

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Statement of Purposes – § 242-101A-G

ARTICLE 1.

Purposes

§242-101. Statement of Purposes *[amended 4/3/76]*

The Zoning Commission of the Town of Brookfield, Connecticut, hereby adopts this chapter in furtherance of the Town's adopted Comprehensive Plan of Development and in accordance with the purposes, authority and requirements of Chapter 124 of the General Statutes of the State of Connecticut, as amended, more particularly described as follows:

- A.** To guide the future growth and development of the Town in accordance with a comprehensive plan designed to represent and promote the most beneficial and convenient relationships among the residential, commercial, industrial and public areas within the Town, considering the suitability of each area for such uses as indicated by existing conditions; trends in development and changing modes of living; and having due regard for the use of land, building development and economic activity, both within and adjacent to the Town.
- B.** To provide adequate light and air; to secure safety from fire, panic, flood and other dangers; to prevent the overcrowding of land; and to avoid undue concentration of population.
- C.** To protect and conserve the character, the environment and the social and economic stability of all parts of the Town, and to encourage the orderly and beneficial development of the Town.
- D.** To protect and conserve the value of land and buildings throughout the Town, appropriate to the various zones established by this chapter.
- E.** To bring about the gradual conformity of the uses of land and buildings throughout the Town to the adopted Plan of Conservation and Development, and to minimize conflicts among the uses of land and buildings.
- F.** To promote the most beneficial relationship of streets and traffic circulation throughout the Town and the arrangement of land uses, having particular regard for the avoidance of congestion in the streets and the promotion of safe and convenient vehicular and pedestrian access appropriate to the various uses throughout the Town.
- G.** To provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town.

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- H.** To assure that development takes place in an amount commensurate with the availability and present and future capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, schools, parks, recreation, open space and other public requirements.

- I.** To prevent the pollution of watercourses and wetlands, safeguard the water table, avoid hazardous conditions and excessive damage resulting from storm water runoff and flooding, encourage the appropriate use and sound management of natural resources sound management of natural resources and protection of local plants and animal habitats throughout the town, and conserve the Town's natural beauty and topography in such a way as to preserve the integrity, stability and value of land and buildings. *[amended eff. 6/5/02].*

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Application of Provisions - §242-201A-C

ARTICLE 2.

Application of Provisions; Definitions; Zoning Map

§ 242-201. Application of provisions. *[amended 12/22/70, 9/20/74, 4/3/77]*

A. Compliance with regulations:

No land, building or premises or part thereof, shall hereafter be used, except for a use specifically permitted by applicable provisions of this chapter. No building, or part thereof, or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with this chapter. No lot shall have an area, width, front, side or rear yard less than that as set forth in the applicable section hereof, except as otherwise specifically provided in this chapter. No total of land coverage shall occupy in the aggregate a greater percentage of the lot area, nor be greater in height, than as set forth in the applicable section hereof, except as otherwise specifically provided in this chapter.

B. Reduction of lot area or dimensions:

No lot shall be diminished, nor shall any yard, court or any other open space be reduced except in conformity with this chapter.

C. Required frontage and access:

No building shall be built on any lot unless such lot has a frontage of at least fifty feet (50') wide on a public street or unless it has unobstructed easement of access or private right-of-way at least fifty feet (50') wide to a public street, provided that the provisions of this section shall not apply to any lot fronting on a private right-of-way less than fifty feet (50') in width, which private right-of-way was in existence on June 15, 1960. The exception provided herein shall not apply to any subdivision requiring approval under the Subdivision Regulations of the Town of Brookfield (Brookfield Code §234) or the Connecticut General Statutes. Where a right-of-way or easement of access serves more than one (1) dwelling, it shall conform to the grade and alignment requirements of the Brookfield Town Road Ordinance (Brookfield Code §192). The required width of the lot shall be measured at the building line. The area of an easement of access or of a private right-of-way shall not be used in computing the area of the lot or land area per dwelling unit or building line or yards, except by the owner of the property on which the easement exists.

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Application of Provisions - §242-201 D-E

D. Open spaces required for each building:

Except as specifically provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

E. Building on existing lots:

The applicable requirements of this chapter pertaining to minimum lot area and minimum lot width shall not prevent the construction of a permitted building or the establishment of a permitted use on a lot which, at the time of adoption hereof, June 15, 1960, or of any pertinent amendment hereto, was evidenced by deed recorded in the Land Records of the Town of Brookfield, provided that such lot contains an area of not less than twenty thousand (20,000) square feet; said use and said construction otherwise meets with the approval of the Health Director of the Town of Brookfield and complies with the Public Health Code of the State of Connecticut; and a variance is obtained for any lot which does not comply with the required side yard, front yard or rear yard requirements of this chapter. The provisions of this subsection shall not apply to any parcel of land that requires subdivision approval.

F. Creation of Approved Building Lots

No Certificate of Zoning Compliance or Building Permit may be issued for any building lot created without Planning Commission approval on the part of an owner after the adoption of this regulation under the doctrine of "first free cut" or revisions to lot lines or any combination thereof, unless the owner first applies for and obtains the approval of the Planning Commission in accordance with the Subdivision Regulations as they may be amended. *[eff. 1/15/03]*

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Definitions - § 242-202

§ 242-202. Definitions

Any definition required in the interpretation of these regulations and not contained in the following listing, shall be made solely by the Commission, by applying reasonable and commonly understood words, phrases or expressions, sufficient to describe the definition required.

As used in this chapter, the following terms shall have the meanings indicated:

ACTIVE RECREATIONAL AREA

An area containing appropriate structures and facilities for recreational purposes.

ADULT ORIENTED BUSINESS

An Adult Oriented Business is a public or private establishment in which twenty percent or more of the wholesale value of its inventory, or twenty percent or more of its monthly sales consist of adult books, adult videos, adult novelties, adult magazines, which can be characterized as "Adult Materials" because they emphasize matters depicting sexual activities or sexual parts of the male and/or female anatomy or facsimiles of the same, and are intended for adult viewing. *[revised 7/5/01]*

ADULT AMUSEMENT MACHINE

An Adult Amusement Machine includes any amusement machine that is regularly used for presenting materials distinguished or characterized by its emphasis on matters depicting, describing or relating to sexual activities or anatomical areas of the human body for viewing by adults eighteen years or older. *[revised 7/5/01]*

ADULT CABARET

An Adult Cabaret is a public or private establishment which is licensed to serve food and/or alcoholic beverages and which features nude or partially nude dancers, go-go dancers, exotic dancers, strippers or similar entertainers where the emphasis is on depicting sexual activities or anatomical areas of the human body consisting of male and female genitalia or female breasts. *[revised 7/5/01]*

ADULT MINI-MOTION PICTURE THEATER

Adult Mini-Motion Picture Theater is an enclosed building with a capacity of less than fifty persons, used regularly or routinely for presenting materials that have as a dominant theme an emphasis on sexual activities or sexual anatomical areas of the human body for observation by adults, wherein minors are excluded by virtue of age. *[revised 7/5/01]*

ADULT MOTION PICTURE THEATER

An Adult Motion Picture Theater is an enclosed building with a capacity of fifty or more persons, used regularly or routinely for the presentation of motion pictures, films, video cassettes, and similar visual media, characterized by an emphasis on matters depicting, describing or relating to sexual activities or sexual anatomical areas of the human body for observation by adults wherein minors are excluded by virtue of age. *[revised 7/5/01]*

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AFFORDABLE HOUSING APPLICATION

Any application that complies with Connecticut General Statute 8-30g for the provision of “assisted housing” or “affordable housing” for either elderly or family units as those terms are defined in the applicable state statute. *[revised 6/25/02]*

AGE RESTRICTED COMMUNITY

A residential community consisting of dwellings, supporting features and amenities for the exclusive use of senior citizens planned and designed to meet the criteria set forth at §42 USC 3607 (b)(2) as amended. *[revised 7/31/02]*

ANTENNA

A device used to collect, transmit and/or receive telecommunications or radio signals. Examples include panels, microwave dishes, and single pole devices. The use of these facilities is *not* considered a “utility” under § 242-301A. *[revised 7/9/98]*

APARTMENT

Any building or any integrated group of buildings under the same ownership arranged, intended or designed to be occupied by two (2) or more families living independently of each other, but having a common heating system for each building or group of buildings and so designed as to give the maximum amount of open land areas per family. *[revised 9/12/85]*

AQUIFER

A geologic formation composed of rock or sand and gravel capable of yielding usable amounts of water. *[added 6/8/87]*

AQUIFER PROTECTION ZONE

Recharge areas of designated aquifers. The "aquifer protection zones" are shown on an overlay to the Official Zoning Map entitled Aquifer Protection District, Town of Brookfield effective January 1, 2000. *[added 6/8/87 revised 1/2/00]*

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. *[revised 4/23/79]*

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year. *[amended 4/23/79]*

BASE FLOOD ELEVATION

The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (NAVD of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplain of costal and riverine areas. *[revised 3/11/10]*

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BASEMENT

Any area of the building having its floor subgrade below the average exterior finished ground level when measured within ten feet (10') of the front wall on all sides. For floodplain management purposes, a "basement" is any area of the building having its floor subgrade (below ground level) on all sides. *[revised 3/1/10]*

BEACH HOUSE

An accessory building, not in excess of two hundred fifty (250) square feet, located in that yard of a lot which has lake frontage; and which may be used for garden, beach or boating equipment storage, clothing changing facilities, snack and beverage dispensing and the like but NOT for overnight or extended lodging. *[added 8/26/99]*

BEDROOM

An area within a residential building having the potential to be utilized as a sleeping area on a consistent basis and which provides privacy to the occupant. Entry is from a common area, not through a room already deemed a bedroom. It normally contains at least one (1) egress window and a closet. Dens, home offices, libraries and the like are not considered bedrooms. *[added 9/1/04]*

BOAT DOCK/MOORING, PRIVATE

A structure or anchored device used for the mooring of not more than two (2) boats or yachts of more than twelve (12) feet in length registered only to the landowner/resident of the property adjacent to such boat dock/mooring. *[added 11/24/05]*

BREWERY

A manufacturing facility as defined in CT General Statutes Section 30-16 (b) where beer can be manufactured, stored, bottled and sold at either wholesale or at retail prices in sealed bottles or other sealed containers for consumption off premises or offered for sale on the premises. Free samples or tastings may be offered, all in accordance with State permitting requirements. *(added effective 7/3/15)*

BREW PUB

A brewery or microbrewery with a restaurant and/or a tasting room; a facility as defined in the Connecticut General Statutes Section 30-16(f) & (g) including brewery or microbrewery operations as permitted in these regulations where beer can be manufactured, stored, bottled, and sold at wholesale or at retail prices in sealed bottles or other sealed containers for consumption off premises or sold to be consumed on the premises in a room that is ancillary to the production of beer, with or without the sale of food, all in accordance with State permitting requirements. *(added effective 7/3/15)*

BUFFER STRIP

A suitable open space, unoccupied except for plant materials, left in its natural state (or) having additional landscaping provided at locations deemed appropriate by the Commission in order to screen the project from adjacent properties, such additional screen to produce within three (3) years a visual barrier. No roads or drives (except for street access across such "buffer strips"),

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parking areas, buildings, structures or facilities shall be constructed within such "buffer strips." For safety purposes, lighting devices and traffic signs, immediately adjacent to any parking or driveway area, may be constructed within such buffers at such locations and height deemed appropriate by the Commission.

BUILDING

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. Any structure more than eight feet (8') high shall be considered as a "building", including a solid wall or fence, but excluding an electric transmission line or an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole.

BUILDING ACCESSORY

Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot or an adjoining lot under the same ownership.

BUILDING AREA

This term is commonly known as "building footprint." The term means the ground area enclosed by the walls of a building, together with the area of all covered porches and roofed sections and is expressed in "square feet." It is chiefly used in connection with the calculation of "building coverage" as defined elsewhere herein. *[revised 5/24/01]*

BUILDING COVERAGE

The percent which the aggregate area of all buildings on a lot bears to the area of the lot. For the purposes of this calculation, "building area" shall include all roofed structures to the extreme limits of roof overhangs, porches, stairways adjacent to a building or deck, decks, patios, accessory sheds or buildings, swimming pools (whether in-ground or above ground), utility or a/c pads or enclosures, above ground tanks, walls and fences in excess of eight feet (8') high, and similar devices. Excluded are stairways independent of a structure, arbors, flagpoles, garden pools, and utility pads (including equipment located thereon, e.g., HVAC, generators, gas tanks, etc.) enclosed in a space not more than five feet (5') in height, not more than five feet (5') from the outside perimeter wall, and not more than six feet (6') in length. The above exclusions do not apply in the R-7 district. *[revised 10/28/99, 7/27/02]*

BUILDING HEIGHT

The vertical distance from the average finished grade within ten feet (10') of the front wall of a building to the highest point of the roof or to the mean between the lowest point of unoccupied level and the highest point of the roof. *[revised 11/16/89]*

BUILDING LINE

A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the municipality or by private covenant. Within an interior lot, the building line may be any line approximately parallel to any interior property line set at not less than the prescribed side or rear yard setback distances for the applicable zoning district. *[revised 1/28/99]*

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BUILDING MATERIALS

“Building Materials” shall mean lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, motors, concrete or cement, nails, screws or any other materials used in constructing any structure. *(revised 10/23/03)*

BUILDING, NONCONFORMING

A building, the size or location of which is not permitted by any provision of this chapter for the district in which such building is located, but which was legally in existence at the effective date of this chapter.

BUILDING SQUARE FOOTAGE

This term shall mean the cumulative total of all areas of a building, calculated in square feet. It is differentiated from “building area” as defined elsewhere herein which pertains solely to “footprint.” It is measure from the exterior dimensions of perimeter walls. It includes the area of each story, basement and all covered areas. It excludes: porticos and colonnades; uncovered courts, decks and patios; and other facilities considered by the Commission not to be a useable part of the building. This term is often used in the calculation of: required parking, the determination as to whether a Design Review Approval is required, building size limitations, and similar “size” calculations. *[revised 5/24/01]*

CABARET

A full liquor permit restaurant or bar in which live or recorded music and entertainment are presented an in which dancing is permitted.

COMMERCIAL VEHICLES

The parking of commercial vehicles currently registered in the state of Connecticut may be permitted in any residential district subject to the following restrictions:

1. Only one commercial vehicle not exceeding 13,000 pounds gross vehicle weight (GVW) may be parked or garaged on a lot provided; 1.) It does not exceed 10 (ten) feet in height from the base of the wheel to the top (including any cargo) or 10 (ten) feet in cargo (box) length measured from rear of cab to tail lights; and 2.) the operator of the commercial vehicle must reside on the premises, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer.
2. By Special Permit, one commercial vehicle exceeding the requirements referred to in Paragraph 1. may be parked or garaged on a lot, subject to the Special Permit regulations and the following:
 - a) The Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood and comments resulting from notification of adjacent property owners.
 - b) No commercial vehicle shall exceed thirteen feet, six inches (13’6”) in height from the base of the wheel to the top (including any cargo).
 - c) No commercial vehicle shall exceed 26,000 pounds GVW.

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3. Any lettering or other visual advertisement or logos must not be visible.

All commercial vehicles, regardless of GVW, shall meet the following standards:

1. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.
2. No vehicle containing hazardous materials or waste may be parked on a residential lot.
3. No tanker trucks or similar type vehicles used for hauling liquids including, but not limited to, oil trucks, septic cleanout trucks, etc. shall be allowed.
4. There shall be no loading or unloading of commercial vehicles between the hours of 9 p.m. and 7 a.m.
5. No trucks that haul cargo that emit objectionable odors shall be permitted.
6. All vehicles allowed under this regulation are also subject to the Town's Noise Ordinance.
7. All commercial vehicles under operation may not exceed 55 dB between the hours of 7:30am to 7:30pm for a duration of more than 5 minutes and not to exceed 45 dB for a duration of 3 minutes between 7:30pm and 7:30 am Monday – Saturday and Sunday and holidays between 10am to 7:30pm.

All applications for Special Permits shall include a detailed description of the vehicle to be used including gross vehicle weight, height, total length, box length (if applicable), wheelbase, model and make. Any permits granted shall be for the specific vehicle described in the application. Any changes to the vehicle specifications as approved shall require a new approval by the Commission.

Nothing herein shall be construed to permit a home occupation that is not otherwise permitted under the regulations.

Nothing herein shall be construed so as to prohibit commercial vehicles parked temporarily while engaged in providing products or services to the owner of the property.

Nothing herein shall be construed to prohibit commercial vehicles that are used as part of 1) a use of facility operated by the Town of Brookfield, A Fire Department, State of Connecticut, or Federal Government; or 2) a maintenance facility in support of a multiple dwelling project on the lot, or in support of a Special Permit use, if authorized under such Special Permit. [added 6/26/14]

COMMISSION

The Zoning Commission of the Town of Brookfield, Connecticut.

CONDOMINIUM

Any building or any integrated group of buildings under joint ownership arranged, intended or designed to be occupied by three (3) or more families living independently of each other and so designed as to give the maximum amount of open land areas per family.

CONSERVED LAND AREA

A parcel of land designated for open space use or conservation by the Commission; uses shall be limited to those that will maintain or enhance the open natural state of the land, including

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but not limited to agriculture, forestry, wildlife or wetland area, greenbelts, parks or similar areas.

CONTRACTOR'S YARD

A commercially or industrially zoned lot, with or without support structures and buildings, limited to the storage and maintenance of equipment commonly used in the construction industry, including but not necessarily limited to: dump trucks, bucket loaders, excavators, bulldozers and the like. The lot may also store construction material acquired in anticipation of their use at remote locations. *[added 8/26/99]*

COURT

An open space, other than a yard, on the same lot with a building, which space is bounded on three (3) sides by the walls of building.

CUL-DE-SAC

A street open at only one (1) end.

CUSTOMARY HOME OCCUPATION

A low-impact business or service use conducted entirely within a dwelling by the permanent resident or owner of a residential site where the primary use of the site is for residential dwelling purposes. Typical of the types of permissible uses are: Offices of medical, engineering, musical, educational and financial professionals; home craftsmen; administrative, computer or clerical offices; and the like, as determined by the Commission. The conducting of a clinic, tearoom, antique shop or similar uses are not permitted under this section. *[revised 9/9/99]*

DENSITY

The total number of dwelling units permitted.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials, the storage, deposition, or extractions of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the area of special flood hazard. *[revised 4/23/79, 9/20/93, 3/11/10]*

DISCHARGE

Any accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration or placing of any material into or on any land or water. *[added 6/8/87]*

DISTURBED AREA

An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion. *[added 1/24/85]*

DRAINAGE STRUCTURE

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Any structure (culvert, pipe, stream, swale, etc.), including both naturally occurring and man-made, that conducts drainage.

DRIVE, LOCAL ACCESS

Any drive or roadway which services less than the proposed project as a whole or the majority of residents.

DRIVE, MAIN ACCESS

Any drive or roadway which serves the proposed project as a whole or the majority of residents.

DRIVE-THROUGH FACILITY

A drive-through facility is defined as one at which a patron, remaining in his or her car at all times, places, receives and pays for an order via a service window and continues driving through the order aisle and out into the existing lanes of traffic. *[added 11/8/82, revised eff. 11/1/12, 3/6/15]*

DWELLING

A building designed or used exclusively as permanent living quarters for one (1) or more families.

DWELLING, MULTIPLE

A dwelling or group of dwellings on one (1) lot containing separate dwelling units for two (2) or more families, having separate or joint entrances, services or facilities. *[revised 6/19/85]*

DWELLING, ONE-FAMILY

A detached building designed for or occupied solely as a dwelling for one (1) family.

DWELLING, TWO-FAMILY

A detached building designated or occupied solely as a dwelling for two (2) families living independently of each other.

ELDERLY

A status attained by a resident beyond the age of fifty-five (55). *[revised 1/22/96]*

EROSION

The wearing away of the land surface by running water, wind, ice or other geological agents, including processes such as gravitational creep. *[revised 12/24/79]*

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including as a minimum, the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed before the effective date of June 15, 1979, of the floodplain management ordinance adopted by the community (zoning regulations). *[added 3/11/10]*

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EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by construction of facilities for servicing lots on which manufactured homes are to be affixed (Including as a minimum, the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads). *(added 3/11/10)*

FALL ZONE

The potential fall area for the small wind energy system. It is measured by using 120% of the total height as the radius around the center point of the base of the tower.

FAMILY

Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit, provided that a nonprofit group of not more than five (5) persons keeping house together, but not necessarily related by blood or marriage, may be considered a "family."

FAMILY DWELLING UNIT

A dwelling or part of a dwelling occupied or intended to be occupied by one (1) family for residential purposes.

FEDERAL ENERGY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the national flood insurance program. *[added 3/11/10]*

FENCE

A physical barrier to separate or enclose a specific portion or portions of a lot. *[added 11/20/97, rev.6/29/05, 1/16/07]*

FIREARM

The term "Firearm" shall have the same meaning as that delineated under State Statutes and Regulations. *[11/8/00]*

FIREARM ACTIVITIES

The term "Firearm Activities" shall be defined as including the discharge of Firearms for any purpose other than hunting with a valid permit. Firearm Activities include, but are not limited to, the use of property for a firing range or for target shooting purposes. *[11/8/00]*

FIREWORKS

"Fireworks" is defined as set forth in the definitions of "fireworks" as found in the Connecticut General Statutes Section 29-356 and the term "fireworks" for the purposes of these zoning regulations, shall specifically include both "sparklers" and "fountains" as both of these terms are defined in the Connecticut General Statutes Section 29-356. *(added 11/24/09)*

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FLICKER

The moving shadow created by the sun shining on the rotating blades of the wind turbine.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source. *[revised 4/23/79]*

FLOOD BOUNDARY AND FLOODWAY MAP (FLOODWAY)

The official map on which the Federal Emergency Management Agency has delineated the boundaries of the floodway. *[revised 9/20/93]*

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. *[revised 9/20/93]*

FLOOD INSURANCE STUDY

The official report from the Federal Emergency Management Agency (FEMA) which contains examination, evaluation, and the determination of flood hazards and if appropriate, the corresponding water surface elevations. *[revised 9/20/93]*

FLOODPLAIN

The area adjacent to a river or stream which is flooded in the regulatory flood. The "Floodplain" includes the floodway and is bounded by the limits of the regulatory flood (one-hundred-year floodplain). *[revised 7/10/78]*

FLOODPROOFING

A combination of structural provisions, changes or adjustment to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area. *[revised 7/10/78]*

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). *[revised 4/23/79]*

FLOOR

The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for the parking of vehicles. *[added 6/8/87]*

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FUNCTIONALLY DEPENDENT USE OR FACILITY

A use or facility that cannot perform its intended purposes unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo and passengers, and ship building and repair facilities. The term does not include seafood processing, long term storage, manufacturing, sales or service facilities. *[added 3/11/10]*

GENERAL RETAIL

Specifically excluded are fireworks of any kind including sparklers. *[added 7/30/09]*

GENERAL SOIL TYPE

The predominant soil type in a zoning district and its accompanying characteristics. *[revised 7/10/78]*

GROUNDWATER

Water in the subsurface zone beneath the water table in which all pore spaces are filled with water. *[added 6/8/87]*

GUEST HOUSE/APARTMENT

An accessory structure without kitchen facilities used solely for the accommodation of guests of the family occupying the principal dwelling and for which no rental or other charge is made or received, either directly or indirectly, in cash, kind or services. *[added 11/20/97]*

GROSS VEHICLE WEIGHT "G.V.W."

GVW shall mean the total vehicle weight including: vehicle, body, passengers, cargo, accessories, etc. *[revised 10/5/02]*

HAZARDOUS MATERIALS *[revised. 1/2/00]*

Hazardous or contaminant material shall mean any substance or combination of substances which, because of quantity, concentration, or physical, chemical or infectious characteristics pose a significant or potential hazard to water supplies or to human health if disposed into or on any land or water, including groundwater. Any substance deemed a "hazardous waste" under the Connecticut General Statutes or Regulations of Connecticut State Agencies shall be deemed a hazardous or contaminant material for the purposes of these Regulations. Hazardous and contaminant materials include, but are not limited to, the following:

- a) Substances which are toxic, flammable corrosive, explosive, radioactive or infectious.
- b) Substances listed in the U.S. Environmental Protection Agency's "Title III Of Lists- Chemical subject to Reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986."
- c) Acids and Alkalis outside the pH range of 2 to 10.

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- d) Petroleum products, including fuels and waste oils.
- e) Synthetic organic chemicals.
- f) Any solid material which if exposed to water will leach or dissolve to form a hazardous or contaminant material as defined above.
- g) For the purposes of this regulation, pharmaceuticals, medicines and drugs are only considered "hazardous materials" when they are regulated as such by the Department of Environmental Protection (DEP). Definitions of activities, operations, uses, factors and similar terminology relating to hazardous and contaminant materials shall be as defined by the appropriate DEP literature.

HEALTH AND FITNESS CENTER

Indoor facilities for providing for: physical exercise, gymnastics, weight control and diet programs, physical rehabilitation, individual sports training, and similar activities, but not including sports events reserved for indoor sports courts.

HISTORIC STRUCTURE

Any structure that is (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior (SI) as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the SI as contributing to the historic significance of a registered historic district or a district preliminarily determined by the SI to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with a historic preservation program which have been approved by the SI; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either: (1) By a state program as determined by the SI or (2) Directly by the SI in states without approved program. *(revised 3/11/10)*

HOTEL

A building providing lodging for persons with or without meals and intended for the accommodation of transients and so designed that normal access and egress are controlled from a central point.

HOUSEHOLD PET

An animal customarily housed within the confines of a dwelling.

IMPERVIOUS SURFACE

Material on the ground that does not allow surface water to penetrate into the soil. *[added 6/8/87]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

INDOOR SPORTS COURTS

Indoor facilities for the playing of such sporting activities and games as: basketball, volleyball, racket ball, hand ball, tennis, soccer, batting practice games, swimming and other similar events requiring group participation. The courts/pool/ shall be of such size and dimensions specified by the rules governing the playing of such sports.

INTERIOR PARCEL

As used in a major shopping center, an "interior parcel" is defined as a separately owned or leased parcel of land located within the entire center. *[revised 5/21/79]*

JUNKYARD

Any junkyard, motor vehicle junk business, and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place of outside storage or deposit, whether in connection with a business or not, for two (2) or more motor vehicles which are no longer intended or in condition for legal use on the public highways and shall also include any place of outside storage or deposit of used parts of motor vehicles which on any lot have an aggregate bulk equal to one (1) automobile. In residential districts and recreational districts, however, the term shall also include the outside storage of more than one (1) unregistered motor vehicle in any lot in such manner as to be visible from any street or any other lot. "Junkyard" shall also mean any place in or on which discarded metal, glass, plastic, paper, cordage or other waste or secondhand material, which has not been a part or is not intended to be a part of any motor vehicle, is stored or deposited. *[revised 10/13/83]*

KENNEL

Any premises on which four (4) or more dogs, four (4) months old or older are kept.

LAND TREATMENT

Any ground work, including filling, grading and draining, necessary to comply with §242-303 of this chapter.

LIGHT DUTY TRUCK

A motorized vehicle with a GVW of 15,000 pounds or less. *[added 5/28/98]*

LIVESTOCK/POULTRY FARMING

Horses, cows, ponies, sheep or similar-type grazing animals, and including chickens, hens turkeys or similar type poultry raised/kept for the purpose of conducting a business, industry, trade or similar type of farming venture.

LIVESTOCK/POULTRY, NONCOMMERCIAL

Horses, cows, ponies, sheep or similar-type grazing animals, and including chickens, hens, turkeys or similar-type poultry raised/kept for the purpose of a hobby, diversion, distraction or similar pursuit. This shall include the raising of animals for competition or show, such as in fairs, 4-H programs or similarly sponsored matches.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

LITTER

“Litter, junk, trash rubbish, refuse or debris of any kind” shall mean garbage, scrap and waste materials including metals, boxes, cartons, bottles, cans, rope, rubber, rags, plastic, paper, glass, wood and wooden sticks or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), yard trimmings, cut tree branches, appliances, televisions or furniture not usable for the purpose for which they were manufactured, or any other scrap or waste material of any kind, including parts or components of any of the above. *(revised 10/23/03)*

LOT

A plot or parcel of land occupied or capable of being occupied by one (1) principal building and the accessory buildings or used customarily incident to it, including such open spaces as are required by this chapter. In the case of public, institutional, commercial or industrial buildings, a group of buildings under the same ownership may be considered as occupying the same "lot." A "lot" may or may not be the land shown as a "lot" on a recorded deed or plat.

LOT AREA

The area of land contained within the property lines of a lot.

LOT, CORNER

A lot at the intersection of an abutting on two (2) or more streets where the angle of intersection is not more than one hundred thirty-five (135) degrees or where the intersection is rounded by a curve having a radius of less than one hundred feet (100’). A corner lot shall be deemed to have two (2) front yards and two (2) side yards but no rear yard. (See Exhibit 1).

LOT COVERAGE

see Building Coverage

LOT, INTERIOR

A lot other than a “street side,” “through,” or “corner” lot, where the method of access from a public street(s) is via a fifty foot (50’) wide right-of-way which is either an integral portion of the lot itself, or an unobstructed easement, or private right-of-way. Setbacks from all lot lines shall be the distance designated for “side yards” and “rear yards” for the applicable zoning district provided, however, the minimum setback from a public or private street shall be the setback distance designated from the centerline of the traveled portion of said street for the applicable zoning district. (See Exhibit 1). *(revised 1/28/99)*

LOT LINE

The established division line between lots or between a lot and a street.

LOT LINE, FRONT

All dividing lines between a street and the lot.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

LOT LINE, INTERIOR FRONT

The line or lines bounding a lot which are closet to and most parallel to the street line, but not a part of the "front lot line." The "front lot line," in this instance, is identical to the "street line."
[revised 1/28/99]

LOT LINE, REAR

The line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE

The line or lines bounding a lot which extend from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots or through lots, all lines extending from streets shall be considered "side lot lines."

LOT LINE, STREET

A lot line separating a lot from a street right-of-way boundary.

LOT, STREETSIDE

A lot having main access via a street, drive, road or highway. Side and rear yards do not face a street, drive, road or highway.

LOT, MINIMUM WIDTH OF

The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line or measurement shall touch but not be in front of the building line.

In the case of a corner lot, the minimum width shall be similarly measured, and for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line, and the lot lines adjacent thereto shall be considered as side lot lines.

In the case of an "interior lot," the minimum width shall be similarly measured, and for the purposes of this measurement only, the "interior front lot line" shall be considered the front lot line, and the lot lines connected to the rear lot line(s) thereto shall be considered as side lot lines.

LOT, NONCONFORMING

A lot, the size and location of which is not permitted by any provision of this chapter for the district in which such lot is located, but which was legally in existence at the effective date of the chapter.

LOT, THROUGH

A lot other than a corner lot which abuts two (2) or more streets which do not intersect at the lot. (See Exhibit 1).

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

LOWEST FLOOR

The lowest floor of the lowest enclosed area, including basement. An unenclosed area, usable solely for parking of vehicles, is not considered a building's lowest floor. Specifically prohibited are any enclosed areas which are below base flood elevation. *[added 6/8/87, revised 9/20/93]*

MANUFACTURED HOME

A residential structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle" but recreational vehicles will be considered manufactured homes if they remain on the site for one hundred eighty (180) consecutive days or longer. *[added 6/8/87, revised 9/20/93]*

MANUFACTURED HOME-PARK OR SUBDIVISION

A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale. *[added 6/8/87]*

MARKET VALUE

The value of a structure shall be determined by the appraised value of the structure using the cost approach to value method, prior to the start of the initial repair or improvement of the structure, or in the case of damage, the value of the structure prior to the damage occurring. *[added 3/11/10]*

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on the Flood Insurance Rate Map are referenced. *[revised 3/11/10]*

METEOROLOGICAL TOWER (met tower)

Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

MICROBREWERY

A manufacturing facility as defined in CT General Statutes Section 30-16 (b) where annually up to 15,000 barrels of beer can be manufactured, stored, bottled and sold at either wholesale or at retail prices in sealed bottles or other sealed containers for consumption off premises or offered for sale on the premises. Free samples or tastings may be offered, all in accordance with State permitting requirements. *(added effective 7/3/15)*

MOTEL

A building or group of buildings providing lodging for persons intended primarily for the accommodation of transients, having a private outside entrance for each room or suite of rooms

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Definitions - § 242-202

and for each of which rooms or suites of rooms automobile space is provided on the premises and which do not have cooking facilities within lodging rooms.

MARINA

An area of a waterway, lake or pond and associated shoreline used for the mooring of boats and yachts and/or support facilities thereof. A "marina" shall not include private mooring facilities wherein the facilities are used only for the mooring of a boat(s) registered to the resident of the property at which the mooring is located. *[revised 11/24/05]*

NEIGHBORHOOD

A group of adjoining properties and/or buildings having similar predominant characteristics and qualities.

NEIGHBORS/ADJOINING PROPERTY OWNER NOTIFICATION

A letter sent by the applicant via certified mail to each property owner notifying them of the intent to apply for a Design Review for a Small Wind Energy Systems.

NET METERING

The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which is fed back into the electric distribution system over a billing period.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for services the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of June 15, 1979, of the floodplain management regulation adopted by the community (zoning regulation). *[revised 3/1/10]*

NEW CONSTRUCTION

Structures for which the "Start of Construction" commenced on or after the effective date of the Flood Insurance Rate Map (FIRM), June 15, 1979, and includes any subsequent improvements to such structures. *[revised 4/23/79, 9/20/93]*

NIGHTCLUB

A place of entertainment open at night, usually serving food and liquor, having a floor show, and providing music and space for dancing, including establishments referred to as "Discotheques." *[added 7/6/82]*

OPEN SPACE

A space, not occupied by a building or other structure, on the same lot as the principal building. *[revised eff. 11/1/12]*

PARKING AREA

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

An open space used for parking motor vehicles exclusively and in which no gasoline or motor vehicle accessories are sold or no other business is conducted.

PARKING SPACE

An off-street space available for the parking of one (1) motor vehicle, the dimensions of which are nine feet (9') by twenty feet (20').

POWER GRID

The transmission system, created to balance the supply and demand of electricity for consumers.

PREMISES

A lot, as defined in this section, or that portion of a lot, structure or building that is actually in use for the specific purpose or use under consideration.

RECREATIONAL VEHICLE *[revised 9/20/93]*

(a.k.a. park trailers, travel trailers, and similar transportable structures) means a vehicle which is:

- i built on a single chassis;
- ii four hundred (400) square feet or less when measured at the longest horizontal projections;
- iii designed to be self-propelled or permanently towable by a truck, and [Amended 5-28-98]
- iv designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;
- v maintained fully licensed and ready for highway use. If recreational vehicle remains on the site for one hundred eighty (180) consecutive days or longer, it shall be considered a manufactured home.

REGULATORY FLOOD

A flood which is representative of large floods known to have occurred in the area and which is reasonable characteristic of what can be expected to occur on a particular stream. The "regulatory flood" for each stream and river subject to the provisions of the chapter shall be as described in §242-503. *[revised 7/10/78]*

REGULATORY FLOOD PROTECTION ELEVATION

The elevation to which uses regulated by this chapter are required to be elevated or floodproofed. *[revised 7/10/78]*

RESTAURANT

A public eating place which may include the sale of liquor to be consumed on the premises, but does not include other activities provided by establishments defined in these regulations as "nightclubs." *[added 7/6/82]*

SEASONAL BUSINESS

A business in operation at intervals and affected by or depending on a season.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

SEDIMENT

Fragmental material transported by, suspended in or deposited by water or air or accumulated in beds by other natural agents. *[revised 12/24/79]*

SETBACK

The shortest distance between any part of the building or structure and the nearest property line or the center of the traveled portion of the road. Excepted from setback calculations are utility pads (including equipment located thereon, e.g., HVAC, generators, gas tanks etc.) enclosed in a space not more than five feet (5') in height, not more than five feet (5') from the outside perimeter wall, and not more than six feet (6') in length. The above exclusions do not apply in the R-7 district. *[eff. 7/27/02, 6/26/14]*

SIGHT DISTANCE/SIGHT LINE

That distance at which a vehicle traveling in an opposing or perpendicular direction first becomes visible.

SIGN

A display device of any material concerned with the sale of goods or performance of services or existence of facilities; any device for visual communication used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag or insignia of any government or governmental agency or of any fraternal, civic, charitable or religious organization.

SITE PLAN

A scale drawing of the subject property which depicts those items which are pertinent to zoning review and approval, including but not limited to those items indicated in §242-301C(3)(b) of this chapter.

SITE PLAN, LANDSCAPED

A detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings and other landscaping features.

SHADOW

The outline created on the surrounding area by the sun shining on the small wind energy system

SMALL WIND ENERGY SYSTEM

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of 60 kilowatts or less and will be used primarily for onsite consumption.

SOLID WASTE

Unwanted or discarded materials, including solids and containerized liquid or gaseous materials. *[added 6/8/87]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

START OF CONSTRUCTION

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. *[revised 4/23/79, 9/20/93]*

STORY

That part of a building other than a half-story between any floor and the ceiling or roof above it. In determining the number of "stories" in a building, a "story" with a ceiling which is six feet (6') or more above the average level of the ground along all walls of the building shall be included.

STORY, HALF

That portion of a building between a gable, hip or gambrel floor and the floor below, provided that the floor is not more than two feet (2') below the plate, or a story with a ceiling which is less than six feet (6') above the average level of the ground along all walls of the building. A raised ranch shall be considered a story-and-a-half building.

STRATIFIED DRIFT

Unconsolidated, sorted sediment composed of layers of sand, gravel, silt or clay, deposited by meltwaters from glaciers. *[added 6/8/87]*

STREET

Any road, highway, avenue, land or right-of-way providing access to more than one (1) building lot.

STREET LINE

The line dividing the street and the lot.

STRUCTURE

Anything constructed or erected which requires location on the ground or which is attached to something having location on the ground, including signs, billboards, a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures. Fences and walls equal to or less than six feet (6') in height shall not be considered a structure under this definition. *[revised eff. 9/20/93, 10/5/06, 6/26/14]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would exceed fifty percent (50%) of the structure before the damage occurred. *[added 3/1/10]*

SUBSTANTIAL IMPROVEMENT

Any combination of repairs, re-construction, alterations, or improvements to a structure taking place over a five (5) year period, in which the cumulative costs equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be:

- (1) The appraised value of the structure using the cost approach to value, prior to the start of the initial repair or improvement, or
- (2) In case of damage, the value of the structure prior to the damage occurring.
- (3) For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or the structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living, working, and learning conditions. *(revised 9/20/93)*

TAVERN

An establishment where liquor is sold to be consumed on the premises, including cocktail lounges, but not including nightclubs and discotheques. *[added 7/6/82]*

TOTAL HEIGHT

The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

TOURIST CABIN

A furnished residential structure with or without kitchen facilities containing not more than two (2) bedrooms and primarily intended for the accommodation of transients.

TOWER or ANTENNA TOWER

A structure, whether freestanding or attached to a building or another structure that is used to support equipment used to collect transmit and/or receive telecommunications or radio signals. The use of these facilities is *not* considered a "utility" under these regulations under §301A. *[added 7/9/98]*

TOWER (related to wind turbines)

The monopole or guyed monopole structure that supports a wind turbine

TOWER HEIGHT

The height above grade of the fixed portion of the tower, excluding the wind turbine.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

TRAILER CAMP

Any premises used or permitted to be used for the parking of more than one (1) occupied trailer coach.

TRAILER COACH

Any vehicle or object on wheels and having no motive power of its own, but which is drawn by or used in connection with a motor vehicle, and which is so designed and constructed or added to by means of such accessories as to permit use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundation, and shall include the type of vehicle known as a "mobile home."

USE, ACCESSORY

A land use customarily incidental and clearly subordinate to the principal use or building and located on the same lot with such principal use or building.

USE, NONCONFORMING

Any use of land or building which is not permitted by this chapter in the district in which such use is located, but which was legally in existence at the effective date of this chapter or any pertinent amendment thereto.

VARIANCE

A grant in relief from the terms of the Zoning Regulations in accordance with Connecticut General Statute 124 – 8-7 and Floodplain Management Regulations in accordance with FEMA regulations that allows construction in a manner otherwise prohibited and where specific enforcement would result in exception difficulty and unusual and unnecessary hardship. *[added 3/11/10]*

VIOLATION

A failure of a structure or other development to be fully compliant with the community's zoning, building, health, fire protection or similar municipal codes and ordinances including floodplain management regulations. All projects initiated without the required approvals and permits is deemed to be in violation until such time as all required documentation is reviewed and approved. *[added 3/11/10]*

WALKWAY/SIDEWALK

An unobstructed paved walkway for pedestrians at the side of a street, or adjacent to a building, or within a parking area or between buildings, which is at least four feet (4') in width and otherwise compatible with ADA requirements. *[added 3/5/03]*

WATER SURFACE ELEVATION

Height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), of within the flood plain areas, of coastal or riverine areas. *[revised 3/11/10]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Definitions - § 242-202

WIND TURBINE

The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

YARD, DEPTH OR WIDTH OF

The depth of front and rear yards and the width of side yards shall be measured perpendicularly to the respective lot lines.

YARD, FRONT

An open space between the building and the front lot line or the interior front lot line, extending the full width of the lot or, in the case of a corner lot, extending along all streets *[rev eff 1/17/13]*

YARD, REAR

An open space between the building and the rear lot line, extending the full width of the lot.

YARD, REQUIRED FRONT, SIDE OR REAR

So much of the front, side or rear yard as is required by the applicable provisions of this chapter.

YARD, SIDE

An open space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a "side."

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Zoning Districts - § 242-203A

§ 242-203. Zoning districts.

A. Division into districts:

For the purpose of this chapter, the Town of Brookfield is hereby divided into classes of districts as follows:

R-7	Residence District
R-40	Residence District
R-60	Residence District
R-80	Residence District
R-100	Residence District
IR-80SE	Restricted Industrial District Southeast
IR-80N	Restricted Industrial District North
IL-80N	Limited Industrial District North <i>[amended eff. 6/5/02]</i>
IL-80	Limited Industrial District
IL/C-80SE	Industrial Limited/Commercial District Southeast <i>[added 7/29/94]</i>
IR/C-80/40	Restricted Industrial/Commercial District <i>[amended eff. 6/5/02]</i>
RC-41	Restricted Commercial District
RS-40	Recreational Services District
AP	Aquifer Protection District <i>[added 6/8/87]</i>
FP	Floodplain District <i>[amended 7/10/78]</i>
TCD	Town Center District <i>[amended 12/19/96, 1/14/10]</i>

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Zoning Districts - § 242-203B-E

B. Zoning Map:

Zoning districts are as shown, defined and bounded on the Official Zoning Map entitled "Brookfield Connecticut, Zoning District Map, dated December 10, 1993, and any revision thereto, bearing the signature of the then Zoning Chairman and filed in the office of the Commission, Town of Brookfield. Said map and all explanatory matter thereon are hereby declared to be a part of this chapter. The Commission may also prepare smaller scaled versions of said Zoning Map. These maps shall not be deemed the official map for any purpose whatsoever and are merely for the convenience of the general public in establishing the general location of various districts. *[amended 5/28/87]*

C. Interpretation of zoning district boundaries:

Unless otherwise indicated on the Official Zoning Map identified above, the zoning districts are generally bounded by center lines of streets, main tracks of railway lines, utility rights-of-way, the middle of the channel of watercourses, property lines or other identifiable features. The exact location of boundaries are those shown upon the Zoning Map. In the event of conflict, the exact location of a boundary shall be as determined solely by the Commission. *[amended 5/28/87]*

D. Lots in more than one (1) district:

Where a lot of record falls into two (2) or more zoning districts, any use allowed in either district shall be permitted on the lot, but in no case shall uses allowed in one (1) district but prohibited in the other be extended more than thirty feet (30') into the district prohibiting such uses.

E. Zoning of streets:

Zoning districts shall include the beds of streets and water bodies lying within them.

ARTICLE 3.

PROVISIONS APPLICABLE IN ALL DISTRICTS

§ 242-301. General provisions.

A. Uses permitted in any district:

The following uses may be permitted in any zoning district when such uses are deemed essential to the public convenience and welfare:

- (1) Town, state or federal buildings.
- (2) Public utility lines, substations and buildings.
- (3) Firehouses and libraries.
- (4) Town parks and playgrounds.

B. Zoning Compliance Certificate:

- (1) A Zoning Compliance Certificate must be obtained from the Zoning Commission to ensure compliance with the Zoning Regulations of the Town of Brookfield before:
 - (a) Any building or structure is occupied;
 - (b) A permitted use commences operations for the purpose intended;
 - (c) Any permitted use is changed to another permitted use; or
 - (d) Any land use is employed.
 - (e) Any modification is initiated to an existing site or building for which a Design Review Approval Permit has not been granted but which contemplates changes to the existing landscape plan, parking arrangement, lighting, driveways and access/egress areas, building elevations and fenestration, roofing and façade reconfigurations, fencing, walls, etc. A complete site plan, to scale, and appropriate architectural plans shall be submitted to the Commission for approval. Approval of such modifications shall be governed by the considerations cited in §242-301C(5). *[eff. 3/4/05]*
- (2) Application for a Zoning Compliance Certificate shall be submitted on such forms as may be prescribed by the Commission and shall be accompanied by a plot plan certified by a land surveyor/engineer licensed to practice in the State of Connecticut. The fees associated with the various types of Zoning Compliance Certificates shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**General Provisions
Design Review - § 242-301B-C**

revised from time to time to reflect current administrative costs. *[amended 2/24/75, 2/28/85, 8/23/01]*

C. Design review approval:

(1) General:

(a) General requirements:

The Zoning Commission may issue a "Special Permit - Design Review Approval" pursuant to Title 8, Chapter 124, Section 3C of the Connecticut General Statutes. The Zoning Commission shall require a design review before any site work is commenced or building or structure is erected, altered or enlarged and prior to the issuance of a Zoning Compliance Certificate. Furthermore, when it is anticipated that the cumulative enlargements(s) or alterations(s) exceed twenty-five hundred (2,500) square feet of a site, building or structure as initially approved, a design review is required prior to any additional site work or construction. *[amended 7/14/77, 7/6/82, 1/24/85, 5/8/97, 7/22/99, 3/4/05, 11/18/05]*

(b) Exceptions: *[rev. eff. 3/4/05]*

A full formal Design Review Application and the required public hearing associated therewith is NOT required for any of the following:

- [1] Construction of a single family dwelling which is not part of a multifamily dwelling project. *[amended 8/8/95]*
- [2] Any changes in which neither the site plan nor building exteriors are changed.
- [3] Modifications to the site or buildings where:
 - [a] The existing number of trees or shrubs or parking spaces is not reduced;
 - [b] Erosion and sedimentation controls are not required;
 - [c] No conditions will occur which affect traffic safety;
 - [d] Existing outdoor lighting fixtures are not modified;
 - [e] Parking areas are not enlarged by not more than ten (10) parking spaces;
 - [f] Building or structures as initially constructed are not enlarged by more than twenty-five hundred (2,500) square feet or 25% whichever is less.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**General Provisions
Design Review - § 242-301C**

(c) **Design Review Approval Permit Modifications:** *[amended eff, 5/6/04, 3/4/05]*

Any changes or modifications to a Design Review Approval Permit, which although excepted from a full Design Review per subparagraph (b) above, are still required to be submitted to the Commission on a Design Review Approval Modification Application Form for approval together with a complete site plan, to scale, and architectural plans which indicate the changes from the original permit. Such changes may include changes to landscape plan, parking arrangement, lighting, driveways and access/egress areas, building elevations and fenestration, roofing and façade reconfigurations, fencing, walls etc. Approval of such modifications shall be governed by the considerations cited in §242-301C(5). The fee associated with a Design Review Approval Modification application shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs.
[amended 8/23/01]

(2) **Purpose:** *[amended 4/3/78]*

It is the purpose of these design review regulations to provide enough information in sufficient detail to:

- (a) Enable the Commission to clearly visualize what the proposed project will look like upon completion and approximately how it will be built.
- (b) Provide the Commission with a basis for judging the extent to which the land can support development and the safety, adequacy and conformance with existing standards and regulations of the finished site, buildings and structures.
- (c) Provide the Commission with a basis for evaluating whether the proposed project, by its nature or design, will have a detrimental impact upon, or be incompatible with, other land uses in this area.

