

962
AS
Amended

AS AMENDED

In City Council Dated April 24, 2023

ORDINANCE

Be it ordained by the City Council of the City of Brockton, Appendix C – Zoning, Article III, General Regulation and Permitted Modifications is hereby amended as follows:

Home Occupation – As a Right

One home occupation may be allowed on any premises as a right, provided that the home occupation:

1. Is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
2. Is clearly incidental and secondary to the use of the premises for residential purposes;
3. The business itself is conducted indoors wholly within the confines of the residential dwelling or an accessory structure;
4. Excludes the sale of retail on premises;
5. Does not utilize exterior storage of material or equipment;
6. Does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
7. Does not exhibit any exterior indication of its presence or any variation from residential appearance;
8. Does not produce traffic generated by such home occupation in greater volume than would be normally expected in the immediate neighborhood;
9. Parking is limited to no more than one commercial motor vehicle, which shall not be parked on the street or on permeable land;
10. Is registered with the City Clerk; And
11. Is properly licensed, as required, if applicable.

The term commercial vehicle as used in this ordinance shall mean a sport utility vehicle or passenger van, or a pickup truck or cargo van with markings on the vehicle. Prohibited vehicles include any vehicle which has a vehicle weight, or curb weight, of more than six thousand pounds, as per the manufacturer's description of said vehicle, and any vehicle which has five or more wheels on the ground, except for a pick-up truck that is registered to an individual and is used exclusively for personal use.

Home Occupation – By Special Permit

A home occupation may be allowed by special permit issued by the Board of Appeals provided that it:

1. There are no employees other than full time residents of the premises, aside from a family day care licensed by the Commonwealth of Massachusetts to provide family day care, as defined in G.L.c.28A;
2. Does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate;
3. A special permit for such use is granted by the Board of Appeals, subject to conditions, including but not limited to, restrictions of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall expire upon transfer of the property and the new owner shall require a new special permit.

Be it further amended that "Home Occupation" as defined in Article II, Section 27-61 is hereby stricken.

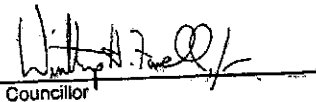
962
P3
Forwarded



Mark D'Agostino, Ward 3 Councilor

Susan Nicastro

Susan J. Nicastro, Ward 4 Councilor


Councillor

Winthrop Farwell, Jr., Councilor-at-Large

961

In City Council Dated April 24, 2023

ORDINANCE

Be it ordained by the City Council of the City of Brockton, Appendix C – Zoning, Article III, Section 27-20 "Accessory Structures" hereby amended by inserting the following new subsection as follows:

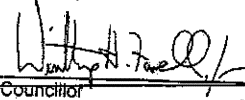
5. Fences shall not exceed six (6) feet on the rear and sides of the lot and shall not exceed four (4) feet on the front of the lot. Corner Lots shall be subject to the conditions stated in subsection (4) above. Any side yard fences that extend from the front property line are limited to four (4) feet in height for the first ten (10) feet of the fence, beginning at the front property line. After this ten (10) foot distance, the fence may return to the maximum height as noted above.



Mark D'Agostino, Ward 3 Councilor

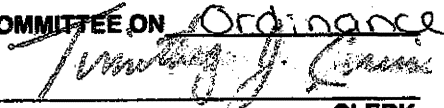


Susan J. Nicastro, Ward 4 Councilor



Winthrop Farwell, Jr., Councilor-at-Large

IN CITY COUNCIL

April 24, 2023
READ AND REFERRED TO STANDING
COMMITTEE ON Ordinance

CLERK

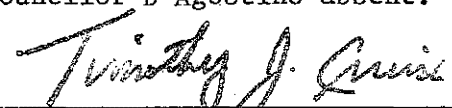
In City Council August 28, 2023

Passed to a third reading by a hand vote.
Councilors Mendes, Minichiello, and
Rodrigues absent.


City Clerk

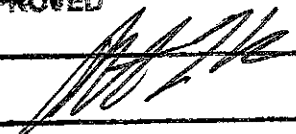
In City Council September 11, 2023

Ordained by a roll call vote taken by
"yeas" and "nays"; ten members present
and all voting in the affirmative.
Councilor D'Agostino absent.


City Clerk

SENT TO MAYOR FOR APPROVAL

September 14, 2023
APPROVED


MAYOR

964

In City Council Dated April 24, 2023

ORDINANCE

Be it ordained by the City Council of the City of Brockton, Article III – General Regulations and Permitted Modifications of the City’s Zoning Ordinances, is hereby amended as follows:

Subsection 27-5 – Exterior Stairways above the ground floor.

A special permit shall be required for any exterior stairway above the ground floor. Exterior stairways for deck access for single family dwellings are excluded from the special permit requirement.



Mark D'Agostino, Ward 3 Councilor

IN CITY COUNCIL

April 24, 2023

READ AND REFERRED TO STANDING COMMITTEE ON Ordinance

Trinity J. Casini
CLERK

In City Council August 28, 2023

Passed to a third reading by a hand vote. Councilors Mendes, Minichiello, and Rodrigues absent.



