENT TO MAYOR FOR APPROVAL

October 14, 2016
APPROVED

MAYOR

Proposed 40R- Corcoran Subdistrict



Proposed 40R- Perkins Park Subdistrict



Proposed 40R- Arts/Culture Subdistrict