(3) **Required data:**

Each application for a design review approval shall be accompanied by:

- (a) **A key map**, *[amended 1/7/80]* on a form provided by the Commission, which shows the location of the proposed project with respect to abutting properties and existing and proposed streets and, when viewed in conjunction with official Brookfield map(s), indicates the relationship(s) of the proposed project to:

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- [1] Zoning district boundaries as delineated by the Official Brookfield Building Zone Map.
 - [2] Floodplain boundaries as delineated by the Official Housing and Urban Development Map for Brookfield.
 - [3] Aquifer boundaries as delineated by the Official Zoning Map entitled "Aquifer Protection District, Town of Brookfield, effective January 1, 2000."
 - [4] Soil-type classification boundaries as delineated by the Official Brookfield Inland Wetlands Soils Map.
- (b) **A site plan** (13 copies) *[amended 1/25/84, 5/8/97]* of the proposed project, at a scale such that one (1) inch represents one hundred feet (100') or less, indicating the following:
- [1] The name of the proposed project, developer and landowner of record; zoning classification and identification of the permitted use; names of abutting property owners; north point, scale and date of preparation.
 - [2] Boundary lines bearings and distances, total property area, location, dimensions and purposes of any easements and names, locations and dimensions of adjacent streets.
 - [3] Locations, dimensions and type of all existing and proposed building and structures, estimated number of employees and/or inhabitants and distances, on all sides, between buildings and buildings and property lines.
 - [4] Existing and proposed topographical contours at not more than two-foot intervals, soil types, watercourses, wetlands as delineated by the Inland Wetland Commission, Town of Brookfield, proposed area alterations, including cleared, excavated, filled or graded areas, and any unusual site features. The applicant may be required to provide a three-dimensional model of the site, showing: contour, building location and size, and any other details as specified by the Commission. Such model shall be returned to the applicant after a decision is rendered. *[amended 12/27/76, 1/7/80, 1/24/85, 10/5/02]*
 - [5] Erosion and sedimentation control plan, including: delineation of disturbed areas which cumulatively exceed one-half (1/2) acre; design criteria and details; installation and/or application procedures; operations and maintenance programs; location of control measures; sequence of construction, installation and final stabilization measures; reporting

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requirements and name of individuals(s) responsible for installation and maintenance. *[added 1/24/85]*

- [6] Existing trees and shrubs to be retained, proposed trees and shrubs to be located in the project, including: type, common name, height and caliper, and the precise location of all plantings. Location of existing trees greater than twelve inch (12") caliper shall be identified. *[amended eff. 11/25/98]*
- [7] Existing and proposed roadways, drives, walkways, malls, paths, curbing, entranceways and exits from and to town and state roads. The layouts of such drives and interior roadways shall use Town of Brookfield road specifications and §234-22J & § 234-24 through 234-29 of the Brookfield Subdivision Regulations (see Brookfield Code §234) as a design guide. *[amended 7/6/82]*
- [8] Location and dimensions of loading, storage, refuse collection, exterior machinery and equipment, and parking areas, including: the location, dimensions and number of vehicle spaces, traffic islands, barriers, bumper guards, wheel stops, identification of dustless pavement type and drainage plan, including the locations of catch basins, culverts, underground pipe and dimensions thereof, landscaping and screening plan for such areas.
- [9] Locations and amount of open space, including: the description of type, i.e., parks, lawn areas, buffers, landscaped areas, recreational areas and the like.
- [10] Location, dimensions, description and capacity of all proposed utilities and their structures, including: water supply, sewage disposal, electricity, gas and drainage, including the location and dimensions of catch basins, manholes, conduits and grade and elevation of same. Such utilities shall be constructed underground, unless otherwise permitted by the Commission, and shall be in accordance with the standards contained in Article VI. A site maintenance plan shall be required in accordance with Section 501K(1). *[amended 4/3/78, 6/18/03]*
- [11] Location, description and dimensions of all signs in accordance with the Brookfield Sign Regulations, as found in §242-306 of this chapter.
- [12] Location and dimensions of walls and fences, including a description of the type, and any other unique items of the proposed project.
- [13] Technical data sufficient to demonstrate compliance with performance standards and design criteria as set forth in Article VI.
- [14] For site plans in excess of eighty thousand (80,000) square feet in area, the site plan shall bear the seal of a registered professional engineer licensed to practice in the State of Connecticut.

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- [15] Project start and completion dates, schedule of major construction milestones, sequence or phasing of construction as indicated by supplementary boundary markings. *[amended 4/3/78, 1/24/85]*
- [16] Identification of areas listed in the State D.E.P. Natural Diversity Database. (call DEP at 860-424-3540 for forms and info)

NOTE: Where the ultimate, specific use(s) is not known at the time of application, the Commission may approve the site plan only. When the use(s) is made definite, Design Review approval must be obtained for the specific use, notwithstanding prior site plan approval. *[amended 4/3/78]*

- (c) **Architectural design data**, including: building elevations, identification of texture, color and type of building materials, facade and fenestration details, roofscape details, wall and screening details, sign design details, identification of lighting fixtures including illumination and intensity data of outdoor lighting.
- (d) **Design Review Checklist**: which indicates required data, regulation standards or requirement and the proposed dimensions, values, etc., which indicate compliance with the aforementioned standards or requirements. Such checklist is provided by the Commission as an aid to applicants in insuring that they have considered all the regulation requirements. Failure to provide a complete checklist may be grounds for determining that an application is incomplete. *[eff. 9/15/05]*

(4) **Additional data:**

The Commission may require the applicant to provide additional information and data for clarification purposes or to carry forth the purposes set forth in Subsections C(2).

(5) **Approval consideration:**

The Zoning Commission, in determining the acceptability of the proposed project, shall have considered and evaluated the following criteria:

(a) **Conformance:**

Conformance of the proposed project with the Brookfield Zoning Regulations, including such land use standards and design criteria as may be included therein, Brookfield Subdivision Regulations (where applicable) and the Road Ordinance, Town of Brookfield¹. *[amended 4/3/78]*

(b) **Health and safety:** *[amended 4/3/78]*

¹ Editor's Note: See §192, Streets and Sidewalks, Art. I. & §234, Subdivision Regulations

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- [1] Capacity of adjacent and feeder streets to handle peak traffic loads, lines of sight, entrance from and egress onto roadways and drives, accessibility for emergency vehicles and equipment, other conditions which might adversely affect traffic safety.
- [2] Risk of flooding, crowd control and emergency egress from buildings.
- [3] Production, use and storage of detonable, fire and chemically hazardous and toxic materials, waste treatment processes and levels of materials discharged into the soil, including potential for contamination of water supplies and pollution of surrounding areas.
- [4] Adequacy and protection of the water supply for domestic and fire protection purposes.

(c) **Environment:**

Smoke, dust, odors and vibrations; sound pressure levels; glare and illumination intensity levels, including the amounts generated on a particular premises and the effect(s) upon the surrounding area; erosion and sediment control techniques protection of canopy trees along town/state and private roads and drives. *[amended 4/3/78, 1/7/80, 6/5/02]*

(d) **Overall design and architectural treatment:**

The completeness of data submitted pursuant to Subsection C(3), compliance with §242-602I "Architecture," the compatibility with other uses in the area, the effect of the proposed project upon property values, the degree to which existing site features are preserved, the extent and manner of landscaping treatment, the overall physical appearance of the proposed use. *[amended 4/3/78]*

(e) **Floodplain fill:**

Any fill proposed to be deposited in the floodplain shall be shown to be in an amount not greater than is necessary to achieve the purpose of the application and must be in accordance with §242-509. A plan shall be submitted by the applicant showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other material. Such fill or other materials shall be protected against erosion by riprap, vegetable cover or bulk-heading.

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(6) **Stipulations:**

The Zoning Commission may, in granting a design review approval, after applying these regulations in harmony with their general intent, stipulate such restrictions as appear to the Commission to be reasonable to protect the rights of individuals, property values in the area as a whole and the public health, safety and welfare and which promote improved land use, site planning and development and better overall neighborhood compatibility.

(7) **Application procedure and approval actions:**

- (a) Applications for design review approval shall be submitted on such forms as may be prescribed by the Zoning Commission, together with information required by Subsection C(3) and, if applicable, Subsection C(4).
- (b) The Commission shall hold a public hearing on the application within sixty-five (65) days from the legal submission date to the Commission, as provided under Section 8-7d of the General Statutes. Approval, disapproval or approval with stipulations shall be made within sixty-five (65) days of the date of the public hearing. Approvals not filed on the land records of the Town of Brookfield within six (6) months of the effective date of such approval shall become null and void unless the Commission, for good and sufficient reason, shall extend the period for filing such approvals.
- (c) The final decision of the Zoning Commission shall be in permit form addressed to the applicant, dated and signed by the Chairman of the Zoning Commission.
- (d) Upon completion of the project, the Commission may, in its discretion, cause such tests and inspections to be made to verify that a project has been completed in accordance with the approval given. The applicant shall then make application for a Zoning Compliance Certificate in accordance with Subsection B above.

(8) **Fee schedule:**

- (a) The fees associated with a Design Review Application and the final Certificate of Zoning Compliance after project completion shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. The required fee shall accompany

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each application for design review approval. *[amended 1/24/85, 2/28/85, 8/23/01]*

- (b) The applicant shall be responsible for any other expenses incurred in processing the application, including professional consultants such as, but not limited to: engineering fees, soil scientist fees, hydrologist fees, traffic engineering studies, environmental fees, transcription services and the like.

(9) **Performance bonds:**

When, in the sole determination of the Commission, it is necessary to protect the public health, safety, convenience and property values, the Commission may require the filing of a performance bond in accordance with §242-705A for the faithful completion of the entire project, or any portion thereof, in accordance with its approval cited in Sub-section C(7) above. The performance bond, in favor of the Town of Brookfield, shall be in an amount and of such form acceptable to the Commission. Said bond shall be posted with the Town of Brookfield. No site work excavation or construction shall commence until such bond is filed. Failure to provide the required bond will be sufficient grounds for the Commission to withhold or revoke approval of the proposed project. The satisfactory passing of a final zoning inspection and the issuance of a Zoning Compliance Certificate shall be a prerequisite for final release of any performance bond amount. A performance bond is required in connection with the approval of a major shopping center. The applicant shall provide the Commission with detailed estimates of the portions of the project to be bonded to assist the Commission in setting the amount of the bond. The amount of such bond shall cover the costs of improvements to be made by the developer and dedicated to the municipality for public use or those proposed improvements affecting public use, such as roads and sewage disposal facilities. *[amended 9/20/76, 8/28/78, 5/21/79]*

(10) **Appeal:** *[added eff. 2/1/07]*

Final decisions made by the Commission on an application for Special Permit- Design Review Approval in accordance with this section, 242-301 C shall be appealed directly to the Superior Court in accordance with Connecticut General Statutes Section 8-8, as amended.

(11) **Digital Map Submission:** *[added eff. 3/15/06]*

Prior to issuance of a final Certificate of Zoning Compliance, any “as-built” survey must be submitted in both paper & electronic format for all buildings constructed pursuant to a Design Review, Design Review

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Approval Modification involving building footprint changes, lot line changes, residential new construction or alterations with footprint changes within 10% of the minimum setbacks, and any activity permitted as a result of a variance granted by the Zoning Board of Appeals. The electronic format shall be for purposes of updating the Town's Geographic Information System (GIS) and shall meet the following criteria:

1. Drawings shall be on a compact disk (CD).
2. Electronics shall be in a format as prescribed by Town's GIS coordinator.
3. A certification letter stating that the electronic drawing is a copy of the survey map that was presented to the Zoning Enforcement Officer shall accompany electronic drawings. A land surveyor licensed by the State of Connecticut shall certify the letter.

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Natural Resources Removal - § 242-302A&B

§ 242-302. Natural resources removal.

A. General requirements and exceptions:

There shall be no excavation or removal in any district of earth, loam, humus, topsoil, sand gravel, clay, stone, soil, subsoil or other earth product without a permit from the Zoning Commission, except when such excavation or removal is limited to the following:

- (1) Necessary excavation resulting from a bona fide residential construction operation being executed on the premises or for the installation of foundations, driveways, sewers, waterlines, electric or gas service, sidewalks, fences or walls which may or may not be in connection with the construction of a building or addition thereto for which a building permit has been issued.
- (2) Necessary excavation grading for a subdivision road for which plans have been approved by the Planning Commission of the Town of Brookfield.
- (3) The removal by or for the owner from one part of his property to another of topsoil or subsoil when such removal is for the purpose of landscaping, farming or otherwise improving the property to a maximum of six hundred (600) cubic yards of material.
- (4) Material that may be otherwise excavated in any one (1) calendar year without the required permit in an amount not to exceed one hundred (100) cubic yards.

B. Application for a permit:

Application for an excavation permit shall be made by filing with the Zoning Commission or the Town of Brookfield the following information:

- (1) A **map** drawn to scale by an engineer or surveyor registered to practice in the State of Connecticut showing the following:
 - (a) The property on which the excavation is to be made.
 - (b) The location of all buildings on the property.
 - (c) Adjacent roads and the location of proposed access roads to proposed excavations.

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Natural Resources Removal - § 242-302B

- (d) At the option of the Commission, existing and proposed contours in the area to be excavated and in the surrounding area within twenty feet (20') of the excavation, shown on the a map drawn to scale containing not more than one hundred feet (100') to the inch and with contour lines at intervals of not more than five feet (5').
 - (e) Adjacent property ownership within one hundred feet (100') indicated.
 - (f) Existing and proposed drainage on the premises, if any, including the proposed level and area of any impounded water.
 - (g) The location and design of structural and non structural sediment control measures, such as diversions, waterways, grade stabilization structures, debris basins, check dams, water breaks, silt fences and the like; and the location of temporary and permanent erosion control measures.
- (2) **A written statement** with the following information:
- (a) The approximate starting and completion dates, number and types of trucks, machines to be used and hours of operation.
 - (b) The kind and amount of material to be excavated.
 - (c) The safety precautions that are to be taken.
 - (d) The purpose of the excavation or removal.
 - (e) The types and number of buildings to be erected.
 - (f) The sequence of operations, including time periods for major development phases, temporary and permanent sediment control measures to be employed, specifications for temporary and permanent vegetative and structural stabilization, and general information relating to the implementation and maintenance of the sediment control measures, including the name of the individual responsible for implementing the plan.
 - (g) Details of regrading the revegetation at the conclusion of the project or at the conclusion or such phases of the project as the Commission may require.
- (3) If the application is approved, the applicants (contractors or owners) shall file a bond in accordance with Section 242-705 B. of these regulations. *[eff. 4/17/03]*

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Natural Resources Removal - § 242-302B&C

- (4) The application must be filed with the Zoning Commission before any operations are started and no excavation shall be started until the application is approved and the bond filed with the Commission.
- (5) The application must be signed by the persons intending to carry out the excavation operations and also the owner of the property if the excavation is not being carried out by the owner.
- (6) The Commission may waive in whole or in part the requirements of this section where they are not deemed necessary for reasonable review of the application.

C. Conditions of approval and/or renewal:

- (1) The Zoning Commission may approve the application and issue a permit for a stated period not to exceed twelve (12) months. Such permit may contain such conditions as the Commission determines necessary to protect the health, safety, general welfare and best interest of the town and its residents. Such permits may be renewed for successive stated periods, none of which shall exceed twelve (12) months. The fees for a required public hearing per Paragraph D below, and the fees for an annual permit shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. Annual permit fees are payable to the Town of Brookfield, on the anniversary date in advance. Such permit shall automatically terminate upon failure to pay the annual fee with thirty (30) days of the anniversary date of the permit. *[8/23/01]*
- (2) A permit may be granted or denied by the Commission after consideration of the public health, safety and general welfare, the comprehensive plan of development, soil erosion, drainage, impact upon the water table, lateral support slopes and grading of abutting streets and land, effect on land values and uses in the area, damage to existing landscape and traffic access and safety. A permit may be granted only if the Commission finds compliance with the following conditions: *[amended 5/8/86]*
 - (a) The excavation will not result in the creations of any sharp declivities, pits or depressions, soil erosion or fertility problems or depressed land values.
 - (b) There must be a minimum of two hundred (200) linear feet sight line clearance in both directions at point of truck access onto a Town road, unless, in the opinion of the Commission, safety factors indicate otherwise.

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Natural Resources Removal - § 242-302C

- (c) The area of truck access onto a Town road must be permanently established at the same grade as the Town road for a minimum distance of sixty feet (60').
 - (d) The Town road at point of truck access must have a minimum width of traveled portion of twenty feet (20').
 - (e) The point of truck access onto a Town road must be so situated and constructed so as to ensure that no trucks will back onto or off of the Town road.
 - (f) Compliance with § 242-602D of this chapter relative to erosion and sediment control.
- (3) For the health, welfare and safety of the residents of the Town of Brookfield, no work of any nature shall be performed under any permit granted under the terms of these regulations except between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. and 12:00 noon on Saturday, except that sand may be loaded to be used upon roads in the Town of Brookfield when ice or other conditions exist to endanger travel.
- (4) No excavation shall be carried out in such a manner as to result in bank slopes in excess of the normal angle of repose of the exposed soil as determined by the Commission. During the course of excavation, the contractor shall maintain side slopes as directed by the Commission. The Commission may, at any time during the course of the excavation, insist that the area be sloped and graded if, in its opinion, a hazard exists.
- (5) The top of all slopes shall be at least twenty feet (20') from any adjacent property line or right-of-way or boundary of any street or highway and at least one hundred feet (100') from any occupied dwelling, unless specifically set out in the excavation permit to the contrary.
- (6) At all stages of the operation, proper drainage shall be provided to prevent the collection of water, and the excavator must erect proper barricades or fences for the protection of pedestrians, vehicles, children and others.

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Natural Resources Removal - § 242-302C,D,E,F

- (7) When approved excavations are completed, or a substantial portion thereof, the area must be graded so that no slope or gradient shall be steeper than one foot (1') to two feet (2') (vertical to horizontal). The above requirement shall not apply to open-faced rock cuts. Such cuts shall be finished at a angle not to exceed two feet (2') to one foot (1') (vertical to horizontal) so as to preclude the falling of loosened material or the risk of rock/earth slides. The top of all such cuts shall be protected with suitable fencing approved by the Commission. When completed, the excavated area shall be covered with a four-inch layer of topsoil and seeded with a combination of fast-germinating and perennial grass so as to prevent soil erosion and to maintain said area until it is stabilized and approved by the Commission. *[amended 5/8/86]*
- (8) The premises shall be excavated and graded in conformity with the excavation permit as approved. Any deviation from the permit as filed shall be cause for the Commission to revoke said permit and claim performance bond.
- (9) Truck access to the excavation shall be so arranged as to minimize nuisance to surrounding properties, and such access on the premises shall be provided with a dustless surface.

D. Hearing and notice:

Before the issuance of a permit under these regulations, the Commission may hold a public hearing after giving due notice of same in a newspaper having a substantial circulation in the Town of Brookfield, which notice shall set forth the name of the applicant, location and owner of the property and the nature of the application; except that, at the discretion of the Commission, the public hearing may be waived. *[amended 2/28/85, 8/23/01]*

E. Damage to roads:

Any permittee or agent thereof who shall cause damage to any road or roads in the Town of Brookfield shall immediately be liable to the Town for repairing said damage, which shall be under the supervision of the Board of Selectmen of the Town of Brookfield.

F. Processing:

No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless located within an appropriate zoning district where such may be permitted within this chapter. No fixed machinery shall be erected or maintained within three hundred feet (300') of any property line or street line.

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Natural Resources Removal - § 242-302C,D,E,F

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Excavation, Fill & Grading - § 242-303A-D

§ 242-303. Excavation, fill and grading.

A. General requirement: [rev. 6/4/10]

No excavation, fill or grading shall be accomplished in such a manner so as to cause inconvenience, harm or hardship, in the sole determination of the Commission, to surrounding property owners by virtue of encroachment on watercourses, pollution of water supplies, contamination of the soil, altered drainage flows, disruption of on-site sewer disposal systems, impounding of water, excessive slope of drives, walkways or accessways or which otherwise increases the potential for sedimentation, erosion or earth-slides. No slope extending over 100 feet in length measured in any direction across the contours of a lot may be created with a grade that exceeds 25° on average. (Refer to §242-402A & 242-501J(7)). Any activities which exceed 10% of the total lot area shall require a permit. Any such activities must be completed within one (1) year of the start of activity and all commercial and earth moving equipment must be promptly removed after the completion of activity.

B. Fill material below structures:

No fill material which is reduced in volume by fragmentation or decomposition may be used beneath footings, foundations, structures, walkways, drives or on-site sewer disposal systems. Fill under such areas, when permitted by the Building Official, Town of Brookfield, must be clean earth, loam, humus, sand, gravel, clay, stone, soil, subsoil or other earthen products only and shall be properly compacted in accordance with good engineering practice.

C. Burial of material:

Natural or building product wastes or debris which result from construction on the premises only and are not transported from elsewhere may be buried and covered over with a minimum of twelve inches (12") of clean fill of the types indicated in Subsection B above only with the written approval of the Zoning Enforcement Officer who, after inspection of the site, shall have satisfied himself/herself that adequate provisions have been made to prevent the conditions cited in Subsection A above or such other conditions as might adversely affect the public health, safety and welfare. The locations of such materials shall be indicated on the approved plot plan.

D. Material resulting from demolition:

The burial of material resulting from demolition activity is specifically prohibited.

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Woodcutting, lumbering, & forestry - § 242-304A&B

§ 242-304. Woodcutting, lumbering and forestry operations.

A. General requirements and exceptions:

Woodcutting shall be a permitted use in all districts of the Town. However, there shall be no woodcutting in any district without a permit from the Zoning Commission, except when such removal is limited to the following:

- (1) Necessary cutting resulting from a bona fide construction operation being executed on the premises or for the installation of foundations, driveways, sewers or waterlines, electric or gas service sidewalks, fences or walls which may or may not be in connection with the construction of a building or addition thereto for which a building permit has been issued.
- (2) Necessary cutting for a subdivision road for which the preliminary plans have been approved by the Planning Commission of the Town of Brookfield.
- (3) The removal by or for the owner when such removal is for the purpose of landscaping, farming or otherwise improving the property, to a maximum of one hundred (100) cords of wood.
- (4) Material that may be otherwise removed in any one (1) calendar year without the required permit is an amount not to exceed twenty (20) cords of wood.

B. Application for a permit:

Application for a woodcutting permit shall be made by filing with the Zoning Commission of the Town of Brookfield the following information:

- (1) A **site plan** drawn to scale , by an engineer or surveyor registered to practice in the State of Connecticut, showing the following:
 - (a) The property on which the cutting is to be made.
 - (b) Adjacent roads and the location of proposed access roads to the proposed cutting.
 - (c) Adjacent property ownership within one hundred feet (100').
 - (d) Existing and proposed drainage on the premises, if any, including proposed level and area of any impounded water.

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Woodcutting lumbering & forestry - § 242-304B&C

- (e) Location and design of structural and nonstructural sediment and control measures, such as diversions, waterways, grade stabilization structures, debris basins, check dams, water breaks, silt fences and the like, and the location of temporary and permanent control measures.
- (2) **A written statement** with the following information:
 - (a) The sequence of operations, including time periods for major development phases, temporary and permanent sediment control measures to be employed, specifications for temporary and permanent vegetative and structural stabilization, and general information relating to the implementation and maintenance of the sediment control measures, including the name of the individual responsible for implementing the plan.
 - (b) Details of regrading and revegetation at the conclusion of the project or at the conclusion of such phases of the project as the Commission may require.
- (3) The application must be filed with the Zoning Commission before any operations are started, and no cutting shall be started until the application is approved.
- (4) The application must be signed by the persons intending to carry out the cutting operations and also the owner of the property if the cutting is not being carried out by the owner.
- (5) The Commission may waive, in whole or in part, the requirements of this section where they are not deemed necessary for reasonable review of the application.

C. Conditions of approval and/or renewal:

- (1) The Zoning Commission may approve the application and issue a permit for a stated period not to exceed **twelve (12) months**. Such permit may contain such conditions as the Commission determines necessary to protect the health, safety, general welfare and best interest of the Town and its residents. Such permits may be renewed for successive stated periods, none of which shall exceed twelve (12) months. The fees for an annual permit shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. Such permit shall automatically terminate upon failure to pay the annual fee within thirty (30) days of the anniversary date of the permit. *[amended 8/23/01]*

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Woodcutting, lumbering & forestry - § 242-304C

- (2) A permit may be granted or denied by the Commission after consideration of good forestry practice; the public health, safety and general welfare; the comprehensive plan of development; soil erosion; drainage; lateral support slopes and grading of abutting streets and land; effect on land values and uses in the area; damage to existing landscape; and traffic access and safety. A permit may be granted only if the Commission finds compliance with the following conditions:
- (a) Cutting will not result in the soil erosion or fertility problems or depressed land values.
 - (b) There must be a minimum of two hundred (200) linear feet sight line clearance in both directions at point of truck access onto a Town road unless, in the opinion of the Commission, safety factors indicate otherwise.
 - (c) The area of truck access onto a Town road must be permanently established at the same grade as the Town road for a minimum distance of sixty feet (60').
 - (b) The Town road at the point of truck access must have a minimum width or traveled portion of twenty feet (20').
 - (c) The point of truck access onto a Town road must be so situated and constructed as to ensure that no trucks will back onto or off of the Town road.
 - (f) Compliance with § 242-602A, D and E of this Chapter.
- (3) For the health, welfare and safety of the residents of the Town of Brookfield, no work of any nature shall be performed under any permit granted under the terms of the regulations except between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 12:00 noon on Saturday.
- (4) Truck access to the cutting shall be so arranged, as to minimize nuisance to surrounding properties, and such access on the premises shall be provided with a dustless surface.
- (5) **Damage to roads:**
- Any permittee or agent thereof who shall cause damage to any road or roads in the Town of Brookfield shall immediately be liable to the Town for repairing said damage, which shall be under the supervision of the Board of Selectmen of the Town of Brookfield.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Woodcutting, lumbering & forestry - § 242-304C

D. Performance bonds:

When, in the sole determination of the Commission, it is necessary to protect the public health, safety, convenience and property values, the Commission may require the filing of a performance bond in accordance with §242-705A for the faithful completion of the entire project, or any portion thereof. The performance bond, in favor of the Town of Brookfield, shall be in an amount and of such form acceptable to the Commission.

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Off-Street Parking and Loading - § 242-305A-C

§ 242-305. Off-street parking and loading.

A. Purpose:

It is the intention of these regulations that all structures and land uses be provided with a sufficient amount of off-street vehicular parking and loading space to meet the needs of persons making use of such structures and land uses. The standards and schedules appearing hereinafter are considered the minimum necessary to accomplish this purpose.

B. Applicability:

Structures and land uses in existence, or for which building permits have been issued prior to the adoption of this chapter, shall not be subject to any additional parking or loading space requirements of this chapter, provided that any parking or loading facilities then existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities for the existing portion of such structures or uses shall, however, be provided at the time of any enlargement of such existing structures or uses in the future.

C. Standards: [subtitles eff. 6/4/10]

The following standards apply to all uses except single-family residences:

(1) Size and Construction:

The term "**parking space**" as used throughout these regulations shall mean a space capable of containing a rectangle, of not less than nine by twenty (9 x 20) feet, measured from the center of the dividing line between spaces. When a parking area is to support a facility employing shopping carts, hand trucks and the like, the parking spaces shall be of a size not less than ten by twenty feet (10' x 20'). Such space shall be surfaced with concrete, bituminous concrete or other equivalent dustless-type material and shall be suitably marked to indicate its location. All parking spaces shall be sloped at least one percent (1%) but not more than fifteen percent (15%) so as to drain properly and prevent the collection or standing of water on the surface thereof. Spaces must be contiguous to a driveway permitting access to a street. [amended 4/13/00]

(2) Location:

All **off-street parking spaces** shall be located on the same lot as the structure or use to which they are accessory. Commercial and industrial establishments may provide parking facilities on a different lot, provided that the nearest boundary of the paved portion of the parking area is within two hundred fifty feet (250')

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Off-Street Parking and Loading - § 242-305C

of the building containing the use being served and that said lot is under the same ownership as the use served.

(3) Ingress / Egress:

Adequate **ingress and egress** to an off-street parking area or facility by means of clearly defined drives shall be provided for all vehicles.

(4) Aisle Width:

All driveway aisles contiguous to parking spaces, shall be in accordance with the table as set forth below: *[revised 3/17/02, 4/2/03]*

Degree Parking	Minimum Aisle Width One-way traffic flow	Minimum Aisle Width Two-way traffic flow
Parallel or 30°	14'	24'
45°	16'	24'
60°	16'	24'
75°	23'	26'
90°	26'	26'

(National Fire Protection Association (NFPA) Standard 1141,4-3)

(5) Access and Internal Drives: *[revised 3/17/02]*

- (a) All internal site drives shall be constructed to a width of twelve feet (12') for each traveled lane and paved in accordance with the Town Road Ordinance.
- (b) The maximum grade of such drives shall be ten percent (10%) unless otherwise approved by the Commission.
- (c) The minimum turning radius for all such drives shall be twenty-five feet (25') for inside radii and fifty feet (50') for outside radii.

(6) Setbacks:

No **parking space** may be closer than twenty-five feet (25') from the front lot line, except for pre-existing non-conforming spaces. Where parking spaces abut a building, a separating strip of at least ten feet (10') shall be provided, either in the form of a landscaped bed or a sidewalk, or both. *[amended 10/29/98]*
Commercial/combination vehicles supporting a business entity (i.e. trucks, vans,

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Off-Street Parking and Loading - § 242-305C

pickup trucks and the like) shall be parked in the rear yard only, except that the Commission may specify another location in unique circumstances dictated by unusual or complex site conditions.

(7) Walkways:

Separate **pedestrian walkways** to the parking area or facility may be required by the Commission to ensure pedestrian safety.

(8) Curbing:

The **perimeter** of any parking area for a commercial or industrial establishment shall be provided with a curb of not less than six inches (6") in height back-filled with earth material.

(9) Intersection Setback:

No **parking area of more than ten (10) spaces** shall exit or enter onto a road less than seventy-five feet (75') from the center line of the nearest intersecting street on the same side of the street as the driveway.

(10) Lighting:

All **artificial lighting** used to illuminate any parking space or area shall be in accordance with §242-602B.

(11) Handicapped Parking: *[revised 12/14/11]*

**TABLE 1106.1
ACCESSIBLE PARKING SPACES**

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20, plus one for each 100 over 1,000

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Off-Street Parking and Loading - § 242-305C-D

(12) Firelanes: *[eff. 4/20/03]*

- (a) Fire lanes shall be designated by the Commission.
- (b) Fire lanes shall be constructed to a width of sixteen feet (16') for one-way traffic flow and twenty-six feet (26') for two-way traffic flow.
- (c) Minimum vertical clearance shall be thirteen feet six inches (13'6").
- (d) Fire lanes and adjacent curbing shall be suitably marked and painted in "traffic yellow."
- (e) Immediately adjacent to these fire lanes, appropriate signage indicating a prohibition from parking in fire lanes shall be erected on stanchions or placed on an adjacent building a minimum of five feet (5') high from the pavement surface and at intervals along the fire lanes of not more than fifty feet (50') apart.

D. Parking space schedule:

The number of parking spaces set forth in the following schedule will be considered as the minimum required for each use except where, at the discretion of the Zoning Commission, more spaces may be required. The schedule is intended to be representative and not inclusive. Parking spaces for permitted uses not specified herein shall be determined by the Commission by reference to the most similar use for which a requirement is given.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Off-Street Parking and Loading - § 242-305D

Parking Space Schedule *[effective 3/8/02]*

Use	Required Spaces	Per Unit of Measure
Banks:		
Bank, with drive-in	1	250 sq. ft. of gross building area
Bank, without drive in	1	250 sq. ft. of gross building area
Industrial Uses:		
Warehousing	1	2,000 sq. ft. of gross ind'l area
	plus 1	250 sq. ft. of gross office area
	plus 1	company vehicle
	plus 1	proposed number of visitors
All Other	1	500 sq. ft. of gross building area
	plus 1	250 sq. ft. of gross office area
	plus 1	company vehicle
	plus 1	proposed number of visitors
Hotel/Motel Uses:		
Hotel/Convention	1	room, plus 1 each employee
	plus 1	100 sq. ft. gross assembly area
Hotel	1	room, plus 1 each employee
Motel with restaurant	1	room, plus 1 each employee
	plus 1	100 sq. ft gross seating area
Motel, less restaurant	1	room, plus 1 each employee
Places of Assembly:		
Church	1	3 seats
Theatre	1	4 seats
Other Assembly, Fixed Seats	1	4 seats
Other Assembly, Non-fixed seats	1	200 sq. ft. gross usable floor area
Medical Uses:		
Hospital	1	three (3) patients
	plus 0.5	each employee
Medical Office & Clinics	1	250 sq. ft of gross building area
Nursing Home	1	three (3) rooms
Office Uses:		
All types	1	250 sq. ft. of gross building area
	plus 1	company vehicle
	plus 1	proposed number of visitors

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Off-Street Parking and Loading - § 242-305D

Use	Required Spaces	Per Unit of Measure
Recreational Uses:		
Bowling Alley	5	lane
Courts, Tennis, etc.	1	1,000 gross building sq. ft.
Health clubs	1	250 sq. ft. of gross building area
Marina	0.5	mooring or boat slip
Skating Rink	1	100 sq. ft. of rink surface or each 3 seats
Restaurant & Bar Uses:		
All types – including family, fast food, catering and cocktail lounges	1	4 seats, plus 1 for each employee or 100 sq. ft. of gross building area whichever is greater
Retail Uses:		
Convenience Market	1	500 sq. ft. of gross building area
Discount Store	1	250 sq. ft. of gross building area
Furniture/Carpet Store	1	1,000 sq. ft. gross building area
General Retail Trade	1	250 sq. ft. of gross building area
Home Improvement/Hardware	1	250 sq. ft. of gross building area
Shopping Center	1	250 sq. ft. of gross building area
Supermarket	1	250 sq. ft. of gross building area
Residential Uses:		
Single Family	2	single family unit
Multi-family	2	dwelling unit
Home Occupation	2	family dwelling, plus 1 per employee
Converted Residence	2 plus 1	single family unit each additional unit

Note:

1. “Gross Area” is the total square footage measured from the inside of any perimeter walls. Site plans must show provisions for the maximum number of parking spaces required for the most intensive use(s), but need only be “built out” to support the number of spaces required for the uses being proposed.

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Off-Street Parking and Loading - § 242-305E&F

E. Trailer coaches, campers and storage trailers: *[subtitles eff 6/4/10]*

(1) Occupancy:

Occupancy of trailer coaches and campers is not permitted. However, this subsection shall not prevent the use of a trailer coach as a temporary office in connection with a construction project, provided that suitable provisions for running water and sanitary sewage disposal are approved in writing by the Town Sanitarian prior to the issuance of a building permit.

(2) Interior Storage:

Except as provided hereinafter, no roadway vehicle, trailer or other similar device shall be used to store equipment, goods or materials on premises for an extended period of time. The Commission may, in its sole discretion, issue a permit for storage of equipment, goods or material for a period not to exceed sixty (60) days once in any given twelve-month period. Such a permit may be issued only for a use within a commercial or in industrial zone. In granting such permit, the Commission shall have found that: The placement of the roadway vehicle or trailer would be in conformance with the standards appearing in Subsection C; there would be no conditions which would adversely affect traffic safety or the general health, safety and welfare.

(3) Marshaling and Staging Operations:

Within an industrial zone nothing in this section shall prevent the temporary storage of equipment, goods and materials within properly registered roadway vehicles trailers and similar devices when a part of a terminal or distribution operation or where such items are being marshaled or staged for subsequent commercial or industrial use in another location.

F. Commercial vehicles in residential zones:

Unless otherwise approved by the Commission, overnight (8:00 PM through 6 AM) parking of commercial type vehicles is prohibited in all residential districts. Permitted vehicles may be parked in the residential driveway, but not otherwise within the front yard or on the town right-of-way or any easement giving access to the property. All such vehicles must be owned or operated by the permanent resident or owner of the property on which parked. *[revised eff. 8/26/99, 3/9/00, 12/23/02, 4/17/03, 6/26/14]*

**TOWN OF BROOKFIELD
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Off-Street Parking and Loading - § 242-305G-I

G. Loading areas:

Space for loading and unloading shall be provided for all hospitals, hotels, restaurants, retail trade, wholesale business and all manufacturing and industrial uses at the rate of four hundred (400) square feet for every fifteen thousand (15,000) square feet of floor area, or fraction thereof, up to thirty thousand (30,000) square feet, and four hundred (400) square feet for each thirty thousand (30,000) square feet of floor area, or fraction thereof, in excess of thirty thousand (30,000) square feet. Parking spaces required for use may not be used for loading space. Loading spaces must be properly marked.

H. Landscape requirements for Parking Areas: *[revised 11/25/98]*

- (1) **Single Family Dwellings:** No landscape requirements apply
- (2) **Multi-family Dwellings:** Section 242-404C(6) applies
- (3) **All Other Uses:** Section 242-501J "Landscape Requirements" applies.

I. Modifications:

The Zoning Commission reserves the right to modify these specifications, in harmony with their general intent, in unique and unusual circumstance indicated by individual site conditions, technical complexities or by overriding considerations of safety and general welfare.

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ZONING REGULATIONS**

**Signs
General Provisions - § 242-306A&B**

§ 242-306. Signs

A. Purpose:

The purpose of these sign regulations is to establish criteria based both on the zone and the use for a sign. It is recognized that signs perform important functions in identifying businesses and in general, advertising. Minimum control of signs is necessary to preserve property values by preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses of land. Controls are also necessary to prevent signs from reaching such excessive size that they obscure on another to the detriment of all concerned and to secure certain fundamentals of design for the Town. This regulation also governs outdoor display.

Under these Regulations, it is the intent of the Town of Brookfield, in part, to prohibit billboards, which are those signs that promote an activity or business or product that is unrelated to the site. The purpose of such prohibition is to maintain the aesthetic and historic character of the Town of Brookfield and to prevent the blighting influence of large signs. Notwithstanding anything contained in this Purpose Statement, or the Regulations below, any authorized sign may contain non-commercial copy in lieu of any other copy so long as the other provisions of these Regulations are complied with, it not being the intent of these Regulations to regulate sign content. Further, should a court of law deem any portion of these Regulations, their subparts, or referring regulations to be Constitutionally infirm, said court may strike or sever such portion it deems inconsistent with the Constitution of the United States of America or the Constitution of the State of Connecticut and leave the unoffending portions of the Regulations intact. *[amended 9/13/01]*

B. Permits:

- (1) Application for a sign permit shall be on an appropriate form required by the Zoning Commission.
- (2) The fees associated with a Sign Permit shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. *[8/23/01]*
- (3) No sign shall be installed, enlarged or relocated unless it conforms to the provisions of this regulation and a permit has been secured.
- (4) No streamers or banners, or other sign devices not herein defined shall be permitted.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Signs
General Provisions - § 242-306B&C**

- (5) Permits are valid only during the time the business is in operation. Signs and all sign material shall be removed within ten (10) days after the business ceases to be operational. The period shall begin on the day following the last day that the business is open.

C. General provisions:

(1) **Construction:**

All signs shall be constructed of strong material which will not warp or distort with weather or age, firmly supported so as to withstand wind conditions normally expected throughout the year and kept freshly painted otherwise maintained in good condition and repair.

(2) **Location:**

- (a) No sign shall be located closer than thirty-five feet (35') from the center of the traveled portion of the road in any zone, except names and addresses attached to mailboxes. No sign location shall obstruct any line of sight. Where a paved or traveled portion of any street is widened, and the sign obstructs the new lines of sight, it shall be set further back to conform to the requirements.
- (b) Where a four-lane highway exists, no sign shall be located closer than fifty feet (50') from the center of the traveled portion of the road.
- (c) No sign shall be arranged so that it blocks reasonable sight lines for streets, walks or driveways. No sign should be confused with a traffic control device by reason of the sign's color, location, shape and/or other characteristics or through any other means. Glare from the sign shall not interfere with traffic.
- (d) All permitted signs must be located on the same lot as the building or use to which said signs apply.
- (e) No sign may be attached to a tree.

(3) **Wording:**

Descriptive wording may be changed, without a permit, provided that the area dedicated to changing descriptive wording, commonly called "reader boards," shall not exceed fifty percent (50%) of the total sign area and that the coloration and composition of the text is compatible with the remainder of the sign. *[amended 8/26/99]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Signs
General Provisions - § 242-306C**

(4) **Size:**

The area of a sign shall be considered to be that of the smallest rectangle, triangle or circle which encompasses all lettering, wording, design or symbols. If attached to or located on the building, the area of the sign shall include any back-ground different from the balance of the wall if such background is designed as an integral part of, and obviously related to, the sign. When the lettering is placed on a building, the area of the sign shall be computed as the area of the smallest quadrilateral capable of including all lettering or other items comprising the sign.

- (a) **Building signs** shall be limited in total square footage to the amount of “linear building frontage” facing each street, main access drive or interior courtyard/pedestrian mall. In multi-occupant buildings, the allowable signage facing each street, main access drive or interior courtyard/pedestrian mall shall be proportionally divided according to the percentage of the “linear building frontage” attributable to each occupant on that street, main access drive or interior courtyard/pedestrian mall, or such other method as may be approved by the Commission in unique or unusual circumstances. *[amended 1/23/97, 10/28/99]*
- (b) **Roadside signs** are to be limited to one (1) per building with a maximum size of forty-five (45) square feet, except as specified in §242-306F(2) & G(2) of this chapter. *[amended 7/6/82]*
- (c) Where a **double-facing sign** is allowed, the maximum permitted sign area shall apply to each face. All framing shall be included in computing the sign area. Where the sign is not contained within the outer dimension of a frame, then the area of the sign shall be computed as the area of the smallest quadrilateral encompassing all lettering and other items comprising the signs. Legs, posts, pedestals or monuments supporting the sign and below the sign quadrilateral shall not be considered in computing the maximum area of the sign. *[rev. 8/28/08, eff. 9/6/08]*

(5) **Height:**

- (a) **Height:**
If a permitted sign is **independent of a building**, the top of said sign or support shall be not higher than eighteen feet (18’) above mean ground level in the immediate area in which the sign is located. If the sign is mounted on a monument or pedestal type base which is more than one foot (1’) wide, the height of the monument type or pedestal base shall not exceed five feet (5’) above mean ground level. Support legs or posts shall not exceed twelve inches (12”) in diameter or width. *[amended 8/26/99]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Signs
General Provisions - § 242-306C**

(b) A **sign supported by a wall** shall not be set out more than twelve inches (12") from said wall and shall not project above the roofline or beyond the side of said wall.

(c) No **building sign** shall extend above the roofline or parapet wall. *[added 7/16/87]*

(6) **Special setback and size requirements:**

(a) On a **building not using a roadside sign**, the square footage of the building sign may be increased by twenty-five percent (25%).

(b) On a **building not using a roadside sign**, for each twenty-five feet (25') of additional setback over seventy-five feet (75'), the area of the sign may be increased twenty-five percent (25%) to a maximum increase of one hundred percent (100%) in sign area. With a one hundred percent (100%) setback increase, the sign may be doubled in size.

(7) **Illumination:** *(eff. 12/1/13)*

(a) **Animation, flashing, moving, audio advertising devices and festoon lights** shall not be permitted.

(b) Where a **building fronts on two (2) streets**, each frontage is to be considered individually, with the limitations applied as for two (2) separate units.

(c) **Illuminated signs** may be permitted by the Zoning Commission and subject to the following regulations:

[1] A drawing showing the general appearance of the proposed illuminated sign from each street from which such sign may be visible.

[2] A plot plan showing the location of the proposed illuminated sign with relation to existing buildings on the same lot and on all adjacent lots, including lots which would be adjacent but for the existence of a street. The names of the owners of such lots shall be clearly shown thereon.

[3] Internally illuminated or back lit signs shall not exceed fifteen (15) watts of **output** power for every square foot of signage *[rev. 12/1/13; added 11/18/99]*. Data sheets must be provided with application.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Signs
General Provisions - § 242-306C**

- [4] Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed only onto the sign façade and shall not be aimed toward adjacent streets, roads or properties.
- [5] No LEDs or new internally illuminated signs shall be permitted in the Town Center District nor any residential zone.
- [6] The light source (bulb) of light fixtures shall not be directly visible from adjacent streets, roads or properties.
- [7] All ground mounted fixtures shall be screened by bushes or other appropriate means; all fixtures mounted on the sign itself shall blend in with the background color of the sign or its surroundings as deemed appropriate for the site.
- [8] Energy saving and solar lighting are encourages.
- [9] Halo lit signs may be approved by the Commission provided: White light only shall be used – colored lighting is not permitted. Light intensity shall be subtle and create a low intensity light wash on the sign board or background surface.
- [10] The Commission may approve a reduced size sign if halo lighting is requested.
- [11] Internally illuminated signs existing at the date of adoption of these regulations may remain and may have minor modifications to reflect changing business names, but more significant changes in location, size or structure, shall require compliance with these regulations.
- [12] The Zoning Enforcement Officer may require readjustment or relocation of a sign in order to prevent glare and to ensure vehicular and pedestrian safety.
- [13] Signs which are illuminated by a light source directed onto the sign shall have such light sources shielded so as not to be directly visible from any public right-of-way or from outside of the lot lines.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Signs
Residential Zones -§ 242-306 C&D**

(8) **Outside display area:**

(a) **Residential Zones, R-7, R-40, R-60, R-80, R-100:**

Nothing may be displayed outside of a house as a result of a home occupation. *[amended 6/6/77]*

(b) **Commercial establishments:**

Display of products for sale must be at least thirty-five feet (35') from the shoulder of the road, not in an area dedicated for parking, and may not obstruct walkways or sidewalks.

(c) **Industrial establishments:**

Storage or display of products or materials used in process or for sale must not be in the front setback or in any area reserved for parking, or walkways or sidewalks.

D. Residential zone: signs permitted without a permit:

Only the following signs are permitted for the uses indicated without a permit:

(1) **One (1) sign bearing the name and occupation of the occupant of the premises, including directional signs.** Maximum size shall be no more than 144 square inches. *[eff. 2/13/07]*

(2) **One (1) sign advertising the sale or rental of the premises** on which it is located. Maximum size shall be four (4) square feet.

(3) **Open House Signs:**

(a) No more than a total of three (3) open house signs per listing will be allowed.

(b) No more than one (1) sign shall be permitted at any one (1) intersection.

(c) The period of use will be limited to Sunday between the hours of 12:00 noon and 6:00 p.m. and Monday between the hours of 10:00 a.m. and 3:00 p.m.

(d) The signs shall be generic in nature and display no advertising.

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**Signs
Residential Zones -§ 242-306 D**

- (e) No sign shall exceed four (4) square feet as per Zoning Commission standards for said sign.
 - (f) No sign shall be placed as to block sight lines for streets, walks and driveways, as determined by Zoning Enforcement Officer.
 - (g) No sign shall be located on any private property without the express written consent of the property owner.
 - (h) No sign shall be placed within a town right-of-way without the express written consent of the abutting property owner.
 - (i) No sign shall be placed in a state right-of-way.
 - (j) Violators shall be fined according to a schedule established by the Zoning Commission.
- (3) A **temporary sign**, displayed only during the appropriate season, advertising farm produce grown on the premises and sold at a roadside stand, with the approval of the Zoning Commission. Maximum size shall be four (4) square feet.
- (4) One (1) double-faced sign, including any flag, badge or insignia, identifying any **civic, charitable, religious, patriotic, fraternal or similar organization** and its meeting hours, located on the lot where regular meetings are held. Maximum size shall be six (6) square feet.
- (5) **Historical markers** may be placed on a bona fide historical organization or by a governmental agency. Maximum size shall be three (3) square feet.
- (6) Names and addresses required to be placed on **mailboxes** by the United States Post Office may be in addition to signs permitted.
- (7) **Traffic or other directional signs** erected by the state, Town or county, including direction signs to schools, libraries, parks or governmental buildings. Said signs may include flag, badge or insignia of any governmental agency.

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**Signs
Residential Zones -§ 242-306D&E**

- (8) One (1) temporary sign may be erected, on the premises of an owner/resident only, indicating said owner/resident's **political** preference. Such sign may be erected sixty (60) days prior to Election Day and must be removed within one (1) week thereafter. Signs may not be affixed to utility poles, trees or structures; may not be placed within a public right-of-way or any other public area; and may not be placed in such a manner as to impede lines of sight or otherwise adversely affect traffic safety. Maximum size shall be four (4) square feet.