City Clerk

In City Council September 11, 2023

Ordained by a roll call vote taken by "yeas" and "nays"; ten members present and all voting in the affirmative. Councilor D'Agostino absent.



City Clerk

SENT TO MAYOR FOR APPROVAL

September 14, 2023

APPROVED


MAYOR

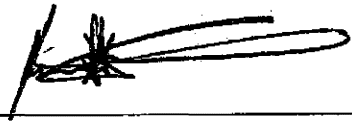
965

In City Council Dated April 24, 2023

ORDINANCE

Be it ordained by the City Council of the City of Brockton, Article V – Special Uses of the City’s Zoning Ordinances, Section 27-38 “Standards” is hereby amended as follows:

Subsection 27-38(j) shall be deleted in its entirety.



Mark D'Agostino, Ward 3 Councilor

IN CITY COUNCIL

April 24, 2023
READ AND REFERRED TO STANDING
COMMITTEE ON Ordinance
Timothy J. Quise
CLERK

In City Council August 28, 2023

Passed to a third reading by a hand vote.
Councilors Mendes, Minichiello, and
Rodrigues absent.


City Clerk

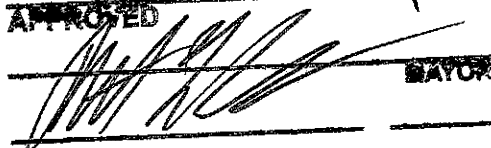
In City Council September 11, 2023

Ordained by a roll call vote taken by "yeas"
and "nays"; ten members present and all
voting in the affirmative. Councilor
D'Agostino absent.


City Clerk

SENT TO MAYOR FOR APPROVAL

September 14, 2023

APPROVED

MAYOR

859
AS
Amended

AS AMENDED

In City Council, March 13, 2023

ORDINANCE

AN ORDINANCE AMENDING ARTICLE V, DIVISION 1 – STORMWATER AUTHORITY

Be it Ordained by the City Council of the City of Brockton, Article V, Division 1 is hereby amended as follows:

Section 23-132 “Definitions” shall be amended to include the following definitions:

Dwelling unit: A structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household

Places of Worship: a building wherein the primary purpose is for persons to regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes church, synagogue, temple, mosque or other such place for worship.

Sections 23-133, 23-134, 23-135, 23-136, 23-137, 23-138 and 23-139 relating to stormwater management policies, procedures and fees are hereby repealed in their entirety. In place of said sections the following new sections are inserted:

Section 23-133. – Stormwater Management Authority.

(a) Stormwater Authority (Authority) is the agency established by this Ordinance, by the City of Brockton to oversee the proper execution of regulations contained in this article. The article is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Status, M.G.L. Chapter 40, Section 21, M.G.L. Chapter 43B, the regulations of the Federal Clean Water Act found at 40 CFR 122.34

(b) There is hereby established a Stormwater Management Authority (the “Authority”) composed of six (6) members. The commissioner of the department of public works shall be an ex-officio, non-voting member and chair of the Authority. The remaining five (5) members of the Authority shall be as follows: the chief financial officer or their designee, the conservation commission agent, and three (3) residents of the city. One (1) resident shall be appointed by the mayor and two (2) residents shall be appointed by the city council. Each resident shall be appointed for a term of one (1) year and may be reappointed for successive years.

(c) The purpose of the Authority shall be to ensure that property owners comply with the requirements laid out by the Authority and the City of Brockton Ordinances, and to ensure the city complies with requirements of the United States Environmental Protection Agency (EPA), the Massachusetts Department of Environmental Protection (DEP) or any other regulatory agency having authority over stormwater management within the city. The Authority and the city shall have the power to enforce all provisions contained herein, and within the Stormwater Authority Manual, as well as all regulations and orders pertaining to the management of stormwater.

Section 23-134. – Responsibility for administration.

(a) The Authority shall be required to publish a stormwater management guide. The guide shall contain summaries of regulations, policies and requirements for the management of stormwater and for any permits issued by the Authority. The contents of the guide shall be determined by vote of the members. The guide shall be reviewed by the Authority on an annual basis not later than April 15th, and updated as needed. After approval by the Authority, the requirements contained in the guide shall be effective for the following fiscal year beginning July 1st and incorporated by reference within this ordinance.

859
AS
Amended

(b) The Authority shall establish fees relative to stormwater management for various types of properties. The fee schedule is intended only to support stormwater management staffing, operations, and mitigation. The following properties shall be exempted from fees:

- (1) Owner-occupied residential properties of not more than three (3) dwelling units;
- (2) properties owned by places of worship and cemeteries; and
- (3) properties owned by the City of Brockton.

(c) The fee schedule shall be submitted annually by the Authority to the city council not later than March 1st. The fee schedule shall be subject to city council approval. The fee schedule shall be effective July 1st of the next fiscal year.