E. Residential Zone: signs requiring a permit:

The following signs and only the following signs are permitted for the uses indicated with a permit:

- (1) Three (3) official **tag sale signs** as furnished by the Zoning Commission; deposit: fifteen dollars (\$15.); refund: nine dollars (\$9.) upon return of signs within fifteen (15) days. Maximum size shall be one and one-half (1 ½) square feet.
- (2) Single-facing signs prohibiting **trespassing**, hunting, fishing, trapping or picnicking on property likely to be used for same or used as a passageway by unauthorized persons may be posed. Four (4) signs per acre may be erected, provided that they are placed within the boundaries of the lot. Maximum size shall be one (1) square foot.
- (3) One (1) temporary sign limited to a period of six (6) months to advertise a **subdivision**. An extension of time may be granted by the Zoning Commission. All such signs must be removed after completion of said subdivision. Maximum size shall be twelve (12) square feet.
- (4) One (1) temporary sign limited to a period of six (6) months listing the contractor, engineer, architect and other pertinent data associated with any **construction** project. An extension may be granted by the Zoning Commission. All such signs must be removed after completion of said project. Maximum size shall be twelve (12) square feet.
- (5) One (1) double faced, permanent landscaped sign containing the Planning Commission approved name of a **subdivision or multifamily dwelling project**, may be erected at the entrance drive to such projects. Maximum size shall be twelve (12) square feet. *[amended 8/26/99]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Signs

Commercial Establishments -§ 242-306E&F

- (6) One (1) double faced sign as permitted by §242-301A (**municipal signs**) with a maximum size of forty-five (45) square feet, inclusive of all frame and structure. The maximum size of the quadrilateral encompassing all lettering and other design elements of the sign, however, shall not exceed eighteen (18) square feet.
[amended 8/30/90]
- (7) A maximum of six (6) temporary directional signs, for a period not to exceed seven (7) consecutive days, advertising a not-for-profit special public event. The maximum size of the sign shall be twelve (12) square feet. An application for such signs must indicate the time period involved, the proposed design of the sign, and the proposed locations of the signs. The application must be accompanied by the written consent of the property owner upon whose property the signs are proposed to be located. The signs shall be placed in such a manner as to not impede lines of sight or otherwise adversely affect traffic safety. Applications for such signs will be processed on a first come - first served basis. Not more than two (2) independent signs may be placed at specific locations within the same time period. *[rev.3/14/91, 8/28/08, eff. 9/6/08]*
- (8) Municipal Greeting Sign:
- One (1) single or double faced sign with a maximum size of sixty (60) square feet on each side to provide a municipal greeting to individuals entering the Town of Brookfield. In addition, the sign may include any badge, insignia or seal identifying any civic, charitable, religious, patriotic, fraternal, government agency or any similar organization operating within the town and the meeting hours and location of such organizations. The design of said sign shall be acceptable to the Commission. Said sign(s) may be erected on town property with the written authorization of the Board of Selectmen or on private property with the written consent of the property owner. Such sign(s) may be erected within any zoning district and are not restricted solely to residential districts.
[eff. 1/28/99]

F. Commercial establishments:

The following signs are permitted for commercial establishments:

(1) Commercial buildings:

All signs permitted in the residential zone, if said use is a permitted use and being conducted in any commercial building, except a shopping center.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Signs

Commercial Establishments & Shopping Centers - § 242-306F

(2) **Roadside signs:**

One (1) roadside sign pertaining to a commercial building or three (3) commercial buildings in a group, provided that it refers to a permitted use on the premises only. If there is more than one (1) establishment, the sign may contain the names of all occupants. The name of each occupant may appear on a panel. Maximum size shall be forty-five (45) square feet. If the establishment is a retail service station, an additional sign or signs denoting prices of fuel only, not to exceed a total of twenty-four (24) square feet, may be located on the trademark sign stanchion. *[amended 7/6/82, 3/7/83]*

(3) **Other roadside signs:**

Roadside signs for **fraternal, religious, civic and other nonprofit organizations** may be approved by the Zoning Commission. They may not exceed twelve (12) square feet.

(4) **Building signs:**

One (1) building sign per store, shop, office or business, provided that the total area of the sign does not exceed in square footage the frontage length of the building; as permitted in §242-306C(4)(a).

(5) **Off-premises directional signs:**

Off-premises directional signs only, not to exceed one and one-half (1 ½) square feet, are permitted with the approval of the Zoning Commission and the written consent of the property owner.

(6) **Entrance and exit signs:**

Entrance and exit signs shall not exceed two and one-half (2 1/2) feet in height and shall not exceed three (3) square feet in size. One (1) at each street opening. *[added 5/8/97]*

(7) **Special Event Signs:**

One (1) temporary sign advertising a special event, sale, promotion, opening/closing of a business, in conjunction with Section 242-308 C(2)., for a period not to exceed thirty (30) days, not more than twice annually without the permission of the Zoning Commission. The sign may be a double-faced sign and of a maximum size of twenty-four (24) square feet. It shall be located so as to conform to Section 242-306 C(2) (a) through (e). In the case of multiple occupancy buildings, only one (1) such sign may be permitted at a time for the entire complex. It shall be promptly removed after the thirty (30) day period has expired. *[added eff. 10/28/09, revised eff. 11/1/12]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Signs
Industrial Establishments - § 242-306F-G**

(8) **For Sale/Rent/Lease Signs:** *[amended 7/16/87, 7/27/02]*

One (1) sign issued to the Owner/Operator of the premises advertising the sales/rent/lease of a property. Such sign(s) need only be applied for once. No renewal is necessary for a subsequent change of sign message thereafter. All such signs are subject to the following conditions:

- (a) Maximum size shall be twenty four (24) square feet.
- (b) No more than one (1) such sign shall be permitted per each premises.
- (c) If the premises has frontage on two (2) streets, one (1) sign shall be permitted on each street frontage.
- (d) No sign shall be placed so as to block lines of sight for streets, drives and walkways as determined by the Zoning Enforcement Officer.
- (e) No sign shall be placed in a state or town right-of-way.
- (f) No sign shall be placed closer than four (4) feet from a property line.
- (g) Such signs may be added below a permitted roadside sign.
- (h) The applicable fee shall be for each premises regardless of the number of signs permitted.

G. Shopping Centers:

- (1) **Store signs**, while they may reflect individuality, should be controlled by the Commission through an approved overall plan so as to preserve the unity of the center.
- (2) One (1) **directory-type sign** that may include the name of the shopping center. The name of each store, shop, office or business in the shopping center may be included on this sign. Maximum size shall be forty-five (45) square feet. If a shopping center has four (4) or more commercial establishments and a road frontage of six hundred (600) feet or more, two (2) roadside signs may be used at separate locations. Maximum size shall be forty-five (45) square feet each. Within the Village Business District (VBD), the above shall also apply except that the term "road frontage" shall be superseded by the term "lot width" which shall mean the distance calculated by the Zoning Enforcement Officer between two (2) parallel lines drawn approximately perpendicular to the street line and each such line containing a point which is the farthest extremity of each side lot line. *[amended 7/6/82, 2/27/97]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Signs

Industrial Establishments - § 242-306G

- (3) One (1) **building sign** per store, shop, office or business, as permitted in §242-306C(4)(a).
- (4) Where a **covered pedestrian walkway** exists in a shopping center, a hanging sign perpendicular to the building line may be used to indicate the name of the store, Maximum size shall be one and one-half (1 ½) square feet.
- (5) **Theaters** may have two (2) signs:
 - (a) One (1) roadside sign. Maximum size shall be forty-five (45) square feet.
 - (b) One (1) building or marquee sign. Any sign placed on a marquee shall be placed flat against a face of such marquee and shall not extend beyond any edge of such face. The marquee signs are to be limited in the square footage to the frontage length of the building.
- (6) **Special Event Signs:**

One (1) temporary sign advertising a **special event, sale, promotion, opening/closing of a business**, in conjunction with Section 242-308 C(2)., for a period not to exceed thirty (30) days, not more than twice time annually without the permission of the Zoning Commission. The sign may be a double-faced sign and of a maximum size of twenty-four (24) square feet. It shall be located so as to conform to Section 242-306 C (2) (a) through (e). Only one (1) such sign may be permitted at a time for the entire shopping center. It shall be promptly removed after the thirty (30) day period has expired. *[eff. 10/28/09, revised eff. 11/1/12]*
- (7) **For Sale/Rent/Lease Signs:** *[amended 7/27/02]*

One (1) sign issued to the Owner/Operator of the premises advertising the sales/rent/lease of a property. Such sign(s) need only be applied for once. No renewal is necessary for a subsequent change of sign message thereafter. All such signs are subject to the following conditions:

 - (a) Maximum size shall be twenty four (24) square feet.
 - (b) No more than one (1) such sign shall be permitted per each premises.
 - (c) If the premises has frontage on two (2) streets, one (1) sign shall be permitted on each street frontage.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Signs
Industrial Parks - § 242-306G&H**

- (d) No sign shall be placed so as to block lines of sight for streets, drives and walkways as determined by the Zoning Enforcement Officer.
- (e) No sign shall be placed in a state or town right-of-way.
- (f) No sign shall be placed closer than four (4) feet from a property line.
- (g) Such signs may be added below a permitted roadside sign.
- (h) The applicable fee shall be for each premises regardless of the number of signs permitted.

H. Industrial establishments:

The following signs are permitted for industrial establishments:

- (1) All signs permitted in the residential zone and on commercial establishments if said use is a permitted use and being conducted in an industrial building, except in industrial parks.
- (2) One (1) **roadside sign**. Maximum size shall be forty-five (45) square feet.
- (3) One (1) **building sign**, as permitted by §242-306C(4)(a).
- (4) One (1) **yard sign**, properly landscaped, may be used in lieu of a roadside sign. Maximum size shall be forty-five (45) square feet.
- (5) **For sale/rent/lease signs:** *[amended 7/16/87, 7/27/02]*

One (1) sign issued to the Owner/Operator of the premises advertising the sales/rent/lease of a property. Such sign(s) need only be applied for once. No renewal is necessary for a subsequent change of sign message thereafter. All such signs are subject to the following conditions:

- (a) Maximum size shall be twenty four (24) square feet.
- (b) No more than one (1) such sign shall be permitted per each premises.
- (c) If the premises has frontage on two (2) streets, one (1) sign shall be permitted on each street frontage.
- (d) No sign shall be placed so as to block lines of sight for streets, drives and walkways as determined by the Zoning Enforcement Officer.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Signs - § 242-306H&I

- (e) No sign shall be placed in a state or town right-of-way.
- (f) No sign shall be placed closer than four (4) feet from a property line.
- (g) Such signs may be added below a permitted roadside sign.
- (h) The applicable fee shall be for each premises regardless of the number of signs permitted.

I. Industrial park signs:

The following signs shall be permitted in industrial parks:

- (1) Where a street has been constructed to serve an industrial subdivision, a **directory-type sign** may be maintained on a corner lot formed by the intersection of such street with a highway maintained by the state or with a minor collector street. Said sign will serve to identify the industrial park and may contain the names of businesses or industries located within the subdivision. If the sign is located on property other than that owned by the subdivider, application must be made by the owner of the land on which the sign is located. Maximum size shall be forty-five (45) square feet.
- (2) One (1) **building sign**, as permitted by §242-306C(4)(a).
- (3) One (1) **yard sign**, properly landscaped, may be used in lieu of a building sign. Maximum size shall be forty-five (45) square feet.
- (4) **For Sale/Rent Lease Signs:** *[added 7/27/02]*

One (1) sign issued to the Owner/Operator of the premises advertising the sales/rent/lease of a property. Such sign(s) need only be applied for once. No renewal is necessary for a subsequent change of sign message thereafter. All such signs are subject to the following conditions:

- (a) Maximum size shall be twenty four (24) square feet.
- (b) No more than one (1) such sign shall be permitted per each premises.
- (c) If the premises has frontage on two (2) streets, one (1) sign shall be permitted on each street frontage.
- (d) No sign shall be placed so as to block lines of sight for streets, drives and walkways as determined by the Zoning Enforcement Officer.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Signs - § 242-306 I-L

- (e) No sign shall be placed in a state or town right-of-way.
- (f) No sign shall be placed closer than four (4) feet from a property line.
- (g) Such signs may be added below a permitted roadside sign.
- (h) The applicable fee shall be for each premises regardless of the number of signs permitted.

J. Inspection and removal of signs:

- (1) The Zoning Commission maintains the right to inspect any sign at any time and order such repairs as are, in its judgment, necessary for the safe and proper maintenance of such sign. It shall be the duty of the owner to make the repairs that the Zoning Commission orders within ten (10) days of receipt of such order. If said owner does not comply within the allotted time, the Zoning Commission is automatically empowered to have the sign declared a menace to public safety and have it removed at the owner's expense. If said sign is, in the opinion of the Commission, unsafe, and the owner of the sign cannot be located, the Commission shall be empowered to order its removal by the owner of the property on which said sign is placed. The Commission shall have the power to order the removal of the sign at the property owner's expense.
- (2) Notwithstanding any fines levied pursuant to Subsection K below, illegal signs may be promptly removed and destroyed by the Zoning Enforcement Officer after giving written notice of violation to the offending party. *[added 7/6/82]*

K. Penalty:

Any person maintaining any sign contrary to the provisions of this section of this chapter shall be fined in accordance with the provisions of the Zoning Violation Penalty Ordinance. *[added 5/8/97]*

L. Validity:

The invalidity of any section of these regulations shall not invalidate any other section or provision hereof.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Miscellaneous Provisions - § 242-308D-F

§ 242-308. Miscellaneous provisions.

A. Height limitations:

No building shall exceed the height limitations for the respective district, except that spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, tanks, television receiving antennas and similar features occupying an aggregate of not more than ten percent (10%) of the building area and not used for human occupancy may be erected to a reasonable and necessary height as determined by the Commission.

B. Setback from a body of water or a stream:

For any proposed construction not subject to Inland Wetlands Regulations¹, no building shall be constructed nor shall any land be filled within twenty-five feet (25') from the mean shore line of any body of water or stream, except with the approval of the Zoning Commission, giving consideration to any effect of the proposed building or other operation on the flow of such body of water or stream and on possible flooding. This subsection shall not apply to Candlewood Lake nor to Lake Lillinonah. *[amended 8/28/78]*

C. Temporary permit for carnivals, etc.: *[amended 7/16/87, 10/31/06]*

- (1) Nothing in these regulations shall prevent a church, school, civic association, social club, volunteer fire department or other nonprofit organization located in the Town of Brookfield from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not to exceed seven (7) consecutive days and the profits of which are for the sole benefit of such organization or its civic, religious or philanthropic purposes. The Commission may issue a permit to any of the above-named organizations located in the Town of Brookfield to hold an event as described and limited in the preceding sentence upon other premises than those of such organization.
- (2) The Commission or the Zoning Enforcement Officer may grant a permit to conduct an event, sale or promotion on the commercial/industrial property of an applicant for a period not to exceed thirty (30) consecutive days, not more than twice annually without the permission of the Zoning Commission. Such event(s) may be temporarily housed within a tent, which may not be located closer than twenty feet (20') to a property line. In the event that a tent is placed within an area dedicated to parking, a corresponding area for parking must be temporarily provided elsewhere. Provisions must also be made for adequate traffic control at the location. For temporary event signs, please refer to 242-306F(7) and 242-306G(6). *[revised eff. 11/1/12]*

¹ Editor's Note: See Ch. 220 Wetlands and Watercourses.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Miscellaneous Provisions - § 242-308D-F

Tag sales and auctions:

The following uses are permitted in any zoning district, subject to the obtaining of a permit:

All tag sales and auctions or sales of used articles and equipment commonly found in the home, provided that the sale is conducted or authorized by the owner-occupant of the premises wherein the sale is conducted, and provided that a permit is obtained from the Zoning Commission. A tag sale permit shall be valid for fifteen consecutive days and may be issued by the Commission when it has found that adequate provision has been made for parking and avoiding traffic congestion. No more than one (1) permit may be issued within a ninety-day (90) period to the same applicant and/or for the same location. Any sign used to advertise such sale must conform to the Sign Regulations of the Town of Brookfield, and must be removed after such sale. Said sign must have a copy of the tag sale permit attached thereon. *[rev. 8/28/08, eff. 9/6/08]*

E. Obstruction at street intersections or walkways: *[rev. 6/4/10]*

(1) Obstructions at street intersections and walkways:

To insure traffic safety, no fence, wall, hedge, shrubbery or other obstruction to vehicle driver's vision in excess of three feet (3') in height, as measured above the adjacent street grade, shall be placed or allowed to grow so as to obstruct the lines of sight at any intersection. The required lines of sight (site distances) shall be as required as set forth within the State of Connecticut, Department of Transportation, Traffic Manual, Section 11-2.0, "Intersection Site Distance."

(2) Walkways/Sidewalks:

Any designated walkway or sidewalk shall be a minimum of four feet (4') in width and shall be unobstructed by product display or other items located to the exterior of a building.

F. Liquor outlets:

No building or premises shall be used for the sale of alcoholic liquor under a package store permit issued by the State of Connecticut if the principal public entrance to such premises is situated less than 2,000 feet from the principal public entrance of any other premises used for the sale of alcoholic liquor under a package store permit issued by the State of Connecticut located within the territorial limits of the Town of Brookfield. Said 2,000 foot distance requirement shall be measured as follows: beginning at the

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Miscellaneous Provisions - § 242-308D-F

midpoint of the principal public entrance door of the portion of the structure in which said sale is proposed, thence to the center of the closest public street by the shortest

distance without intersecting a structure, thence along the centerline of said – public street or streets to a point in a public street perpendicular to the nearest portion of any other structure in which alcoholic liquor is sold under a package store permit, thence by the shortest distance without intersecting a structure to the midpoint of the principal public entrance door of the portion of the structure in which alcoholic liquor is sold under a package store permit. In no case shall the portion of any two structures in which alcoholic liquor is sold or proposed to be sold under a package store permit be located within a radius of 1,000 feet as measured from the midpoints of the principal public entrance doors of said portions of said structures. For the purposes of this section, the terms “alcoholic liquor” and “package store permit” shall have the same meaning as those terms defined in Chapter 545 of the Connecticut General Statutes, as may be amended or recodified from time to time. *(approved. 3/22/12).*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Miscellaneous Provisions
Swimming Pools - § 242-308G**

G. Swimming pools *[amended 6/6/77, 4/3/78]*

Residential swimming pools of the following types -- in-ground, aboveground and semi-in-ground – shall be permitted in any zoning district, provided that:

- (1) All of the applicable regulations of the State of Connecticut Building Code and any amendment thereto are complied with.
- (2) The following yard requirements are met:

ZONING DISTRICTS

Measurements in Feet

	R-7	R-40	R60	R-80	R-100	IGC 80/40	RC-41	RS40
Center of Road	45	65	65	75	75	75/100	75	75
Side yard	10	20	20	30	30	20/30	20	20
Rear yard	10	20	20	30	30	30/30	30	30

NOTE: Side and rear yards are measured from the property line. Front yard shall be measured from the center line of the traveled portion of the road.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Miscellaneous Provisions
Emergency Structures - § 242-308H**

H. Emergency Structures, Equipment and Devices:

(1) **Purpose:**

It is the purpose of this section to acknowledge the need to take extraordinary action in emergency situations affecting public health, safety and welfare. Such situations may be caused by such severe natural or man-made occurrences as: flood, water diversion, wind storm, fire, earth slides or erosion, hazardous material spills, water contamination, pollution of air, soil or water, extended power failure and the like.

(2) **Site Plan Modification:**

In such situations, the Commission, in regular or special session, may grant site plan modifications to erect temporary structures which will house equipment and devices, the purpose of which is to immediately protect public health, safety and welfare. For such time as the Commission deems appropriate, a permit may be issued for such temporary construction and may reduce standard yard, setback, coverage and other requirements when, in its sole determination, the Commission finds that the proposed temporary project is:

- (a) In reaction to a true emergency situation
- (b) Located in the least disruptive operational area of the property
- (c) Will cause the least impact upon neighboring properties
- (d) Contains sound deadening or muffling features
- (e) Constructed in such a way as to minimize visual impact
- (f) Constructed in such a way as to minimize any diminution of standard zoning requirements
- (g) The only practical alternative to mitigate the risk to public health and safety.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Miscellaneous Provisions - § 242-308I-J

I. Fences:

- (1) Fences under six feet (6') in height may be constructed in any residential zoning district without Zoning Approval. Fences six feet (6') or higher in height require Zoning Approval prior to construction and a Certificate of Zoning Compliance after construction. A site plan sketch is required with the application for fences six feet (6') or higher in height to document that the fence will be located on the subject lot. *[rev 6/29/05, 1/16/07, 8/28/08, eff. 9/6/08]*
- (2) Fences constructed in such a manner as to inhibit visibility through the fence (e.g., lattice, slats, panels, boards, etc.) shall not exceed eight feet (8') in height. All other fence types shall not exceed twelve (12') in height. *[amended eff. 6/29/05, rev. 1/16/07]*
- (3) If a fence has a **“finished” side**, (i.e., the side opposite from the horizontal supports to which it is applied), this side must face to the exterior of the lot. Fences may be either a full or partial visual barrier. Their material and color shall be in harmony with the surrounding area and dwellings as determined by the Zoning Enforcement Officer.
- (4) Fences shall be constructed in such a manner and of such materials as to prevent injury to those coming in contact with said fencing. **Barbed wire, razor wire, or other similar types of fencing are specifically prohibited in all zones.** *[rev. 8/28/08, eff. 9/6/08]*
- (5) Suitable **“animal” fencing** may be employed in conjunction with the regulations concerning “noncommercial livestock and poultry” when specifically approved by the Zoning Enforcement Officer.
- (6) Fences shall be kept in good repair or replaced when they become prone to collapse or visual deterioration. Fences shall not be placed in such a manner as to inhibit **lines of sight** or otherwise effect traffic safety. *[added 11/20/97]*

J. Temporary Living Quarters:

When a residential dwelling is rendered uninhabitable by virtue of **fire, flood, disease, accident, natural catastrophe** or other acts of God, the Commission upon a thorough review of the circumstances involved, may issue a letter permit allowing the use of a mobile home, trailer or other temporary type of living quarters on the affected site for such time period and in such location as the Commission deems appropriate. *[added 8/26/99]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Miscellaneous Provisions - § 242-308K-L

K. Fees:

Any fees associated with permits required under the foregoing Miscellaneous Provisions shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. [8/23/01]

L. Construction:

No exterior construction shall be permitted on Sunday except when performed by the homeowner or for repairs of an urgent nature. [eff. 9/6/08]

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Non-conforming Uses, Buildings & Lots - § 242-309A-C

§ 242-309. Nonconforming uses, building and lots.

A. Continuance:

Any lawful use of land, building and structures existing as of the date of adoption of these regulations or any pertinent amendment thereto may be continued subject the provisions of this Section.

B. Nonconforming Uses:

Any use not otherwise permitted or which fails to conform with the zoning regulations applicable to the zone in which the same is located, is hereby declared to be a “nonconforming use” and subject to the following provisions:

- (1) No nonconforming use may be changed except to a conforming use, or, with approval of the Zoning Commission, a nonconforming use may be changed to another nonconforming use as restricted or more restricted by this Chapter.
- (2) No nonconforming use shall, if once changed into a conforming use, be changed back to a nonconforming use.
- (3) No nonconforming use shall be extended or expanded, including hours of operation, without the approval of the Zoning Commission.
- (4) No nonconforming use shall be resumed or restored if:
 - [a] such use has not existed for a period of one (1) year from the date of cessation or from the effective date of the regulation, whichever is later;
or
 - [b] such use is abandoned.

C. Nonconforming Buildings and Structures:

Any lawful building or structure existing as of the effective date of these regulations, but not conforming to the provisions of these regulations relating to height, floor area, percentage of lot coverage, required yards, parking facilities, density, bulk, land use performance standards, or other provisions of this Chapter relating to buildings or structures, is hereby declared to be a “nonconforming building or structure”, and is subject to the following provisions:

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Non-conforming Uses, Buildings & Lots - § 242-309A-C

- (1) Except as provided for in paragraph two below, no nonconforming building or structure shall be moved, enlarged, or altered except to make it a conforming building or structure or to comply with the requirements of health and safety laws or ordinances.
- (2) **An addition to a nonconforming building or structure:** *[rev eff 3/6/15]* whereby the added portion conforms in all respects to the regulations AND whereby the addition does not cause the use, building or lot to become more nonconforming: may be permitted subject to the issuance of a Certificate of Zoning Compliance. A vertical expansion of a nonconforming building or structure which is legally nonconforming as to one or more setback requirements is a prohibited expansion of that nonconformity to the extent that the proposed vertical expansion, in and of itself, violates applicable setback requirements.
- (3) Nothing in this section shall require any change of plans or construction for a building or structure for which a building permit has been issued prior to the effective date of this Chapter or any pertinent amendment thereto, provided the construction has been started within six (6) months of the issuance of the permit and is diligently prosecuted to completion.
- (4) Nothing in this section shall prevent the reconstruction or structural alteration of a nonconforming building which is destroyed or damaged by **fire or casualty**, provided that such reconstruction or alteration is commenced within one (1) year of the date of such damage or destruction and completed within two (2) years from such date.

D. Nonconforming Lot(s):

Any lot, parcel of land, or assemblage existing as of the effective date of the adoption of these regulations or any pertinent amendment thereto which does not conform to the total acreage, lot width, road frontage or access provisions of this Chapter is hereby declared to be a “nonconforming lot” and subject to the following provisions:

- (1) Regulations concerning reduction of lot area or dimensions, required frontage and access, and building on existing lots are found in Section 242-201.
- (2) Regulations concerning total acreage and lot width are found in the appropriate section of these regulations for the Zoning District in which the lot is located.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Non-conforming Uses, Buildings & Lots - § 242-309A-C

- (3) Nothing in this section shall prevent the construction of a conforming addition to a conforming building or structure on a nonconforming lot.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Conservation Subdivisions - § 242-310A&B

§ 242-310. Conservation subdivisions.

A. Purposes:

- (1) It is the objective of this section to encourage the conservation of existing undeveloped land in the Town within the current zoning density framework through the utilization of more flexible standards and requirements which permit a more creative, attractive and efficient use of land in such a way as to achieve the following purposes:
 - (a) The maximum preservation of natural open space within new residential developments so as to establish a more desirable living environment and help to assure the maintenance and/or enhancement of the appearance, character and natural beauty of an area.
 - (b) The protection of the local ecology and the underground water table, the minimization of flood hazards in downstream areas and the prevention of soil erosion, by preserving water bodies, wetlands, watercourses, a major stands of trees, steep slopes, ridge lines, significant geological features and other areas of environmental value.
- (2) And one (1) or more of the following additional purposes:
 - (a) To preserve the character and property values of existing residential development.
 - (b) To preserve land for scenic, park, recreational and educational purposes.
 - (c) To encourage the development of community water supply systems within new residential developments so as to promote greater safety and efficiency.

A. Eligibility:

The provisions of this subsection are applicable only to properties located within the Residence R-40, R-60, R-80, R-100 Districts and only if a subdivision plan for such a development is approved by the Planning Commission upon a determination that the purposes as set forth in Subsection A will be achieved.*[amended 6/6/77]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Conservation Subdivisions - § 242-310C&D

B. Permitted uses:

The permitted uses within a conservation subdivision shall be the same as those otherwise permitted in the zoning district in which it is located and shall be subject to the same procedures and restrictions as would otherwise be applicable thereto.

C. Development standards and controls:

Except as specified in this section, all development standards and controls applicable to other residential subdivisions shall be applicable to conservation subdivisions. The following standards are to be considered minimums which may be increased in specific instances where determined necessary or appropriate by the Planning Commission:

(1) Density:

The maximum permitted number of one-family building lots within a conservation subdivision shall be determined by dividing the land area of the subject property by the normal minimum required lot area for one-family dwellings for the district or districts in which the property is located, except that the Planning Commission may reduce the permitted number of lots so calculated if, in the Commission's opinion, such reduction is warranted, based upon the presence of substantial areas of poor soils and/or other severe topographic limitations of the subject property which would tend to inhibit development at such a density.

(2) Minimum required lot area:

The minimum required lot area for one-family dwellings in a conservation subdivision shall be twenty thousand (20,000) square feet, except that larger minimums may be required in specific instances where determined necessary or appropriate by the Planning Commission or by the Health Director of the Town of Brookfield.

(3) Minimum required lot width:

The minimum required lot width for a one-family building lot in a conservation subdivision shall be one hundred feet (100').

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Conservation Subdivisions - § 242-310D&E

(4) **Minimum required yards:**

The minimum required yards for a one-family building lot in a conservation subdivision shall be as follows, except that where such building lots adjoin private property not included within the conservation subdivision, the minimum yard requirements normally applicable to buildings within the zoning district in which the property is located shall apply to setbacks from such adjoining property lines:

- (a) **Front yard:**
fifty-five feet (55') from the center of the traveled portion of the road.
- (b) **Side yards:**
fifteen feet (15') minimum, the aggregate of both side yards shall not be less than forty-five feet (45').
- (c) **Rear yard:**
twenty-five feet (25').

E. Conserved land areas:

- (1) All land within a conservation subdivision which is not included with a one-family building lot or designated to serve as roads or for other public purposes shall be designated "conserved land area(s)" on the final subdivision plan. The conserved land areas shall be in such location and or such size and shape and shall have such access as may be approved by the Planning Commission as being appropriate to satisfy the purposes set forth in this section.
- (2) **Ownership of conserved land areas:**
 - (a) The ownership of conserved land areas shall be divided equally among all owners of one-family buildings lots within the conservation subdivision, except where all or an appropriate portion of the conserved land areas are:
 - [1] Deeded to a recognized conservation organization dedicated to the preservation of open space and such dedication is acceptable to the conservation organization and to the Town Planning Commission; or
 - [2] Offered for dedication to the Town of Brookfield and the Town Meeting has voted to accept such offer.

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ZONING REGULATIONS**

Conservation Subdivisions - § 242-310E

- (b) Except in those cases where the ownership of the conserved land areas is to be vested in the Town of Brookfield or an approved conservation organization, the subdividers shall execute and file with the Planning Commission such documents as, in the opinion of the Town Attorney, will be sufficient to create a property owner's association responsible for the continued ownership, use and maintenance of all conserved land areas in accordance with the following requirements:
- [1] Membership in the association must be mandatory for each property owner within the subdivision and for any successive lot owners.
 - [2] All restrictions on the ownership, use and maintenance of conserved land areas must be permanent.
 - [3] The association must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas, including any active recreation areas and related facilities.
 - [4] Each lot owner within the subdivision shall be made responsible for paying his proportionate share of the association costs, and the assessment levied by the association shall become a lien on the property if not paid.
 - [5] The association shall have the power to adjust assessments to meet changing needs.
 - [6] In the event that the maintenance, preservation and/or use of the conserved land area(s) ceases to be in compliance with any of the above requirements or any other requirements specified by the Planning Commission when approving the subdivision plan, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against the association and/or each individual property owner within the subdivision all costs incurred by the Town for such purposes.
 - [7] The establishment of such an association shall be required prior to the sale of any lots within the subdivision.

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ZONING REGULATIONS**

Conservation Subdivisions - § 242-310E

(3) **Permitted uses in conserved land areas:**

Except where otherwise approved by the Planning Commission, conserved land areas shall be preserved in their natural state, and the use of such areas shall be limited to appropriate conservation, open space and recreation purposes as determined by the Planning Commission. Suitable legal agreements, including conservation easements, in form and content approved by the Town Attorney, may be required by the Planning Commission to assure such continued preservation and use of conserved land areas. A portion of the conserved land area(s) may be designated "active recreation area" on the subdivision plan, in a location approved by the Planning Commission, provided that such designated area remains in the ownership of a homeowner's association. Within such area structures and facilities for active recreational purposes, including playground equipment, swimming pools, tennis courts and so forth, may be constructed and operated for the use of the property owners in the conservation subdivision and their guests. Such active recreation area shall not exceed ten percent (10%) of the total area of the proposed subdivision.

F. Application procedure:

Subject to compliance with any special standards, requirements and procedures as set forth in this section, the Planning Commission may approve conservation subdivisions in accordance with the approved procedures applicable to conventional subdivision containing three (3) or more lots.

§ 242-311. Use Variances Prohibited.

A. In accordance with the authority granted by Title 8, Chapter 124, Section 8-6 of the Connecticut General Statutes, no variances shall be granted by the Zoning Board of Appeals in any district in which such uses are not otherwise allowed, except that the Zoning Board of Appeals may issue variances to permit, within an industrial or commercial zoning district, the following: *[eff. 3/14/91]*

- (1) A single family dwelling.
- (2) Single family dwellings with an accessory apartment conforming to §242-405.
- (3) Accessory apartments not exceeding 1,200 square feet within industrial or commercial structures.
- (4) A day care center with adequate provisions for traffic and pedestrian safety as determined by the Commission.

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ZONING REGULATIONS**

Telecommunications Towers and Antennae - § 242-312A&B

§242-312 Telecommunication Towers and Antennas. [added 7/9/98]

A. Intent and Purpose:

It is the intent and purpose of these regulations to accommodate the communication needs of residents and businesses while protecting public health, safety and general welfare of the community. These regulations are necessary in order to:

- (1) Facilitate the provision of wireless communication services to residents and businesses
- (2) To minimize the adverse visual effects of towers through careful design and siting standards
- (3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements
- (4) Minimize any health hazards associated with use of such equipment
- (5) Reduce the number of towers needed to serve the community by maximizing the use of existing and approved suitable facilities, existing water towers or similar buildings to accommodate new wireless telecommunication antennas
- (6) Minimize the perception of diminution of adjoining property values due to the location of such devices
- (7) Review the electro-magnetic radiation interference to receptor devices on adjoining properties to ensure consistency with the requirements of the Federal Communications Commission
- (8) To enable the Commission to find that the above purposes are met together with the requirements of §242-301C and this §242-312 in approving any Design Review or Site Plan Modification application.

A. General:

The review and approval criteria for a special permit for wireless telecommunications activities is generally set forth in §242-301C., "Design Review Approval" and the following additional guidelines, standards, application requirements, procedures and considerations shall also apply:

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ZONING REGULATIONS**

Telecommunications Towers and Antennae - § 242-312B

(1) **Plans and Specifications:**

Plans and specifications for the antenna and the antenna tower shall be prepared and signed by a Connecticut Licensed Professional Engineer and shall be designed to withstand sustained winds of at least eighty (80) miles per hour.

(2) **Site Simulations:**

The Commission may require the applicant to provide simulations of tower locations and impacts as part of the review of the special permit application. Such simulations may entail the erection of balloons or other devices necessary to visualize the proposed facility.

(3) **Consolidation of Facilities:**

The proposed support structure shall be designed for additional facilities including other wireless communication companies, and local police, fire and ambulance needs, unless it is determined to be technically unfeasible. The Commission may require independent outside evaluation of such determination at the applicant's expense. The applicant shall defray the cost of such expenditures for which payment shall be made prior to the decision by the Commission on the application.

(4) **Distance Requirement:**

No tower may be constructed within one (1) mile radius of an existing tower.

(5) **Lot Size and Setbacks:**

The minimum site shall be the minimum lot size required for the zoning district in which it is located and site shall be of sufficient size to accommodate a setback from all adjoining property lines equal to the maximum height of the tower and all appendages plus twenty-five feet (25').

(6) **Antenna Size:**

Directional or panel antenna(e) shall not exceed six feet (6') in height or two feet (2') in width. Omni-directional antenna(e) shall not exceed twenty feet (20') in height or seven inches (7") in diameter. Satellite and microwave dish antenna(e) shall not exceed two feet six inches (2'6") in diameter in residential districts and six feet (6') in diameter in all other districts.

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ZONING REGULATIONS**

Telecommunications Towers and Antennae - § 242-312B

(7) **Height Limitations:**

Any proposed radio or television antenna tower, earth station, dish, or other such device shall not exceed the allowable building height plus twelve feet (12') in residential zones or one hundred feet (100') in height, above existing grade, in any other permitted zone.

(8) **Fencing:**

A fence with a height of eight feet (8') shall be required around the tower and its ancillary equipment.

(9) **Landscaping:**

Landscaping shall be required around the fence which shall consist of a row of evergreen trees planted not less than ten feet (10') on center. The evergreen plantings shall be a minimum height of six feet (6') at planting and shall reach a minimum height of fifteen feet (15') at maturity. Such screening shall be maintained by the owner of the property to insure its effectiveness.

(10) **Scenic Ridge Lines:**

Antenna towers on any property that may be designated as a scenic ridgeline by the Planning Commission pursuant to the Plan of Conservation and Development are prohibited.

(11) **Design Compatibility:**

Structures shall be designed to be in harmony with the surrounding neighborhood properties and with due consideration for the impact that the tower will have on these properties, i.e., structures in residential districts must have characteristics such as roof lines, siding, fenestration, etc. that are compatible with residential structures in the immediate area as determined by the Commission. The Commission may impose conditions that foster a compatible design of the tower with the site and surrounding environment.

(12) **New Towers:**

Only monopole antennae shall be permitted as new towers and only after exhausting co-locations on existing towers or buildings. The economical situation associated with a site should not be a reason for exhausting a site.

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ZONING REGULATIONS**

Telecommunications Towers and Antennae - § 242-312B

(13) **Existing Towers:**

Antenna(e) shall be located on existing towers where available. If no existing towers are available, antenna may be located on new towers or other structures which ever provides the greatest amount of screening.

(14) **Associated Equipment:**

The related unmanned equipment areas and/or building shall not contain more than seven hundred fifty (750) square feet of gross floor area or be more than twelve feet (12') in height. Manned equipment incidental to the business office, maintenance depot and vehicle storage is prohibited. All site utilities shall be provided underground.

(15) **Building and Roof-Mounted Antennae:**

Building or roof-top mounted antenna(e) shall be located or screened so as not to be visibly intrusive from abutting public streets or adjoining residence. The area of the equipment enclosures and other structures shall not occupy more than fifteen percent (15%) of the roof area. If the equipment is located on the roof, setbacks from the roof edge shall be ten feet (10') or ten percent (10%) of the roof depth whichever is greater. Antenna(e) installed on buildings shall be compatible with the underlying structure.

(16) **Noise:**

All operations on site, including the operation of generating equipment, shall comply with all state and local noise regulations.

(17) **Interference:**

Subject to F.C.C. regulations and requirements, any communications equipment or devices shall not cause electro-magnetic interference with receptor devices located on adjoining or nearby properties nor shall they interfere with any existing or proposed public safety communications activities.

(18) **Illumination:**

Illumination shall not be permitted on the tower unless required by the Federal Communications Commission, The Federal Aviation Agency or Connecticut Siting Council.

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Telecommunications Towers and Antennae - § 242-312C

B. New Towers:

The proposal to erect a new tower or expand an existing tower shall require a “Special Permit Design Review” as outlined in Chapter 242-301C of the Brookfield Town Code. In addition to the requirements of the special permit “Design Review” applications shall include the following information:

- (1) A description of the proposed tower and associated equipment including height, design features, structural analysis, access roads and power lines, if any.
- (2) A map showing the extent of planned coverage within the Town of Brookfield and the location of the proposed facilities
- (3) Plan and elevation drawings showing the proposed tower, associated equipment, antennae and other structures on site
- (4) A topographic profile showing the proposed tower and its associated equipment
- (5) A description of the slopes, wetlands, watercourses, scenic vista, other environmental characteristics of the site and any historically designated areas of the site and the impact that the tower will have on these resources.
- (6) An architectural rendering of the view of the tower from adjoining properties.
- (7) A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, containing a description of the siting criteria and the process by which other possible sites were considered and eliminated.
- (8) A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, of technological alternatives and their costs for the proposed tower and a statement containing the reasons for the choice of the proposed facility.
- (9) A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, describing the impact on human health, if any, of signal frequency and power density at the proposed site to be transmitted and/or received by the proposed facility.

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Telecommunications Towers and Antennae - § 242-312C&D

- (10) Any application for a modification or change to an existing tower shall be accompanied by the submission of items 242-312B(1) - 242-312B(11), 242-312B(14) & 242-312B(15) above. The Commission may waive any of these requirements if it finds that the modification or addition will not have a significant impact.
- (11) All applications for a Special Permit to construct and operate wireless communications towers in a residential district shall include an inventory of all antenna equipment and apparatus not contained within fully enclosed buildings and the power and frequency of all transmission to be broadcast from the facility.

C. New Antenna:

The proposal to add an antenna to an existing tower or building shall require a "Site Plan Modification" as outlined in Chapter 242-301.C(3)[b] of the Brookfield Town Code. In addition to the requirements of the "Site Plan Modification" applications shall include the information listed below. Applications for multiple antenna(e) on an existing tower may be submitted in one Site Plan Modification application.

- (1) A description of the proposed tower and associated equipment including height, design features, structural analysis, access roads and power lines, if any.
- (2) A map showing the extent of the planned coverage within the Town of Brookfield and the location of the proposed antenna(e).
- (3) Plan and elevation drawings showing the proposed antenna(e), associated equipment, tower and other new structures on site.
- (4) An architectural rendering of the view of the antenna(e) from adjoining properties.
- (5) A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, of technological alternatives and their costs for the proposed antenna(e) and a statement containing the reasons for the choice of the proposed location.
- (6) A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, describing the impact on human health, if any, of signal frequency and power density at the proposed site either transmitted and/or received by proposed antenna.

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Telecommunications Towers and Antennae - § 242-312D-G

- (7) Subject to and not inconsistent with F.C.C. Regulations, an analysis indicating that any communications devices proposed on the site will not cause electromagnetic interference within receptor devices located on adjacent or nearby properties.
- (8) All applications for a Special Permit to construct and operate wireless communications towers in a residential district shall include an inventory of all antenna equipment and apparatus not contained within fully enclosed buildings and the power and frequency of all transmission to be broadcast from the facility.
- (9) The Commission may waive any requirement of the requirements of § 242-312D(1) – (8) or the requirements under §242-312C(3)[b], Site Plan Modifications, if it finds the new antenna on an existing tower will not have a significant impact.

D. Termination or Non-Use Removal:

A facility not in use for more than one (1) year or whose use is terminated shall be removed by the service facility owner. This removal shall be completed within ninety (90) days of the end of the one (1) year period. Upon removal, the site shall be restored to its previous appearance. The owner shall submit an annual report indicating that the facility is still in use.

E. Bonding:

The Commission may require the posting of a bond to:

- (1) secure compliance with the approved installation of all towers and antenna(e); and
- (2) to ensure the timely and proper removal of said tower and/or antenna upon termination or non-use.

G. Amateur Radio Operations (HAM Operators):

(1) **Accessory Use:**

Amateur Radio Operations are considered an “accessory use” to a residential structure in all Residential Zones, subject to the provisions set forth hereinafter.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Telecommunications Towers and Antennae - § 242-312G

(2) **Application:**

Erection and use of antenna towers and antennae shall require approval of the Commission. A Design Review Approval is not required. An applicant shall complete an "Application - Zoning Approval" form and shall attach thereto the following data:

- (a) **Plot Plan**, to scale, minimum 8 ½ " x 11" sheet showing lot outline and dimensions and location of all structures.
- (b) A narrative **Description** of the proposed operations including a statement that all FCC regulations will be complied with, all equipment used will meet FCC requirements and that the applicant will comply with any orders from the FCC regarding his/her operations.
- (c) **Engineering/structural drawings** or sketches indicating the configuration and elevation of the proposed tower and antenna.
- (d) **Safety devices** (anti-climb barriers, etc.) and proposed fencing and landscaping, if any.

(3) **Standards:**

In granting this type of site plan approval, the Commission shall have found substantial compliance with the following:

(a) **Structural Design:**

All towers shall be designed to withstand sustained winds of at least eighty miles per hour (80 mph).

(b) **Location:**

All towers shall be located in such a manner so that, in the event of accidental collapse, the tower and its appendages shall be contained on the site.

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Telecommunications Towers and Antennae - § 242-312G&H

(c) Height:

The maximum height of a tower shall not exceed either:

- (i) the maximum elevation of any portion of a roof surface (cupolas, chimneys, etc. excluded) plus twelve feet (12') when the tower is in a non-operational mode, or
 - (ii) or the mean height of all trees on the site, whichever is higher.
- Telescoping towers, when in operation, shall not exceed sixty five feet (65') in height above grade.

(4) Approval:

Approval of the application shall be evidenced by:

- (a) A notation contained in the official minutes of the Commission,
- (b) Approval and certification signatures appearing on the application/approval form, and
- (c) Legal notice of the approval in a newspaper having general circulation in Brookfield.

H. Continuation of Lawful Use:

The lawful use of any existing tower including existing antennae constructed or attached thereon may be continued and new antenna may be added in accordance with the provision of this Chapter.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Firing Ranges, Target Shooting & Discharge of Firearms for Recreational Purposes –
§ 242-313A&B**

**§242-313 Firing Ranges, Target Shooting , and the Discharge of Firearms for
Recreational Purposes [11/8/00]**

A. Residential Zones

- (1) Firearm Activities are prohibited in Residential Zones unless an application for a Firearm Plan is submitted to and approved by the Zoning Commission.

B. Firearm Plan Requirement

- (1) No Firearm Plan shall be approved by the Zoning Commission unless the use of the property for Firearm Activities:
- (a) predates the effective date of this section; and
 - (b) constitutes a valid non-conforming use as provided by law.
- (2) No Firearm Plan shall be approved by the Zoning Commission unless it incorporates the following structures:
- (a) a sound attenuation enclosure surrounding the firing discharge area, which shall reduce the noise measured at the property lines to the standards outlined in Section 242-602A of these regulations, and any noise regulations provided by local, state or federal statute or regulation, whichever more restrictive;
 - (b) a target barrier which shall not be less than 12 feet in height and shall be backed by an earthen berm of four feet (4') or more in thickness, which structure shall be set back not less than thirty feet (30') from any property line, and shall be sufficient to act as a complete deterrent to any ammunition used on the property from passing onto an adjoining property;
 - (c) an elevation limiting device, which shall prevent any round from being fired above the target barrier;

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**Firing Ranges, Target Shooting & Discharge of Firearms for Recreational Purposes –
§ 242-313B**

- (d) the area in which Firearm Activities may take place shall be completely surrounded by means of a fence or wall not less than four feet (4') above the ground at any point, and all openings in the fence or wall shall be secured by a gate or door equipped with a self-closing, self-latching mechanism that is inaccessible from the outside to small children. A natural barrier is not permitted as an enclosure.

- (3) An application for approval of a Firearm Plan must contain at a minimum, the following documents:
 - (a) A Firearm Plan, which shall consist of a Class A-2 survey of the property, in recordable form, prepared by a licensed and certified land surveyor. In addition to the standard requirements for a Class A-2 survey, the Firearm Plan shall contain the following information:
 - [1] the location of all existing and proposed structures on the property;
 - [2] the location of all existing and proposed locations of Firearm Activities;
 - [3] the location of all structures required by this Section, particularly those enumerated in subsection B(2) above;
 - [4] a written narrative detailing all restrictions imposed by this Section particularly those enumerated in subsection B(3)[b] below;
 - [5] elevations of all existing and proposed site structures;
 - [6] the distances of the existing and proposed Firearm Activities from structures on adjoining properties;
 - [7] the location of any wetlands, underground aquifers, underground aquifer wells providing drinking water, including the distances of the existing and proposed Firearm Activities from such areas and the depth of such aquifer resources; and
 - [8] evidence that the range is constructed in such a manner that all shot, debris and discharge is confined to the target area and that there is no danger or risk of injury to persons and property;

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**Firing Ranges, Target Shooting & Discharge of Firearms for Recreational Purposes –
§ 242-313B**

- (b) An agreement from the applicant, to be recorded on the Land Records, that Firearm Activities on the property will be subject to the following limitations:
 - [1] Firearm Activities will be conducted on the property only by the owners and/or occupants thereof and their invited guests;
 - [2] there will be no charge or fee for the conduct of Firearm Activities on the property;
 - [3] the property owner must be present during the conduct of Firearm Activities on the property at all times
 - [4] there shall not be more than four individuals simultaneously conducting Firearm Activities on the property;
 - [5] all individuals conducting Firearm Activities on the property must be duly licensed to carry and discharge firearms in accordance with State and Federal law;
 - [6] no Firearm Activities shall be conducted on Sundays or on legal holidays;
 - [7] no Firearm Activities shall be conducted except between the hours of 9:00 a.m. and 6:00 p.m.; and
 - [8] no ammunition may be used in connection with any Firearm Activities except that which can be safely discharged in accordance with State and Federal law and the provisions of this Section and be stopped by the target barrier.
- (c) An enumeration of the specific Firearm Activities to be conducted on the property, to be detailed on the Firearm Plan;
- (d) A plan of operation for the property, detailed on the Firearm Plan, including an enumeration of the safety precautions and procedures to be implemented;
- (e) A letter report from the Chief of the Brookfield Police Department, stating that the Firearm Plan has been reviewed and that the plan incorporates adequate safety measures;

**TOWN OF BROOKFIELD
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**Firing Ranges, Target Shooting & Discharge of Firearms for Recreational Purposes –
§ 242-313B**

- (f) A plan for the property, detailed on the Firearm Plan, to ensure that no ammunition remains, pellets, spent shells, spent shot, target debris, or other residual material, especially those containing lead, is allowed to enter any watercourse or wetlands, or allowed to accumulate on the property in violation of any federal, state or local rule, regulation or statute;
- (g) If lead shot is to be utilized, a lead discharge permit for the property, issued by the Connecticut Department of Environmental Protection;
- (h) Copies of all required governmental Firearm licenses issued to the applicants for the Firearm Activities to be conducted on the site;
- (i) A written statement, under oath, from the applicant that the property had frequently and regularly been used for the specific Firearm Activities to be conducted on the property for at least the one year period prior to the adoption of these regulations.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Firing Ranges, Target Shooting & Discharge of Firearms for Recreational Purposes –
§ 242-313B**

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Permitted Uses In Residential Zones – § 242-401A

ARTICLE 4.

Residential Districts

§ 242-401. Permitted Uses in Residential Zones

The following uses are permitted in all residential districts except that accessory buildings in the R7 district are limited to only garages, boat, beach houses, or sheds of less than 75 square feet in area and 8 feet in height. *[revised 3/8/01, 10/20/02]*

A. Permitted uses:

- (1) **One-family dwellings.**
- (2) **Customary Home Occupation:** *[revised 9/30/10, 6/26/14]*

In accordance with the definition of ‘customary home occupation’ contained in Section 242-202. In granting a Certificate of Zoning Compliance for a customary home occupation, the Zoning Enforcement Officer, shall insure that the use shall:

- (a) Not employ more than two (2) individuals within the dwelling in addition to the resident;
- (b) Occupy a floor area not in excess of twenty-five percent (25%) of the total floor area of the dwelling;
- (c) Conduct all operations within the dwelling;
- (d) Provide that all business related parking is “off-street” and within designated driveways/turn-arounds;
- (e) Create no objectionable: noise, odor, vibrations, unsightly site conditions, electro-magnetic interference in the immediate vicinity, and hazards to neighborhood health safety and general welfare;
- (f) Result in visitations to the site of not more than three (3) vehicle trips per hour, day care centers excluded;
- (g) Change the residential character or nature of the dwelling, site or adjacent properties;

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ZONING REGULATIONS**

Permitted Uses In Residential Zones – § 242-401A

- (h) Not permit exterior storage of contractor's materials nor exterior parking of contractor's equipment of any kind.

In reaching a decision on an application for a Customary Home Occupation, the Zoning Enforcement Officer shall give due consideration to: *[revised 9/30/10]*

- the nature and magnitude of the business operation,
- the intensity and hours of operations,
- neighborhood traffic considerations,
- adequacy of off-street parking and screening thereof,
- frequency of deliveries or site visitations by clients or outside employees,
- required infrastructure, and
- the number of personnel involved.

The overriding consideration in issuing a certificate is the Zoning Enforcement Officer's perception of the use as not affecting the residential appearance, character and nature of the site and adjacent neighborhood. *[revised 9/9/99, 9/30/10]*

- (3) **The letting of rooms or furnishing of board** in a dwelling by the resident of the premises to not more than two (2) persons, except that more than two (2) persons may be permitted with the approval of the Zoning Commission.
- (4) **Agriculture, farming, silviculture, landscape services, truck or nursery gardening**, including greenhouses incidental thereto. Permitted uses under this subsection may include the maintenance, repair and storage of equipment, implements, machinery and vehicles used in connection with an agricultural operation on the same premises or on premises under the same occupancy and may include a stand for the sale of farm and garden produce raised on the premises, provided that it is located at least twenty feet (20') from the street line to provide off-street parking.
- (5) **Accessory uses** such as **tool and storage sheds, cabanas, playhouses and other similar buildings** which are less than eight feet (8') in height and not more than seventy-five (75) square feet in floor area may be located in the rear and side yard. Such buildings must be setback at least ten feet (10') from the rear lot line and must conform to the normal required side yard lines for the applicable residential district. Buildings greater than or equal to eight feet (8') in height or more than seventy-five (75) square feet in floor area must be located in the rear or side yards. These must conform to the rear and side yard setbacks for the applicable residential district. No accessory use buildings are permitted in the front yard. *[revised 8/28/08, 9/6/08]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Permitted Uses In Residential Zones
Livestock/Poultry Farming – § 242-401A**

(6) **Livestock/poultry farming:**

Land, buildings and other structures are permitted for the purpose of raising, livestock and poultry. The minimum acreage for development of livestock/poultry farming is five (5) acres.

(7) **Guest House/Apartment:**

One guest house or apartment may be constructed on the same lot as the principal dwelling providing all required setbacks, yard, coverage and height requirements for the specific zoning district are adhered to. The maximum area of such guest house/apartment shall not exceed 15% of the floor area of the principal dwelling on the lot. Prior to the granting of either a Zoning Approval or Certificate of Zoning Compliance for such a structure, an applicant must have the prior approval of the Town Sanitarian. [11/20/97]

(8) **Noncommercial livestock/poultry:**

- (a) This regulation pertains to the keeping of **livestock/poultry**. For purposes of equating relative sizes of animals and their respective land area requirements, the following equations shall apply:

[1] One (1) animal unit:

[a] Equals one (1) cow, horse, bull, steer, pony or comparable sized animal.

[b] Equals two (2) sheep, goats or other comparable sized animals.

[c] Equals twenty-five (25) chickens, roosters, turkeys, hens or other comparable sized poultry.

[2] Additional equations of animals will be determined by the Zoning Commission as required.

- (b) If **one (1) or more animal units** are kept on the premises, the following conditions shall be met:

[1] The livestock/poultry must be owned by the residents or owners of the respective property, which shall be a **minimum of eighty thousand (80,000) square feet**.

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[2] For the first animal unit, a minimum of twenty thousand (20,000) square feet will be established exclusively for housing, feeding and buffer area. Approximately one-half (1/2) of this area will be actively used while the other half is left fallow to rejuvenate and reseed. This area must be maintained so as to prevent soil erosion or the contamination of adjoining properties, watercourses or water supplies.

[3] In order to maintain more than one (1) animal unit, the area requirement in Subsection A(6)(b)[2] above shall be increased as follows:

Animal Units	Minimum Housing, Feeding, Buffer Acreage Requirements (square feet)
More than 1	40,000
More than 2	120,000

[4] **Adequate fencing** shall be installed and maintained to contain the livestock/poultry.

[5] A **fifty-foot (50') buffer**, either in its natural state or landscaped as required elsewhere herein, shall be maintained between the property line and all fencing, corrals, feeding areas, etc. Animals shall not be left unattended within the buffer, and any droppings shall be promptly removed from the buffer strip.

[6] An **appropriate building** shall be provided for the keeping of the livestock/poultry. This building shall be well maintained, periodically cleaned and shall not be unsightly or degrading to the neighborhood. The building shall be centrally located in the rear yard of the premises, and rear and side lot line setback shall be maximized. In no event shall the building be closer than seventy-five feet (75') from any adjacent property line. Temporary animal shelters shall be permitted only for a maximum period of thirty (30) days. All food, supplies and tools shall be stored within the animal building.

[7] All fencing, corrals, feeding areas, etc., and buildings used for livestock/ poultry shelters will have reasonable **foliage screening**, natural or planted, so as to minimize the visual impact of the poultry/livestock habitat from neighboring dwellings.

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- [a] No appreciable detrimental effect on adjoining property values shall occur by virtue of the existence of such livestock/poultry.
- [b] Major or significant substantive objections pertaining to the particular site are not raised at the required public hearing.
- [c] The Town Health Officer has reviewed the application and concluded that there is no danger to public health.
- [d] The fifty-foot buffer strip in Subsection A(6)(b)[5] above may be reduced to twenty-five feet (25') and the seventy-five (75) foot building setback in Subsection A(6)(b)[6] above may be reduced to fifty feet (50'), provided that natural screening exists which, at normal eye level, covers at least twenty-five percent (25%) of the livestock/poultry building, fencing, corral, etc., as seen from neighboring properties, or if the Commission determines that natural screening does not meet the above requirements, then the Commission may grant approval, subject to the addition of specifically designated height, caliper and type of tree plantings to ensure adequate year-round screening.

B. Other permitted uses:

The following uses may be permitted, after obtaining Design Review Approval as set forth in Section 242-301C and subject to the following conditions: *[revised 3/8/01]*

- that the Commission shall have found that the proposed use will have no detrimental effect on present and future dwellings in the vicinity;
- that the proposed site planning and landscaping are in harmony with the character of the neighborhood;
- that no conditions will be created which adversely affect traffic safety or the normal movement of traffic;
- that adequate provisions will be made for off-street parking;
- provisions for water supply and sanitary sewage disposal will be adequate;
- and further provided that there shall be a minimum lot area of one hundred twenty thousand (120,000) square feet;

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- a minimum lot width of three hundred feet (300’);
 - two (2) side yards of seventy-five feet (75’) each in width;
 - a rear yard of fifty feet (50’) in depth;
 - a front setback of at least one hundred feet (100’) from the center traveled portion of the road;
 - not more than ten percent (10%) of the area of the lot shall be covered by buildings; and
 - no parking or recreation equipment shall be located in any required front or side yard:
- (1) **Schools and colleges** operated by a government unit or nonprofit corporation.
 - (2) **Private schools** for pupils below high school grade, whether operated for profit or not.
 - (3) **Private nursery schools.**
 - (4) **Churches**, parish houses, convents and similar religious buildings.
 - (5) **Clubs, lodges and community houses**, except those of which a chief activity is a gainful service or activity carried on as a business.
 - (6) **Libraries, museums and auditoriums** operated by a governmental unit or nonprofit corporation.
 - (7) **Hospitals, sanatoriums** and similar philanthropic institutions operated by a governmental unit or nonprofit corporation.
 - (8) Privately operated **sanatoriums**, convalescent homes or homes for the aged.
 - (9) **Fire or police stations** and other municipal buildings, such as a post office.
 - (10) **Electric transformer station**, water or sewer pumping stations.
 - (11) **Public parks**, public playgrounds or public recreational areas operated by a governmental unit or nonprofit corporation.
 - (12) A **cemetery** of a church corporation located in the Town of Brookfield.

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- (13) **Multifamily dwellings** in accordance with §242-404 A-J, provided that they are supported by public/municipal sewer and water services (per PCD “Guide to Multi-family Development No. 14.) *[revised 6/4/10; 4/14/11]*
- (14) **Business and secretarial schools** with dormitories located on the same property as the school building.
- (15) **Antenna(s) and antenna towers** and associated facilities pursuant to the requirements of Chapter 242, Section 312, entitled: “Telecommunication Towers and Antennas” *[added 7/9/98]*

C. Accessory uses:

Those customarily incidental to a permitted use.

D. NEIGHBORHOOD ANTI-BLIGHT REGULATION: *[revised 10/23/03]*

(1) **Purpose:**

It is the purpose of this regulation to promote and preserve the general health, safety and welfare of the residents and property owners of Brookfield by regulating and preventing, reducing or eliminating litter, junk, trash rubbish, refuse and debris, and other blight or potential blight in the township through the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Town. The regulation is also necessary to prevent any detrimental effect upon the property values of neighboring properties.

(2) **Regulation:**

- (a) Unless otherwise determined by the Commission, uses, items, or materials to be specifically prohibited from placement within any **residential front yard** are:

- [1] A “junk yard” as defined in §242-202 of these regulations.
- [2] “Litter, junk, trash, rubbish, refuse or debris of any kind” as defined in §242-202 of these regulations.
- [3] The parking, storage or accumulation of non-motorized vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof.
- [4] The outdoor storage or accumulation of appliances, televisions or furniture, or parts or components thereof.

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- [5] The parking of any vehicle except within the designated driveways and turn-arounds.
- [6] The parking or storage of mobile homes not meeting the minimum standards for inhabitation by humans.
- [7] The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof.
- [8] The storage or accumulation of:
 - building materials as defined in §242-202 of these regulations (except for a project of specified duration for which a valid building permit has been issued),
 - home or garden supplies in bulk or containerized; and
 - similar materials.

Such items or materials do not include firewood or garbage containers awaiting refuse removal by an authorized waste hauler within fourteen (14) days.

(b) Side & Rear Yards

Items and materials indicated in Section 242-401D(2)(a) above, may be permitted in “side” and “rear” yards provided that they are screened from adjacent properties or from visible roadways by dense tree/shrubs, fencing, or other appropriate screening devices. *[revised 2/13/07]*

E. PROHIBITIONS IN RESIDENTIAL DISTRICTS: *[added eff. 11/24/09, revised eff. 10/4/12]*

The following uses, operations, or activities, are specifically prohibited in all Residential Districts and take precedence over any other similar requirements in the existing regulations:

- (1) **Displays:** The exhibition of merchandise, materials or articles associated with a non-residential use within the front yard except as may be permitted by an appropriate permit issued by the Commission.
- (2) **Property of a Contractor/Craftsman Resident Owner:** Any outward evidence of commercial use of the property. All vehicles shall comply with the requirements of “commercial vehicle” defined elsewhere herein.
- (3) **Contracting Equipment:** Equipment such as earthmovers, dump trucks, trailers and the like, maintained or stored on the property after five (5) days from the completion of such projects as: grading, contour changes, wall or driveway construction, tree removal or landscaping and the like.

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Physical Requirements - § 242-402A

§ 242-402. Physical Requirements.

A. Required setbacks, lot area, coverage and height:

The required physical parameters for development in Residential Districts appear in the following table:

RESIDENTIAL DISTRICTS

Parameter	R-100	R-80	R-60	R-40	R-7
Minimum Lot Area (sq ft) [see note 1]	100,000	80,000	60,000	40,000	7,000
Minimum Lot Width (feet)	200	200	150	150	50
Minimum Lot Area per Family Dwelling Unit (sq ft)	100,000	80,000	60,000	40,000	7,000
Side Yards, each (feet)	50	50	30	30	10
Rear Yards (feet)	50	50	30	30	10
Setback from center of road (feet)	75	75	65	65	45
Building Coverage (% of sq ft)	10	10	10	10	25
Maximum Building Height (feet)	30	30	30	30	30
Building Separation, two stories or less	20	20	20	20	20
Building Separation, more than two stories	50	50	50	50	50

Note 1: The area to be used in the calculation of minimum lot area is exclusive of wetlands, watercourses, slopes in excess of 25°, portions of the lot less than fifty feet (50') wide or the private right-of-way leading to interior lots. The area is to be calculated using the existing, prior-to-development conditions. *[rev. eff. 10/23/03, 3/8/04]*

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Physical Requirements - § 242-402A

B. Minimum Floor Area:

Except for the R-7 District and multi-family dwellings, each dwelling shall have the minimum floor area as follows:

Residence (stories)	First Floor (sq ft)	Second Floor (sq ft)
1	1,000	-
1 1/2	800	400
2	800	600

Areas excluded:

The square footage(s) above are exclusive of garages, breezeways, porches and basement areas.

C. Solar Panels

Solar panels, whose primary purpose is to provide energy for the home on the lot, are not included in the maximum building height regulations. Solar Panels are to be considered as a Structure when located at ground level. If supporting documentation proves that no suitable location is available on the building, due to exposed surfaces not facing the appropriate direction and that no glare will be created and that the optimum location of the panels is at ground level, the Zoning Commission may at its discretion establish a 10 foot or greater setback requirement. In no case are solar panels permitted whose primary purpose is to supply power for commercial purposes. *[eff. 9/6/08]*

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ZONING REGULATIONS**

Erosion & Sedimentation Control Requirements – § 242-403A&B

§ 242-403. Erosion & Sedimentation Control Requirements for Residential Development

A. Zoning Approval Conditions:

In order to insure compliance with the requirements of §242-303, “Excavation, Fill & Grading,” and §242-602D “Erosion & Sedimentation Control,” and depending on individual site circumstances, the Zoning Enforcement Officer in his/her sole discretion, may impose conditions upon the Zoning Approval document requiring that:

- (1) that certain areas of a residential site remain in an “undisturbed” condition; and
- (2) that specific erosion and sedimentation controls and devices be installed on a residential site prior to commencement of **any** site work.

Should the ZEO find subsequent non-compliance with such conditions, he/she is empowered to issue a Cease and Desist Order requiring immediate corrective action. Prior to the issuance of any final Certificate of Zoning Compliance, the ZEO shall insure that such devices and controls have been effectively installed and that the site has been suitably stabilized so as to preclude:

- (1) any continuation of on-site erosion, or
- (2) any damage, hardship or inconvenience to any adjacent property owners by virtue of: altered drainage flows, erosion, sedimentation, earth slides, or any on-site grades created in excess of one vertical to two horizontal (1:2).

B. Bond for Corrective Action:

Should corrective action be required pursuant to paragraph (a) above, the Commission may require a performance bond in accordance with §242-705C to secure faithful performance of any required corrective work. The commission shall establish the amount of such bond based upon an engineer’s estimate of the required rework. Upon completion of the work to the satisfaction of the ZEO, the commission shall recommend release of the bond.

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Erosion & Sedimentation Control Requirements – § 242-403C

C. Bond for Unfinished Work:

If any unfinished work required in paragraph (a) above cannot be accomplished due to weather or other seasonal conditions, the commission may permit the issuance of a Certificate of Occupancy provided that a performance bond in accordance with §242-705C is posted in an amount sufficient to cover any work yet to be accomplished. The Commission shall establish the amount of such bond based upon an engineer's estimate of the required work. Upon completion of the work to the satisfaction of the ZEO, the Commission shall recommend release of the bond.

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Multi-family Dwellings - § 242-404A&B

§ 242-404. Multifamily dwellings.

A. Purpose:

This section sets forth regulations pertaining to dwellings of two (2) or more families and includes apartments, garden apartments, townhouses, row houses, condominiums and cooperative apartment buildings. It is the purpose of these regulations to allow for alternate methods of housing, to permit more efficient use of land, and to maximize the preservation of natural open space. *[amended 5/22/75]*

B. Applications:

- (1) Multiple-family dwellings require a Special Permit issued by the Commission pursuant to Title 8, Chapter 124, Sections 8-2 and 8-3c of the General Statutes of Connecticut.
- (2) Applications for such permit are governed by the requirements set forth in §242-301B & C of the general provisions of this chapter. *[amended 5/22/75]*
- (3) Concurrent with the submission of an application and all required data to the Zoning Commission, the applicant shall submit one (1) duplicate application form and data package to the Planning Commission, Town of Brookfield. The Planning Commission shall formally receive a copy of the application and data package at its first scheduled meeting following receipt of such data in the office of the Planning Commission. The Planning Commission shall study the documents and submit a written report to the Zoning Commission commenting on such matters as are set forth in §242-301C(5)(b) of this chapter, together with its recommendation(s), and such report shall be read aloud at the mandatory public hearing as set forth by the Zoning Commission. If such report of the Planning Commission is not submitted at or before the public hearing, it shall be presumed that the Planning Commission does not disapprove of the proposal. The Planning Commission may designate its executive committee to act for it under this chapter or may establish a subcommittee for that purpose. The report of said Planning Commission shall be purely advisory. *[added 1/12/84]*

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ZONING REGULATIONS**

Multi-family Dwellings - § 242-404C

C. Design and technical requirements:

In addition to those requirements set forth in § 242-301C, Design Review Approval, the proposed project shall conform to the following:

- (1) The site planning, **landscaping and architectural theme** shall be in harmony with the character of the neighborhood. Existing features of the site which add value to the development or to the Town as a whole, such as trees, watercourses, topographical contour, inland wetlands, historical and similar irreplaceable assets, shall be preserved through harmonious design and placement of buildings, driveways, walks and parking facilities.
- (1) The proposed finished **contour map** shall show all contour lines at two-foot intervals in areas other than those designated as "conserved land areas."
- (3) **Two (2) independent means of access** shall be provided for the project. A minimum of two hundred feet (200') of frontage on a town or state road shall be required for an accessway. Within residential districts, a minimum of two thousand (2,000) linear feet along any roadway shall be maintained between main accessways of one (1) project and those of another project. *[amended 10/25/76]*
- (4) The proposed project shall conform to the regulations of the Department of Environmental Protection and the Inland Wetlands Commission of the Town of Brookfield with regard to any wetlands contained within the proposed project. Each application shall be accompanied by a **copy of the approval granted by the Inland Wetlands Commission**, if such approval is required by the regulations of said Commission.
- (5) **Drives and roadways** which serve the proposed project as a whole or more than twenty-four (24) units shall be considered main access drives and shall be constructed in accordance with the road and drainage specifications of the Town of Brookfield. Drives used by smaller segments of the project's residents shall be considered local access drives and shall be constructed in accordance with the driveway specifications of the Town of Brookfield and those sections pertaining to driveways, roads and street improvements found in Architectural Graphic Standards of the latest edition published by the American Institute of Architects. Drives and roadways planned to accommodate two-way traffic shall have the traveled portion thereof not less than twenty-six (26') in width. Walkways shall be provided to assure safe pedestrian travel between buildings and community facilities. *[amended 10/25/76, 3/17/02]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Multi-family Dwellings
Design & Technical Requirements - § 242-404C**

- (6) Unless otherwise approved by the Commission, a minimum of two (2) [except where units are dedicated to housing for the elderly, when the minimum shall be one and one-half (1 ½)] **off-street parking spaces** for each family unit shall be available in a well-planned landscaped configuration. Parking areas shall be a minimum of ten feet (10') from any unit within the project. They shall be screened from adjacent residential areas and public thoroughfares by dense evergreen plantings, grassed embankments or similar screening, approved by the Commission. No parking shall be permitted within one hundred twenty-five feet (125') set back from the center of the traveled portion of the Town road from which main access to the project is provided. *[amended 5/22/75]*
- (7) In addition to such requirements as may be set forth in the State Building Code and State Fire Safety Code, as determined by the Building Official, Town of Brookfield, the proposed project **shall conform** to the following: *[amended 5/22/75]*
- (a) Each multifamily dwelling unit shall be separated from other units within a single structure by a one-hour fire wall meeting state code requirements.
- (b) Each multifamily dwelling structure shall be separated a minimum of thirty (30) feet from any other structure.
- (c) A pool(s), underground water storage tank(s) or such other water source, as may be prescribed by the Commission, shall be provided for fire protection.
- (8) **Sewage treatment:** All multifamily development shall require hook-up and service by public/municipal sewer and water services. Any changes, alteration or expansion to existing systems shall be in accordance with the requirements set forth by the Health Department, Town of Brookfield. *[amended 6/4/10]* In addition, the proposed project shall conform to the following:
- (a) The site plan shall indicate the plan of the proposed sewage treatment facility, together with any reserve areas(s) as may be required in accordance with state codes and regulations, and the plan of the proposed community water system.
- (b) Each application shall be accompanied by a copy of the preliminary approval issued by the State Department of Health and a copy of an authorization to proceed issued by the State Department of Environmental Protection in connection with the proposed sewage treatment facility if not connected to a public sewer system. If the proposed project is to be served by a public sewer, the application shall be accompanied by a copy of an approval granted by the Water Pollution Control Authority, Town of Brookfield.

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**Multi-family Dwellings
Design & Technical Requirements - § 242-404C**

- (c) No sewerage facilities, except for designated reserve area(s) shall be located in conserved land areas, recreation areas or within seventy-five feet (75') of the limits of a stream, watercourse, pond or inland wetland.
 - (d) Any structures employed by such facilities or systems shall be screened in such a manner as deemed appropriate by the Commission.
 - (e) Copies of any approvals which may be required in connection with this subsection shall be on file with the Commission as a prerequisite for the issuance of a Certificate of Compliance.
- (9) Each dwelling unit shall be **acoustically buffered** in such a manner that sound-pressure levels transmitted into an adjacent dwelling unit shall not exceed fifty (50) decibels on the A-scale of a sound-level meter meeting the standard of the American National Standard Institute, when measured at a point one foot (1') inside the dwelling unit into which the sound is transmitted. *[amended 5/22/75]*
- (10) All **utilities** shall be located underground.
- (11) Typical **floor plans and elevations** depicting the configuration of the dwelling spaces shall be submitted with the application.
- (12) If the entire project is not to be constructed within an eighteen-month period, the application shall contain a **detailed construction schedule** indicating the start and completion dates for each planned phase. The first construction phase, unless otherwise permitted by the Commission, shall contain all the necessary facilities for the overall project, such as community water system, sewerage facilities, recreational facilities, main access drives, etc. Subsequent phases shall contain only additional dwelling units, connecting utility lines, local access drives and associated parking. *[amended 5/22/75]*
- (13) Each application for a multi-family residential facility shall include a certificate from a licensed architect whether the facility is a covered "multi-family dwelling facility" under the Fair Housing Amendments Act of 1988 and if so, a certification that the proposed floor plans and construction specifications comply with that Federal Act, as more particularly set forth in 42 U.S.C. §3604 and related Regulations and Standards.*[eff. 6/18/02]*

**TOWN OF BROOKFIELD
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**Multi-family Dwellings
Area, Location, Distance, Density, Type & Use - § 242-404D**

D. Area, location, distance, density, type and use regulations:

(1) **The minimum total contiguous land area required for multiple-family dwellings is as follows:** *[amended 6/6/77]*

(a) **R-40, R-60, R-80 and R-100 Zones:**
ten (10) acres.

(b) **Other permitted zones:**
five (5) acres.

(2) **Location** *[amended 10/25/76, 4/18/85]*

(a) Multifamily dwelling projects in excess of **twenty-four (24) dwelling units** shall only be located in areas where the main access drives thereto access directly upon Whisconier Road and Route 133.

(b) Multifamily dwelling projects in excess of **forty-eight (48) dwelling units** shall only be located in areas where the main access drives thereto access directly upon Federal Road.

(c) No multifamily dwelling project shall contain more than one hundred fifty (150) **dwelling units**.

(d) At no time shall the total number of multifamily dwelling units approved by the Zoning Commission exceed twenty-six percent (26%) of the total of all single family units, as calculated by the Commission, utilizing the monthly tax category reports prepared by the Town Assessor. Elderly conversion shall not be included with the 26% cap. Elderly conversions shall be excluded from all calculations relative to the 26% multifamily cap. *[added 5/23/93, deleted 11/9/93, readopted 2/10/95, amended 6/27/95]*

(3) The floor area and number of rooms devoted to living area in each family dwelling unit shall be the minimum areas indicated below. All measurements shall be exterior dimensions and are inclusive of closets, hallways, baths, kitchen areas, etc., all located within the confines of one (1) living area. *[amended 5/22/75]*

Number of Rooms	R-40, R-60, R-80, R-100 Minimum Floor Area (sq.ft)	Other Permitted Zones Minimum Floor Area (sq.ft)
1	not permitted	400
2	650	500
3	800	600
Each additional room	150	Add 125

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**Multi-family Dwellings
Area, Location, Distance, Density, Type & Use - § 242-404D**

- (4) The **maximum number of dwelling units** permitted in any one (1) multiple-family dwelling structure is as follows: *[amended 5/22/75, 6/6/77]*
- (a) R-40, R-60, R-80, R-100: six (6) units; provided, however, that if any angular configuration is utilized and a corner unit is feasible, the Commission, in its discretion, may allow a seventh corner unit within the structure.
 - (b) Other permitted zones: six (6) units for a one- or two-story structure, or nine (9) units for a three-story structure.
- (5) The **height, coverage, street setback** and project separation requirements are as follows: *[amended 10/25/76]*
- (a) The height and coverage requirements shall conform to the appropriate section set forth in the regulations of each zoning district.
 - (b) No building or structure shall be located closer than the setbacks indicated in the following schedule:
 - [1] **Main access drives.** *[amended 6/6/77]*
 - [a] R-80 and R-100: seventy-five feet (75') setback from the center of the traveled portion of the roads or drives.
 - [b] All other permitted zones: sixty-five feet (65') setback from the center of the traveled portion of the roads or drives.
 - [2] **Local access drives:** All permitted zones: thirty-five feet (35') setback from the center of the traveled portion of the roads or drives.
 - [3] **Cul-de-sac:** main access drives:
 - [a] R-80 and R-100: sixty feet (60') setback more than the radius of the cul-de-sac from the point of the radius.
 - [b] All other permitted zones: fifty feet (50') setback more than the radius of the cul-de-sac from the point of the radius.

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**Multi-family Dwellings
Area, Location, Distance, Density, Type & Use - § 242-404D**

- [4] Cul-de-sacs; local access drives: All permitted zones: twenty-four feet (24') setback more than the radius of the cul-de-sac from the point of the radius.
- [5] Federal Road: A minimum of one hundred fifty feet (150') setback from the center of the traveled portion of the Federal Road.
- (c) All buildings within a multifamily dwelling projects shall be separated by a minimum of three thousand feet (3,000') from any building in any adjoining multifamily dwelling project located wholly or partially within the General Industrial/Commercial District IG/C-80/40.
- (d) **Building Separation:** *[eff. 4/2/03]*
 - [1] The minimum physical separation between single story structures shall be twenty feet (20').
 - [2] The minimum physical separation between other than single story structures shall be fifty feet (50").
- (6) **Buffer strips:**
 - (a) **Buffer strips**, separating the multifamily dwelling area from other individual, nonresidential permitted uses or from adjacent lot lines, are required as follows: *[amended 4/3/78]*
 - [1] **R-40, R-60, R-80, R-100:**
one hundred feet (100') minimum within the multifamily dwelling area perimeter lines.
 - [2] **All other permitted zones:**
seventy-five feet (75') minimum within the multifamily dwelling area perimeter lines.
 - (b) No roads or drives (except for street access across such buffer strips), parking areas, buildings, structures or facilities shall be constructed within these buffer strips. These buffer strips may be calculated as part of the conserved land area. These buffer strips shall be left in their natural state or shall have additional landscaping provided at locations deemed appropriate by the Commission in order to screen the project from adjacent properties.

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**Multi-family Dwellings
Area, Location, Distance, Density, Type & Use - § 242-404D**

Where additional landscaping is required for screening purposes by the Commission, such landscaping shall consist of two (2) or more parallel rows of evergreen trees or shrubs of not less than ten feet (10') in height with their lowest branches not more than three feet (3') above ground. Said rows shall be at least ten feet (10') and not more than twenty feet (20') apart and substantially parallel with the perimeter line, with the row closest to the perimeter line to be within ten feet (10') and not closer than five feet (5') to the perimeter line. Said trees shall be spaced twelve feet (12') apart in said rows, alternating so that each tree is placed on a point in its row which is midway between the trees on either side of it in the adjacent row. *[amended 5/22/75]*

- (7) The area of **inland wetlands, utility easements and natural slopes** steeper than one to one (1:1) shall be calculated, and fifty percent (50%) of this total shall be deducted from the total land area included in the multifamily dwelling application. The remaining area shall be that used to calculate the total number of dwelling units permitted in accordance with the following density schedule:
- (a) **R-40 Zones:**
- one-bedroom units at three (3) per acre, or two-bedroom units at two (2) per acre, or three-or-more-bedroom units at one (1) per acre, or any combination thereof.
- (b) **R-60 Zones:**
- one-bedroom units at two and one fourth (2 1/4) per acre, or two-bedroom units at one and one-half (1 1/2) per acre, or three-or-more-bedroom units at three-fourths (3/4) per acre, or any combination thereof. *[amended 6/6/77]*
- (c) **R-80 Zones:**
- one-bedroom units at one and one-half (1 1/2) per acre, or two-bedroom units at one (1) per acre, or three- or-more-bedroom units at one-half (1/2) per acre, or any combination thereof.
- (d) **R-100 Zones:**
- one-bedroom units at three-fourths (3/4) per acre, or two-bedroom units at one-half (1/2) per acre, or three-bedroom units at one fourth (1/4) per acre, or any combination thereof. *[amended 6/6/77]*

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(e) **Excluded Zones:**

Multifamily dwellings are not permitted in the following zones: R-7, RC-41, RS-40, IL-80, IR-80N, and IR-80SE, IL/C-80SE and that area of the R-40 zone formerly within the IL-80 Zone prior to October 4, 1976. In the IR/C-80/40 Zone, Multifamily dwellings are permitted under the provisions of §242-404H, Special Housing only. *[amended 4/3/78, 9/20/93]*

(f) **Other permitted zones:**

one-bedroom units at four (4) per acre, or two-bedroom units at three (3) per acre, or three-or-more-bedroom units at two (2) per acre, or any combination thereof.

(g) **The density indicated in §D(7)[f] above may be increased by a factor of two (2) when all of the following conditions are fulfilled:**

- [1] The proposed project is located in other than a residential or restricted commercial zone.
- [2] The proposed project is within reasonable proximity to necessary services, such as shopping centers, or is located within a self-sufficient planned unit development having such services available to it or is readily accessible to public transportation.
- [3] Adequate public sewer lines are available to service the proposed project.
- [4] The proposed project is either a proportionately divided project in which not less than twenty-five percent (25%) and not more than fifty percent (50%) of the units are dedicated to housing for low- or moderate-income individuals or dedicated to housing for the elderly. The operational and administrative plans for such housing project, including eligibility for occupancy, shall be acceptable to the Commission. Such housing shall not revert, in the future, in its then present configuration, to general occupancy. The interspersment of units dedicated for particular purposes shall be indicated on the site plan.

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- (a) No **basement space** having its floor level, i.e., kitchens, bedrooms and living rooms, below the finished grade shall be used for dwelling purposes. The project's business office, laundry, storage, maintenance, utility or recreational facilities may utilize these spaces, provided that noise, odor, vibration and such other factors will not be detrimental to the occupants of the dwelling units above.

- (b) **Accessory uses** and buildings as indicated below may be permitted by the Commission, after the Commission shall have found that they are an integral part of the overall development to serve primarily the residents thereof:
 - [1] Game courts or fields
 - [2] Golf courses
 - [3] Swimming pools and cabanas
 - [4] Meeting halls
 - [5] Recreational facilities buildings
 - [6] Maintenance, storage and utility buildings
 - [7] Residents' parking garages

A. Conserved land area:

All land which is not dedicated to dwelling units; maintenance, storage and utility buildings; garages, roadway and parking areas; sewer systems; or active recreational areas shall be designated "conserved land areas" in perpetuity. These areas shall consist of a minimum of fifty percent (50%) in residential zones and thirty-five percent (35%) in all other zones of the total area of the project and shall be in such location of such size and shape and shall have such access as may be approved by the Commission as appropriate. The conserved land area(s) shall be preserved in their natural state or approved at the discretion of the Commission and limited to appropriate conservation and open space purposes, such as landscape nursing, flower and produce gardening purposes, not-for-profit, by the residents of the project. [5/22/75]

B. Active recreational areas:

In addition to those areas designated "conserved land area(s)," an area(s) shall be designated "active recreational area(s)" on the site plan in a location(s) approved by the Commission. Within such area(s), appropriate structures and facilities for recreational purposes, as approved by the Commission, shall be constructed and operated for the use of the residents and their guests. These facilities may be any of the accessory uses

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indicated in § D(8). Such areas must remain in the ownership of a tenants'/owners' association.

G. Maintenance and occupancy: [amended 5/22/75, 7/6/82, 10/4/82]

(1) **Maintenance:**

All common project facilities or systems shall be maintained by the applicant, owner or residents' association in perpetuity. Such systems and facilities shall include, to the extent such items are included in the original approval, the following:

- (a) The **water system**, including wells, pumps, filters, storage tanks, domestic and fire protection water distribution systems and controls.
- (b) Project **utilities**, including fuel, lighting, electricity, telephone, cable television distribution systems and controls.
- (c) **Roadways**, drives and parking areas, including curbing and paving.
- (d) **Drainage systems**, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching.
- (e) **Recreational facilities.**
- (f) **Landscaping**, including maintenance of buffer areas and conserved land areas.
- (g) Other similar common project systems and facilities.

(2) **Occupancy regulations:**

Copies of actual or proposed project regulations pertaining to the inhabitants of apartments, townhouses, row houses, cooperative apartment buildings and the declarations of unit ownership of condominiums shall be submitted to the Commission. These regulations/declarations shall set forth all definitions, articles, rules, bylaws and enforcement procedures pertaining to:

- (a) Seller's responsibilities.
- (b) Owner's responsibilities.
- (c) Maintenance and funding responsibilities.
- (d) Tenant responsibilities.

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- (e) Occupant's/tenants' restrictions. Such restrictions shall include the prohibition of the use of outdoor devices using a naked, fuel fired, gas or propane fired flame on wooden decks, balconies and the like. Also, there shall be a restriction against parking in designated fire lanes. *[added eff. 10/29/03]*
- (f) Maximum unit occupancy.
- (g) Maximum fines.
- (h) Active recreational area recreations.
- (i) Termination procedures.
- (j) Items which from time to time may be deemed necessary by the Commission to ensure proper zoning enforcement.

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H.

(1) **Affordable Housing Applications Pursuant to Connecticut General Statute 8-30g [eff. 7/27/02]**

(a) **Purpose:**

It is the purpose of this section to provide an orderly and consistent application procedure for “assisted housing” or “affordable set aside housing” projects as provided for in Connecticut General Statute 8-30g *et seq.* and to specify that all such application shall be filed with the Brookfield Zoning Commission. It is further the purpose of this section to clarify which zoning regulation will apply to such applications.

(b) **Affordability Plan Requirements:**

Each application for a project that complies with the requirements of C.G.S. 8-30g shall include an “Affordability Plan.” Such Affordability Plan shall include the following components:

- [1] If an assisted housing plan details shall be provided of the nature and source of financial assistance for the project provided under any governmental program for the rehabilitation of low and moderate income housing or housing occupied by persons receiving rental assistance in accordance with the United States Code together with estimated costs of rehabilitation and the percentage of assistance being provided by governmental sources.
- [2] A description of the duration of any proposed affordability restrictions.
- [3] A narrative of how the project affordability plan will comply with regulations adopted by the Commissioner of Economic & Community Development.
- [4] A proposed affirmative fair housing marketing plan.
- [5] Copies of all proposed covenants or deed restriction language.
- [6] A description of the proposed mechanism for enforcement for not less than forty years of all affordable housing components in the project.
- [7] The median income utilized for calculating the sales price or rental income proposed for affordable units.
- [8] The anticipated rent for set aside and non-set aside units.

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- [9] The anticipated sales price for set aside and non-set aside units.
- [10] Whether any units are to be designated and “elderly units” and how occupancy will be restricted by age.
- [11] The number of proposed “family units” as defined by C.G.S. 8-30g.
- [12] The calculation of the total number of “housing unit equivalent points” the project will generate in accordance with C.G.S. 8-30g (1), (6), (7) and (8).

(c) Site Plan and Project Detail Requirements:

The provisions of Brookfield Zoning Regulation § 242-404A, B, C & D shall not be applicable to an affordable housing application except as specifically set forth hereinafter in this section.

- [1] Each affordable housing application shall include the following site plan related materials and information:
 - [a] A conceptual site plan which shall depict the items set forth in Regulation §242-301C(3)[b].
 - [b] Key Map per §242-301C(3).
 - [c] Architectural data pursuant to §242-301C(3)[c] which shall include the location of affordable units and include typical floor plans and elevations per §242-404C(11).
 - [d] A detailed construction schedule pursuant to §242-404C(12) provided the timeframe requirements of that section shall not be applicable to affordable housing projects. Said detailed construction schedule shall include the proposed sequence for the construction and occupancy of affordable set aside units as the project progresses.
 - [e] A site landscape plan as defined in §242-202 which shall include a depiction of existing trees, watercourses, topographical contours, wetlands, historical monuments and similar irreplaceable assets and proposed lighting consistent with §242-602B.
 - [f] A description and plan showing any accessory uses which may be those as allowed under §242-404D(7)[i].

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- [g] An analysis of fire prevention and fire protection for the project including an analysis of the need for sprinklers, fire escapes, use of fireproof materials, fire tank location and storage capacity, and an analysis of building safety issues in relation to the fire fighting capacity of the Brookfield Volunteer Fire Department for the District in which the project is located. Water storage tanks for fire protection shall be provided pursuant to §242-404C(7), with input from the Fire Resource Committee and two independent means of access shall be provided pursuant to §242-404C(3).
- [h] A plan showing any proposed open space, conservation areas, or community facilities pursuant to Brookfield Zoning Regulation §242-404E & F provided the minimum percentage set aside is not applicable to an affordable housing application.

(d) **Provision of Water Protection and Water Resources:** *[rev. 6/4/10]*

Each affordable housing application shall include the following:

- [1] Data indicating how each affordable housing project will be hooked-up and serviced by a public/municipal water supply system. Any changes, alteration or expansion to existing systems shall be in accordance with the following: A detailed explanation of the proposed water system which includes a depiction of all storage tanks for domestic and fire protection and fire protection sprinkler systems. If water is to be provided by a private on-site system, copies of appropriate permits or approvals from or pending applications with the application state agencies, including the Department of Health and the Department of Public Utility Control, shall be submitted with the application. If a private water company is to be the source of water, a letter from that company setting forth that company's willingness and ability to provide the necessary water and the impact on its capacities shall accompany the application. The application shall include estimated amounts of daily water usage necessary for the project as well as calculations of water necessary to fight any fire in the project for a specified period of time.
- [2] If the project is within an aquifer protection district as set forth in Regulation §242-502, said Regulations shall apply to the application.
- [3] If an inland wetlands permit is required for either site work or improvements, the application shall include a copy of the permit issued by the Inland Wetlands Commission or a pending application before that Commission.

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- [4] An engineer's report on water runoff generated by the project and all detention methods proposed.

(e) **Sewage Treatment:** [rev. 6/4/10]

Each affordable housing application shall include the following:

- [1] Data indicating how each affordable housing project will be hooked-up and serviced by a public/municipal sewer system. Any changes, alteration or expansion to existing systems shall be in accordance with the following: Proposed sewage treatment plans in compliance with the Brookfield Zoning Regulations §242-404C(8)[a], [c], [d] and [e] which shall also comply with the regulations of the Brookfield WPCA and shall be accompanied by either an approval from or a pending application with the State DEP for the sewage treatment facility in accordance with Brookfield Zoning Regulation §242-404C(8)[b].
- [2] If sewage treatment is to be handled by sewers, the application shall be accompanied by either an approval or a pending application to the Brookfield WPCA for permission to hook up to the existing system. The application shall specify the allocation for the municipal sewage capacity to the subject site and whether it is located within the Sewer District as established by the WPCA.
- [3] Each application shall include calculations of the anticipated septic effluent the project will generate on a daily basis.

(f) **Proposed Zoning Regulation Changes:**

Each affordable housing application which requires a change in or variation of existing zoning regulations of the Town of Brookfield shall set forth the regulations which must be varied and any proposed new or replacement regulations.

(g) **Planning Commission Referral:**

- [1] If any affordable housing application includes a component involving a subdivision of land, a duplicate application and submittals shall be prepared at the applicant's expense for the Planning Commission of the Town of Brookfield but no additional fee shall be required of the applicant.
- [2] Said duplicate application shall be submitted to the Planning Commission who shall study the application and submit a written report to the Zoning Commission with its recommendations.

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(h) Application Fees & Expenses:

- [1] An application for affordable housing shall submit an application fee to the Brookfield Land Use Office in accordance with Brookfield Zoning Regulations, which is calculated based on the number of residential units being applied for.
- [2] In addition to the aforesaid application fee, the applicant shall be required to pay such specialized consultant fees that the Commission may find necessary to review the application in accordance with Brookfield Zoning Regulations.
- [3] If a duplicate application is required to be filed with the Brookfield Planning Commission, no additional fees or consultant expenses may be imposed upon the applicant because of such duplicate submission.

(i) Additional Requirements:

Each affordable housing application shall include the following submissions or be subject to the following requirements:

- [1] Plans depicting drives and roadways pursuant to §242-404C(5)
- [2] Parking pursuant to §242-404C(6)
- [3] Sound deadening for residential units pursuant to §242-404C(9)
- [4] Underground utilities pursuant to §242-404C(10)
- [5] Construction of cul-de-sacs in accordance with §242-404D(5)[b](3) & (4)
- [6] While not a requirement, buffer strips are encouraged pursuant to §242-404D(6)
- [7] If the project is contained within the flood plan district, Brookfield Zoning Regulation §242-503 shall be applicable to the application
- [8] In reviewing the application, the submission shall be guided by the standards and design criteria set forth in Regulation §242-602 *et seq.*
- [9] Details Setting Forth the Procedures for Maintenance of Project Facilities Pursuant to §242-404G

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- [10] Each affordable housing application shall require a mandatory public hearing
- [11] Each affordable housing application shall be accompanied by a certificate in accordance with §242-404C(13)
- [12] Each multi-storied affordable housing structure shall provide for a thirty foot (30') perimeter strip surrounding the structure which shall be graded and configured in such a manner so that emergency ladders and other such equipment or vehicles may be safely placed to provide for emergency evacuation and/or fire fighting purposes.

(2) Affordable Accessory Apartments [eff. 8/22/03]

(a) Purpose:

The purpose of this section is to authorize affordable accessory apartments as provided for in §8-30g as amended by PA 02-87.

(b) Permit:

Notwithstanding the provisions of §242-405, the Zoning Commission may, within its discretion, allow by special permit, an apartment unit to be used with an existing or proposed newly constructed single-family dwelling unit, by any persons whereby the single-family dwelling unit or the apartment unit are occupied by a "elderly or disabled person" as set forth in §242-405, providing the conditions of this section are met.

(c) Requirements:

- The accessory apartment is attached to the main living unit of the single-family house.
- The entire structure maintains the external appearance of a single-family residence.
- The accessory apartment has a full kitchen and a lavatory containing a bath and/or shower, as well as a toilet.
- The accessory apartment has a full kitchen and a lavatory containing a bath and/or shower as well as a toilet.
- The accessory apartment has an internal doorway connected to the main living unit of the house.

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- The accessory apartment is not billed separately from the main living unit for utilities.
- The accessory apartment otherwise complies with the Building Code and Zoning Regulations of the Town.
- The Owner agrees to record an Affordable Housing Deed Restriction for the accessory apartment generally in compliance with the Model Deed Restriction below.
- No more than one (1) apartment unit shall be allowed within each dwelling under this section.
- The application fee of twenty-five dollars (\$25.00) set forth in §242-405 shall not be applicable for any special permit for an accessory dwelling under this section. An application for Special Permit under this Section shall contain the signatures of all owners of the property.
- Any accessory apartment cannot be occupied by more than two (2) unrelated persons and no more than four (4) persons in total.
- The principal dwelling unit in the accessory apartment must meet all required setbacks, yard coverage and height requirements for the specific Zoning District in effect as of the date of the Application.
- No nonconforming lots or properties which do not otherwise adhere to the current setbacks, yard coverage and height requirements for the specific Zoning District may take advantage of this Zoning provision.
- All applicants must have prior approval from the Town Sanitarian that the provision for water supply and sanitary sewage disposal are adequate for the proposed accessory apartment.
- All applicants must show that adequate off-street parking is provided for the residents of the proposed accessory apartment unit.
- Any modifications to an existing dwelling unit to add an accessory apartment allowed under this section shall be delineated in a site plan showing all proposed interior and exterior modifications, which shall be subject to approval by the Zoning Commission, the Building Official, the Health Department and the Fire Department.

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- While a public hearing shall not be required on all such applications, the Zoning Commission may, in its discretion, require it.
- An affordable housing deed restriction in essentially the format below shall be required:

Model Deed Restriction

Affordable Housing Deed Restriction

The accessory apartment attached to the main living unit of the single-family residence constructed on the property set forth in the attached legal description, and known as [*insert address*], Brookfield, Connecticut, is subject to an Affordable Housing Deed Restriction, whereby the owner, its heirs, successors, assigns and representatives, covenant in favor of the Town of Brookfield and the State of Connecticut, that such dwelling unit may only be rented to persons or families whose income is less than or equal to eighty percent (80%) of the Area Median Income or the State Median Income, whichever is less, as may be determined by the State of Connecticut, Department of Economic & Community Development, and pay thirty percent (30%) or less of their income in rent for the property, and as such, shall constitute an "Affordable Housing Unit" within the provisions of Connecticut General Statutes §8-30 as amended by Public Act 02-97 for a period of not less than ten (10) years from the date of recording of this Deed Restriction and continuing until expiration upon the filing of a Notice of Expiration upon the Land Records with a copy to the Town of Brookfield, Office of the First Selectman by the then owner.