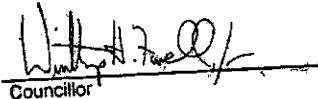
(d) The Authority shall submit to the mayor, chief financial officer, and city council, not later than March 1st, the projected costs for stormwater management for the next fiscal year, including, but not limited to, staffing costs, operational expenses, expenses for consultants, and purchase of goods and services. Further, documentation shall be submitted for salary costs which shall include job title, anticipated salary, job description, and minimum qualifications for each position.

Section 23-135. – Severability.

The provisions of this ordinance are severable, and if any provision, sentence or paragraph is found to be invalid, this shall not affect the other provisions contained herein.

Section 23-136. –Meetings.

Meetings of the Authority shall comply with the requirements of the Open Meeting Law. No meeting shall be held prior to 6:00PM on the date scheduled so as to accommodate attendance by residents and other interested persons, except for the case of an emergency meeting.



Councillor

Councilor at Large Winthrop Farwell, Jr.

960
AS
Amended

AS AMENDED

In City Council Dated April 24, 2023

ORDINANCE

Be it ordained by the City Council of the City of Brockton, Appendix C – Zoning, Article III, General Regulation and Permitted Modifications is hereby amended as follows:

Sec. 27-9. - Standards for residential zones (Table 1).

Building height (Maximum)	R-1A	R-1B	R-1C	R-2	R-3	R-4
Principal building	2 ½ stories or 35 feet	2 ½ stories or 35 feet	2 ½ stories or 35 feet	3 stories or 45 feet*	3 stories or 45 feet*	3 stories or 45 feet*

Sec. 27-10. - Standards for commercial zones (Table 2).

Building height (Maximum)	C-1	C-2	C-3	C-4	C-5	C-6
	2 stories or 35 feet	6 stories or 60 feet	6 stories or 60 feet	6 stories or 60 feet	6 stories or 60 feet	6 stories or 60 feet

Sec. 27-11. - Standards for industrial zones (Table 3).

Building height (Maximum)	I-1	I-2	I-3
Principal building	6 stories or 60 feet	6 stories or 60 feet	6 stories or 60 feet

Be it further amended that subsection (2) of Section 2-8 “Application of Regulations” is hereby amended to provide as follows:

- For R-3, R-4 commercial, and industrial zones only, no building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located except by special permit.
- For I-1, no accessory structure shall be erected, reconstructed or structurally alter to exceed in heigh the limit hereinafter designated for the district in which such building is located except by special permit.



Councillor

Jack Lally, Ward 6 Councilor

1069

In City Council, June 26, 2023

ORDINANCE:

AN ORDINANCE AMENDING ARTICLE III, DIVISION 2, SECTION 2-127 – PAY PLAN

Be it ordained by the City Council of the City of Brockton, Article III, Section 2-127 is hereby amended as follows:

Article III, Section 2-127 is amended by adding the following categories:

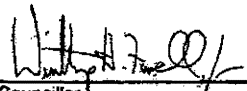
<i>DPW Financial Business Manager</i>	<i>F</i>
<i>Grant Writer</i>	<i>F</i>

Article III, Section 2-127 is further amended by adding the following wage scale:

Category	Position	Min.	2	3	4
<i>F-10</i>	<i>DPW Financial Business Manager</i>	<i>\$106,917</i>	<i>\$110,125</i>	<i>\$113,428</i>	<i>\$116,831</i>
<i>F-11</i>	<i>Grant Writer</i>	<i>\$79,172</i>	<i>\$81,547</i>	<i>\$83,994</i>	<i>\$86,513</i>

Be it further ordained by the City Council of the City of Brockton that Article III, Section 2-127A is amended to include the F category by replacing the first sentence of Section 2-127A, subsection (2) with the following:

After completion of one (1) year of service at the highest salary step for an F, HR, PL, L 1-3, PW, PK, PR, CC, LB, TC, EM, BH, IT, or IM position, the employee shall receive an increase up to five percent (5%) of the annual salary at the discretion of the Mayor, and without further approval of the City Council.


Councillor

Councillor Winthrop H. Farwell Jr.

IN CITY COUNCIL

June 26, 2023
READ AND REFERRED TO STANDING
COMMITTEE ON *Ordinance*
Timothy J. Cruise
CLERK

In City Council August 28, 2023

Passed to a third reading by a hand vote.
Councillors Mendes, Minichiello, and
Rodrigues absent.


City Clerk

1069

In City Council September 11, 2023

Councilor Farwell motioned to refer to the standing committee on Finance. and was properly seconded. The motion carried by a hand vote. Councilor D'Agostino absent.

Timothy J. Cruise

City Clerk

In City Council October 10, 2023

Ordained by a roll vote taken by "yeas" and "nays"; six members present and five voting in the affirmative. Councilor D'Agostino voting in the negative. Councilors Farwell, Mendes, Rodrigues, Tavares, and Teixeira absent.

Timothy J. Cruise

City Clerk

SENT TO MAYOR FOR APPROVAL

October 12, 2023

APPROVED

[Signature]
MAYOR