The owner shall file annually with the Land Use Office of the Town of Brookfield the name of the tenant and current rental rate of the accessory apartment so as to enable enforcement of this Deed Restriction. Any accessory apartment cannot be occupied by more than two (2) unrelated persons and no more than four (4) persons in total.

This Deed Restriction may be enforced by the Town of Brookfield or the State of Connecticut. In any such Enforcement Action where the Plaintiff prevails, the Plaintiff shall be entitled to recover its reasonable legal fees and costs for such enforcement proceedings.

Owner

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Planned Age-Restricted Communities-§242-404I

I. Planned Age Restricted Community – PARC [eff. 7/31/02, rev. eff 9/1/04, rev. eff 4/20/14]

(1) **General:**

The Commission may, of its own initiative or pursuant to an application hereunder, establish planned age-restricted communities on site and within areas deemed suitable for such purposes and provided that the sites comply in general, with the eligibility criteria, standards and other requirements of this section. Following the designation of an eligible site, a special permit application for development meeting the requirements of this Section shall be submitted within six (6) months thereafter.

(2) **Intent & Purpose:**

(a) **Intent:** It is the intent of this Section:

- [1] To enable the establishment of age-restricted communities addressing the needs and interests of the elderly in appropriate locations of Town so as to respond effectively to the housing needs of an increasing elderly population
- [2] To provide guidelines, standards and controls for the development of planned age-restricted communities, which are compatible with the intents of this regulation; and
- [3] To meet the planning goals and objectives of the Brookfield development plans.

(b) **Purpose:** The purpose of this Section is to guide in achieving the stated intents while providing for:

- [1] Housing opportunities that are designed to meet the special needs of elderly citizens;
- [2] The protection of the environmental character of the area and the particular suitability for the specific use;
- [3] The protection against congestion in the streets;
- [4] Protection against undue concentration of population and overcrowding of land;
- [5] Preservation of buildings and property values;

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- [6] Adequate access of light and air;
- [7] Adequate vehicular access and off-street parking;
- [8] Adequate disposition of buildings upon the land;
- [9] Freedom for site layout and building design that will enable to achieve, to the extent practicable, construction efficiency and economic building forms while assisting in establishing a compatible and attractive living environment; and
- [10] The pursuance of economic development while meeting the housing needs of elderly residents.

(3) **Establishment of Community Site:**

The Commission may propose and establish, at its discretion and in accordance with the provisions of §8-27 of the Conn. General Statutes and these regulations a planned age-restricted community. The owner of record of a parcel of land or a contract purchaser may petition for the establishment of a planned age-restricted community only if the parcel meets the site eligibility criteria of subsection (4) below.

(4) **Site Eligibility Criteria:**

The Commission may, at its discretion, establish planned age-restricted community sites providing that the site(s) meets the following criteria:

- (a) The site consists of no less than five (5') acres and is located within the Brookfield Village Business District or the IRC80/40 zone; *[rev. eff. 9/1/04]*
- (b) The site can be provided with or the site is within close proximity of shopping facilities and services;
- (c) The site has the required frontage on a State Highway and/or a Town road or street which street, road or highway is improved or will be improved to the extent necessary to adequately accommodate the development traffic;
- (d) The site topography can accommodate the buildings, the roads, the development features and amenities as well as other requirements of this Section;

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- (e) The site has or will be provided with plantings, vegetative cover or features that will adequately buffer site development from adjacent properties;
- (f) The site is served by public sewer systems capable of handling the effluent that may be generated by the development;
- (g) The site can be sufficed with adequate water to meet the development's potable and fire-fighting water demands;
- [h] The site is so situated, consists of topography, and is furnished with natural features that can accommodate the development; and
- [i] The development will not exert a detrimental impact on nearby properties or values thereof.

(5) **Application Procedures:**

- (a) Following the designation of the property as suitable for a planned age-restricted community pursuant to the eligibility criteria described under subsection(4) above, the applicant may submit an application for special permit pursuant to the provisions of Title 8, Chapter 124, §8-2 & 8-3c of the Connecticut General Statutes, as amended and §242-301B&C of these regulations.
- (b) Concurrent with the submissions of an application and all required data to the Zoning Commission , the applicant shall submit one (1) duplicate application form and data package to the Planning Commission, Town of Brookfield. The Planning Commission shall formally receive a copy of the application and data package at its first scheduled meeting following receipt of such data in the office of the Planning Commission. The Planning Commission shall study the documents and submit a written report to the Zoning Commission commenting on such matters as are set forth in §242-301C(5)[b] of this chapter, together with its recommendation(s), and such report shall be read aloud at the mandatory public hearing as set forth by the Zoning Commission. If such report of the Planning Commission is not submitted at or before the public hearing, is shall be presumed that the Planning Commission does not disapprove of the proposal. The Planning Commission may designate its executive committee to act for it under this chapter or may establish a subcommittee for that purpose. The report of said Planning Commission shall be purely advisory.

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(6) **Design & Technical Requirements:**

In addition to those requirements set forth in §242-301C, Design Review Approval, the proposed project shall conform to the following:

- (a) The site planning, landscaping and architectural theme shall be in harmony with the character of the neighborhood. Existing features of the site which add value to the development or to the Town as a whole, such as trees, watercourses, topographical contour, inland wetlands, historical and similar irreplaceable assets, shall be preserved through harmonious design and placement of buildings, driveways, walks and parking facilities.
- (b) The proposed finished contour map shall show all contour lines at two-foot intervals in areas other than those designated as “conserved land areas.”
- (c) Two (2) independent means of access shall be provided for the project. A minimum of two hundred feet (200’) of frontage on a town or state road shall be required for an accessway.
- (d) The proposed project shall conform to the regulations of the Inland Wetlands Commission of the Town of Brookfield with regard to any wetlands contained within the proposed project. Each application shall be accompanied by evidence that an application has been submitted to the Inland Wetlands Commission.
- (e) Drives which serve the proposed project shall be constructed in accordance with the driveway specifications of the Town of Brookfield and those sections pertaining to driveways, roads and street improvements found in Architectural Graphic Standards of the latest edition published by the American Institute of Architects.
- (f) Main access drives shall have the traveled portion thereof not less than twenty six feet (26’) in width. Local access drives shall have the traveled portion thereof not less than twenty two feet (22’) in width. Walkways shall be provided to assure safe pedestrian travel between buildings and community facilities. *[rev. eff. 9/1/04]*
- (g) Unless otherwise approved by the Commission, a minimum of one and one half (1½) off-street parking spaces for each elderly family unit shall be available in a well-planned landscaped configuration. Parking areas shall be a minimum of ten feet (10’) from any unit within the project. They shall be screened from adjacent residential areas and public

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thoroughfares by dense evergreen plantings, grassed embankments or similar screening, approved by the Commission.

- (h) In addition to such requirements as may be set forth in the State Building Code and State Fire Safety Code, as determined by the Building Official, Town of Brookfield, the proposed project shall conform to the following:
- [1] Each PARC dwelling unit shall be separated a minimum of twenty feet (20') from another building or structure. Dwelling units of more than two-stories shall be separated by fifty feet (50'). *[rev. eff. 9/1/04]*
 - [2] Each PARC dwelling unit shall be separated a minimum of thirty feet (30') from any other dwelling structure.
 - [3] Each PARC project shall conform to the requirements of §242-602H, Fire Protection.
 - [4] Sewage treatment facilities shall be in accordance with the requirements set forth by the Water Pollution Control Authority (WPCA), Town of Brookfield. Community water systems shall be in accordance with the requirements of the Connecticut Department of Public Utility Control and such other regulations and requirements of other agencies as may be required by law. The Commission shall be provided with copies of any approvals granted by WPUC, State Health Department and/or State DEP for sewage systems and public water supply approvals from the Connecticut Department of Public Utility Control, Connecticut Department of Health, and Connecticut Department of Environmental Protection, as may be required, before submission and consideration of the Design Review application.
 - [5] All utilities shall be located underground.
 - [6] Typical floor plans and elevations depicting the configuration of the dwelling spaces shall be submitted with the application.
 - [7] If the entire project is not to be constructed within an eighteen-month period, the application shall contain a detailed construction schedule indicating the start and completion dates for each planned phase. The first construction phase, unless otherwise permitted by the Commission, shall contain all the necessary facilities for the overall project, such as community water system, sewerage facilities, recreational facilities, main access drives, etc. Subsequent phases shall contain only additional dwelling units,

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connecting utility lines, local access drives and associated parking.

(7) **Number of Units:**

- (a) No PARC project shall contain more than one hundred fifty (150) dwelling units. *[revised eff. 4/20/14]*
- (b) PARC units shall be excluded from the 26% cap under §242-404(D)(2)[d] of these regulations.

(8) **Development Standards & Controls:**

(a) **Permissible Uses:**

- [1] Planned age-restricted structures consisting of dwellings not to exceed two (2) bedrooms each designed for use as elderly housing exclusively. *[rev. eff. 9/1/04]*
- [2] Accessory uses, buildings and structures including parking areas and garages, maintenance buildings, and recreational uses, buildings and facilities when said uses are built and maintained for the exclusive use of residents within the project and their guests. At the Commission's discretion, accessory uses may include retail/service store not to exceed four thousand (4,000) square feet in total floor area designed to service the immediate needs of community residents.
- [3] All structures and uses under this section shall meet the definition of "Housing for Older Persons" set forth at §42 USC 3607 (b)[2] as amended.

(b) **Maximum Density:**

- [1] Not more than twenty-four (24) bedrooms per gross acre of land. *[rev. eff. 9/1/04]*
- [2] The area of inland wetlands, utility easements employing above ground buildings or towers and natural slopes steeper than one to one (1:1) shall be calculated and fifty percent (50%) of this total shall be deducted from the total land area included in the PARC application. The remaining area shall be that used to calculate the total number of bedrooms permitted in accordance with the PARC density. *[rev. eff. 9/1/04]*

(c) **Minimum Lot Area & Frontage:**

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Development Standards - §242-404I**

- [1] The minimum lot area shall be five (5) acres. *[rev. eff. 9/1/04]*
- [2] The lot shall have a minimum frontage of two-hundred feet (200') on a public highway having a right-of-way no less than fifty feet (50').

(d) **Minimum Setbacks:**

- [1] No principal building, accessory building or parking area shall be located closer than fifty feet (50') from any front, side or rear property line.
- [2] No building in a townhome development shall be located closer than twenty-five feet (25') from the edge of pavement of any road, internal drive or cul-de-sac. *[rev. eff. 9/1/04]*
- [3] If abutting a residential district, no building, structure or parking area pursuant to this Section shall be closer than the minimum side or rear building setback required in the residential district which it abuts. Such setback yards may be required to be provided with screening as determined by the Commission.

(e) **Maximum Lot Coverage:**

Not more than twenty-five percent (25%) of the lot area shall be covered by buildings and structures; and not more than fifty percent (50%) of the lot area shall be covered by buildings and structures, parking areas and drives. If the proposed land coverage is in excess of fifty percent (50%), the applicant shall conform to the requirements of §242-501D(2) [regeneration and pollution control techniques]

(f) **Maximum Building Height:**

No building or structure shall exceed thirty six feet (36') in building height. Excluded from the building height calculations is any space resulting from design seeking to achieve the goals and objectives of §242-602(1) of these regulations.

(g) **Building Separation:**

For the purpose of emergency vehicular access, buildings or structures shall be separated as may be prescribed by prevailing local fire or building codes and regulations but in no event they shall be closer than twenty feet (20') from another building or structure. Exempted from this

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requirement are buildings not designed for human occupancy. *[rev. eff. 9/1/04]*

(h) **Off-Street Parking:**

See subsection (6)(f) of this Section. The Commission may require additional off-street parking spaces for visitors and guests.

(i) **Landscaping:**

Landscaping shall be provided in accordance with the intent and spirit described under §242-501J of these regulations.

(j) **Design and Technical Requirements:**

The application shall conform to the requirements set forth under §242-301C – Design Review Approval.

(9) **Miscellaneous Provisions:**

(a) **Conserved Land Area:**

[1] All land which is not dedicated to dwelling units, maintenance, storage and utility buildings, garages, roadway and parking areas, sewer systems, or active recreational areas shall be designated “conserved land areas” in perpetuity. The conserved land area(s) shall be preserved in their natural state or improved at the discretion of the Commission and limited to appropriate passive recreation.

[2] On an individual case-by-case basis the Commission may request an easement on certain portions of the conserved land area for public water supply including access thereto. In such instances, a dedicated parking area may be permitted in the conserved land area.

(b) **Active Recreational Areas:**

In addition to those areas designated “conserved land area(s),” area(s) shall be designated “active recreational area(s) on the site plan in a location(s) approved by the Commission. Within such area(s), appropriate structures and facilities for recreational purposes, as approved by the Commission, shall be constructed and operated for the use of the residents and their guests. These facilities may be used for

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accessory uses. Such areas must remain in the ownership of a tenants'/owners' association.

(10) **Maintenance and Occupancy:**

(a) **Maintenance:**

All common project facilities or systems shall be maintained by the applicant, owner or resident's association in perpetuity. Such systems and facilities shall include, to the extent such items are included in the original approval, the following:

- [1] Project utilities, including fuel, lighting, electricity, telephone, cable television distribution systems and controls.
- [2] Roadways, drives and parking areas, including curbing and paving.
- [3] Drainage systems, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching.
- [4] Recreational facilities.
- [5] Landscaping, including maintenance of buffer areas and conserved land areas.
- [6] Other similar common project systems and facilities.

(b) **Occupancy Regulations:**

Copies of actual or proposed project regulations pertaining to the inhabitants of apartments, townhouses, row houses, cooperative apartment buildings and the declarations of unit ownership of condominiums shall be submitted to the commission.

- [1] These regulations/declarations shall set forth all definitions, articles, rules, bylaws and enforcement procedures pertaining to:
 - Seller's responsibilities
 - Owner's responsibilities
 - Maintenance and funding responsibilities
 - Tenant responsibilities
 - Occupant's/tenant's restrictions
 - Maximum unit occupancy
 - Maximum fines
 - Active recreational area recreations

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- Termination procedures
- Items, which from time to time may be deemed necessary by the Commission to ensure proper Zoning Enforcement.

(c) **Elderly Occupancy:**

The applicant shall submit for final approval of the Commission, documentation which dedicates and restricts the units to elderly persons in perpetuity. Such documentation shall be in the form of a deed restriction or such other form as may be acceptable to Commission Counsel.

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**Planned Age-Restricted Communities
Inspections -§242-404J**

J. Inspections: [amended 9/20/76, 7/6/82, 10/4/82]

- (1) In accordance with §8-12 of the Connecticut General Statutes, the Town of Brookfield, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with state, local and municipal standards and regulations, including any approvals previously issued and relating to the development. As a condition for granting approval, each applicant, owner or resident's association shall provide legal documents which shall hold harmless and indemnify the Town of Brookfield and its duly appointed officials from any claims or liability arising from the corrections of violations cited. The form of such documents shall be acceptable to the Commission Counsel and the Commission. The provisions of this subsection shall survive the issuance of any Certificate of Occupancy or Certificate of Zoning Compliance.
- (2) Should such verification inspections discern that corrective action is necessary to bring the development into conformance with statutes, laws and regulations, the cognizant Town official performing the inspections shall, in writing, cite the violations noted and require corrective action within a reasonable period of time. Failure to perform the required corrective action shall be considered a violation of the Zoning Regulations, Town of Brookfield, and be subject to such fines or penalties as prescribed by statute, ordinance or regulation.

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**Incentive Housing District
§242-404K**

K. Incentive Housing District *(effective 09/30/10, 3/12/13, 06/01/14, 9/11/15)*

(1) **PURPOSES:** The Incentive Housing District is an overlay zone that is superimposed over an underlying zoning district and the purposes are as follows:

- (a) To promote the revitalization of the commercial districts of Brookfield by encouraging mixed-use development that will provide for a variety of housing and business opportunities;
- (b) To promote the development of a transit-oriented, pedestrian-friendly town center area;
- (c) To benefit from the financial incentives provided by Connecticut General Statute (CGS) Section 8-13m et seq;
- (d) To foster housing opportunities for town employees and moderate-income residents;
- (e) To comply with the recommendations of Brookfield's Plan of Conservation and Development.

(2) **DEFINITIONS:** *[rev 06/01/14]*

“Approved incentive housing zone” means an overlay zone that has been adopted by a zoning commission in furtherance of CGS section 8-13q.

“Building permit payment” means the one-time payment, made pursuant to section 8-13s, for each qualified housing unit located within an incentive housing project for which a building permit has been issued by the Town.

“Developable land” means the area within the boundaries of an approved incentive housing zone that feasibly can be developed for residential or mixed uses consistent with the provisions of these regulations and CGS sections 8-13n to 8-13x, inclusive, not including: (A) Land already committed to a public use or purpose, whether publicly or privately owned; (B) existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement; (C) land otherwise subject to an enforceable restriction on or prohibition of development; (D) wetlands or watercourses as defined in CGS chapter 440; and (E) areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

“Duplex” means a residential building containing two units.

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“Eligible location” means: (A) An area near a transit station, including rapid transit, commuter rail, bus terminal, or ferry terminal; (B) an area of concentrated development such as a commercial center, existing residential or commercial district, or village district established pursuant to CGS section 8-2j; or (C) an area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an incentive housing zone.

“Historic district” means an historic district established pursuant to CGS chapter 97a.

“Incentive housing development” means a residential or mixed-use development (A) that is proposed or located within an approved Incentive Housing zone; (B) that is eligible for financial incentive payments set forth in this section and sections 8-13n to 8-13x, inclusive; and (C) in which not less than twenty (20%) and not more than thirty (30%) per cent of the dwelling units will be conveyed subject to an Incentive Housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent or less of the median income. *[added eff. 9/11/15]*

“Incentive housing restriction” means a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by this section and sections 8-13n to 8-13x, inclusive, enforceable for thirty years as required by said sections, and recorded on the land records of the municipality where the housing is located.

“Incentive housing unit” means a dwelling unit within an Incentive Housing project that is subject to Incentive Housing restrictions.

“Incentive housing zone” means a zone adopted by a zoning commission pursuant to this section and CGS sections 8-13n to 8-13x, inclusive, as an overlay

**TOWN OF BROOKFIELD
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**Incentive Housing District
§242-404K**

to one or more existing zones, in an eligible location.

“Median income” means, after adjustments for household size, the area median income as determined by the United States Department of Housing and Urban Development for the municipality in which an approved incentive housing zone or development is located.

“Mixed-use development” means a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.

“Public transportation” means a use or structure that facilitates the transportation of the general public, including but not limited to, bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like.

- (3) **DESIGNATION OF OVERLAY DISTRICTS:** *[rev 06/01/14]* The Zoning Commission may designate appropriate areas of the town for overlay Incentive Housing Districts. The commission may designate subzones within any designated Incentive Housing District which subzone may differentiate the types of uses permitted in each subzone. Such Incentive Housing Districts shall conform to the following:
- (a) Reasonable accessibility to and integration with rail, bus, vehicular and other transportation means.
 - (b) Capable of supporting a pedestrian-friendly streetscape and parking needs.
 - (c) Presence of retail commercial activities.
 - (d) Suitable for construction of public congregation areas and parks.
 - (e) Retention of historical attributes of the area.
 - (f) Consistent with the State Plan of Conservation and Development.
- (4) **LOCATION:** The boundaries of Incentive Housing Zones (IHZ) will be shown on the official Brookfield Zoning District Map and will be considered to be eligible for Incentive Housing Development. Additional areas, when reviewed and found qualified, may be added at a later date. *[rev 3/12/13]*
- (5) **APPLICATION PROCESS:** *[rev 06/01/14]* The process and requirements are set forth in the Design Guidelines and Standards Manual and also include the following:
- (a) The applicant shall submit to the Commission a narrative and data, which outlines and explains how the requirements of these Incentive Housing

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**Incentive Housing District
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Regulations and CGS 8-13m et seq. will be met. If the project is within the Town Center District, the applicant will submit the narrative and data to the Pre-application Review Team as outlined in Section 242-505F(2)

- (b) If the Commission formally determines that the proposed designation and/or project is eligible in compliance with these regulations and is consistent with CGS section 8-13m et seq., the applicant shall then submit a Design Review Approval Application in accordance with Section 242-301 C.

(6) INCENTIVE HOUSING REQUIREMENTS: The following regulations shall govern the residential units in an Incentive Housing Development:

- (a) Twenty percent (20%) of all dwellings within a development shall be designated Incentive Housing Units with thirty percent (30%) being the maximum amount of Incentive Housing Units allowed. *[added eff 9/11/15]*
- (b) Incentive Housing Units shall be rented or sold and occupied only by Eligible Households.
- (c) Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the town land records. The Incentive Housing Restriction shall include the following:

- [1] A description of the Incentive Housing including whether the Incentive Housing Units, at the time of initial unit occupancy, will be rented or owner-occupied.
- [2] An identification of the Incentive Housing Units.
- [3] The name and address of the Incentive Housing Administrator.
- [4] A requirement that only an Eligible Household may reside in an Incentive Housing Unit.
- [5] The formula pursuant to which rent of a rental unit or the maximum sale or resale price of homeownership unit will be calculated.
- [6] The term of Incentive Housing Restriction, which shall be minimum of ***thirty (30) years***, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit.
- [7] Provision for the monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Commission.
- [8] Provision that the Incentive Housing Administrator shall file an annual report to the Commission, in a forms specified by the Commission, certifying compliance with this Section.
- [9] Any other provision necessary to ensure compliance with these regulations, including the Design Guidelines and Standards Manual, the site or project approvals and permits, and consistency with CGS section 8-13m et seq. *[rev 06/01/14]*

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- (7) **PERMITTED USES:** *[rev eff 3/12/13, 06/01/14, 11/21/14]*
- (a) All Uses allowed in the underlying district are permitted in the Incentive Housing Overlay District
- (b) In addition the following uses are also permitted: *[eff. 3/12/13, 7/29/13]*
- [1] An Incentive Housing Development in the **Central Core sub-zone**, subject to:
- A mixture of residential, retail, restaurant, office uses and other uses as permitted in the underlying zone.
 - No more than 40% of the ground floor square footage may be devoted to residential uses in any building with frontage on any public road and none shall front on any public road. *[rev 06/01/14, 11/21/14]*
 - Permitted non-residential uses are encouraged to be on the floor(s) above the ground floor in any building and on the ground floor of all buildings not fronting on public roads *[eff. 11/21/14]*.
 - Residential uses may include townhouses, condominiums, apartments and single family dwellings, subject to any other restriction set forth herein. *[eff. 7/29/13]*
- [2] An Incentive Housing Development in the **Perimeter sub-zone**, including any of the following:
- Single Family Dwellings
 - Town Houses
 - Condominiums
 - Apartments
- (8) **DESIGN AND TECHNICAL STANDARDS:** *[rev 06/01/14]* The following are in addition to those required in the underlying districts:
- (a) **Water and Sewage:** All projects shall be served by municipal sewer facilities and a public water supply.
- (b) **Basements:** Basements may not be used as living quarters unless they have access at-grade and windows above ground level.
- (c) **Site and Building Design Standards:** Design and technical standards for compliance for site and building design are set forth in the **Design Guidelines and Standards Manual** in Appendix 3 to these regulations.
- (9) **DENSITY REQUIREMENTS:** *[revised eff. 12/7/12, 06/01/14]*
- (a) **General:** Density shall be determined on the basis of the land's ability to support the proposed development and the standards set forth in the Land

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Use Standards. The area to be used in the calculation of density is exclusive of watercourses, roads, drives and rights-of-way.

(b) Density requirements are as follows:

- [1] Mixed-Use Development: A minimum of six (6) and a maximum of twenty-four (24) dwellings units per acre.
- [2] Multi-family Development: A minimum of twenty (20) and not more than twenty-four (24) units per acre.
- [3] Town Houses: A minimum of ten (10) and a maximum of twenty (20) dwellings units per acre.
- [4] Single Family Houses: A minimum of six (6) and a maximum of twelve (12) dwellings units per acre.

(c) Dwelling units located in an Incentive Housing project shall be excluded from the 26% cap under §242-404(D)(2)[d] of these regulations *[added eff. 12/7/12, 4/14/11 deleted 10. Restrictions...renumbered]*

(10) LAND USE STANDARDS: *[rev 06/01/14]*

Lot Area, Min.	As determined by parking space and building footprint requirements for a particular use or group of uses, but not less than 10,000 square feet.
Impervious Coverage, Max.	80%
Loading/Refuse area, Min.	250 Square Feet
Lot width, Min.	50 feet, plus 26' wide side yard driveway if rear parking is required.
Side Yard	None
OR, if a Side Yard Driveway is provided, the setback from the inner edge of the drive	None
Rear Yard	10 feet, plus the width of a rear yard driveway.
Front Yard Setback, Min.	6' from sidewalk or property line; whichever is closer <i>[eff. 4/17/13]</i>
Front Yard Setback, Max.	25 feet from property line
Height, Max.	Three (3) stories <i>[eff. 7/28/10, 4/17/13. 06/01/14]</i>
Sidewalk width, Min.	6' wide or as per Town Center District Sidewalk and Access Management Plan. <i>[eff. 4/17/13, 06/01/14]</i>

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Common or Public Areas	Refuse containers, seating areas and other pedestrian amenities shall be provided at locations approved by the Commission
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- (11) **ARCHITECTURAL GUIDELINES:** [rev 06/01/14] Standards for compliance are set forth in the **Design Guidelines and Standards Manual** in Appendix 3 to these regulations.
- (12) **PARKING:** [rev 06/01/14] Parking requirements are established in Section 242-305 except as modified hereinafter:
- (a) **Shared Parking:** Parking requirements for mixed use projects in the Central Core Sub-zone may be calculated using the shared parking calculation found in Section 242-505 G(4).
 - (b) **Parking Garages:** Whenever feasible, garages shall be located underground to minimize visibility from public streets and suitably screened by plantings approved by the Commission.
 - (c) **On-Street Parking:** Overnight on-street parking is prohibited except in specified areas.
- (13) **SIGN, STREETSCAPES, LANDSCAPING AND LIGHTING:** [rev 06/01/14] Standards for compliance are set forth in the **Design Guidelines and Standards Manual** in Appendix 3 to these regulations.
- (14) **MAINTENANCE:** [rev 06/01/14] All common facilities, equipment, structures, drives, common parking areas and the like shall be maintained by the owner or resident's association in perpetuity. Such items shall include: water and sewage systems, utilities, roads, drives, common parking areas, drainage systems, recreation and common areas, landscaping and the like. Zoning approvals may require the recording on the land records of appropriate documents to insure compliance with this regulation.
- (15) **OCCUPANCY REGULATIONS:** Copies of all project regulations and declarations of unit ownership shall be submitted to the Commission for approval. They shall set forth all definitions, articles, rules, by-laws and enforcement procedures pertaining to:
- (a) Seller's and Owner's responsibilities
 - (b) Maintenance and funding responsibilities
 - (c) Tenant Responsibilities
 - (d) Occupant/tenant restrictions including fire prevention methods
 - (e) Maximum fines
 - (f) Termination provisions

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- (g) Other items affecting the project as a whole which may be deemed necessary and appropriate by the Owner/Tenant Organization

(16) MODIFICATIONS TO STANDARDS: [rev eff 3/12/13, 06/01/14]

In accordance with CGS 8-13n(c), the Commission may modify, waive, or delete dimensional standards contained in the zone or zones that underlie an Incentive Housing zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the Incentive Housing zone where, in the sole determination of the Commission, unique characteristics of the parcel/structure exist. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios, and road design standards.

(17) CONFLICTS: [rev 06/01/14]

- (a) Where compliance with the Design Guidelines and Standards Manual is required pursuant to this regulation, to the extent that there is any conflict between a specific provision of this section, 242-404K or a provision of the underlying zone regulation and the Design Guidelines and Standards Manual set forth in Appendix 3, the requirements of the Design Guidelines and Standards Manual shall prevail and apply.
- (b) To the extent that there is any conflict between the provisions of the regulations governing the underlying zone and a specific provision of this section 242-404K, the requirements of this section 242-404K shall prevail and apply.

**TOWN OF BROOKFIELD
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**Incentive Housing District
§242-404K**

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Apartment Units within Single Family Dwellings - § 242-405A-B

§ 242-405. Apartment Units within single-family dwellings [amended 8/2/76, 11/20/97, 11/12/98, 9/30/10, 5/25/12, 12/15/14]

A. General: (amended eff. 9/30/10, 5/25/12, 12/15/14)

The following regulations apply to all zoning districts:

The Zoning Commission, upon receipt of an application for a Zoning Compliance Certificate for a Single Family Conversion (“Certificate”) and required fee may issue a Zoning Compliance Certificate for a Single Family Conversion to allow the incorporation of one (1) apartment unit within an existing or a proposed newly constructed single-family dwelling unit. (rev 4/14/11, 5/25/12)

The applicant is required to send notice of the application to all abutting property owners, giving the date and time when the Commission will review the application. The applicant shall give the Commission a list of the names and addresses of the abutting property owners and shall certify that notice has been given as set forth in this regulation.

If appropriate, the Commission may hold a hearing on the application to hear from abutting property owners or others.

The owner of the property shall occupy either the single-family dwelling unit or the apartment unit and occupancy of the other unit shall be limited to: Second-degree family members (such as parents, children, grandparents, grandchildren, or siblings); elderly and/or disabled persons (as defined in CGS Section 8-11a, Subsection (m)); or caregivers for elderly and/or disabled persons who live on the premises or members of dissolved civil unions or dissolved marriages. (rev 5/25/12)

Conversion of an existing outbuilding, where in the opinion of the Commission it is not feasible to connect the outbuilding to the main house, will be allowed, subject to the provisions of this section. Whether the “apartment unit” is within an existing dwelling or a proposed newly constructed dwelling or within an existing outbuilding, there shall be only one (1) “apartment unit” allowed per lot.

B. Standards and safeguards:

(1) **Occupancy and conversion requirements:** (amended eff. 6/9/04, 12/15/14)

No single-family dwelling unit shall qualify under these regulations unless such unit shall have been on the Assessor's list on October 1, 1975, or a dwelling constructed after October 1, 1975, for which a building permit for a single-family dwelling was issued. The dwelling in question shall be owner-occupied at all times while the Zoning Compliance Certificate for a

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Apartment Units within Single Family Dwellings - § 242-405B

Single Family Conversion is in effect. There shall be no subletting by either of the parties named in the Certificate. There shall be at least one (1) head-of-household or spouse in either unit classified as elderly/disabled as defined by this chapter. In the event an elderly or disabled person wishes to remain in the apartment after a change in residence ownership where the owner is not in residence, the Certificate immediately lapses. A new application shall be submitted to allow non-owner residency and continuation of residence of the current elderly or disabled resident. Approval or disapproval will be at the sole discretion of the Zoning Commission. When the elderly or disabled person ceases to be an occupant of the apartment, the permit shall immediately lapse and any new proposed occupant or owner shall be required to conform to the regulations.

(2) **Signatures:** *(amended eff. 9/30/10, 12/15/14)*

All applications for a Zoning Compliance Certificate for a Single Family Conversion under these regulations shall contain the signatures of the owner(s) and proposed occupants(s).

(3) **Living area:** *(rev 6/4/10, 5/25/12)*

An apartment unit shall contain not less than four hundred eighty (480) square feet nor more than eight hundred (800) square feet of living area.

(4) **Parking:**

All parking shall be on the premises.

(5) **Interior and exterior modifications:** *(rev 8/28/08, 9/6/08)*

Site plan and layout for exterior and interior modifications, showing all proposed changes, shall be approved by the Zoning Commission, the Building Inspector, the Health Department and the Fire Department. The plans must show an interior door connecting the spaces. Approval shall be based on health, safety and welfare, compatibility with the surrounding neighborhood and the preservation of natural topographical features.

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Apartment Units within Single Family Dwellings - § 242-405C-E

C. Definition of terms:

- (1) **Apartment unit:** *(rev. 11/22/96, 11/12/98, 6/4/10, 5/25/12, 12/15/14)*

Notwithstanding the definition of “apartment” contained in §242-202, for the purposes of this section of this chapter, an “apartment unit” shall refer to separate dwelling unit within a single-family house which shall contain not less than four hundred eighty (480) square feet nor more than eight hundred (800) square feet of living area. The apartment unit shall include independent living quarters, kitchen or kitchen area, and a lavatory containing a bathtub and/or shower, a sink and a toilet.

- (2) Notwithstanding the definition of “apartment” contained in Subsection 242-202, for the purpose of this section of this chapter, an “apartment unit” shall refer to a separate dwelling unit within a single-family house or an outbuilding with a definite accessory use to the main building, or an outbuilding constructed for the purpose of creating a separate dwelling unit. *[rev. 11/22/96, 5/25/12]*

D. Affidavit of Status: *(eff 12/15/14)*

An Affidavit of Status shall be presented to the Zoning Commission at the time of application and each year thereafter as to the ownership and elderly/disabled occupancy of the particular dwelling unit as a requirement of the continuance of the Zoning Compliance Certificate for a Single Family Conversion.

E. Zoning Compliance Certificate for a Single Family Conversion: *(rev. 9/30/10, 12/15/14)*

Upon the completion of the Commission review and hearing, if any, and before the contemplated use of the premises shall begin, the Commission shall be satisfied that the subject property is in compliance with all applicable zoning regulations. The Zoning Compliance Certificate for a Single Family Conversion shall be issued only after all conditions of the regulations have been met.

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Apartment Units within Single Family Dwellings - § 242-405 F&G

F. Certificate Renewal: *(revised eff. 12/15/14)*

Zoning Compliance Certificates for a Single Family Conversion are issued for an **initial period of one (1) year** with a provision to renew the Certificate annually thereafter upon presentation of an Affidavit of Status by the permit holder certifying that the occupancy provisions remain valid and any other requested information. An Affidavit of Status, as called for in paragraph D above, shall be submitted by the Certificate holder prior to the expiration date of the Certificate. If the status of either the occupant or owner changes, the permit holder must file a new Affidavit of Status within thirty (30) days of the effective date of the change. Failure to provide such affidavits when required shall cause the Certificate to lapse. A lapsed Certificate may only be reinstated by the Zoning Enforcement Officer, without a public hearing, when a properly executed Affidavit of Status is accepted by him/her. The Zoning Enforcement Officer may require an inspection of the premises as a condition of renewal. *[added 11/20/97]*

- G.** The Commission may require as a condition of approval that the owners record a deed restriction upon the property in a form approved by the Town Attorney setting forth the restrictions contained in these Regulations and any conditions of approval. Any such Deed Restriction shall provide that the Municipality may recover its reasonable fees and expenses in enforcing the terms of any Deed Restriction. *[rev. 8/22/03]*

**TOWN OF BROOKFIELD
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**Industrial and Commercial Districts
Purpose & Uses – § 242-501A&B**

ARTICLE 5.

Industrial, Commercial and Other Districts

§ 242-501. Industrial and commercial districts.

A. Purpose:

It is the purpose of this section to encourage industrial and commercial development in areas geographically suited and traditionally established for such uses; to regulate such uses in accordance with the extent to which the land can support development; to permit more creative, attractive and efficient use of land to balance economic benefits to individual landowners with the general welfare; to avoid traffic congestion; and to afford protection of water resource areas located in the applicable districts.

B. Uses:

(1) Prohibited Uses:

The following uses shall be prohibited in the Industrial & Commercial Districts:

- (a) Any business which includes an adult amusement machine.
- (b) Any business which could be characterized as an adult cabaret.
- (c) Any business containing or consisting of an adult motion picture theatre or adult mini-motion picture theatre.
- (d) Any business which could be characterized as an adult personal service establishment.
- (e) Any use prohibited by §242-502D(2) of the Aquifer Protection Regulation.

(2) Permitted uses:

The permitted and specifically non-permitted uses applicable to specific zoning districts are found in Table I of this section. *[revised 3/4/05]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Table 1 - § 242-501**

Table of Permitted Uses for Industrial & Commercial Districts *(revised eff. 9/30/11, 1/19/12, 5/30/12, 10/4/12, 4/17/13)*

**TABLE 1
TABLE OF PERMITTED USES**

This table is representative and not all-inclusive. Uses not specifically listed in this table may be permitted if the Commission, in its sole discretion, finds that the proposed use has essentially the same characteristics, operations and impact to those appearing in the table and that such proposed uses do not adversely affect the health, safety, convenience and welfare of the surrounding neighborhood. Such permitted use shall be evidenced by a Special Use Permit issued by the Commission.

LEGEND

10 = This use shall be applicable to the TCD only and requires:

- **A minimum lot area of ten thousand (10,000) square feet**
- **A minimum lot width of feet (50')**
- **No minimum side yard**
- **No minimum rear yard**
- **A maximum building height of forty-two feet (42')**

40 = This use requires:

- **A minimum lot area of forty thousand (40,000) square feet**
- **A minimum lot width of fifty feet (50') in the TCD**
- **A minimum lot width of one hundred fifty feet (150') in other districts**
- **No minimum side yard in the TCD**
- **No minimum rear yard in the TCD**
- **Minimum side and rear yards of thirty feet (30') in other districts**
- **A maximum building height of forty-two feet (42') in the TCD**
- **A maximum building height of thirty feet (30') in other districts**

80 - This use requires:

- **A minimum lot area of eighty thousand (80,000) square feet**
- **A minimum lot width of fifty feet (50') in the TCD**
- **A minimum lot width of two hundred feet (200') in other districts**
- **No minimum side yard in the TCD**
- **No minimum rear yard in the TCD**
- **Minimum side and rear yards of fifty feet (50') in other districts**
- **A maximum building height of forty-two feet (42') in the TCD**
- **A maximum building height of thirty feet (30') in other districts**

C = Special conditions apply to this use (See §242-501G)

R = The use of certain materials may be restricted for this use. Such restrictions are on a case-by-case basis as determined through the Design Review process and/or reference to the Aquifer Protection Regulation, §242-502, if the use lies within the Aquifer Protection District.

S = Identical uses are subject to a minimum separation distance of seven thousand (7,000) linear feet. Such restriction applies only to proposed commercial uses within the IL-80 district.

***See §242-203A for description of Zoning Districts**

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Table 1 - § 242-501**

PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
Community & Social Service:								
Cemeteries	80	80	80		80			
Church/Parish Houses & Centers	C				C			
Club/Community Houses					40C	40C	40C	10
Theatres/Places of Assembly					40			40
Assisted Living Facilities			80C		80C			80C
Convalescent & Nursing Homes			80C		80C			80C
Dwellings & Buildings:								
Apartments, floors other than the first								10
Affordable Housing					40C			10
Caretaker/proprietor quarters	80	80	80	80	80			
Multi-family					80C			
Planned Age Restricted Community								80
Single family						40	40	
State, federal, municipal buildings	80	80	80	80	80	80	80	10
Farming:								
including repair, storage, maintenance of implements & equipment used on site	80	80	80		80			
Greenhouses	80	80	80	80	80			80
Livestock & Poultry	80	80	80	80	80			80
Silviculture	80	80	80	80	80			80
Sales of Site Produce	80C	80C	80C	80C	40C			
Truck/nursery/gardening	80	80	80	80	80			80
Lodging:								
Hotels/Motels			80SC	80C	80C			40C
Conference Centers			80C	80C	80C			40C
Manufacturing/Production: includes, but not necessarily limited to: raw material processing, fabrication, stamping, extruding, assembly, testing & finishing of the following commodities:								
Casting, concrete only			80		80			
Instruments, scientific, medical, musical	80R	80R	80R	80R	80R			
Machinery & tools	80R	80R	80R	80R	80R			

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Table 1 - § 242-501**

PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
Manufacturing/Prod. cont'd								
Products/Supplies/Equipment:								
Automotive	80R	80R	80R	80R	80R			
Building Materials	80R	80R	80R	80R	80R			
Beer, Brewery	40	40	40	40	40			
Beer, Microbrewery	40	40	40	40	40			10
Chemical Compounds, non-hazardous	80R	80R	80R	80R	80R			
Pharmaceuticals, non hazardous materials	80R	80R	80R	80R	80R			
Electronic	80R	80R	80R	80R	80R			
Food, Candy	80R	80R	80R	80R	80R			
Hardware	80R	80R	80R	80R	80R			
Household	80R	80R	80R	80R	80R			
Marine	80R	80R	80R	80R	80R			
Office/Business	80R	80R	80R	80R	80R			
Optical	80R	80R	80R	80R	80R			
Sporting Goods	80R	80R	80R	80R	80R			
Textile	80R	80R	80R	80R	80R			
Natural Resources Removal:								
Attendant to construction of a permitted use only (see §242-303)	80	80	80	80	80	40	40	10
Offices:								
Corporate & General Business	80	80	80	80	40	40		10
Medical & Dental	80R	80R	80R	80R	40R	40R		10
Professional, non-medical	80	80	80	80	40	40		10
Sales & Service	80	80	80	80	40	40		10
Publishing:								
Books, periodicals, videos, motion pictures	80R	80R	80R	80R	80R			
Engraving/bookbinding	80R	80R	80R	80R	80R			
Distribution	80R	80R	80R	80R	80R			
Recreation & Physical Fitness:								
Health & Fitness Centers	80	80	80	80	40			10
Gymnasiums	80	80	80	80	40			
Indoor Courts, pools, sporting areas	80	80	80	80	40		40	10
Marinas							40C	

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Table 1 - § 242-501**

PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
Outdoor Courts, pools, playing fields	80C	80C	80C	80C	80C		40C	
Riding Stables, boarding, livery	80C	80C	80C	80C	80C			
Research Laboratories:								
Note: Requires HAZMAT control plan	80	80	80	80	80			
Restaurants & Taverns:								
Cocktail Lounges/Cabarets				40C	40C			10
Diners/Coffee Shops			80C	40C	40C	40C		10
Full Service -tables, liquor, takeout			40C	40C	40C	40C	40C	10
Taverns			40	40	40	40		10
Brew Pub with brewery	40	40	40	40	40	40		
Brew Pub with microbrewery	40	40	40	40	40	40		10
Sales:								
Adult Oriented Business					40C			
Drive Thru Facility				40C	40C	40C		
General Retail, products, supplies, equipment				40	40	40		10
Flower, Nursery, Garden Centers				40C	40C	40C		10
Food Products				40	40	40		10
Alcoholic Beverages				40C	40C	40C		10
Supermarkets					80			10
Major Shopping Centers			C	C	C	C		
Salesrooms with outdoor displays: Auto/boats/trailers					80			
Wholesale Establishments		80	80	80	80			
Schools:								
Private, Public, Day Care, Preschool				80C	40C	40C		40C
Services:								
Car Wash					40C	40C		10
Cleaning, Laundry, Wash Center					40R			10
Craftsman's Shop	80R	80R	80R	80R	40R	40R		10
Food Preparation, Catering				40C	40C	40C		10
Garage/Service Station				40C	40C	40C		
Garage – Buses (including maintenance)			80R	80R	40R			
Under-building parking garage <i>[eff. 3/4/05]</i>	80	80	80	80	40	40		10
Freestanding parking garage								10

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Table 1 - § 242-501**

PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
whether connected to another building or not								
Landscaping	80R	80R	80R	80R	40R			
Machine Shop				40R	40R	40R		40R
Mail Order/Postal				40	40	40		10
Personal Care Centers/Shops					40	40		10
Rental, Equipment & Supplies					40	40		10
Rental, Autos					40	40		40
Repair:								
Vehicles, boats, light aircraft			40	40	40	40		40
Contractor's Equipment			40	40	40	40		40
Farm & Garden Equipment			40	40	40	40		40
Business & Computer Equipment			40	40	40	40		10
Home & Personal Items					40R			10
Reproduction/Photography			80R	40R	40R			10
Undertaking & Funeral					40R			10
Veterinary & Kennels			80RC		40RC			
Bicycle sales and repair								10
Storage:								
Autos, indoor			80	80	40	40		
Autos, outdoor			80		40			
General & Household Items			80	80	40	40		40
Boats, indoor			80	80	40		40	
Boats, outdoor			80				40	
Contractor's Equipment, indoor	80C	80C	80C	80C				
Contractor's Equipment, outdoor			80C	80C				
Warehouses & Distribution Centers	80	80	80	80	80			
Terminals:								
Trucks – less than 8,600 GVW			80	40				
Trucks – more than 8,600 GVW			80					
Utilities:								
including lines, substations, & accessory buildings								
Electrical & Telephone, Water	80	80	80	80	80			80
Natural Gas	80	80	80	80	80			80
Telecommunications towers & antennae	80C	80C	80C	80C	80C			80
TV & Data Facilities	80	80	80	80	80			80

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Requirements - § 242-501C**

C. Area, yard and height and buffer requirements:

(1) **Area, yard and height requirements** are found within Table 1 of this section.

(2) **Side and rear yard buffer strips:**

There shall be a buffer strip not less than one hundred feet (100') in all commercial or industrial districts where adjacent to the boundary of a residential district, except that when the boundary is contiguous with a railroad right of way, the buffer strip may be reduced to twenty five feet (25') and except that in the case of the IL/C-80 SE District, the buffer strip adjacent to the boundary of a residential district shall not be less than one hundred fifty feet (150') wide. Landscape requirements for these strips are found in § 242-501J, Landscape Requirements.

In the IL/C-80 SE District, surface parking areas and/or internal driveway shall be permitted to extend up to, but not more than fifty feet (50') into the required one hundred fifty feet (150') buffer.

(3) **Front yard buffer strips:**

Except for the twenty-five foot (25') buffer strip mentioned above, the required front yard may be used for driveways and for parking of customer/visitor vehicles only. For safety purposes, lighting devices and traffic signs, immediately adjacent to any parking or driveway area, may be constructed within such buffers at such locations and height deemed appropriated by the Commission. *[revised 3/17/02, 8/26/99]*

(a) **Buffer Landscaping:**

Such landscaped buffer strip shall be in accordance with §242-501J, Landscaping Requirements.

(b) **Driveways within buffers:**

The landscaped buffer strip shall be traversed by not more than two (2) driveways and one (1) additional driveway for each two hundred feet (200') of frontage of the lot in excess of three hundred feet (300'). Driveways shall comply with the provisions of the Town Driveway Ordinance.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Special Conditions - §242-501C-D**

(c) **Use of front yard:**

The required front yard may be used for driveways as herein provided, except for the twenty five foot (25') buffer strip mentioned above, may be used for parking of passenger vehicles only. No portion of the required front yard shall be used for storage of materials nor for the parking, loading or unloading of trucks. The front yard shall be landscaped in accordance with § 242-501J, Landscaping Requirements.

(4) **Building Separation:**

(a) Building separation between a building(s) of less than thirty feet (30') in height shall be twenty feet (20').

(b) Building separation between a building(s) of thirty feet (30') or more in height shall be fifty feet (50'). *[revised 4/2/03, 3/8/04]*

(5) **Solar Panels**

Solar panels, whose primary purpose is to provide energy for the business or businesses located on the lot are not included in the maximum building height regulations. Solar Panels are to be considered as a Structure when located at ground level. If supporting documentation proving that no suitable location is available on the building, due to exposed surfaces not facing the appropriate direction and that the optimum location of the panels is at ground level, and no glare will be created, the Zoning Commission may, at its discretion, allow the lot line setback to be 10 feet or greater as the lot allows. In no case are solar panels permitted whose primary purpose is to supply power for commercial purposes other than the subject property. *[revised 9/6/08]*

D. Land coverage *[revised 11/25/98, 3/17/02, 6/18/02]*

(1) The **total area** of all buildings, structures, exterior refuse collection and machinery areas, internal drives, parking and loading areas and other impervious surfaces, shall not exceed seventy-five percent (75%) of the total lot area or that area of the lot designated for a particular purpose. To mitigate the visual impact of large areas of impervious surface(s), the remaining areas shall conform to the requirements of Section 242-501J, Landscaping Requirements.

(2) When the **proposed land coverage** is greater than fifty percent (50%), the applicant shall:

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Special Conditions - §242-501D-E**

- (a) Maximize on-site water resource regeneration. the applicant shall indicate on the site plan the specific water retention and regeneration techniques to be employed (such as use of trap rock, curbing, detention basins/retention basis, underground galleries or similar methods designed to retain water on the site). At a minimum, such techniques shall result in water resource regeneration equal to that which would have been experienced had the impervious coverage not been increased above 50% coverage.
- (b) Utilize proven pollution control techniques to avoid contamination of the Town's water resources from spillage and/or parking lot drainage and indicate such techniques on the site plan.

E. Setbacks:

(1) **Town and state roads:**

(a) **Industrial:**

one hundred feet (100') setback from the front lot line. When parking is eliminated from the front yard, the setback may be reduced to fifty feet (50') .

(b) **Commercial:**

seventy-five feet (75') setback from the front lot line. Where a lot fronts on a road with less than a fifty-foot right-of-way, the setback shall be at least one hundred feet (100') from the center of the traveled portion of the road. When parking is eliminated from the front yard, the setback may be reduced to fifty feet (50') .

(2) **Main access drives:**

fifty feet (50') setback from the center of the traveled portion of the drive

(3) **Local access drives:**

thirty-five feet (35') setback from the center of the traveled portion of the drive.

(4) **Cul-de-sac, main drives:**

fifty feet (50') setback more than the radius of the cul-de-sac from the point of radius.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Special Conditions - §242-501E-G**

(5) **Cul-de-sac, local access drives:**

twenty-four feet (24') setback more than the radius of the cul-de-sac from the point of radius.

F. Roads and internal drives:

- (1) All roads planned for dedication to the Town of Brookfield shall be in conformance with Road Ordinance, Town of Brookfield¹.
- (2) All drives internal to the premises, e.g., industrial park drives, shall be in conformance with the Road Ordinance, Town of Brookfield², unless otherwise directed by the Commission.
- (3) Vehicular access to the IL/C-80 District shall not be permitted through the Residential Districts of the Town of Brookfield except for emergency purposes.

G. Special conditions applicable to some permitted uses:

Special conditions applicable to the permitted uses found in Table I are as follows:

(1) **All uses, all districts:**

The site planning, landscaping and architectural theme shall be in harmony with the character of the neighborhood. Existing features of the site which add value to the development of the Town as a whole, such as trees, topographical contours, inland wetlands, historical sites and similar irreplaceable assets, shall be preserved to the maximum extent possible through harmonious design and placement of buildings drives, walks and parking facilities.

(2) **Brewery/Microbrewery:** The Zoning Commission will address:

- Loading areas, off-street access to this area
- Times of operation
- Outdoor storage
- Waste product handling
- Infrastructure (sewer and water)

(3) **Car wash:**

Building and equipment must be set back a minimum of one hundred feet (100') from the front lot line.

¹ Editor's Note: See Ch. 192, Streets and Sidewalks, Art. I.

² Editor's Note: See Ch. 192, Streets and Sidewalks, Art. I.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Special Conditions - §242-501G**

(4) **Church, parish house, etc.:**

A minimum lot area of one hundred twenty thousand (120,000) square feet is required.

(5) **Contractor's yard:**

Any fuel storage facilities shall be built above ground and provided with a containment berm. The mixing of materials is permitted provided that effective dust control methods are used and that the operations conform to the noise regulations of Section 242-602A. *[revised 8/26/99]*

(6) **Farm produce:**

Sales must be conducted from a permanent structure, and no outside display may be located more than fifteen feet (15') from the structure.

(7) **Garage/service station:**

This use may not be permitted if any part of the premises is located within two thousand five hundred (2,500) feet of any part of another premises used as:

- (a) A school for children under sixteen (16) years of age, giving instruction five (5) days per week or more than eight (8) months per year, and which is operated by a public or religious institution.
- (b) A hospital containing more than fifteen (15) beds or an outpatient clinic operated by a public body or nonprofit institution.
- (c) A playground operated by the Town or a nonprofit organization.
- (d) A church, parish house or similar religious building .
- (e) A premises used for the storage of more than five (5) cars or a service station or repair garage or an auto or trailer salesroom/lot.

Note: Specifically excepted from this condition are garages used solely for the indoor transient parking of motor vehicles and which do not repair vehicles or sell fuel lubricants or automotive supplies.

(8) **Hotel, motel, tourist cabin:**

A minimum lot area of eighty thousand (80,000) square feet is required, plus two thousand (2,000) square feet for each room (unit).

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Special Conditions - §242-501G**

(9) **Marinas, docks, and slips:**

The quantity, construction, lighting and physical location of docks and mooring spaces and parking spaces pertaining thereto, from the aspect of public safety, shall be subject to approval of the Commission. The sale of fuel and lubricant for marine use is considered an accessory use hereto.

(10) **Multifamily dwellings including PARC & Affordable Housing:**

Conformance is required with §242-404 and for affordable housing developments as defined in §242-202. *[revised 7/25/02]*

(11) **Recreation, all uses:**

Mechanical amusement park devices are specifically prohibited. Within the RC-41 and RS-40 Districts, outdoor recreational uses shall not be operated later than 10:00 p.m.

(12) **Restaurant, cocktail lounge, cabaret:**

Within the RC-41 and RS-40 Districts only, food sold for consumption at home is considered an accessory use. Specifically prohibited in these two (2) districts, are ice cream, soda, hot dog or hamburger stands or outlets or similarly related establishment, except those which may be reasonably considered by the Commission to be an accessory use to a club, beach or recreational sports area. The Commission may grant a special permit for such accessory use. *[revised eff. 11/1/12]*

(13) **School, private day care/nursery:**

In the IL/C-80SE District, these uses are permitted only if they are located in a separate building or facility. *[added 7/29/94]*

(14) **Signs:**

All signs shall be in conformance with §242-306. Within the RC-41 and RS-40 Districts, roadside signs are specifically prohibited.

(15) **Shopping centers, major:**

A minimum of twenty-five (25) acres is required, together with compliance with specific regulations found in §242-504.

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**Industrial and Commercial Districts
Special Conditions - §242-501G**

(16) **Spirits, beer wine and liquors:**

Conformance is required with §242-308F.

(17) **Veterinary hospitals, kennels, stables:**

Such uses require a minimum lot area of five (5) acres, and no animal may be kept in an enclosure or structure which is located within one hundred fifty feet (150') from any property line.

(18) **Dwelling, Apartment Upper Floor Only:**

Residential apartment units may be permitted on the top floor of a commercial structure. The square footage of each such apartment shall not exceed one thousand (1,000) square feet. The total area of all such apartments within such structures shall be less than one hundred percent (100%) of the total square footage of the structure allocated to the main or first floor of the structure. *[added 12/19/96]*

(19) **Telecommunication Towers and Antennas:**

All towers and antennas shall be in conformance with §242-312. Within the RC-41 and RS40 Districts, telecommunication towers and antennas are specifically prohibited.

(20) **Adult Oriented Businesses:** *[revised 7/5/01]*

An Adult Oriented Business may only be located in the specific Zoning Districts found on Table One of this Section as revised. In addition to the general requirements of these Zoning Regulations, site plan approval, parking and other requirements, and notwithstanding any regulation to the contrary, such uses are subject to the following requirements:

- (a) No such Adult Oriented Business may be located within 500 feet of any residential structure, public or private school or other educational facility serving individuals under the age of seventeen (17) years of age, daycare centers, senior centers, churches and other Adult Oriented Business establishments, nor an establishment which sell alcoholic beverages pursuant to a valid State Liquor License. For purposes of compliance with these distance requirements, distances shall be measure in a straight line without regard to intervening structures or objects from the principal interest of the building containing the proposed use to the nearest boundary of the uses identified herein.

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**Industrial and Commercial Districts
Special Conditions - §242-501G**

- (b) No such business shall remain open between the hours of 11:00 p.m., and 8:00 a.m., and shall not be open on Sundays.
- (c) All such business interiors shall be fully lighted and well lit during operating hours.
- (d) No such business shall have any enclosed screens or booths or cubicles.
- (e) No such business may have for rental or usage adult amusements machines for the viewing of materials depicting sexual activities or male or female nudity.
- (f) No such business shall include the featuring of live entertainment involving the touching or displaying of nude male or female entertainers, the actual or simulation of sexual activities, or the exposure of human genitalia or female breasts.
- (g) No such business shall be conducted in a manner that permits the observation of any materials or novelties intended for adult viewing from any public way. Accordingly, displays, windows, doorways and signs shall not be arranged so as to display the adult oriented business to the exterior of the premises. No such business shall allow Partially Nude live performances as defined in Town of Brookfield "Adult Oriented Business Establishments Ordinance."
- (h) All such businesses must post or maintain a sign twenty-four inches by six inches (24"x 6") on the exterior of the building adjacent to its main entranceway indicating "ADULTS ONLY" in capital letters with letters five inches (5") in height.
- (i) Notwithstanding any other signage provision contained in these regulations, any such business shall only be permitted on single-faced sign affixed to the building where the use is located that contains the name of the establishment or otherwise refers to the permitted use provided the total area of said sign shall not exceed the area provided in § 242-306 C,F,G, & H.
- (j) Entrance and exit signs shall be allowed pursuant to Section 242-306F(6) of the Zoning Regulations. Not other signage is allowed except as set forth in this subpart.

**TOWN OF BROOKFIELD
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**Industrial and Commercial Districts
Combined/Mixed Uses - §242-501G-H**

- (k) No such adult business shall be allowed if it has not first complied with and obtained any licensing requirements of the Town of Brookfield Ordinance Regarding Adult Oriented Businesses.

All such establishments must be in compliance with any applicable ordinance of the Town of Brookfield.

F. Combined/mixed uses:

Within districts that permit both commercial and industrial uses, the combination or mixture of such type uses on the same lot shall not generally be permitted. The Commission, in its sole determination, may permit the combination or mixture of such uses only when they are supportive of or accessory to one another, e.g., warehouse/office, manufacture/sales, etc. When incompatible uses are proposed to be combined or mixed or where the risk to pedestrians and property would be increased, the combination or mixture shall not be permitted, e.g., truck terminal/retail shop, motel/contractor's yard, etc.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial & Commercial Districts
Landscape Requirements – § 242-501J**

J. Landscape Requirements: [eff. 11/25/98]

(1) Purpose:

These landscaping requirements are adopted for the purpose of protecting property values by: (i) preserving existing vegetation, planting of new materials, and use of “planter” or similar landscape devices; (ii) providing privacy from visual intrusion, light, dirt and noise; (iii) preventing the erosion of soil; (iv) providing water recharge areas; and (v) improving the quality of the environment and the attractiveness of the Town of Brookfield.

(2) Definitions:

For the purpose of this section, the following definitions shall apply:

(a) Canopy Tree:

A deciduous shade tree planted at least five inches (5”) in caliper measured at three feet (3’) off the ground, with an expected mature height of thirty-five feet (35’) or greater. [rev. 8/28/08, eff. 9/6/08]

(b) Understory Tree:

A deciduous shade tree or fruit tree planted at least two (2) inches in caliper measured at three feet (3’) off the ground with a mature height of twelve feet (12’).

(c) Evergreen:

A coniferous species tree planted at least six feet (6’) in height.

(d) Shrub:

A plant of either deciduous species planted at two and one half feet (2 ½’) in height with a mature height of at least six feet (6’), or a coniferous species planted at two and one half feet (2 ½’) in spread. Shrubs must be at least five (5) gallons in size at the time of planting.

(e) Lawn:

An area planted and maintained in perennial grass. The selection of soils and grass seeds and maintenance practices shall result in lawn areas typical of lawn areas in adjacent residential zones.

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**Industrial & Commercial Districts
Landscape Requirements – § 242-501J**

(f) **Ground Cover:**

Plant materials generally not in excess of ten inches (10") high and used for decorative purposes or for their soil stabilization characteristics. Such materials include but are not necessarily limited to: ivy, pachysandra, crown vetch, ground pine and similar materials.

(g) **Berm:**

A raised, sloped landscape device made of earthen material designed to provide visual separation between areas and which may contain planted materials and such natural landscape architectural features as boulders, sculptures, timbers or stone walls all arranged to the satisfaction of the Commission.

(h) **Gross Parking Lot Area:**

The cumulative total square footage of all areas dedicated for vehicle parking or truck loading including all individual parking spaces, loading spaces, end islands, intermediate islands, divider islands, separation strips, building separation buffers adjacent to parking spaces, but excluding aisles, internal drives, building separation buffers not adjacent to parking spaces and other impervious surfaces. *[amended 4/13/00]*

(3) **Perimeter Landscaped Area Requirements:**

(a) **Street-side Buffer Strips**

The twenty-five feet (25') landscaped buffer strip cited in Section 242-501C(3) shall be planted in lawn and/or ground cover and shall also contain at least one deciduous canopy shade tree at least two and one half inches (2 ½") in caliper for each fifty feet (50') or part thereof of street frontage. For each canopy shade tree so planted, two (2) understory deciduous shade trees at least two inches (2") in caliper and six (6) shrubs shall also be required. A designed landscape berm of a height and configuration approved by the Commission shall be located within this buffer strip as a visual and traffic safety barrier. Landscape plans shall conform to §242-308E.

**TOWN OF BROOKFIELD
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(b) Front, Side and Rear Yards:

Any portion of a yard not involving any landscaped buffer strip, building separation strip, driveways or parking areas, shall be planted in lawn, ground cover, flower beds, or shrub beds as approved by the Commission and shall contain at least one deciduous canopy shade tree at least two and one half inches (2 ½”) in caliper for every fifteen hundred (1,500) square feet of remaining front yard.

(c) Building separation strips:

The ten feet (10’) building separation strip cited in Section 242-305C(6) shall be planted with ground cover and contain at least four (4) deciduous or evergreen shrubs (foundation plantings) for every ten feet (10’) of building perimeter. This separating strip may also contain a walkway. In such an event, planter devices not in excess of three feet (3’) square or three feet (3’) in diameter and containing flowers or evergreen shrubs shall be located on such walkway for every ten feet (10’) of walkway. If a walkway or pedestrian area is in excess of ten feet (10’) in width, the size of the planter devices may be increased in accordance with good landscape design practice as approved by the Commission:

(d) Perimeter strips adjacent to residential districts:

The buffer strips cited in §242-501C(2) shall be left in their natural condition or planted in lawn and/or ground cover and contain one (1) plant unit for each one hundred feet (100’) of perimeter strip or portion thereof. For the purposes of this paragraph, “One Plant Unit” consists of:

- 4 canopy deciduous shade trees at least two and one half inches (2 ½”) in caliper,
- 6 understory deciduous shade trees at least two inches (2”) in caliper,
- 24 shrubs (deciduous or evergreen),
- 12 evergreen/conifers six feet (6’) in height,
- A designed landscape berm of a height and configuration approved by the Commission shall also be a portion of this buffer strip.

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(e) Parking Lot Areas:

The orientation of a parking lot shall generally be so that vehicles are parked parallel to the main building and that the parking aisles are perpendicular to the main building for reasons of safety. Any lot containing parking facilities for ten (10) or more vehicles shall also provide landscaped areas within the parking lot area equal to at least forty percent (40%) of the gross parking lot area in order to minimize the unattractiveness of parking lots. These landscaped areas shall contain the following:

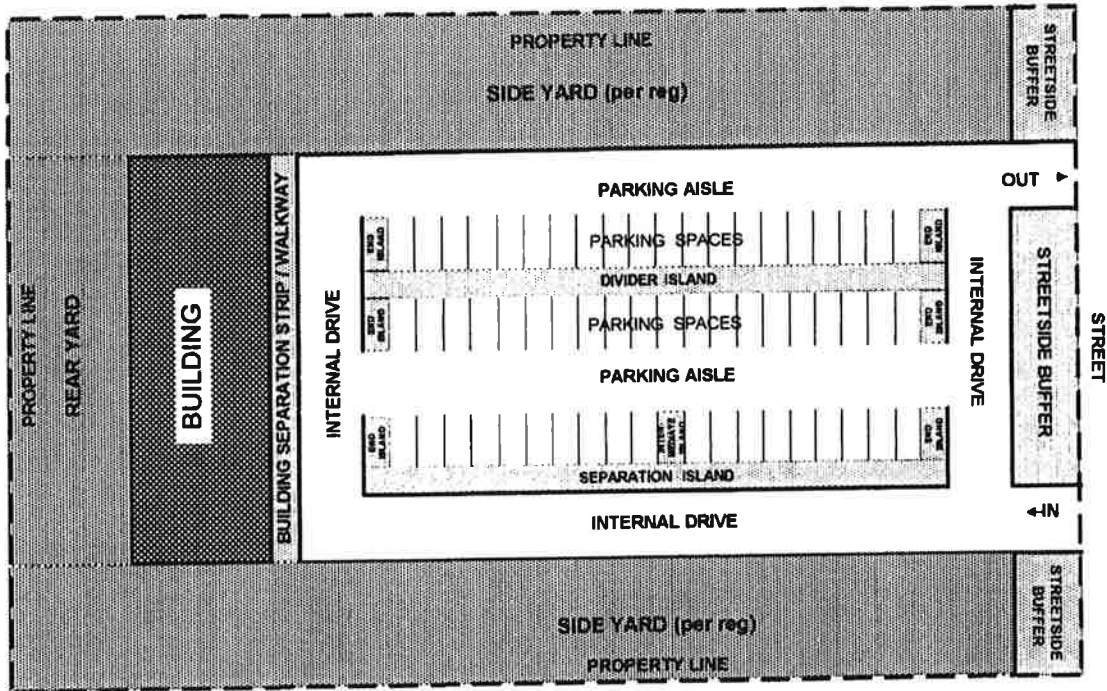
- [1] Landscaped “end islands,” a minimum size of 10’ x 20’, at the ends of each parking row containing one (1) deciduous shade tree of a minimum of 2½” in caliper;
- [2] Landscaped “separation strips”, a minimum of ten feet (10’) in width, separating a parking row from an internal drive or separating a parking aisle from a side or rear yard when only one side of the aisle is used for a parking row. One (1) deciduous shade tree of a minimum 2½” in caliper shall be planted every twenty-five feet (25’) within the strip.
- [3] Landscaped “divider islands,” a minimum of ten feet (10’) in width, separating opposing rows of vehicles. One (1) deciduous shade tree of a minimum of 2½” in caliper shall be planted every twenty-five feet (25’) along the divider island and shrubs every ten feet (10’) along the divider island.
- [4] Landscaped “intermediate islands,” a minimum of 10’ x 20’ when a row of parking exceeds twenty (20) vehicles, to be placed at locations approved by the Commission and containing one (1) deciduous shade tree of a minimum of 2½” in caliper.

NOTE: See Schematic Illustration of Parking Area Terms contained hereafter.

In addition to the above designated shade trees, these islands and strips shall be planted in a mixture of lawn, ground cover and low-lying shrubs and may contain mulch and/or pavers at locations approved by the Commission. Lawn cover shall be installed in the form of “sod,” not seed.

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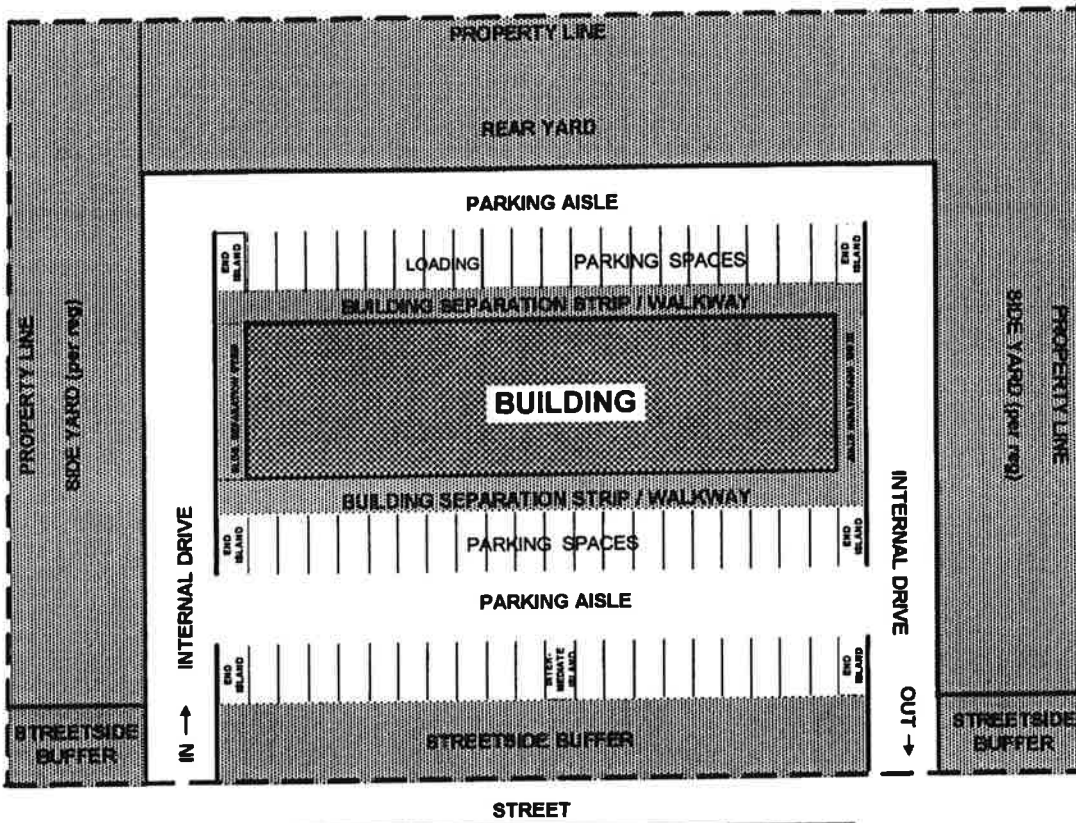
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(4) Existing Vegetation:

Existing plant materials may be used to meet all or part of the landscaping requirements. Existing trees in good condition over twelve inches (12”) in caliper shall be preserved unless approved for removal by the Zoning Enforcement Officer.

(5) Landscape Maintenance:

All landscape material required and indicated on an approved site plan shall be maintained in healthy growing condition. In the event such material(s) become diseased, damaged or dies, they shall be promptly replaced by the site landowner of record.

(6) Landscape Plan:

All of these requirements shall be indicated on a landscape plan of at least the same scale as the required site plan. the plan shall also include a plant list with plant names, size at planting, and size when matured. It should also provide planting instructions conforming to good horticultural practice.

(7) Steep Slopes & Areas Subject to Erosion:

For the purposes of this section, any slope in excess of twenty percent (20%), ie., 1:5, shall be considered a steep slope. Steep slopes and other areas subject to erosion require soil improvements and appropriate landscaping treatment to ensure long term stabilization of the soils and viability of the planted materials. The landscaping materials shall consist of perennial grasses, ground covers and/or shrubs whose growth characteristics are specifically suited to these conditions. Rip Rap and other non-vegetative material may be allowed at the sole discretion of the Commission. *[approved 3/23/00]*

To preserve the natural features of the Town of Brookfield, maintain as much as possible the existing water drainage patterns, maintain water table recharge patterns and preserve existing aesthetics of the natural topography of the Town of Brookfield, while allowing orderly development of the land, the creation of steep slopes is not permitted.

Specifically, no slope extending over 100 feet in length measured in any direction across the contours of a lot may be created with a grade that exceeds 30 degrees on average. All site plans for either Design Review or Site Plan Modification will identify existing slopes that meet both the 30 degree grade and 100 feet length measured in any direction across the contours of a lot. *[added eff. 10/23/03]*

(8) Variations to Landscape Requirements:

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**Industrial & Commercial Districts
Landscape Requirements – § 242-501J**

(a) Additional Landscaping:

The Commission may require additional landscaping or more mature plantings where unusual conditions dictate more extensive screening, or for noise abatement to prevent depreciation of adjacent residential properties.

(b) Reduced Landscaping:

The Commission may reduce the landscaping requirements by not more than twenty-five percent (25%) for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, the compatibility of the proposed structure with surrounding architectural types, conservation of existing trees and site features, quality of building materials, and size and quality of landscape materials. *[amended 3/23/00]*

- (9)** The Zoning Commission reserves the right to modify these specifications, in harmony with their general intent, in unique and unusual circumstances indicated by individual site conditions, technical complexities or by overriding considerations of safety and general welfare. *[added 4/13/00]*

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Site Maintenance & Waste Control - § 242-501K

K. Site Maintenance and Waste Control: [approved 6/8/00]

(1) Site Maintenance:

(a) General Requirements:

The site shall be maintained in a neat and orderly manner at all times in accordance with the approved site plan. Any condition which might adversely affect the safety of any person on the site, shall be promptly removed. On sites where routine pedestrian activity is anticipated, a reasonable number of refuse receptacles shall be provided. Any site feature such as curbing, pavement, pavement markings, landscaping, lighting, etc., which have deteriorated beyond reasonable operational use or become damaged or destroyed, shall be promptly restored, repaired or refurbished.

(b) Site Maintenance Plan: [eff. 6/18/03]

The Applicant shall submit, as part of the Design Review Approval application, a Site Maintenance Plan. Such plan shall include: an inventory and description of all site devices and equipment that require periodic maintenance, the maintenance procedures required, the frequency and annual schedule of inspection of such devices and equipment.

Periodic inspections, as set forth in the plan, shall be conducted by a licensed professional engineer and reports filed with the Commission. The reports shall indicate: the device/equipment inspected, a statement of the physical condition thereof, any corrective action required, and the date of inspection.

(2) Waste Control:

A specific area of any commercial or industrial site shall be reserved for the collection of waste material, pending its removal from the site. For the purposes of this section, "waste material" shall mean any discarded metal, glass, plastic, paper, corrugated materials, wood, cordage, chemical, organic, animal or other similar materials or debris. All such material shall be collected into covered containers within the waste containment area. Precautions shall be established for the control of pests, insects and rodents within these areas. Any materials which are carried away from the designated collection area by wind, carelessness of customers or other means, shall be promptly collected into the required containers. All waste material shall be routinely removed from the site. Under

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Site Maintenance & Waste Control - § 242-501 K & L

no circumstance shall any waste or discarded materials be allowed to accumulate anywhere on the site for more than a ten (10) day period.

L. Outdoor Dining Requirements: [rev. 6/4/10]

(1) Permit Required:

Outdoor dining, as an accessory use to a restaurant, may be permitted in Commercial Districts only upon approval of a Design Review Modification permit issued by the Zoning Commission and subject to the following conditions and requirements.

(2) Site Plan:

The applicant shall provide a site plan indicating the location of all tables, chairs, buildings, sidewalks, parking spaces and drives.

(3) Location:

Outdoor dining areas shall not result in interference with vehicular and pedestrian traffic or emergency exiting facilities, nor shall they be located on public property. The outdoor dining space shall not exceed more than twenty-five percent (25%) of the indoor dining space.

(4) Parking:

In addition to parking in support of indoor seating, one (1) additional parking space is required for every four (4) seats.

(5) Trash:

Adequate self-closing trash receptacles must be provided and emptied immediately when filled.

(6) Audio:

No Outdoor audio systems shall be permitted.

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**Aquifer Protection District
Purpose – Permitted Uses – § 242-502A-D**

§ 242-502. Aquifer Protection District, AP.

A. Purpose:

It is the purpose of the Aquifer Protection District to protect public health by preventing contamination of the ground and surface water resources providing water supply or potential water supply to the Town of Brookfield.

B. Lands to which these regulations apply:

These regulations apply to all land within the boundaries of the IR-80SE District and all Aquifer Protection Districts delineated on a map on file in the offices of the Zoning Commission which shows both primary and secondary recharge areas of the designated aquifer and is entitled "Aquifer Protection District, Town of Brookfield effective January 1, 2000." *[revised 1/2/00]*

C. Compliance:

Within Town boundaries, the Aquifer Protection Districts shall be superimposed on existing zoning districts. The provisions of these regulations shall be in addition to all other requirements of applicable statutes, codes, regulations or ordinances. In the event of conflict between the provisions of this regulation and any other Town regulation, the more restrictive requirement shall control.

D. Permitted Uses: *[revised eff. 1/2/00, 9/21/12]*

- (1) All uses permitted within the underlying district, except as cited in Subsection D(2) below.
- (2) The following uses or activities are specifically prohibited: *[revised 8/23/01]*
 - (a) Road salt storage and loading facilities.
 - (b) Manufacture, storage, warehousing or transportation of toxic, hazardous or contaminant materials as a primary activity.
 - (c) On-site disposal of toxic, hazardous, contaminant or industrial waste into the soil or groundwater regime.
 - (d) Truck terminals, depots, yards and servicing facilities of a transportation line or company as a primary activity, but excluding warehousing and distribution services.

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**Aquifer Protection District
Approval Considerations – § 242-502D**

- (e) Sanitary landfills, junkyards, salvage yards and other solid waste disposal.
- (f) Contractor's yards.
- (g) Motor vehicle service or washing stations of a commercial nature.
- (h) Automotive and boat sales, repair or storage. Boat storage may be permitted provided the following precautions are designed, constructed and followed *[revised eff. 9/21/12]*
 - [1] All boat storage shall be within a weather tight building.
 - [2] No repair work on any boat shall be permitted.
 - [3] Internal fire protection walls shall be provided and no area protected by such walls shall exceed 10,000 square feet.
 - [4] A fire alarm system shall be installed and maintained. It shall be connected to a twenty-four (24) hour answering service. Fuel fume detectors shall also be installed on the ground level and shall be connected to the alarm monitoring system.
 - [5] The floors shall be Portland cement concrete and depressed a minimum of ten (10) inches with Portland cement concrete "curbs (minimum ten (10) inches high). All concrete shall be sealed against water, oils and fuel. All construction joints shall be sealed.
 - [6] A 20,000 gallon storage tank shall be provided and have a high overflow connected to a catch basin if possible. All floor areas shall drain to this tank.
 - [7] All drain plugs shall be left in any boats on the ground level.
 - [8] All batteries shall be removed from the boats prior to the boat being placed within the building.
 - [9] All personal items containing any flammable materials shall be removed from the boats prior to the boat being placed within the building.
- (i) Disposal of snow from outside of the district.
- (j) Uses or processes whereby other than standard domestic wastes generated on the site are discharged into the groundwaters of the Town of Brookfield
- (k) "Underground storage of fuel and other flammable or hazardous material: except that pre-existing underground storage may be continued as a pre-existing, non-conforming use provided that there is evidence that no leakage has occurred." *[revised 5/24/01]*
- (l) Etching, plating, coating, finishing, degreasing, chemical cleaning, and the like.

**TOWN OF BROOKFIELD
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**Aquifer Protection District
Required Data – § 242-502D-F**

- (m) Unless specifically regulated by the Department of Environmental Protection, or prohibited by the State or Brookfield Health Department, the storing of hazardous substances for purposes of retail consumer sale or individual private use is excepted from this prohibition.

E. Approval considerations:

- (1) In making a determination of §242-301C(5), the Commission shall give consideration to the simplicity, reliability and feasibility of the **control measures** proposed and the degree of threat to water quality which would result if the control measures fail.
- (2) The Commission shall solicit the opinion of the Health Department, Town Engineer, Inland Wetlands Commission and the Planning Commission concerning any application involving the Aquifer Protection District.
- (3) Approval shall not be granted until the Commission determines that the groundwater quality of the site resulting from on-site operations will not fall below federal or state standards for drinking water quality or, if existing groundwater quality is already below those standards, that on-site operations will result in no further deterioration.
- (4) The applicant shall submit a report from a licensed engineer setting forth any risk or threat to water quality or the underlying aquifer from the site development, site improvements or on-site operations proposed in the application and procedures and steps to prevent any risk or threat. *[revised 6/18/02]*
- (5) The Commission hereby delegates to the Zoning Enforcement Officer the following authority: When the application concerns itself with a tenant fit up under section 242-502E(1) as it pertains to the design review approval, the requirements of Section 242-301C(3) shall not be applicable where exterior of the building, the parking lot, and appurtenant facilities, such as drainage, lighting and utilities, are not being modified or changed from the previously approved Design Review of the site, the Zoning Enforcement Officer shall review the application and he/she may grant a simple Zoning Compliance Certificate for the permitted use only. *[revised 6/16/11]*

F. Required data:

In addition to that required by other sections of the Code, the following data is required for all applications for design review approval involving areas within Aquifer Protection Districts:

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**Aquifer Protection District
Required Data – § 242-502F**

- (1) Complete **description** of the type, size and intended content of a storage tank and transfer piping, as well as a listing of all other potentially toxic or hazardous materials to be used or stored on the premises.
- (2) Evidence of **approval by the cognizant regulatory agency** for disposal systems or any wastewater treatment systems over one thousand five hundred (1,500) gallons per day capacity.
- (3) Analysis certifying **compliance** with Subsection E(3) above completed by a technically qualified expert acceptable to the Commission.
- (4) **Distance** to the nearest public or private drinking water supply and nearest watercourses.
- (5) **Availability** of public sewer and proposed hookup location.
- (6) **Location, size, capacity of septic tank**, sewage lift station, force mains and grease traps.
- (7) Expected types and amounts of **discharge** to sewers and to ground and surface water.
- (8) Provision for **stormwater runoff controls**, which must minimize suspended solids and maximize groundwater recharge, including a detailed drainage plan showing the location and points of discharge for building, roof and floor drains, dry wells and drainage pipes, whether pervious or impervious.
- (9) Location and description of **outside storage areas** and materials to be stored.

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**Aquifer Protection District
Performance & Design Standards – § 242-502G**

G. Aquifer Protection Performance& Design Standards

(1) **General:**

All permitted uses shall conform to the standards indicated below. The purpose of these standards is to prevent or minimize potential groundwater pollution from improper waster disposal, releases of hazardous materials, and other sources. An alternative standard or protection method may be approved if it is clearly demonstrated to provide equivalent protection of these standards.

(2) **Exception:**

Storage or use of hazardous materials in quantities normally associated with customary residential or office use as determined by the Commission is exempt from these standards.

(3) **Stormwater Management:**

- (a) No wastewater discharges shall be connected to the stormwater system.
- (b) Stormwater from developed site areas shall be directed to an aboveground outlet point (swales, basins, surface waters). Discharges to drywells or other subsurface leaching structures may be allowed for the recharge of clean stormwater only, such as clean roof drainage.
- (c) Stormwater contact with sources of pollution shall be prevented by use of roofs, covers, berms and directing runoff away from such sources.
- (d) Parking, storage, loading and other areas where released can occur shall be an impervious surface.
- (e) All sites and parking areas shall require the property owner or site operator to prepare, implement and maintain a Stormwater Management Plan as described in the Department of Environmental Protection document "General Permit for the Discharge of Stormwater Associated with Commercial Activity," part V.B., 8/1/95 as revised. Furthermore, runoff from parking areas shall be collected and contaminants shall be separated therefrom by use of engineered contaminant collection devices, e.g. Vortechs or similar systems. The contaminant materials shall be disposed of in accordance with Department of Environmental Protection regulations. Maintenance on the collector system shall be performed at least annually and collection of contaminant materials shall be performed at least semi-annually. A report prepared by a professional engineer shall be submitted to the Commission annually and shall describe the results of the stormwater management system inspection and any required

**TOWN OF BROOKFIELD
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**Aquifer Protection District
Performance & Design Standards – § 242-502G**

(f) corrective action. A permanent maintenance bond, in an amount designated by the Commission, shall also be required. [8/23/01]

(g) The use of sodium chloride as a de-icing agent is prohibited. [8/23/01]

(4) **Wastewater Discharges:**

No wastewater shall discharge to the ground other than approved domestic sewage systems or other certain discharges approved by state wastewater discharge regulations, such as contaminant separator systems.

(5) **Floor Drains:**

No floor drains shall discharge into the ground. Floor drain discharges may be connected to public sanitary sewers in accordance with DEP or Water Pollution Control Authority approval. Bathroom and kitchen drains connected to a Health Department approved septic systems are excepted from this standard.

(6) **Storage, Generation, Use and Handling of Hazardous Materials:**

All areas and operations where hazardous materials are stored, generated, used or handled shall be designed and constructed to prevent ground water contamination including provisions for the control of inadvertent or accidental spills, leaks, or other discharges. The following standards shall apply:

(a) Manufacturing, processing, or other activities using hazardous materials shall be conducted only in a building or structure where the flooring is impervious to the material being used. Suitable containment provisions shall also be constructed for areas in which such activities are conducted. If floor drains are present, they shall be made inoperable prior to conducting such activities.

(b) Generation of toxic or hazardous materials in excess of 100 kilograms per month shall require a permit issued by the Department of Environmental Protection (DEP). Disposal of any material so generated shall be in accordance with DEP regulations.

(c) Pre-existing Underground storage tanks may be replaced subject to the following: [5/24/01]

[1] Tanks shall be double walled fiberglass reinforced plastic or a double walled steel cathodically protected.

[2] Piping and distribution lines shall be protected against corrosion and constructed of double wall pipe or within a secondary containment pipe or conduit.

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**Aquifer Protection District
Performance & Design Standards – § 242-502G**

- [3] A monitoring or failure detection system shall be employed.
- [4] An overflow prevention or containment area shall be employed.
- (d) Aboveground storage tanks, containers or drums shall be within a building or structure meeting the following requirements:
 - [1] Have an impervious floor and containment area or dike of adequate size to contain the total volume stored.
 - [2] The area shall be protected by a roof and adequate sides to prevent exposure to precipitation.
 - [3] Tank overflow protection devices shall be designed to prevent release of overflow outside of the storage area.
 - [4] Storage areas shall be located outside of flood prone areas or be floodproofed.
 - [5] Have no floor drains.
- (e) Venting systems for evaporation or distillation of hazardous materials shall be designed with a control or recovery system to prevent the discharge of contaminated condensate or drippage.
- (a) Loading or transferring activities shall be conducted on impervious surfaces, roofed, and diked to capture and control any spills or leaks.
- (7) **Bulk Material and Solid Waste Storage:**
 - (a) Bulk storage facilities of non-hazardous materials which may leach into the ground such as deicing salt, sludge, manure, or silage shall have an impervious floor and roof, and be raised or designed to prevent surface water runoff from entering.
 - (b) Solid waste dumpsters shall be on a concrete pad, covered and plugged so as to be watertight.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Aquifer Protection District
Performance & Design Standards – § 242-502G**

(8) Hazardous and Contaminant Materials Control Plan:

A control plan and applicable procedures shall be submitted, for approval, that contains the following elements:

- (a) An inventory of all hazardous or contaminant materials which are or will be generated, stored, or used at the facility and a description of the methods and procedures utilized for the receipt, handling, storage, utilization, treatment and disposal of such materials. The inventory shall also state the quantities involved and shall be accompanied by the applicable Material Safety Data Sheets (MSDS).
- (b) Security and inspection measures to control vandalism or accident.
- (c) The locations and types of storage containers used to store hazardous and contaminant materials and a description of leak detection and prevention methods and equipment.
- (d) Procedures for the periodic inspection and maintenance of handling equipment and storage containers.
- (e) A description of the operations at the site, including service, cleaning or manufacturing processes which might result in contamination of surface or groundwater.
- (f) Procedures to contain and clean up spills or leaks of hazardous materials.
- (g) Procedures for the collection after use and off-site disposal of hazardous and contaminant materials.
- (h) Procedures for an emergency response to natural or manmade accidents or disasters including notification of local and state officials.
- (i) Name, address and phone number of the persons responsible for implementing the above plans and procedures.

**TOWN OF BROOKFIELD
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**Aquifer Protection District
Performance & Design Standards – § 242-502G&H**

(9) **Pesticide and Fertilizer Use:**

Any use which includes more than five (5) acres of land for crop, lawn, garden or landscaping requiring regular application of pesticides or fertilizer shall be accompanied by a management plan indicating the types of materials, application schedule, and conformance with DEP approved best management practices.

(10) **Monitoring:**

If the Commission determines that additional safety measures and monitoring are needed because of hydrological conditions, existing contamination, or a high potential for contamination, then it shall require the installation of monitoring wells, periodic sampling and reporting of analysis of the samples.

H. Inspection:

On a periodic basis or for good and sufficient reason at other times, the Commission shall cause inspections and/or tests to be conducted to verify compliance with applicable federal, state and municipal standards/requirements for drinking water. In the event that such tests indicate noncompliance, the Commission shall require the owner/occupant to immediately cease operations causing such noncompliance and to take timely corrective action at his expense.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
General Provisions and Boundaries – § 242-503 A&B**

§ 242-503. Floodplain Districts, FP.

A. General provisions:

(1) Applicability:

In accordance with the Official Floodplain Map, identified hereinafter, this district is superimposed over any other zoning district. It is subject to all regulations applicable to the underlying district and those additional regulations contained in this section.

(2) Administration:

All projects to be contained wholly or in part in the Floodplain District shall be submitted by the applicant to the Inland Wetlands Commission. The application to the Zoning Commission shall not be accepted unless the applicant has submitted an application to the Inland Wetlands Commission previous to or no later than the application submitted to the Zoning Commission. The Zoning Commission shall not render a decision on such application and site plan until a report has been submitted by the Inland Wetlands Commission with its final decision. This information along with a copy of the Inland Wetlands permit and all other data as prescribed by Section 242-301 shall become a criterion to be considered in the approval/disapproval of the application and shall be made part of the applicant's design review file. *[amended 7/28/92]*

(3) Use variances:

In accordance with the authority granted by Title 8, Chapter 124, Section 8-6, of the Connecticut General Statutes, no use variances shall be permitted in the Floodplain District. *[amended 4/6/81]*

B. Floodplain District Boundaries:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Federal Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance R Maps (FIRM) dated June 18, 2010, and other sup[porting data applicable to the Town of Brookfield, any subsequent revision thereto, are hereby adopted by reference and declared to be a part of this section. Since mapping is legally adopted by reference into this section it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area on the FIIRM as Zones A and AE, including areas designated as floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. The BFEs provided on a Firm are only approximate (rounded up or down) and should be verified with the BFEs

**TOWN OF BROOKFIELD
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**Floodplain District
Boundaries – § 242-503 B**

published in the FIS for a specific location. The flood insurance study is on file at the office of the Town Clerk, Town Hall, Brookfield, Connecticut. The regulatory flood protection elevation for any point in question shall be the governing factor in locating the zoning district boundary of the land. *[amended 3/11/10]*

(1) **Establishment of development permit:**

(a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in the Subsection B. Application for a development permit shall be made on forms furnished by the Brookfield Zoning Commission and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
- [2] Elevation in relation to mean sea level to which any structure is to be floodproofed;
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection B(2); and
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) These requirements are in addition to those requirements in §242-301C.

(2) **Designation of the Brookfield Zoning Commission:**

The Brookfield Zoning Commission is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

(3) **Duties and responsibilities of the Brookfield Zoning Commission:**

Duties of the Brookfield Zoning Commission shall include, but not be limited to:

- (a) Reviewing all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
Boundaries – § 242-503 B**

substantial improvements shall meet the permit requirements of this section. *[amended 9/29/93]*

- (b) Reviewing all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(4) **Use of other base flood data:**

When base flood elevation data has not been provided in accordance with this Subsection B, Floodplain District boundaries, the Brookfield Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer Subsection I(1), Specific standards, Residential construction, and Subsection I(2), Specific standards, Nonresidential construction.

(5) **Information to be obtained and maintained:**

- (a) Obtain and record the actual as built elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures. *[amended 9/29/93]*
- (b) For all new or substantially improved floodproofed structures:
- [1] Verify and record the actual as built elevation (in relation to mean sea level); *[amended 9/29/93]*
- [2] Maintain the floodproofing certifications required in Subsection B(1)(a)[3]; and
- [3] Maintain for public inspection all records pertaining to the provisions of this section.

(1) **Alteration of watercourses:**

Notify adjacent communities and the Department of Environmental Protection, State of Connecticut, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Floodplain District

Floodway and Floodplain permitted uses – § 242-503 C&D

C. Floodway permitted uses:

Subject to the provisions of and in conformance with §242-301 of this chapter, the following open space uses may be permitted within the floodway, provided that such uses do not require fill, structures or storage of materials or equipment and are not prohibited by any other regulations:

- (1) **Low-value agricultural uses**, including pasture, grazing, wild-crop harvesting and non-fertilized crops.
- (2) **Private and public recreation**, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, swimming areas, outdoor ice-skating rinks, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, fishing areas, bicycle, hiking and horseback riding trails.

D. Floodplain permitted uses:

Subject to the provisions of and in conformance with §242-301 of this chapter, the following uses may be permitted within the floodplain to the extent that they are permitted in the underlying district:

- (1) All uses in Subsection C.
- (2) All **agricultural uses**, including general farming, nurseries, truck farming, and forestry, provided that all structures are located outside the floodway.
- (3) **Seasonal commercial uses**, including open-air markets and drive-in theaters, provided that all structures are located outside the floodway.
- (4) **Parking areas** and loading areas, provided that all structures are located outside the floodway.
- (5) **Nonstructural residential uses**, including lawns, gardens parking areas and play areas, provided that all structures are located outside the floodway.
- (6) **Storage** of low-cost, non-hazardous materials, provided that all structures are located outside the floodway.
- (7) **Nonresidential buildings** whose lowest floor is elevated one foot (1') above the one hundred year flood or is floodproofed to an elevation one foot (1') above the one hundred year flood, provided that all structures are located outside the floodway.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Floodplain District

Other permitted uses & Structures– § 242-503 D,E&F

- (8) **Residential buildings** whose lowest floor, including basement, is elevated one foot (1') above the one hundred year flood, provided that all structures are located outside the floodway. *[amended 9/29/93]*

E. Other permitted uses:

The following uses may be permitted in the floodplain in floodplain areas with or without floodways having established base flood elevations but prohibited in the floodway, provided that no structure (temporary or permanent), fill deposits (including fill for roads, parking and levees), excavations, obstructions, storage of materials or equipment or other use may be allowed which, acting alone or in combination with existing or future uses, increases flood elevations by one foot (1') or more beyond the base flood elevations as depicted on the Town's Flood Insurance Study dated June 18, 2010, and in the accompanying Flood Insurance Rate Map. *[amended 3/11/10]*

- (1) **Circuses, carnivals and similar transient amusement enterprises.**
- (2) **Natural resources removal** in accordance with §242-302.
- (3) **Railroads**, street, bridges, utility transmission lines and pipelines.
- (4) **Support** for structures, excluding fill, where the floor level of the structure is above the regulatory flood protection elevation but the supports are within the floodplain area.
- (5) **Structures** constructed on fill, or first floor if there is no basement, provided that the basement floor is above the regulatory flood protection elevation. The fill shall be at a point no lower than one foot (1') below the regulatory flood-protection elevation for the particular area and shall extend at such elevation at least fifteen feet (15') beyond the limits of any structure or building erected thereon.
- (6) **Uses or structures accessory to a permitted use.**

F. Structures (temporary or permanent):

- (1) Structures shall not be designed for human habitation, except as provided in Subsection D(8).
- (2) Structures shall have a low flood-damage potential.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Floodplain District

Structures & Storage of materials and equipment & Flood hazard reduction– § 242-503 F,G&H

- (3) The structures or structure, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures or restriction of bridge openings and other narrow sections of the stream or river.
- (5) Service facilities, such as electrical and heating equipment, shall be constructed at or above the regulatory flood-protection elevation for the particular area.

G. Storage of material and equipment:

- (1) The storage or processing of materials that are buoyant, flammable or explosive in time of flooding is prohibited.
- (2) Storage of other material or equipment may be allowed, if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the limited time available after flood warning.

H. Provisions for flood hazard reduction:

In all areas of special flood hazards, the following standards are required:

(1) **Anchoring:**

All new construction, including manufactured and mobile homes, and substantial improvements thereto shall be anchored to prevent flotation, collapse or lateral movement and to resist hydrostatic and hydrodynamic pressure. Anchoring may include over-the-top or frame ties to ground anchors.

(2) **Construction materials and methods:**

- (a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Floodplain District

Flood Hazard Reduction and Specific Standards – § 242-503 H&I

(3) **Utilities:**

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Electrical heating, ventilation, plumbing and air-conditioning systems shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Aboveground storage tanks which are located outside or inside of the structure must be elevated above the base flood elevation on a concrete pad or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

A. Specific standards:

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection B, Floodplain District boundaries, and Subsection B(4), Use of other base flood data, the following provisions listed below are required. If any structure or portion thereof lies partially or wholly within one or more flood zones,, the entire structure must comply with the most stringent requirements of the zones involved.

(1) **Residential construction:**

New construction, including manufactured and mobile homes, and substantial improvements thereto shall be placed on a permanent foundation and shall have the lowest floor, including basement, elevated to or above the base flood elevation. This included manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an existing manufactured park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park in which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles placed on sites within the areas of special flood hazard shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the elevation requirements listed above and anchoring requirement

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
Specific Standards – § 242-503 I**

of Section 242-503 H (1). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent attached additions. *[amended 3/11/10]*

(2) Nonresidential construction:

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level one foot (1') above the base flood elevation or, together with attendant utility and sanitary facilities, shall: *[amended 9/29/93]*

- (a) Be floodproofed from an elevation one foot (1') above the base flood elevation and below, so that the structure is water tight with walls and floors substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects on buoyancy; and
- (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certificates shall be provided to the official set forth in Subsection B(5)(b).

(3) Floodways:

- (a) Located within areas of special flood hazard established in Subsection B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

[1] Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge. *[amended 3/11/10]*

When utilizing data other than that provided by the Federal Emergency Management Agency, the Commission shall select and adopt a regulatory floodway based on the principle that that area chosen for the regulatory floodway shall be designed to carry the waters of the base flood, without increasing the water surface

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
Specific Standards – § 242-503 I**

elevation of that flood more than one foot (1') at any one (1) point.

[2] If Subsection I(3)(a)[1] is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection H, Provisions for flood hazard reduction.

[3] Manufactured homes and recreational vehicles, (temporary or permanent) are prohibited within all special flood hazard areas.
[amended 9/29/93]

(b) These requirements are in addition to those requirements in §242-301C.

(4) **100 year Flood Districts:**

Where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other improvement, including fill, shall be permitted which could increase base flood elevation more than one foot (1') at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

(5) **Notification to applicant of increased premium rates:**

The Zoning Enforcement Officer is designated, authorized and instructed to notify in writing all applicants that possess variances to this section that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.) for one hundred dollars (\$100.) of insurance coverage, and such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of the variance action as required in Subsection I(5).

(6) **Variances:**

The Zoning Enforcement Officer shall maintain a record of all variance actions, including justification for their issuance, and report such variance issued to the Federal Emergency Management Agency (FEMA) in its Biennial Report.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
Abrogation and Disclaimers – § 242-503 J&K**

J. Equal Conveyance, Compensatory Storage and Associated Prohibitions:
[added 3/11/10]

(1) **Equal Conveyance**

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachment resulting from filling, new construction or substantial improvements involving an increased footprint of the structure are specifically prohibited unless the applicant provided certification from a registered engineer demonstrating, with supporting hydrological and hydraulic analyses performed in accordance with standard engineering practice, such that encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

(2) **Compensatory Storage**

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increased footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site- if approved by the Town of Brookfield.

K. Abrogation and Disclaimers: *[added 3/11/10]*

(1) **Abrogation and Greater Restrictions**

This regulation is not intended to repeal, abrogate or impair any existing easement, covenant or deed restrictions. However, where this regulation or another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. shall prevail.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
Abrogation and Disclaimers – § 242-503 K**

(2) **Warning and Disclaimer of Responsibility:**

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations and research. Larger floods can and will occur on rare occasions. Flood Heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Area of Special Flood Hazard or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Brookfield or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder. The Town of Brookfield, its officer and employees shall assume no liability for another person's reliance of any map, data or information provided by the Town of Brookfield.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
Abrogation and Disclaimers – § 242-503 K**

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Purpose and Design Review – § 242-504 A&B**

§ 242-504. Major shopping centers.

A. Purpose:

It is the purpose of these regulations to permit more flexibility in land use and area requirements where large land areas are used for a shopping center with numerous tenants. In consideration of providing such flexibility under these regulations however, the Commission shall require a site configuration which minimized the impact of the project upon the Town's traffic load and flow patterns, the environment and requirements for municipal services. Special consideration, therefore, must be given to the planning of access roads, parking, loading, walkways, the preservation of natural areas, the maintenance of the site and buildings, and designs which will complement the natural setting.

B. Design review application/additional data:

In addition to the data required under §242-301C of this chapter, the following additional data must be submitted as part of the design review application. It is expected that the applicant shall submit the following data at regular or special meetings of the Commission at least thirty (30) days prior to filing its formal design review application. **No application made under this section shall be considered complete until all of the following data is submitted.** Nothing herein shall restrict the Commission from requiring additional data under §242-301C(4).

(1) **Accessway proposals:**

A site plan depicting the transportation scheme for all ingress and egress to the proposed project, connections to state highways, relocation or abandonment of any Town roads and their traffic impacts. Fifteen (15) days prior to the submission to the Commission, the applicant shall submit a copy of such plan to the Board of Selectmen, Town Engineer, Planning Commission and Director of Public Works for their review.

(2) **Traffic impact study:**

A thorough study of the total traffic impact on state and town roads within Brookfield and the analysis of the traffic impact on feeder roads into Brookfield, as well as a complete hourly traffic impact estimate. Fifteen (15) days prior to the submission to this Commission, the applicant shall submit a copy of such plan to the Board of Selectmen, Town Engineer, Planning Commission and Director of Public Works for their review.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Design Review – § 242-504B**

(3) **Police and security plan:**

An estimate of the proposed police requirements and internal security staffing. This plan shall outline the estimated impact on the Town's police requirements showing the breakdown of estimated costs to be borne by the applicant and the estimate of additional costs to the Town. Said report shall detail by type and cost any additional security anticipated. Fifteen (15) days prior to the submission to the Commission, the applicant shall submit a copy of such plan to the Police Commission and Chief of Police for their review.

(4) **Fire protection plan:**

A detailed analysis showing all fire protection measures planned within the complex and an emergency disaster plan setting forth any additional equipment and manpower necessary which is in excess of the Town's present fire-fighting capacity, together with the additional cost thereof. Fifteen (15) days prior to the submission to the Commission, the applicant shall submit a copy of such plan to the Town's Fire Marshal for his review.

(5) **Environmental impact study:**

A detailed study of anticipated pollution impact on underground waters, aquifers, surface streams and water, air quality and visual impact, debris and waste removal and erosion control measures. All proposed protective measures shall be outlined within the study. Fifteen (15) days prior to the submission, the applicant shall submit a copy of such plan to the Inland Wetlands Commission, Conservation Commission, Town Engineer and such other state and local agencies as the Commission may direct for their review.

(6) **Sewage requirements:**

A general plan outlining specific septic and general waste removal procedures, the estimated quantity of the same and the method proposed to accomplish the plan. Fifteen (15) days prior to submission, the applicant shall submit a copy of such plan to the Sewer Commission for its review.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Design Review – § 242-504B**

(7) **Additional supporting services estimate:**

An estimated impact on the Town's supporting services showing the breakdown of estimated costs to be borne by the applicant and the additional costs to the town. Such report shall include but not be limited to the following categories:

- (a) Snow removal disbursement.
- (b) Medical emergency requirements.
- (c) Governmental Town services.
- (d) Others as determined by Commission.

(8) **Economic impact:**

The applicant shall submit a summary report with the design review application summarizing the reports and plans required under Subsections B(1) through (8) of this section and including the estimated economic impact on the Town due to the proposed development. Estimated costs shall be included as well as anticipated revenue to the Town through user fees or projected tax revenues. The report shall be outlined in annual increment form starting with the first year through the final year at full development. The applicant shall include any estimates provided by Town boards or commission as well as the applicant's own estimates. Fifteen (15) days prior to time of submission to the Commission, the applicant shall submit a copy of this report to the Board of Selectmen, Board of Finance and Controller for their review.

(9) **Major tenants:**

The applicant shall provide letters from the major tenants of their intent to locate within the project. Such letters shall provide descriptive data of the type of facility contemplated, including size of building and parking areas required. Said report shall be submitted with the application.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Accessory Uses – § 242-504C**

C. Accessory uses permitted:

The following uses are permitted within major shopping centers subject to the general provisions contained in §242-301A, B and C:

- (1) All uses permitted in IR/C-80/40, and IL-80 Districts.
- (2) **Department stores**, including outside seasonal sale areas not exceeding eight percent (8%) of the enclosed floor area of the building of which it is a part.
- (3) **Supermarkets**.
- (4) **Restaurants**, including the consumption of alcoholic beverages, cocktail lounges, cabarets, nightclubs and similar establishments. Foods may be sold for consumption off the premises, but there shall be no provision for curb and/or carhop service.
- (5) The sale of **beer, wines, liquors and spirits** for consumption off the premises, but no more than one (1) package store shall be allowed in a major shopping center. The provision of §242-308F shall not apply to these uses. (*app. 3/22/12*)
- (6) **Office equipment** and business machine sales and service.
- (7) **Service stations** known as "TBA (tires, batteries and accessories) centers" or auto service centers which are affiliated with major department stores. These stations may be licensed as either limited or general repairers as defined under the Connecticut General Statutes. The sale of fuel may be allowed, provided that all requirements of state statutes are met. This use is specifically excluded from the two-thousand-five-hundred-foot distance separation regulations contained in the IR/C-80/40 and IG/C-80/40 Districts.
- (8) Uses customarily accessory to the above permitted uses.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Area, Height & Yard Requirements – § 242-504D**

D. Area, height and yard requirements:

(1) Lot area for the entire center:

Minimum lot area for the entire center shall be twenty-five (25) acres. Contiguous parcels of land containing a total minimum of twenty-five (25) acres may be owned separately by different persons or legal entities. Satisfactory evidence of a legal agreement by all such property owners relating to the development of the property for shopping center purposes must be filed with the design review application if the applicant is not the owner or contract purchaser of all property included within the proposed center. Prior to application for design review, Planning Commission approval must be obtained if the proposed development constitutes a subdivision under the Brookfield Subdivision Regulations. The minimum lot area for interior parcels shall be the minimum lot area required in the zoning district in which the parcel is located.

(2) Lot width, yard and height requirements:

Measurements in feet

	Minimum Lot Width	Front Yard	Side & Rear Yard	Maximum Building Height
Entire Center	200	100	50	40
Interior Parcel	None	None	None	40

For the purposes of this section, "**building height**" is defined as the vertical distance from the first-floor elevation to the highest point of a flat roof or to the mean level between the eaves and ridge for gable, hip or gambrel roofs. The vertical extension of building walls above roofs to screen all appurtenant structures is excluded from such maximum limit, provided that such extension is set back from the structure wall sufficient for firemen to have access to the roof areas.

Spires, cupolas, mechanical equipment, equipment penthouses, stair towers, chimneys, parapet walls, ventilators, water tanks and similar features not used for human occupancy may be in excess of the height maximum, provided that adequate screening is installed and maintained at and/or around said appurtenant structures, taking into consideration the sight line and visibility from abutting properties. In no event shall such extensions exceed twenty feet (20') beyond the maximum building height. Such extensions shall be acceptable in design to the Town's Fire Marshal.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Major Shopping Centers

Lot frontage, Open space, Roads, Perimeter strips – § 242-504E-H

E. Minimum lot frontage:

The minimum lot frontage for the entire center shall be sixty feet (60') on a highway or public street or a private street which is dedicated to public use or has a perpetual right-of-way to a highway or public or private street which is dedicated to a public use. There is no minimum lot frontage for an interior parcel.

F. Open space:

The Commission may require that a portion of the area of the major shopping center be reserved as open space. When required, such area shall not exceed fifteen percent (15%) of the total area of the application. Further, the Commission may require part or all of said open space to be dedicated to the Town of Brookfield.

G. Roads and internal drives for the entire center and interior parcels:

All roads planned for future dedication to the Town of Brookfield and all internal ring and/or perimeter roads shall be constructed in accordance with the Road Ordinance, Town of Brookfield¹. All other internal drives and parking areas shall be constructed in accordance with sound engineering practice. Any roads or internal drives constructed within a shopping center shall remain as private roads, and all maintenance of the same shall be the responsibility of the property owners. The Town reserves the right of continuous on-site inspection to ensure quality maintenance.

H. Perimeter strips for the entire center:

There shall be a perimeter strip of not less than one hundred feet (100') between any building and the perimeter boundary line of the entire center. Perimeter strip areas may be used for lighting, signs, drives and perimeter ring roads only. When there is an existing natural separation, such as railroad tracks or rights-of-way or municipal, state or federal highways, the perimeter strip may be reduced to twenty feet (20'). Said perimeter strip areas which are not contiguous with a natural separation and those portions of said perimeter areas which are not used for lighting, signs, drives and perimeter ring roads, as above allowed, shall be suitably landscaped with dense evergreen plantings and shall have additional landscaping provided at locations deemed appropriate by the Commission in order to screen the major shopping center from adjacent properties.

¹ Editor's Note: See Ch. 192, Streets and Sidewalks, Art. I.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Front yards & Off street parking – § 242-504I&J**

I. Front yards for the entire center:

Within the front yard setback required under Subsection D(1), there shall be a strip not less than twenty-five feet (25') wide adjacent to the front lot line, which strip shall be kept in lawn or otherwise suitably landscaped and maintained. Such strip shall be traversed by not more than two (2) driveways, provided that one (1) additional driveway may be added for each two hundred feet (200') of frontage of the lot in excess of three hundred feet (300'). The required front yard may be used for driveways provided herein and for landscaped areas. However, no portion of the required front yard shall be used for parking, storage of materials or loading or unloading of trucks.

J. Off-street parking and loading for the entire center:

- (1) As used within this section, the term "**parking space**" shall mean a space capable of containing a rectangle of not less than ten by twenty feet (10' x 20') measured from the center of the dividing line between spaces. Such space shall be surfaced with concrete, bituminous concrete or equivalent dustless-type materials and shall be suitably marked to indicate its location. All parking spaces shall be sloped at least one percent (1%) but not more than fifteen percent (15%) so as to drain properly and prevent the collection or standing of water on the surface thereof. Spaces must be contiguous to a driveway permitting access to a street.
- (2) Recognizing that the total area within the zone may be divided into separate record ownerships but will still maintain a continuity of purpose, the total parking spaces required may be located on the same lot as the structure served or may be located in whole or in part on any other lot within the zone, provided that the overall integrated center complies with the total parking spaces required.
- (3) Adequate ingress and egress to an off-street parking area or facility by means of clearly limited and defined drives shall be provided for all vehicles. All directional signs shall be in accordance with §242-306 of this chapter.
- (4) All driveway aisles contiguous to parking spaces shall be not less than the following widths, whether or not the parking spaces are on one (1) or both sides of the driveway: *[amended eff. 3/17/02]*
 - (a) Parallel and thirty-degree parking: (16') one-way, 24' two-way
 - (a) Forty-five-degree parking: 16' one-way, 24' two-way
 - (c) Sixty-degree parking: 16' one-way, 24' two-way
 - (d) Seventy-five degree parking: 23' one-way, 24' two-way

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Parking & Loading – § 242-504J-L**

- (e) Ninety-degree parking: 26' one-way, 26' two-way
- (1) Access driveways for two-way travel shall be not less than twenty-six feet (26') wide. All driveways shall be clearly marked to indicate direction of travel. Where access drives are contiguous to the front façade of a building, the drive must be located at least ten feet (10') from the front perimeter building wall.
 - (2) No parking space may be closer than twenty feet (20') to the paved portion of the public street. Where parking spaces abut a building, a separating strip of at least twenty (20) feet shall be provided in the form of a landscaped bed and/or sidewalk, if said sidewalk is appropriate.
 - (3) At the option of the Commission, separate pedestrian walkways to the parking area or facility shall be installed where appropriate to ensure pedestrian safety.
 - (4) The perimeter of any parking area for a commercial or industrial establishment shall be provided with a curb of not less than six inches (6") in height, backfilled with earth material.
 - (5) No parking area of more than ten (10) spaces shall exit or enter into a road less than seventy-five feet (75') from the center line of the nearest intersecting street on the same side of the street as the driveway.
 - (6) All artificial lighting used to illuminate any parking space or area shall be as provided for in §242-602B of this chapter.

K. Parking space schedule for entire center:

The number of parking spaces required for a major shopping center shall be computed as follows: five (5) parking spaces for each one thousand (1,000) square feet of gross leaseable building area occupied or to be occupied by tenants. Excluded areas from gross leaseable building area include but are not limited to malls, hallways, stairways, stairwells, fire exits, fire corridors, storage areas, utility meter rooms, fire equipment rooms, non-selling basements and mezzanine areas.

L. Loading areas for entire center:

Spaces for loading and unloading shall be provided for each department store at the rate of one (1) space containing not less than four hundred (400) square feet for the first one hundred thousand (100,000) square feet of floor area, or any fraction thereof, and one (1) additional space for each one hundred thousand (100,000) square feet thereafter, or any fraction thereof.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Additional Requirements – § 242-504 M&N**

M. Landscape requirements for entire center:

- (1) At least eight percent (8%) of the total parking area shall be curbed and landscaped with appropriate trees, shrubs and other plant materials in quality of form acceptable to the Commission to assure the establishment of a safe, convenient and attractive parking facility.
- (2) Within the entire center, each defined parking lot shall contain not more than five hundred (500) cars, and each such lot shall have raised planting islands on at least two (2) sides of such lot not less than twenty feet (20') in width to be used to separate each lot to provide adequate space for plant growth. Such raised planting islands and their landscaping shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from visual monotony and the shadeless expanse of a large parking area. All internal planting islands between adjacent parking lots shall have a minimum of four (4) feet vertical definition, varying to higher heights throughout each planting island.
- (3) The selection, amount and location of all landscaping materials shall be acceptable to the Commission. At least one (1) tree of not less than three (3) to three and one-half (3½) inches caliper at a height three feet (3') above grade shall be provided within such parking area for each ten (10) parking spaces. Such trees shall be predominantly evergreen. In no event shall trees be spaced at more than twenty-five feet (25') apart on both sides of roadways.
- (4) All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the center's existence. A permanent maintenance cash bond, in an amount to be determined by the Commission, shall be required to be filed with the Town of Brookfield prior to the issuance of a Zoning Certificate of Compliance. The Commission shall review and modify such bond as it deems necessary at least once every five (5) years.

N. Additional-requirements-for-support-services: (app. 3/22/12)

- (1) During construction of such center, adequate provision by the owner is required as to dust control, erosion control, siltation control and other environmental controls in accordance with state standards for public projects.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Additional Requirements – § 242-504 N&O**

- (2) Traffic control and security within the shopping center shall be the principal responsibility of the owner (or tenants).
- (3) All maintenance, including snowplowing and repair, of all roadways or driveways within a shopping center shall be the sole responsibility of the owner (or tenants).
- (4) The shopping center shall be served by a water distribution system for fire protection purposes. The source for such a system may be a storage tank or public water supply or both of such capacity as determined adequate by the Fire Marshal. The configuration of the system, ancillary pumping equipment, fixturing and flow rates shall be in accordance with requirements established by the Fire Marshal for the size and nature of any shopping center proposed hereunder. The shopping center may have constructed on the site a permanent fire station, suitably equipped with vehicle(s) and fire-fighting apparatus for conveyance, at no cost to the Town of Brookfield for the Town's subsequent operation and maintenance. *(app. 3/22/12)*
- (5) All trash shall be compacted and stored within the inside of buildings until removed. Collection shall be limited from 8:00 a.m. to 10:00 p.m. Monday through Saturday.
- (6) **Parking maintenance:**

All drives and parking areas shall be kept in a clean, attractive manner. A permanent maintenance cash bond, in an amount to be determined by the Commission, shall be posted with an appropriate legal document acceptable to the Town of Brookfield guaranteeing this requirement.

O. Project limitation: *(app 3/22/12)*

The applicant will disclose at the time of filing the application the entire scope of the project. Notwithstanding the above, the Commission may, at its discretion, consider any expansion of the project subsequent to the original approval.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 A& B

§ 242-505. Brookfield Town Center District (TCD) *[revised 1/14/10, 10/4/12, 12/7/12, 4/17/13, 6/1/14]*

A. Purpose: *[revised eff. 10/4/12]*

This district encompasses the historical business center of the town. Many business establishments within the district have been in operation prior to the enactment of the Regulations, and physical conditions exist which limit their compliance with regulatory requirements and/or good planning principles. It is considered in the best economic interest of the town to foster business development of both new and existing establishments in a planned, integrated and orderly manner and in such a way as to compliment the historic character and traditions of the district.

In the future, the Four Corners will become a center of activity in Brookfield and a destination. It will be a “downtown” for Brookfield that is well defined visually and aesthetically, providing a positive experience for residents and visitors, with a distinctive identity that is well known throughout Brookfield and the region. Development will have complementary scale, character and density that will contribute to a sense of both history and vitality. It will offer places to live, work, shop, eat, find entertainment, and cultural enrichment. The area will provide a diversity of services that enhance the quality of life for residents, and invite travelers to stop. This will be complemented by access to the Still River as a scenic resource in the Four Corners. It will have complementary civic spaces, in the form of outdoor parks and plazas, and public community facilities. Most new development will result from infill and from reuse or redevelopment of existing sites. No new strip or large-scale single-use developments will be built.

The area will be easy to access and navigate by car, bicycle, transit, and on foot. There will be a variety of opportunities to travel by all these means along all roads within the Four Corners area including walking, biking, rail, and bus along with key connections among those means. Streets in the Four Corners will offer a balance among motor vehicle and pedestrian and bicycle traffic, with an enhanced streetscape that is pedestrian friendly and complementary to the character of the area. This will be accomplished through improvements such as landscaped sidewalks, aesthetic lighting, and areas to pause and relax, such as plazas with benches near public art and other public spaces. Traffic on Route 7 will flow at reasonable speeds through the area as a result of measures designed to encourage drivers to slow down, to improve safety and to minimize any degradation of the character of this special place.

B. Plan of Conservation and Development:

The Commission shall use the Plan of Conservation and Development as amended to include the Four Corners Revitalization Plan, approved by the Planning Commission, Town of Brookfield, as a guide in reviewing all applications for Design review approval within the district. In particular, the Commission shall consider and be guided by the various aspects of the Plan which may, in addition to other elements, identify: historic sites, irreplaceable site features, wetlands, utility concepts, bridges and walkways, service areas, common areas and open space, potential housing sites, access drives, vehicle and pedestrian circulation patterns, and common parking areas.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 C& D

C. Common Service Areas: *[rev eff. 4/17/13]*

In order to provide for services to the district as a whole, certain areas within the district may be acquired by various business entities and held in common under a condominium association or similar entity. Such service areas may consist of access drives, parking areas, area lighting, utility facilities, walkways, seating, landscaped areas, etc.

D. Permitted Uses: *[rev. eff. 4/17/13]*

(1) **Table of Permitted Uses:**

The permitted uses established for the TCD district are as indicated in Table I, "Table of Permitted Uses appearing in section 242-501-I.

(2) **Residential Units:**

Residential apartment or condominium units may be permitted on floors other than the first floor of a mixed use structure. Each such residential unit shall not contain more than two bedrooms. Such dwelling units shall be excluded from the 26% cap under §242-404(D)(2)[d] of these regulations. *(rev eff. 4/14/11, 12/7/12)*

(3) **Square Footage Restriction:** *[rev. 4/17/13]*

Each new structure permitted within the district shall not exceed a footprint of twelve thousand (12,000) square feet.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 E & F

E. Land Use Standards: *[rev. 4/17/13, 06/01/14]*

Lot Area, Min.	As determined by parking space and building footprint requirements for a particular use or group of uses, but not less than 10,000 square feet.
Impervious Coverage, Max.	80%
Loading/Refuse area, Min.	250 Square Feet
Lot width, Min.	50 feet, plus 26' wide side yard driveway if rear parking is required.
Side Yard	None
OR, if a Side Yard Driveway is provided, the setback from the inner edge of the drive	None
Rear Yard	10 feet, plus the width of a rear yard driveway.
Front Yard Setback, Min.	6' from sidewalk or property line; whichever is closer <i>[eff. 4/17/13]</i>
Front Yard Setback, Max.	25 feet from property line
Height, Max.	Three (3) stories. <i>[eff. 7/28/10, 4/17/13, 06/01/14]</i>
Sidewalk width, Min.	6' wide or as per Town Center District Sidewalk and Access Management Plan. <i>[eff. 4/17/13, 06/01/14]</i>
Common or Public Areas	Refuse containers, seating areas and other pedestrian amenities shall be provided at locations approved by the Commission

Additional design standards for compliance for site design are set forth in the **Design Guidelines and Standards Manual** in Appendix 3 to these regulations.

Where compliance with the **Design Guidelines and Standards Manual** is required pursuant to this regulation, to the extent that there is any conflict between a specific provision of this section and the **Design Guidelines and Standards Manual** set forth in Appendix 3, the requirements of the **Design Guidelines and Standards Manual** shall prevail and apply.

F. Design Review: *[rev eff 7/29/13]*

- (1) In addition to the provisions of Section 242-301 C, "Design Review Approval," all projects shall demonstrate:
 - (a) Preservation of historical sites and irreplaceable site features.
 - (b) Preservation of the architectural design of the original building during renovation or expansion of existing buildings.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 F & G

- (c) Continuity of the architectural theme with adjacent structures.
 - (d) Harmony of building material texture and color with other district structures.
- (2) All projects must undergo a pre-application review with the TCD Design Review Team which shall be chosen by the Zoning Commission. The advisory team may be comprised of the following technical specialists: an architect and a landscape architect, the Zoning Enforcement Officer, the Town Historian, Fire Chief or his designee, Fire Marshal, Sanitarian, Building Inspector, WPCA Chief of Maintenance, and Inland/Wetlands, when applicable. A complete site plan must be submitted prior to the pre-application meeting. The team and its members will function in an advisory capacity for the Zoning Commission and will provide a report for each project proposed in the Town Center District. *[rev. eff. 4/17/13, 7/29/13]*

G. Parking: *[rev. eff. 4/17/13]*

(1) **Off-Site Parking:**

Notwithstanding Section 242-305 C. (2), if a business has insufficient parking to meet the regulatory requirements on the site where the business is established, the business may satisfy the requirement by acquiring (lease or purchase) the additional required parking spaces on an off-site location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of a defined off-site parking location shall not exceed 900 feet (900'), except that parking spaces dedicated for employee use may be at a greater distance. *[rev. eff. 4/17/13]*

(2) **Aesthetic and Pedestrian Considerations:**

If a business determines that site aesthetics and pedestrian accessibility can be improved by the additional of malls, walkways, landscaping, etc. or if adequate additional off-street parking is provided, it may apply to the Commission for a design review permit which would allow for reduced on-site parking in favor of these design enhancements and the substitution of additional parking spaces within a defined off-site parking location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of the defined off-site parking shall not exceed nine hundred feet (900'), except that parking spaces dedicated for employee use may be at a greater distance. *[rev. eff. 4/17/13]*

(3) **Location:**

- (a) With the approval of state and municipal authorities street-side parking within the right of way is permitted.
- (b) No street-side berms are required.
- (c) Off-street parking shall be located in the side or rear yards of street-front development.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 H

(4) Shared Parking:

When any land or building is used for two or more distinguishable purposes (i.e. joint or mixed use development), the minimum total number of parking spaces required to serve the combination of all uses may be determined in the following manner. Multiply the minimum parking requirement for each individual use (as set forth in the section 242-305(C) of this chapter for each use) by the appropriate percentage (as set forth below in the Parking Credit Schedule Chart) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land use. *[added eff. 4/17/13]*

Parking Credit Schedule Chart

	Weekday Night Midnight to 7:00 a.m. (percent)	Weekday Day 7:00 a.m. to 5:00 p.m. (percent)	Weekday Evening 5:00 p.m. to Midnight (percent)	Weekend Day 6:00 a.m. to 6:00 p.m. (percent)	Weekend Evening 6:00 p.m. to Midnight (percent)
Residential	100	60	90	80	90
Office/Industrial	5	100	10	10	5
Commercial/Retail	5	80	90	100	70
Hotel	70	70	100	70	100
Restaurant	10	50	100	50	100
Restaurant associated with hotel	10	50	60	50	60
Entertainment/recreation (theaters, bowling allies, cocktail lounges and similar)	10	40	100	80	100
Day-care facilities	5	100	10	20	5
All other	100	100	100	100	100

H. Design Flexibility: *[rev. eff. 4/17/13, 06/01/14]*

(1) Assemblages:

In order to allow for more practical and conforming development, the assemblage of smaller, contiguous parcels into a legal, consolidated conforming parcel is to be encouraged.

(2) Side Yards:

Per E. above, the Commission has provided for the “clustering” of buildings, on separate sites, planned in such a manner as to foster pedestrian accessibility and continuity and integrity of architectural design, and the orientation of buildings to the street. In such instances the adjoining buildings, may be connected by covered pedestrian walkways or courtyards. The Commission, however, must give specific consideration to the need to provide emergency passage of vehicles through these yards and fire protection methods.

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ZONING REGULATIONS**

Town Center District §242-505 H

- (3) **Setbacks from Access Drives:**
Setbacks from common area access drives shall not be less than ten (10) feet. No parking space may be located closer than ten feet (10') from a building.
- (4) **Parking Areas:** *[rev. eff. 4/17/13]*
Buffers, setbacks and other distance requirements pertinent to parking areas, may be reduced when the Commission finds that such reduction will foster pedestrian accessibility, pedestrian and vehicular safety, and utilization of good design and engineering principles. Pedestrian walkways are permitted within any buffers in setback areas between roads, drives accessways and parking area pavement.
- (5) **Signage:**
Signs within the district shall conform to the requirements of Section 242-306. except as follows:
- (a) There shall be a common design concept, approved by the Commission, for signs for individual businesses located within a building or grouping of buildings. These signs shall be uniform in appearance.
 - (b) "Roadside Signs" shall not be permitted where "street-side" areas and sidewalks are allowed.
 - (c) "Building signs," of the prescribed size, shall be allowed on both the front and rear of a building.
 - (d) "Off premises signs" directing vehicles to the access points or assigned parking area of individual businesses may be erected on the approach to access drives or roadways provided that: (i) the location of the signs is consistent with the Plan of Development, (ii) the sign(s) do not inhibit lines of sight, (iii) the overall sign shall have lettering and directional arrows which contrasts from the background and shall not exceed a size of 6' x 6', and (iv) individual sign panels, placed on the above sign and indicating the individual business name, shall not exceed 6" x 36".
 - (e) Signs which identify the district may be erected at the borders of the district with the prior written permission of the landowners of record. These signs shall be uniform in appearance and shall not exceed sixteen (16) square feet.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 I

I. Sidewalks:

(1) Installation:

For any new, modified, assembled or subdivided properties within the District, sidewalks shall be installed as follows:

- (a) Along all street frontages, between the road right-of-way and building frontages.
- (b) Along all sides of a developed site which abut a public highway.
- (c) Adjacent to entrances to buildings at locations deemed appropriate by the Commission.
- (d) So as to connect sidewalks on a user's property with parking areas on the same or adjacent properties;
- (e) So as to connect any sidewalk on a user's property to adjacent parks, plazas or other open space and/or recreational areas; and
- (f) In the event an adjacent sidewalk is planned but not built, the sidewalk shall be built so as to connect to the proposed sidewalk.

(2) Sidewalk Location:

- (a) Sidewalks shall not be permitted within any area dedicated by either the Department of Transportation (DOT) or the Brookfield Director of Public Works (DPW) for guardrails, fencing, drainage devices, plowed snow storage, and the like.
- (b) Sidewalks shall be located parallel to the street at a height six inches (6") above the edge of pavement unless otherwise determined by the Commission so as to adjust to variable site conditions.
- (c) When located immediately adjacent to street side parking spaces, they may be located immediately adjacent to the street curb.
- (d) When not located adjacent to street side parking spaces, they shall be located no closer than four feet (4') from the curb or edge of pavement. This four feet area shall be planted with sod or ground cover plant material.
- (e) With the specific approval of the cognizant state and municipal agencies, sidewalks may be located within the roadway right of way.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 I

(3) **Construction:**

- (a) Sidewalks shall be extended to the perpendicular curb at intersections and shall be continuous across driveways.
- (b) Sidewalks at intersections shall slope to provide handicapped access.
- (c) Sidewalks shall be sloped to prevent the accumulation of water on the surface.
- (d) Steps shall not be permitted on sidewalks.
- (e) Minimum Width:
 - [1] When immediately to adjacent diagonal, on-street parking:
A minimum of five (5') feet in width to provide for unencumbered pedestrian passage. An additional paved area of not less than eight (8') feet in width from the sidewalk to the front of a building shall be provided. This area shall include containerized landscaping, tree wells, street furniture.
 - [2] When on-street parking is not provided:
A minimum of five (5') feet in width located from either the front lot line or edge of pavement and may be located within any required street-side buffer area.

(4) **Construction Standards:**

All sidewalks shall be constructed in accordance with Connecticut Department of Transportation (DOT) and Brookfield Department Public Works standards and specifications.

(5) **Owner responsibility:**

The owner of the private property directly abutting a sidewalk shall be responsible for and have the duty, burden and expense of the maintenance, repair, snow/ice removal, cleaning, repair and renewal of such walks.

(6) **Modification of Requirements:**

The Zoning Commission reserves the right to modify these requirements, in harmony with their general intent, in unique and unusual circumstances indicated by individual site conditions, technical complexities or by overriding considerations of safety and general welfare.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 J & K

J. Landscaping:

(1) **Landscape Plan:**

The landscaping plan shall be and developed with the goal of creating a pedestrian friendly environment.

(2) **Planter Boxes:**

Street-side areas shall use planter boxes containing deciduous, evergreen, and other similar plants. They shall be located every twenty feet (20') along the front perimeter of the site. The planter boxes shall be not less than three feet (3') in diameter or three feet (3') square and adequate to support the continued and healthy plant life contained therein.

(3) **Buffer Areas:**

The Commission may require landscaped buffer areas to shield or enhance the view of the site and the use from adjacent uses, land or buildings.

K. Street Lighting:

Property owners shall provide street lighting from dawn to dusk each day along all sidewalks as follows:

- (1) Maximum separation distance between poles = fifty (50) feet.
- (2) Maximum pole and fixture height = fourteen (14) feet
- (3) Lighting fixtures and poles shall be uniform in design throughout the district and shall be of the "Period Style" fixture pictured in Figure 602B-1 of the regulations.
- (4) The connection from power source to lighting poles shall be underground.
- (5) There shall be one (1) in-line cartridge type fuse per each pole accessible through a covered hand hole.
- (6) The average level of illumination shall be twelve (12) LUX.
- (7) Property owners shall be responsible for maintenance and repair including bulb changing.
- (8) Installation plans shall be specifically approved by the Commission and Director of Public Works.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Town Center District §242-505 L

L. Public Utilities:

All utilities shall be placed underground unless otherwise authorized by the Commission upon review of plan and unique geographical or complex technical circumstances exist.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Watershed Protection Districts §242-506

§242-506. Watershed Protection Districts *[eff. 11/5/03]*

A. Candlewood Lake Watershed District, CLW

1. Background:

Candlewood Lake, the State's largest lake and one of its most important inland water resources, has experienced a gradual deterioration of water quality since about 1950. Studies of the lake shoreline development area have recommended planning to avoid the need to install a public sewer system.

Brookfield is one of five Connecticut towns that border the lake shore. The lake's watershed area is 26,461 acres and Brookfield's portion is 1,177 acres or 4% of the total. However, the watershed, especially the lake shore area is generally intensively developed and a primary source of stormwater run-off that can carry nutrients and pollutants that contribute to the eutrophication of the lake and deterioration of lake and ground water quality.

These regulations are designed to minimize, and where possible reduce, the negative impact of stormwater runoff affecting Candlewood Lake and watershed area thereby reducing the rate of lake eutrophication and avoiding the need for a public sewer system.

(2) Purpose:

The purpose of the Candlewood Lake Watershed District is to prevent nutrient enrichment or contamination of Candlewood Lake and its watershed and to avoid the need for sewers in this densely developed area of Brookfield. Specifically, the purposes are:

- (a) To minimize the impervious surfaces and maximize infiltration of stormwater runoff.
- (b) To reduce peak stormwater flow and minimize the likelihood of soil erosion, stream channel instability, flooding and habitat destruction.
- (c) To preserve and/or create vegetative buffers of native plantings to control and filter stormwater runoff.
- (d) To minimize disturbance of natural grades and vegetation and utilize existing topography for natural drainage systems.
- (e) To contain stormwater runoff on the site, wherever possible to reduce the volume of stormwater runoff before it reaches the groundwater or surface water bodies.

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ZONING REGULATIONS**

Watershed Protection Districts §242-506

- (f) To prevent and minimize potential groundwater pollution from improper waste disposal, release of hazardous materials and other sources.

(3) **Land to which these regulations apply:**

These regulations apply to all land within the boundaries of the Candlewood Lake watershed as delineated on a map on file in the offices of the Zoning Commission entitled "Candlewood Watershed District, Town of Brookfield."

(4) **Compliance:**

Within Town boundaries, the Candlewood Watershed District shall be superimposed on existing zoning districts. The provisions of these regulations shall be in addition to all other requirements of applicable statutes, codes, regulations or ordinances. In the event of conflict between the provisions of this regulation and any other Town regulation, the more restrictive requirement shall apply.

(5) **Permitted Uses:**

All uses permitted in the underlying districts, except those cited in §242-502D(2).

(6) **Required Stormwater Management Plan and Data:**

All new building construction, or an addition, alteration or enlargement that results in an increase in the amount of impervious surface (paved drives, walks, patios, etc.) on a lot where the total impervious surface 10% or greater shall require a Stormwater Management Plan. In addition to that data required elsewhere in these regulations, the following data shall be required:

- (a) A narrative report prepared by a licensed engineer indicating:
- Any risk or threat to Candlewood Lake or the water resources in its watershed from site development, site improvements, or on-site operations proposed in the application and measures.
 - Methods of assessment and best management practices to prevent and reduce any such risk or threat.
 - Supporting documentation, including calculations, engineering details, shall be provided to illustrate the existing and proposed development's compliance with these regulations which shall be designed in accordance with the stormwater management design guidelines of either the "Connecticut Stormwater Quality Manual" published by the University of Connecticut, Cooperative Extension Service, NEMO Project and/or the Connecticut DEP's

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Watershed Protection Districts §242-506

“Manual for Best Management Practices for Stormwater Management.”

(b) A site plan indicating:

- All relevant data required under §242-502F.
- Location and area of all impervious surfaces on the site.
- Location and area of turf cover (lawn areas).
- Location and area of all existing woodland areas.
- Location and area of all existing and proposed vegetative buffer areas.
- Location and description of all potential runoff and pollution sources including erosive soils, steep slopes.
- Location and specification of all existing and proposed stormwater best management practices.

(7) **Best Management Practices:**

The following practices and methods shall be incorporated into all Stormwater Management Plans where practicable:

- Vegetated swales, buffers, filter strips
- Vegetative buffer or filter strips and level spreaders
- Grassed drainage swales, wet or dry
- Maintain or restore pre-development vegetation
- Minimize creation of steep slopes
- Bio-retention structures/residential rain gardens
- Rain water harvesting/rain barrels Dry detention ponds
- Underground detention ponds
- Proper location and reduction of impervious surface area on site
- Disconnect flows from multiple impervious surfaces
- Permeable pavement choices

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Watershed Protection Districts §242-506

- Groundwater infiltration systems (curtain drains, drywells, galleries, etc.)

(8) **Approval Considerations:**

- (a) Prior to the issuance of Zoning Approval or Certificate of Zoning Compliance, the Commission, acting through its authorized agent, the Zoning Enforcement Officer, shall give consideration to the simplicity, reliability and feasibility of the individual Stormwater Management Plan prepared for the site.
- (b) The Commission, or its agent, may solicit the opinion of the Health Department, Town Engineer, Inland Wetlands Commission and the Planning Commission concerning any application involving the Candlewood Lake Watershed District.
- (c) Approval shall not be granted until the Zoning Enforcement Officer determines that the proposed plan will employ best management practices to substantially reduce and improve the on-site cleansing of stormwater runoff from the site.

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Watershed Protection Districts §242-506

§242-507 Commercial/Industrial/Office Parks [eff. 1/26/05]

A. Purpose:

It is the purpose of this regulation to foster and permit alternatives to “strip mall” development in specific permitted zoning districts. It shall provide general guidance for the establishment of well planned, attractive and economically viable development in a “park like” setting. Special consideration must be given to the overall appearance of the site, the location of buildings, access roads and drives, parking areas, walkways, preservation of natural assets and ecologically sensitive areas, maintenance provisions, architecture and landscaping.

B. Design Review Application:

In addition to the requirements set forth in Section 242-301C of these regulations, the applicant shall submit the following data as part of the application:

- (1) Recommendations of the Department of Transportation (DOT) for access to and from state highways including any improvements thereto or similar recommendation from the Town Engineer for Town roadways.
- (2) A Traffic Impact Study as required by §242-602G(2).
- (3) Water Supply System authorization from the Department of Public Health (DPH) and Department of Public Utility Control (DPUC).
- (4) Sewerage System authorization issued by the Brookfield Water Pollution Control Authority (WPCA)
- (5) A comprehensive Maintenance Control Plan for the site and its facilities.
- (6) A Fire Protection Plan for the site including the location of hydrants, pumping systems, fire detection and alarm systems

C. Area, Height and Yard Requirements:

- (1) Minimum lot area for entire site shall be twenty-five (25) acres.
- (2) Minimum lot width = 200’
- (3) Front yard – 100’
- (4) Side/Rear Yards = 50’
- (5) Maximum Height = 50’
- (6) Maximum individual building size not to exceed 75,000 square feet per level.

D. Open Space:

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Commercial/Industrial/Office Parks §242-507C-J

The Commission may require that a portion of the park be reserved as “open space”. Typically such areas may be forested areas and wetlands. The Commission may also require that part or all of such areas be dedicated to the Town of Brookfield.

E. Roads, Drives and Parking Areas:

All roads and drives shall be designed and constructed in accordance with the Town Road Ordinance. Parking areas shall be designed and constructed in accordance with §242-305 of these regulations.

F. Perimeter Strips:

There shall be a strip of not less than fifty feet (50') between any building and the perimeter boundary of the site. Such areas shall be left in their natural condition or suitably landscaped at locations deemed appropriate by the Commission.

G. Walkways:

Pedestrian walkways shall be constructed to facilitate inter-building access.

H. Landscaping:

Landscaping shall conform to the requirements of §242-501J of these regulations.

I. Signage:

The standards and requirements set forth in §242-306 are modified herewith as follows:

Each building shall provide a “sign panel” of the size currently permitted by the regulations on the façade of the building(s) and integrated into the architectural design of the building. Such panel design and locations shall be consistent with all other buildings on the site. Buildings having frontage on two interior drives may have signage on each frontage side not to exceed the size required by the regulations. Size and setback requirements are set forth in §242-306C(6).

J. Overall Design:

The design of the park shall be such that a “strip mall” configuration is eliminated and that the site is developed in a “park like” arrangement. “Park like” shall generally connote a well designed site in which buildings are sited to compliment one another,

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that their mass is diminished by attractive architectural features, that landscaping be generously employed to provide an attractive setting for the buildings and that parking areas are suitably designed and landscaped to diminish their image of large areas of pavement.

There shall be a minimum of thirty feet (30') (see regulations §242-501C(4)) between buildings, none of which shall exceed 75,000 square feet per level.

Buildings shall be located as to provide convenient pedestrian traffic and access. Special attention shall be given to loading and refuse collection areas to insure they are properly screened and do not detract from the "park like" atmosphere which is the central concept of this regulation.

Landscaping is a paramount concern and shall be accomplished in such a manner as to provide pleasant and attractive surroundings for clients and customers. Architecture shall be guided by guidelines set forth in §242-602J of these regulations.

K. Permitted Uses:

The uses permitted by this section are:

- (1) All industrial uses permitted in the IR80N District
- (2) All sales uses permitted in the IRC80/40 District

L. Permitted Districts:

Commercial/Industrial and Office Parks, as set forth in this section, shall be permitted in the following districts only:

- (1) IR80N
- (2) IRC80/40

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Commercial/Industrial/Office Parks §242-507J-L

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Land Use Standards & Design Criteria – § 242-601

ARTICLE 6.

Land Use Standards and Design Criteria

§ 242-601. Applicability.

The land use standards and design criteria contained herein apply to all commercial, industrial, multifamily and other permitted uses as set forth in §242-401B. The standards and design criteria shall be uniformly applied to all applications for design review approval as set forth in §242-301C.

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**Technical Standards
Noise & Lighting – § 242-602A&B**

§ 242-602. Technical standards.

A. Noise pollution:

(1) **Purpose:**

It is the intention of this section to establish criteria to regulate noise associated with the use of land and to reduce noise pollution within the Town of Brookfield.

(2) **Sound levels:**

Table I specifies the sound levels that apply on or beyond adjacent lot lines or zone boundaries outside the user's property. Noises shall not exceed the maximum sound levels specified in Table I. Where the sound levels of two (2) or more different districts may apply the most restrictive shall govern. Measurements may be made at points of maximum noise intensity at any height along the lot lines.

Table I

Decibels on the A-Scale of an ANSI Standard Sound-Level Meter

<u>District</u>	<u>Day</u>	<u>Night</u>
Residential	55	45
Commercial	60	50
Industrial	65	55

B. Lighting: [amended eff. 02/09/12]

(1) **Purpose:**

It is the purpose of this standard to regulate illumination intensities associated with the use of land by the control of glare so as to eliminate deleterious physical effects and promote safety.

(2) **Standards:**

- (a) **General:** All exterior light sources shall be directed downward and the illumination confined to necessary and useful areas. An excessively high level of illumination, spillage of unwanted illumination beyond lot lines and lighting designed or situated in such a manner as to detract from

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**Technical Standards
Lighting – § 242-602B**

recognition of traffic signals or presenting a hazard to safe driving is prohibited. Improved effectiveness of lighting, rather than higher levels of intensity, is to be achieved wherever possible.

- (b) **Exterior lighting** shall be limited to all lights mounted on the exterior of buildings and structures as well as freestanding or ground lights. Exterior lighting shall be reduced by no less than 75% of intensity within one hour of close of business or activity.
- (c) **Interior lighting:** For the purposes of this regulation, interior lighting visible from the exterior shall be treated as exterior lighting.
- (d) **Flood, spot and searchlights:** Any type of lighting directed upward at such an angle that neither buildings, structures, trees, shrubs or site surfaces are lighted is prohibited.
- (e) **Illuminated signs and advertising devices:** Animated, flashing, moving and festooned lighting and lighting producing changing colors are prohibited.
- (f) **Shielding:** All exterior lighting shall be designed so that the filament, light source or lenses are shielded with opaque material in such a way that they will not be visible at a point five feet (5') or higher above ground level at the property lines.
- (g) **Security lighting:** Lighting installed for purposes of security of a building shall be directed toward the building(s).
- (h) **Maximum Free Standing Lighting Fixture Mounting Height (Excluding building down-wash lighting).**
 - (1) Twenty feet (20') measured from bottom of source to grade level. In parking areas with more than 200 parking spaces, thirty-six feet (36') measured from bottom of source to grade level, provided that any lighting fixture mounted at greater than twenty feet (20') shall not exceed 875 watts.
 - (2) Pole location shall not be less than 40% of its height from property line.
- (i) **Lighting Fixtures: (see figure 602B(1) – [rev. eff. 5/15/14]**
 - (1) Approved fixtures: Fully shielded full cut-off for parking lots
Fully shielded cut-off for pedestrian areas
Fully shielded “period” fixtures
Flush mounted canopy fixtures

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**Technical Standards
Lighting – § 242-602B**

- (2) Approved sources: Metal halide with a coated lamp and LED with temperatures 4,000 degrees Kelvin or less

 - (3) Prohibited sources: Halogen, Mercury Vapor, Non-shielded laser fixtures, High Pressure Sodium, LED with temperatures greater than 4,000 degrees Kelvin.
- (j) **Lighting Intensity measured grade:** *[rev. eff. 5/15/14]*
- (1) Industrial and Commercial sites shall not exceed 1.0 foot candles at the property line.
 - (2) Any “use” abutting a residential use shall not exceed 0.5 foot candles at the property line. House side shields may be required by the Commission as applicable.
 - (3) The following light intensity levels are based on the Illumination Engineers Society of America recommendations for lighting based on activity levels.
 - [a] Parking spaces shall be maintained at a .5 foot candle minimum.
 - [b] Parking lot aisles shall be maintained at 0.2 foot candles minimum.
 - [c] Building entry surfaces shall be maintained at not less than 0.5 foot candles.
 - [d] Sidewalks shall be maintained at an average of 1.0 foot candles.
 - [e] Commission reserves the right to restrict excessive light levels under a fixture.
- (k) **Uniformity of Lighting:**
Parking lot lighting shall be maintained at a uniformity ratio of 4:1 (highest horizontal illuminance point at grade divided by the lowest horizontal illuminance point).
- (l) **Recreational Uses:**
- (1) Lighting shall be accomplished through the use of Illuminating Engineers Society of North America (IESNA) full cut-off criteria.
 - (2) Maximum pole height = seventy feet (70’).
 - (3) Maximum intensity at property lines = .5 foot candles
 - (4) Sporting event lights shall be scheduled to terminate by 11:00PM.

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Lighting – § 242-602B**

- (m) **Screening:** Vegetative screen shall not be used as a means of controlling glare or lighting intensity.
- (3) **Exceptions:** The following types of lighting are excepted from these regulations:
 - (a) **Holiday lighting:** During the period from November 20 through January 5 each year.
 - (b) **Lighting for special events:** When permitted in conjunction with a special permit granted under §242-308C of this chapter.
 - (c) **Marina lighting:** Marina lighting directed at or towards a body of water not visible on other land areas and not presenting a danger to navigation.
 - (d) **Aircraft warning lights and navigation beacons.**

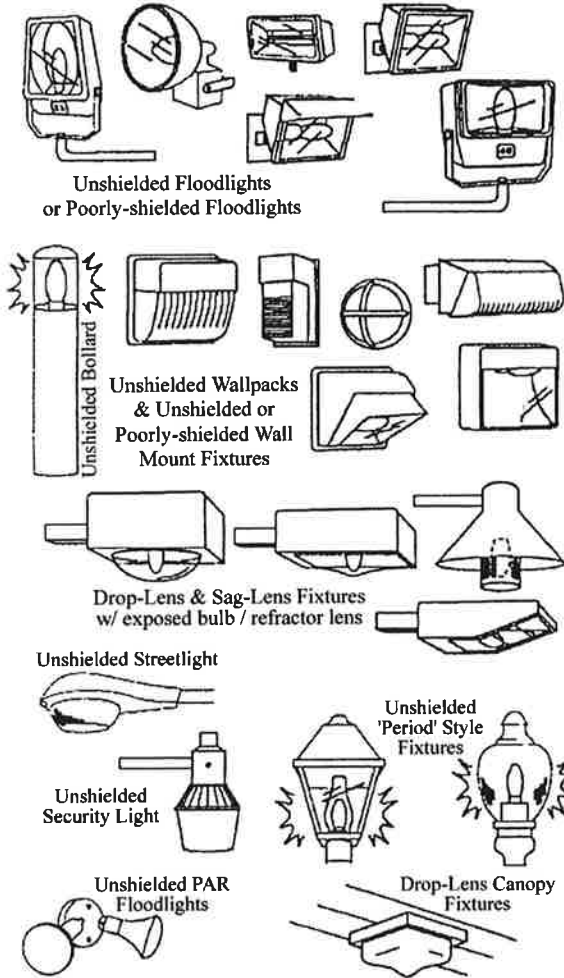
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Lighting § 242-602B**

Figure 602B-1

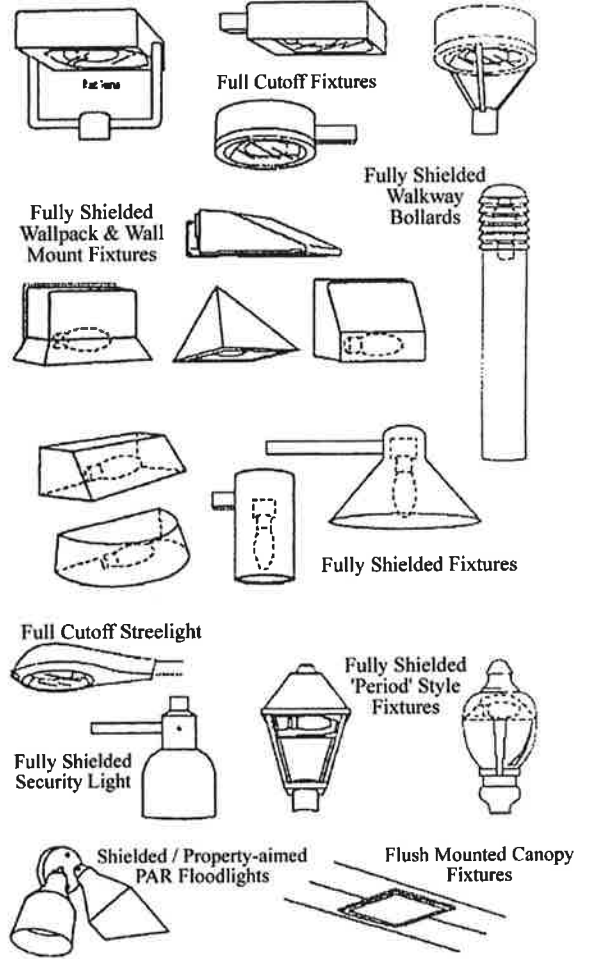
Unacceptable Fixtures

Fixtures that produce glare and light trespass



Acceptable Fixtures

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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**Technical Standards
Wastewater § 242-602C**

C. Wastewater:

(1) **Purpose:**

It is the intention of this section to specify acceptable discharge levels of effluent into the soil, to prevent contamination of soils and water sources and to lessen the risk of pollution.

(2) **Soils map:**

The Zoning Commission shall require that each site plan submitted for approval in accordance with §242-301C, shall have indicated either thereon or by auxiliary plans the soil description and boundaries as found on the soils maps of the Town of Brookfield prepared by the United States Department of Agriculture, Soil Conservation Service. Site plans may also indicate soil description and boundaries, taken from individual site tests and analysis, provided that data of such tests and analysis are attached to such site plans and have been prepared by a technical expert acceptable to the Commission.

(3) **Wastewater effluent standards:**

Any wastewater discharge of materials in quantities (milligrams per liter) shall not deteriorate groundwater quality or otherwise contribute to pollution. The applicant shall cause each site to be evaluated to determine its suitability for receiving and treating effluents. Such evaluations shall be performed upon the gathering of specific data from the site from a number of locations thereon sufficient to provide reliable conclusions. The evaluation report shall contain, at a minimum, the location and data of each test hole, wastewater flow rates, wastewater characteristics, soil characteristics to a depth of ten feet (10'), ability of the soil to remove potential contaminants, depth of ground- water, direction of groundwater flow, effect of surface water runoff, etc. The applicant shall use that Sanitary Code which is applicable to the Town of Brookfield in gathering and evaluating data. Maximum allowable effluent concentrations shall be determined by the State of Connecticut Department of Environmental Protection.

(4) **Discharge rate table:**

For wastewater discharge of particles in less than the amounts shown below in Table I, the evaluation report provided for in §C(3) above is not required for areas within water resource area boundaries or where the discharge point is less than ten feet (10') above bedrock. Class II limits are established for all remaining areas.

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**Technical Standards
Wastewater § 242-602C**

Table 1

**Acceptable Wastewater Effluent Standards for Industrial & Commercial
Subsurface Discharges (milligrams per liter).**

<u>Item</u>	<u>Class 1</u>	<u>Class II</u>
Alkyl benzene sulfonate	1.00	1.50
Aluminum	2.50	5.0
Arsenic	0.05	0.10
Barium	1.00	2.00
Beryllium	0.05	0.10
Boron	0.35	0.70
Cadmium	0.01	0.02
Chlorides	250	500
Hexavalent chromium	0.05	0.10
Cobalt	0.03	0.05
Copper	0.5	1.0
Cyanide	0.2	0.4
Fluorides	1.5	3.0
Iron	0.3	0.6
Lead	0.05	0.10
Manganese	0.3	0.6
Mercury	0.002	0.004
Nickel	0.8	1.6
Nitrates	10	10
Phenols	0.001	0.002
Selenium	0.01	0.02
Silver	0.05	0.10
Sulphate	250	250
Total dissolved solids	500	1000
Zinc	2.5	5.0
pH	6.5-8.5	6.5-8.5
Phosphates	0.01	0.02

The discharge of radioactive material and pesticides is prohibited in both Class I and Class II areas.

(5) Wastewater loading rates and individual site data:

It shall be demonstrated to the satisfaction of the Commission that such discharge will not deteriorate groundwater quality or otherwise contribute to pollution. The applicant shall cause each site to be evaluated to determine its suitability for receiving and treating effluents. Such evaluations shall be performed upon the gathering of specific data from the site from number of locations thereon sufficient to provide reliable

**TOWN OF BROOKFIELD
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**Technical Standards
Wastewater § 242-602C**

conclusions. The evaluation report shall contain, at a minimum, the location and data of each test hole, wastewater flow rates, wastewater characteristics, soil characteristics to a depth of ten feet (10'), ability of the soil to remove potential contaminants, depth of ground- water, direction of groundwater flow, effect of surface water runoff, etc. The applicant shall use that Sanitary Code which is applicable to the Town of Brookfield in gathering and evaluating data. Maximum sewage discharge rates per acre of land, per soil type, shall be as determined by the State of Connecticut Department of Environmental Protection.

(6) Loading rate table:

For sewage discharge rates per acre of land, per soil type less than the amounts shown below in Table II, the evaluation report provided for in §C(5) above is not required.

Table II

Recommended Maximum Wastewater Loading Rates per Acre (40,000 sq. ft).

General Soil Type	Description	Gallons per day per acre for various slopes		
		0% - 8%	8%-15%	Over 15%
A	Sand or Gravel	800	600	400
B	Glacial Till	450	400	350
C	Till with Hardpan	350	300	250
D	Shallow to Bedrock	300	250	200
E	Poorly Drained	0	0	0

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**Technical Standards
Erosion & Woodcutting – § 242-602C-E**

(1) **Measurement:**

The measurement of all levels of materials, discharge rates and such other measurements as are necessary to provide reliable conclusions hereunder shall be those prescribed by the Water Compliance and Hazardous Substances Section of the State Department of Environmental Protection.

D. Erosion and sediment control: *[amended 12/24/79]*

(1) **Purpose:**

It is the intention of this subsection to provide guidelines and standards for the control of erosion or sedimentation in any project, development or mining operation involving excavation, filling and/or grading activity.

(2) **Standard:**

Minimum measures to control erosion and reduce sedimentation are set forth in the Connecticut Guidelines for Soil Erosion and Sedimentation Control (1985), as amended. The measures are to be indicated on site plans required by §242-301C(3) and §242-302B and are to be employed elsewhere, when no site plan is required, in order to ensure compliance with §242-303A. *[amended 1/24/85]*

E. Woodcutting, lumbering, forestry, operations:

(1) **Purpose:**

It is the intention of this section to provide guidelines and standards for the control of woodcutting and lumbering operations in any project.

(2) **Standard:**

Minimum measures to control woodcutting and lumbering operations are set forth in the State of Connecticut's Department of Environmental Protection Directive Form entitled "Guidelines for Silvicultural Operations on the Department of Environmental Protection Lands." Manual Code Z310, D2. The measures indicated are to be employed in order to ensure compliance with §242-304.

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**Technical Standards & Design Criteria
Water Supply – § 242-602F**

F. Water supply: *[amended 10/25/84, 5/6/04]*

(1) Purpose:

It is the intention of this section to specify those data which are required to adequately evaluate a site's ability to support its proposed development; to establish criteria upon which the Commission may judge the adequacy of the site to provide a reliable, adequate and healthful source of water; and to eliminate to the maximum extent possible, any adverse impact on the water quality or supply of neighboring properties.

(2) Hydrogeological report:

For projects that do not meet the CT Department of Public Health criteria for a public water system and wherein the proposed maximum daily demand is two thousand five hundred (2,500) gallons or more, a hydrogeological report prepared by a professional engineer or groundwater geologist acceptable to the Commission shall be required as part of the application. Such a report shall include, at a minimum:

- (a) A brief description of the hydrogeology of the area including soil and geological characteristics.
 - (b) Identification of a project's water sources and their water capacity estimates.
 - (c) Water supply demands of the project.
 - (d) Water budget analysis, including calculation of consumptive use.
 - (e) Yield data of existing wells in proximity to the project, if available.
 - (f) Yield data on project test wells, if any.
 - (g) Aquifer or other storage capacity.
 - (h) Groundwater supply development rationale and recommended well locations.
 - (i) Analysis of the impact on the water supply of surrounding properties, if any.
- (a) Conclusion as to the site's ability to support the water supply requirements of the proposed development.
 - (b) If a Certificate of Public Convenience and Necessity is filed with the Department of Public Health of Department of Public Utilities Control, a

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**Technical Standards & Design Criteria
Water Supply – § 242-602F**

copy of such application shall accompany the Design Review application. *[eff. 5/6/04]*

(3) **Standard:**

The following standards apply to all applications for design review per §242-301C:

- (a) Each project must be capable of providing a reliable, adequate and healthful supply of potable water on site, for the intended permitted uses or, if any on-site capability does not exist, such capability must be provided and must comply with municipal and state health requirements. *[amended eff. 5/6/04]*
- (b) In general, the amount of water developed must be in balance with the amount of water available so that long-term progressive depletion of aquifer storage does not occur.
- (c) Each application for design review approval, which includes any proposed public or community water company serving twenty-five or more people, or having fifteen or more service connections, shall be accompanied by correspondence from the State Department of Public Utility Control (DPUC), and the Department of Public Health (DPH), which shall authorize an applicant to proceed with its proposed water development program. Such correspondence shall be acceptable to the Commission as to its form and content. *[amended 9/20/90, 10/31/06]*
- (d) For all projects with a demand in excess of two thousand five hundred (2,500) gallons per day, a standby well(s) must be in place in the event of supply-well malfunction.
- (e) Multi-well water systems that are derived from bedrock wells shall be developed to yield twice (X2) the average daily demand with the best well out of service.
- (f) The maximum daily demand shall not be in excess of the calculated supply available on the site at times of extreme drought conditions, unless it is demonstrated that an adequate storage supply is available for the worst-case drought-period scenario.
- (g) Measures shall be taken to maximize the on-site recharge of the ground-water regime by use of retention devices, septic systems and the like.
- (h) Well yield tests shall be conducted for a minimum of thirty-six (36) hours for all wells exceeding ten (10) gallons per minute to fifty (50) gallons per minute and seventy-two (72) hours for higher yields. The last

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**Technical Standards & Design Criteria
Water Supply – § 242-602F**

twelve (12) hours of the yield test shall indicate a stabilized drawdown rate. Any interaction with adjacent wells shall be recorded. *[amended eff. 5/6/04]*

- (i) No project shall cause an impact on wells on adjacent properties resulting in long-term reduction of the existing capacity of such wells. Any claims shall be accompanied by a report by a professional engineer or ground-water geologist and shall demonstrate that an applicant is responsible for such impact. If the Commission determines any well is so impacted, the applicant shall correct any such deficiency at his expense. Adjacent wells shall be monitored to determine the impact thereon during yield testing. *[amended eff. 5/6/04]*
- (j) For projects with demands in excess of five thousand (5,000) gallons per day from bedrock wells, a water conservation plan shall be submitted.
- (k) Notwithstanding the citation permitted uses found elsewhere in this section, no use shall be permitted which requires process water in excess of five thousand (5,000) gallons per day drawn from bedrock wells.
- (l) The location of wells shall be situated in such a manner as to preclude contamination from road salts, fertilizers, solvents, chemicals and other potential sources of pollution. The minimum separation distance of wells from any such sources is as follows: *[amended eff. 5/6/04]*

Well Yield Rate	Minimum Separation Distance
0-10 gpm	75 feet
11+-50 gpm	150 feet
51+ gpm	200 feet

- (m) The start of construction shall be deferred until a water supply is in place and found acceptable as to quality and yield by the Health Department, Town of Brookfield and/or State Department of Health Services.

(4) **Water-monitoring program:**

Based on individual project circumstances, the Commission may require an application to provide a water-monitoring program. The purpose of such a program is to document normal water level behavior of wells in close proximity to a proposed project so that the effect, if any, of the project's supply wells on neighboring wells may be determined. If required to conduct a monitoring

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**Technical Standards & Design Criteria
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program, the applicant will be required to propose the specific details of the monitoring program to the Commission in writing. The program document shall be in a form acceptable to the Commission and shall contain such commitments of the applicant as the Commission deems necessary to protect the public health, safety and welfare.

The general elements of such a program are:

- (a) Identification of a group of representative monitoring wells.
 - (b) At periodic intervals throughout a year, water level measurements shall be made.
 - (c) An initial base-line water-quality report shall be obtained. Subsequently, annual water-quality reports shall also be obtained and compared with the base line to ensure there is no degradation of water quality resulting from project development.
 - (d) Collected data shall be provided to the Town Sanitarian, the Commission and the owners of the monitored well.
 - (e) The program shall terminate two (2) years after the completion of project development (issuance of certificate of occupancy and/or zoning compliance).
 - (f) A consultant shall be retained by the applicant, at his expense, to investigate complaints, perform analyses and report his findings.
 - (g) If an analysis indicates the project is responsible for any claim, the applicant will be required to correct the problem at his expense.
 - (h) The Commission may require a bond to secure performance for Subsection F(4)(f) and (g) above.
- (5) **Federal, state and municipal laws, ordinances and regulations:**
- (a) Nothing in the above shall relieve an applicant from conforming to the requirements of all applicable federal, state and municipal laws, ordinances and regulations.
 - (b) In relation to matters of water supply, special attention shall be given to the requirements of the Connecticut Water Diversion Policy Act and the regulations of the Department of Environmental Protection, Department of Health Services and Department of Public Utility Control.

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- (c) In the event of a conflict between the requirements of these performance standards and any federal state or municipal laws, ordinances and regulations, the latter shall govern.

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**Technical Standards & Design Criteria
Traffic & Access- § 242-602G**

G. Traffic and access: [added 1/24/85]

(1) **Purpose:**

It is the intention of this section to establish criteria and standards applicable to traffic and access so as to lessen congestion in the streets, provide safe, convenient and adequate access to properties and to avoid any other conditions which might adversely affect traffic safety.

(2) **Traffic Impact analysis:**

The Zoning Commission shall require a traffic impact analysis as part of any application for a multifamily dwelling project of twenty (20) or more units or any other project containing either fifty (50) or more parking spaces in a new or expanded parking lot or generating one hundred (100) vehicle trips per day.

The analysis shall include, at least, the following information:

- the present roadway conditions;
- existing roadway capacity, traffic accidents, existing and projected traffic volumes (AD, peak a.m. and peak p.m.);
- existing and projected volume/capacity ratios;
- existing and projected levels of service;
- existing and proposed sight lines based on facts; and
- reasonable generation factors for the site and immediately affected road networks and intersections.

(3) **Criteria and standards:**

All development projects within the Federal Road corridor (Route 202) shall be designed to reflect the design and implementation guidance contained in a certain document on file in the Office of the Zoning Commission entitled "Federal Road Traffic Improvement Plan - General Design and Implementation Parameters"

- (a) Vehicle access to a property and circulation thereon shall be arranged in such a manner so as to safeguard against hazards to traffic, property and pedestrians, to avoid congestion on any street and to provide safe and convenient circulation in the street and upon the property.
- (b) Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by residential districts.
- (c) Where a property has frontage on two (2) or more streets, the access to the property shall be provided to the property across the frontage and to

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**Technical Standards & Design Criteria
Traffic & Access- § 242-602G**

the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

- (d) The street giving access to the property shall have traffic-carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.
- (e) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within the streets.
- (f) Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- (g) Commercial and industrial entrance driveways shall be a minimum of two (2) twelve foot (12') wide lanes in each direction of travel. For driveways entering into a town road, the width of the driveway flare at the edge of the roadway where the driveway intersects the roadway shall be a maximum of thirty feet (30') for residential drives and fifty feet (50') for commercial/industrial drives unless the Commission determines that a wider width of driveway flare will facilitate traffic flow and/or is required for overriding considerations of safety. Driveways entering into state highways are under the jurisdiction of the State Department of Transportation and/or State Traffic Commission. *[eff. 10/5/02]*
- (h) It is the intent of the Commission to minimize the number of curb cuts and access points along all state highways and Town roads. Where topographic and other conditions are reasonably usable, provision shall be made for circulation driveway connections to adjoining properties of similar existing or potential use when such driveway connection will facilitate fire protection services, as approved by the Town Fire Marshal, and/or when such driveway will enable the public to travel between two (2) existing or potential uses, open to the public generally, without need to travel upon a street. *[amended eff. 6/9/95]*
- (i) Certain drawings entitled "Federal Road Corridor Study Driveway Plan" Figures 20(e) through 20(o), prepared by Barkan and Mess Associates, Inc., and incorporated in Regional Planning Bulletin #80 Housatonic Valley Council of Elected Officials entitled "Traffic Flow Improvement Plan for Federal Road In Danbury and Brookfield" dated December 1994, shall be used as a guide in the design of driveways along Federal Road from the Danbury line to Route 133.
- (j) There shall be no more than one (1) driveway connection from any property to any street, except that separate entrance and exit driveways

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may be provided where necessary to safeguard against hazard, provide access for emergency vehicles and to avoid congestion; and additional driveway connections may be provided, particularly for but not limited to large tracts and uses of extensive scope if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed thirty feet (30') in width at the street line or such lesser width as will be sufficient to accommodate the traffic to be generated unless a greater width is required by the Town Road Ordinance.¹

- (k) Where it is projected that the additional traffic resulting from the project will reduce the level of service to D or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition. In all traffic analysis reports, use of a volume/capacity ratio of 1.00 to represent either level of Service C or E is acceptable as long as the selected base is used consistently and clearly indicated

¹ Editor's Note: See Ch. 192, Streets and Sidewalks, Art. I

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**Technical Standards
Fire Protection - § 242-602H**

H. Fire Protection: *[amended eff. 4/2/03]*

(1) Purpose:

It is the purpose of this subsection to establish criteria and standards applicable to initial attack fire suppression for all commercial, industrial and multi-family dwelling projects. Lack of a municipal water supply and risk to the general public require that adequate fire protection measures be established.

(2) Standards: Commercial Industrial & Multi-family uses:

(a) Supply Requirements:

Unless otherwise determined by the Commission, an adequate source and supply of water to combat any fire risk shall be available for all structures located in the commercial and industrial districts as well as for all multi-family dwelling projects. The adequacy of the water source and supply systems shall be as determined by the Commission based upon the recommendations of the Fire Chief, Town of Brookfield (the Zoning Commission's technical fire safety staff expert) with due consideration given to the cubic volume of the structure(s), the occupancy hazard ratings and the type of building construction proposed.

[1] An Underwriter's Laboratory or IRI/FM approved sprinkler system(s) within each building located on the site or in such buildings as may be required by the Commission. Such systems shall be capable of being reinforced by Fire Department pumping systems. In addition, adequate water storage shall be provided for fire risks in other than sprinklered areas as determined by the Commission.

[2] A viable surface water supply in excess of thirty thousand (30,000) gallons capacity shall be provided to each site. This supply must be maintained and be accessible at all times and all seasons of the year. Piping and design requirements shall be compatible with Fire Department equipment and apparatus.

[3] Connection to a community, public or private water supply capable of providing a minimum of one thousand (1,000) gallons per minute, or a non-metallic tank(s), as approved by the Commission, with standard manhole access and a minimum capacity of thirty thousand (30,000) gallons (or such greater capacity as may be required by the Commission) shall be buried below the frost line to insure water supply at all times at all seasons. Such tank(s) shall be fed from either roof drains or parking lot drainage systems and installed in such a manner as to

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eliminate silt from entering the tank. For multi-family dwelling projects, one such tank shall be provided for each grouping of ten (10) dwelling units or any portion thereof of a group. *[amended eff. 9/16/05]*

(b) Pipe & Fittings:

Required pipe and fittings shall be installed to be compatible with Fire Department equipment and apparatus. A fire department standard attachment fitting will be provided to an applicant per an applicable fee schedule per adapter and cap. The height to the bottom of an attachment fitting shall be thirty inches (30") from final grade at the point of access. All pipes that are subsurface shall be backfilled with twenty-four inches (24") of sand or equivalent material as approved by the Commission.

(c) Facilities, Location & Access:

Tank placement and/or hydrant locations shall be as determined by the Commission at the time of plan submission. Access to a hydrant location shall be via a hard surface and accessible at all time by fire apparatus. Access to all facilities must be maintained by the property owner/operator/occupant at all times and shall include snow removal, removal of parked vehicles, or any other obstruction that would impede access.

(d) Site Plans:

All site plans submitted for Design Review approval shall be forwarded to the Brookfield Fire Chief for his review, comments and recommendations. A copy of the as-built site plans shall be provided to the Fire Chief by the applicant.

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Fire Protection - § 242-602H**

(e) **Personnel Evacuation and Fire Fighting Perimeter Areas:**

For a distance of thirty feet (30') surrounding the entire perimeter of a building, the grade shall be contoured and configured in such a manner as to allow for the safe placement of fire ladders and equipment and for the marshaling of building evacuees.

(f) **Emergency Accessway:**

[1] Unless otherwise determined by the Commission, a second, independent means of access shall be provided to each site or grouping of separate buildings.

[2] All emergency access drives shall be improved to eighteen feet (18') in width and surfaced with twelve inches (12") of 1¼" processed aggregate well compacted with a 10 ton roller in accordance with good engineering practice or such other paving method found acceptable to the Commission. This access shall be continuously maintained in all weather conditions. The two (2) termini of the drive shall be marked with appropriate signage (not in excess of four (4') square feet) to indicate that it is a fire lane and shall be provided with a breakaway or "knox box" locked chain to prevent unauthorized use.

(3) **Automatic Fire Warning System:**

Each dwelling or sector of a building shall be provided with Underwriters Laboratory approved smoke detection and fire warning systems.

(4) **Inspection and Testing:**

(a) Prior to the issuance of a Certificate of Zoning Compliance and as a condition thereof, a systems performance test shall have been complete by a licensed professional engineer. A test report shall be forwarded to the Commission certifying that the system operates as designed.

(b) Prior to backfilling, the applicant shall have caused an inspection by a licensed professional engineer to be made of all connections, piping, and components of the system, including tanks and associated structures, and who shall report to the Commission any corrective action necessary.

(c) The Fire Department shall have the right to periodically test the systems(s) but assumes no liability regarding design adequacy of the system(s) or its operation.

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**Technical Standards
Fire Protection - § 242-602H**

(5) **Maintenance:**

The maintenance of the initial attack fire suppression system(s) and alarms is the responsibility of the owner/occupant of the property and includes the maintenance of the access area to the hydrant/access point. All expense for the maintenance of the system(s) shall be the joint and several obligation of the owner of the site in perpetuity. Said restriction shall run in favor of the Town of Brookfield which may cause any condition to be repaired and seek the recovery of its fees and expenses for same from the site owners including any cost of collection. Upon site approval, the applicant shall record upon the land records of the Town of Brookfield, a maintenance agreement on all installed fire safety equipment in perpetuity, in a form approved by the Town Attorney.

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**Technical Standards
Fire Protection - § 242-602H**

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**Technical Standards
Architecture - §242-602I**

I. Architecture [approved 9/20/01]

(1) Purpose:

It is the purpose of this section to provide general guidelines concerning the architectural treatment of the facades of all commercial and office structures. It is not the intent to specify one particular type of architecture, but rather to provide for diversity in design while simultaneously fostering the continuation of the spirit of our historic New England traditional architecture in all zoning districts.

It is the goal of the Commission to foster economic development by encouraging a harmonization of the commercial district in a traditional New England character, which has been found to provide a pleasing shopping environment.

It is also the goal of the Commission to minimize the impact of the commercial and office district on the adjoining residential areas which have a more traditional New England character. It is felt that such transition of character between different zones can be best accomplished through an increased utilization of the New England style of architecture. It is believed that the maximization of the utilization of the New England style of architecture will protect the property values, not only within the district, but within the adjoining residential zones.

(2) Background:

During the preparation of the Plan of Conservation and Development in 2000, surveys and considerable public comment indicated a high degree of dissatisfaction with the physical appearance of many structures within our Commercial and Industrial zoning districts. The public consensus was that building design should follow traditional New England architectural design and style concepts, and that modern, monolithic structures were not compatible with the desire for more historic architectural themes. This consensus is consistent with the stated zoning purposed of protecting and conserving the character of the town.

(3) Design Standard:

- (a) Facades shall be designed using traditional New England architecture themes and concepts;
- (b) Facades need not be exact replication of historical Colonial, Georgian, Federal, Classical Revival, Victorian, etc., architectural styles. However, they shall exhibit the "spirit" of such designs;

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**Technical Standards
Architecture - §242-602I**

- (a) Types of materials and colors shall be compatible with and compliment the design;
 - (b) Façade designs employing large, continuous, solid planes of glass, metal or wood facing, masonry and similar materials are to be especially discouraged;
 - (c) Facades employing pediments, columns, arches, gables, dormers, plinths, architraves, protruding bays, and similar architectural features in order to “break up” vast, singular façade planes are to be encouraged.
 - (d) Facades may be dissimilar, but shall be compatible with other neighboring buildings.
 - (e) Facades shall be designed to suggest other than flat roof designs.
- (4) **Architectural Guidelines:** *[added eff. 6/9/04]*
- (a) Relationship to the Site:

The architecture shall establish a balanced relationship between prominent natural land features, prevailing vegetation patterns, and adjacent land use development with regard to organization, visibility and character.

 - [1] Use prominent site features (e.g. topography, rock, mature vegetation, water, etc.) to organize the architectural composition.
 - [2] Establish a balanced proportional relationship between the building (mass & scale) and the site (terrain, landscape, views).
 - [3] Design primary building orientation (horizontal or vertical) to flow from related landforms.
 - [4] Design the main building entrance to be clearly visible and identifiable from the primary vantage points or public right of way.
 - [5] Provide a logical and visually appealing approach to the entrance.
 - [6] Orient the building consistent with energy conservation principles.
 - [7] Respect prevailing established building setbacks at both front and side yards.

(b) Historic Resources:

Special design consideration shall be given to the impact on historical resources.

- [1] Treat resources in a manner consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.
- [2] Preserve and/or enhance natural views and features of historical importance.
- [3] Incorporate historic cultural landmarks (e.g. houses, commercial buildings, old stone walls, barns or sheds, fences, tree stands on open space edges, etc.,) into new development
- [4] Preserve and reinforce historic scale, massing and proportion where applicable.

(c) Form & Space:

The building forms and surrounding spaces shall reflect continuity of density, streetscape rhythm, yard setbacks and community character.

- (1) Design to create interesting and proportional outdoor spatial relationships between buildings, open space, and setbacks on adjacent sites.
 1. Establish building rhythms with adjacent building forms for visual continuity.
 2. Create variety using building clustering, surface recesses, projections and open space brew.
 3. Honor local historic detailing with simple roof forms and shapes.
 4. Avoid long, large, unarticulated structures which are uninviting and do not contribute to the streetscape.
 5. Use large open spaces to provide strong, clear boundaries between different land uses or different neighborhood densities.
 6. Establish visual and functional focal points (e.g. "town green", landmark structure, public park, etc.) for all large developments

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(d) Scale, Massing and Proportion:

The design statement shall be simple, and the design elements, materials, and details shall be consistent with its contextual setting.

- (1) Balance the visual relationships of building bulk and size with its site, especially when viewed from a distant vantage point.
- (2) Break larger building volumes into smaller forms to lessen the total building mass and to provide continuity with nearby patterns. Smaller forms could include projections (e.g. overhangs, awnings, etc.) or recesses (e.g. windows) on smaller buildings, or stepping back upper levels on larger buildings.
- (3) Maintain proportions between building height, length and width consistent with prevailing architectural standards. Avoid distortion or exaggeration.
- (4) Create variety through compatibility rather than conformity.
- (5) Strive for visual simplicity rather than complexity.

(e) Rooflines, Facades and Entrances:

The rooflines shall be simple, functional and reflective of the broader community building stock. The public face of the building shall present a clear, well-defined and balanced façade.

- (1) Consider rooflines of adjacent properties in the design to avoid clashes in style and materials.
- (2) Form a consistent composition between the roof mass and building façade.
- (3) Reference adjacent building roof details (e.g. dormers, fascias, roof pitches, etc.) when applicable.
- (4) Establish horizontal continuity by referencing adjacent prominent façade detail elevations and rhythms (e.g. brick coursing, mouldings, fenestration, etc).

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**Technical Standards
Architecture - §242-602I**

- (5) Include architectural detailing and apply it consistently throughout the design. Ensure such detailing is compatible with the historical context.
- (6) Build elements (e.g. protective canopies, stairs, columns, wall or roof projections and recesses, etc.) to human scale at sidewalk level to encourage pedestrian use.
- (7) Avoid false detailing (e.g. mansard roofs, partial HVAC screens, truncated roof structures, etc.) which detracts from a building's integrity.
- (8) Accentuate entrances with strong definition and individual legibility for individual tenants.
- (9) Create an agreeable pedestrian environment, including weather protection, convenience and safety features.
- (10) Arrange window patterns with a balanced spacing and conscious rhythm.
- (11) Observe historic precedents wherever possible.

(f) Materials, Color and Surface Texture:

The building materials shall be durable and functional and the use of color and texture shall be reflective of local style and community character.

- (1) Limit the number of different materials on the exterior building elevation to avoid visual overload.
- (2) Avoid large, unarticulated or monolithic areas on street facades. Use detailing to add relief and shadow patterns to otherwise flat facades.
- (3) Create visual variety, aid in climate control, and establish character by creating shadow patterns using architectural elements (e.g. overhangs, trellises, projections, reveals and awnings).
- (4) Use natural materials in their traditional applications (e.g. wood, stone, brick, glass, metal, etc.) and avoid wherever possible the use of vinyl or aluminum siding, exterior insulation and finish systems, etc.

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**Technical Standards
Architecture - §242-602I**

- (5) Coordinate all exterior elevations of the building (color, materials, architectural form, and detailing) to achieve continuity.
- (6) Coordinate color scheme and materials with neighboring buildings, and the town as a whole to reinforce harmony.

(g) Equipment and Service Areas:

Building equipment, storage and service areas shall be integrated into the site plans and architectural composition in ways that minimize adverse impacts.

- (1). Install new utility service systems underground, and bury all existing above ground service when renovating.
- (2) Conceal views of all roof-mounted equipment (e.g. HVAC, plumbing, exhaust fans, etc). from the public right-of-way using detailing incorporated into the architectural design as opposed to an applied barrier.
- (3) Screen all ground or concrete pad-mounted equipment (e.g. HVAC electrical, gas, metering devices, etc.) using evergreen plants of different species and size, or architectural detailing complimentary to the building.
- (4) Locate and screen accessory buildings and functions (e.g. trash containers, storage sheds, and emergency generators) away from parking areas, walks, and adjacent land use. Use either a variety of evergreen plant materials, or and architectural enclosure in character with the primary building.
- (5) Conceal garage doors and loading areas from view from surrounding streets.
- (6) Protect adjacent residential neighborhoods from noise, traffic, risk of hazards, etc.

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**Technical Standards
Dust Control- §242-602J**

J. Dust Control [eff. 11/3/04]

(1) Purpose:

It is the purpose of this regulation to establish guidelines and standards for the control of dust during the removal of natural resources, blasting operations industrial/manufacturing operations and site construction activities. Uncontrolled dust emanating from such locations may cause dangers to health and safety, to the orderly conduct of nearby businesses and may cause unnecessary economic hardship due to cleanup procedures necessitated by negligent operators and/or contractors. Dust is any powdery earth or other matter in bits fine enough to be easily suspended in air.

(2) Control Procedures:

The following procedures shall be used in all operations from which dust may be created:

(a) Interior Sources:

- [1] Dust collection systems shall be installed for all interior operations in which dust may be created in quantities affecting health & safety.
- [2] Waste dust shall be collected and disposed of in such a manner that any dust waste is not released to the outside atmosphere.
- [3] Safety procedures shall be implemented to prevent the ignition or explosion of any dust waste material.

(b) Exterior Sources:

- [1] No dust shall be created which may carry more than one hundred feet (100') from its point of origin.
- [2] Water shall be applied by means of trucks, hoses, spray bars, sprinklers or similar devices to areas at sufficient frequency and quantity to prevent visible emissions from extending more than one hundred feet (100') from the point of origin.
- [3] The entire surface area of hauled earth/rock material shall be covered once a vehicle is filled.

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**Technical Standards
Dust Control- §242-602J**

- [4] Load-in/load-out procedures shall be carried out to leeward (downwind) side of the material.
- [5] Storage piles shall be covered with tarps or anchored plastic material when not in active use.
- [6] Anti-tracking material (stone) shall be used at all access points to public roads.
- [7] Interior roads, drives and vehicle passageways shall be frequently watered to prevent the creation of visible dust emissions.
- [8] Any devices used in the processing of earthen or stone materials shall be equipped with spray bars or sprinklers so as to prevent the creation of visible dust emissions.
- [9] Road access points shall be swept and cleaned to prevent the creation of or tracking of dust on public thoroughfares.
- [10] All operations shall be suspended during times of high winds (in excess of 25 mph).

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**Technical Standards
Blasting - §242-602K**

K. Blasting [added 6/18/03]

(1) **Purpose:**

It is the purpose of this subsection to provide guidelines and standards to be used in any blasting operations conducted within the Town of Brookfield to insure the health and safety of the site itself, its inhabitants and the health and safety of any adjacent properties and their inhabitants.

(2) **Standards:**

- (a) **Effect on Surrounding Properties:** All blasting activity shall be carried out in such a manner as to avoid any detrimental effects upon the surrounding environment and properties.
- (b) **Site Blasting Plan:** Prior to the initiation of any blasting efforts, the applicant shall submit to the Commission for approval, a site blasting plan. Such plan shall include: hole pattern design, hole dimensions and loading techniques, time delays, blast duration, vibration levels, tentative schedule for each blast, the amounts of material to be dislocated in each blast, proposed location of dislocated materials, use of mats and overfly protection devices, dust containment procedures and safety precautions to be employed. The Commission may require that the applicant retain at its expense an independent technical expert, acceptable to the Commission, to review the plan and provide recommendations to the Commission.
- (c) **Blast Limitations:** No blasting shall occur which yields in excess of one thousand (1,000) cubic yards of material per blast and shall meet all the requirements of State law.
- (d) **Vibration Limitations:** Within any blasting activity, ground vibrations shall not be outside of the following range: ½ inch per second peak particle velocity and not less than 10HZ frequency and 2 inches per second peak particle velocity at more than 40HZ frequency per blast measured at the closest property line. (See figure B-1 below entitled “Figure B-1 – Safe levels of blasting vibrations for houses using a combination of velocity and displacement.”)
- (e) **Seismographic Reports:** Upon completion of each blast, the applicant shall provide seismographic reports to the Zoning Enforcement Officer and Town Fire Marshal indicating that these limits have not been exceeded.

**TOWN OF BROOKFIELD
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**Technical Standards
Blasting - §242-602K**

- (f) Notice and Pre-Blast Surveys: The applicant shall provide all abutting property owners forty-eight (48) hours advance notice of any blasting activity on the site. Pre-blast surveys on structures and wells immediately adjacent to the property lines of the site shall be required and copies shall be filed with the Commission within ten (10) days of their preparation.

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Administration and Enforcement - §242-701A&B

ARTICLE 1.

Administration and Enforcement

§ 242-701 Enforcement :

A. Enforcement Techniques:

In accordance with the Connecticut General Statutes, the Commission is solely responsible for enforcement of the Zoning Regulations. In carrying out these responsibilities, the Commission may employ, but shall not be limited to, use of the following techniques: *[amended 5/8/97]*

- (1) Promulgation of required applications forms and appropriate check-lists.
- (2) Review and approval of appropriate permits and certificates, including stipulations or conditions thereupon.
- (3) On-site inspections.
- (4) Investigation of complaints.
- (5) Issuance of: letters of warning, requests for corrective action, summons for appearance before the Commission, Cease and Desist Orders.
- (6) Revocation of permits or approval actions.
- (7) Appropriate legal proceedings.
- (8) Such other techniques as may be authorized by law, regulation, ordinance or statute.

B. Designation of Enforcement Agents(s):

The Commission may delegate specific enforcement activities to one or more of its membership and to an individual acting as an “agent” of the Commission. Any agent so delegated, shall have such credentials as the Commission, in its sole determination, shall deem appropriate and shall otherwise be acceptable to the Commission. The Commission shall present any such candidate(s) to the cognizant authority for appointment as required by Town Charter. *[amended 5/8/97]*

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ZONING REGULATIONS**

Administration and Enforcement - § 242-701C

C. Enforcement Actions:

The main purpose of an enforcement action is the elimination of a violation. Upon verbal or written complaint and/or inspection, the Zoning Enforcement Officer (ZEO) shall determine if a violation of the regulations has indeed occurred. If the ZEO determines that a violation has occurred, the ZEO is empowered to immediately take action to cure the violation. Priority action shall be taken in situations where there are overriding concerns of health and safety or where, unless immediate action is taken to halt an activity, an irreversible event may occur which is not in accordance with generally accepted zoning or good environmental practice. The ZEO shall maintain a chronological record of all complaints and subsequent enforcement action and shall prepare summary violation reports for Commission meetings. *[amended eff. 10/29/98]*

(1) Issuance of an ORDER:

When the ZEO has determined that a violation exists, he/she shall issue a written order to the responsible party to:

- (a) cease and desist in all illegal activity,
- (b) perform corrective action to comply with the regulation.

(2) Compliance/Show Cause Hearing/Appeal:

After receiving an ORDER, the individual receiving the order may either:

- (a) comply with the order, or
- (b) schedule an informal hearing before the Commission at the next regularly scheduled meeting to show cause why a CITATION should not be issued. If the action of the ZEO is upheld by the commission, the individual in violation shall promptly comply with the compliance order.

(3) Issuance of a CITATION:

If an Order is not complied with within the prescribed time period, the Commission may direct the ZEO to issue a CITATION and impose such fines as are provided for by Town Ordinance (Zoning Violation Penalty Ordinance). The ZEO may NOT initiate this action without the prior consent and direction of the Zoning Commission. The Commission shall insure that the file of the violation is current, accurate and complete prior to directing this action by the ZEO. If the violation continues unabated, despite timely payment of fines, a subsequent Citation or Citations may be issued. *[amended eff. 3/4/05]* Any person who has received a Cease and Desist Order within ten (10) days after receipt of the Order,

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ZONING REGULATIONS**

Administration and Enforcement - § 242-701C

schedule an informal hearing before the Zoning Commission to show cause why a CITATION should not be issued. *[amended eff. 3/15/06]*

(4) **Notice of Citation:**

After the expiration of the ten (10) day period, but within one (1) year, as stated in the Citation, the ZEO shall send a notice which restates the rights and appeal period, all of which are cited in the Citation itself. *[amended eff. 3/4/05]*

(5) **Payment of Fines:** *[amended eff. 3/4/05]*

Payment of fines normally closes the Citation matter.

(a) If the Respondent fails to pay or file an appeal within the required time frame the following action shall be taken:

[1] The Zoning Enforcement Officer shall certify that:

- The Respondent has failed to pay the fine or file an appeal;
- That as a consequence of the failure to respond, the Respondent is deemed to have admitted liability for the violation(s) pursuant to CGS §7-152c(d);
- The total amount of fines accrued as of the date of the certification;
- A copy of the Citation and Notice of Citation Form if applicable, are true and exact copies and are attached to the certification.

[2] The Zoning Enforcement Officer shall provide the certification and attachments to the cognizant Hearing Officer.

[3] The cognizant Hearing Officer, upon receipt of the ZEO's certification shall:

- [a] Render a "Decision and Notice of Assessment Without Hearing"
- [b] Send the above decision form to the Respondent by first class mail and a copy to the ZEO
- [c] If the amount of the assessment is not paid within thirty (30) days of the mailing of the decision notice, and no petition is filed pursuant to CGS §7-152c(g), then after

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Administration and Enforcement - § 242-701C & 702

thirty (30) days (but within one year of the mailing) the cognizant Hearing Officer shall file a “certified” copy of “Decision and Notice of Assessment” with the Clerk of the Danbury Superior Court together with an \$8.00 filing fee.

[4] The Clerk of the Superior Court thereafter shall enter judgment in accordance with the “Decision and Notice of Assessment” in the amount stated therein, plus \$8.00 in Court costs in favor of the Town of Brookfield.

(b) If the Respondent files an appeal, the following action shall be taken:

[1] The ZEO or other Brookfield Town Official shall:

[a] Give written notice of the date, time and place of a hearing on the appeal, which shall be a date more than fifteen (15) days, but not more than thirty (30) days from the date of the notice.

[b] File a certified copy of the Citation and Notice of Citation, if applicable, with the cognizant Hearing Officer.

[2] The cognizant Hearing Officer shall:

[a] Conduct a hearing and review in accordance CGS §7-152c(e);

[b] Render a decision at the end of the hearing in the form of “Decision and Notice of Assessment After Hearing”;

[c] If the assessment is not paid on the date of the hearing, the Hearing Officer shall follow the procedure in CGS §7-152c(f) and as set forth above in subparagraph (a)[3].

(6) **Legal Proceedings:**

Any matter which is not resolved using the above procedures, may be referred to Commission Counsel for appropriate legal proceedings. Payment of attorney fees for any subsequent legal action shall be the responsibility of the Respondent Defendant, if allowed by law. *[amended eff. 3/4/05]*

§ 242-702. Inspections

The Zoning Enforcement Officer may cause any building or premises to be inspected and may order in writing the remedying of any conditions found to exist therein or thereon in violation of this chapter.

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Administration and Enforcement - § 242-701C & 702

§ 242-703. Permit Required.

No building permit or certificate of occupancy shall be issued for a building, use or structure subject to the zoning regulations of a municipality without certification in writing by the official charged with enforcement of such regulations that such building, use or structure is in conformity with such regulations or is a valid nonconforming use under such regulations. *[amended 9/20/90]*

§ 242-704. Prosecution of violations.

The Commission shall cause all violations of this chapter to be prosecuted as provided by provisions of Chapter 124 of the Connecticut General Statutes, most current revision.

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ZONING REGULATIONS**

**Performance Bonding Schedule
Site Plan and Design Review – § 242-705A&B**

§ 242-705 Performance Bonding Schedule: *[approved 3/8/01, amended 10/13/11]*

The Brookfield Zoning Commission may establish bonding requirements in order to secure performance of various sections of the regulations in accordance with the following schedule which shall be used as a guide:

A. Site Plan and Design Review Approvals:

These bonds shall be established based on the estimate of the cost of construction of the project. An estimate and recommended bond amount shall be prepared by an engineer licensed to practice in the State of Connecticut and acceptable to the Commission. At a minimum, the following cost elements shall be included in the estimate:

1. Final grading
2. Drainage facilities including detention/retention devices and catch basins
3. Erosion and Sedimentation Controls and devices.

Unit pricing of the various sub-elements of the estimate shall be provided. This listing is representative only and may require additional site specific cost elements. (*amended 10/13/11*)

B. Natural Resources Removal Permits:

These bonds shall be established based on the estimate of the cost of final closure of the project. An estimate and recommended bond amount shall be prepared by an engineer licensed to practice in the State of Connecticut and acceptable to the Commission. At a minimum, the following cost elements shall be included in the estimate:

1. Final grading to achieve approved final contours.
2. Site access anti-tracking pad devices.
3. Repair of any roadway damage.
4. Erosion and sedimentation controls and devices.
5. Fencing and retaining walls
6. Topsoil grading, seeding and vegetation of final slopes and access points.

Unit pricing of the various sub-elements of the estimate shall be provided. This listing is representative only and may require additional site specific cost elements. Performance bonds for these projects shall be set not less than \$10,000 per acre.

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**Performance Bonding Schedule
Site Development & Documents – § 242-705C&D**

C. Site Development involving Landscaping:

If any development involves requirements for landscaping, that portion of the performance bond estimate shall include an estimate of the following cost items:

1. Deciduous Shade trees, 2/ ½” caliper @ \$ x each.
2. Understory Shade trees, 2” in caliper @ \$ x each.
3. Evergreen tree, minimum 6’ in height @ \$ x each.
4. Shrubs, 2 ½ feet in height maturing to 6’ @ \$ x each.
5. Shrubs, 2 ½ feet in spread @ \$ x each.
6. Ground cover plants, 10” high @ \$ x each.
7. Created berms @ cost of soil, manpower and machine time.
8. Grass Seeding @ \$ x per square foot.
9. Sod @ \$ x per square foot.
10. Topsoil @ \$ x per yard.
11. Planters @ cost of material
12. Earth Moving Machine Time @ \$ x per hour/day.
13. Installation Manpower @ \$ x per hour.

The estimate shall be based on the current market “contractor’s prices” for such cost items. *[approved 3/8/01]*

D. Bonding Documents:

Upon review of the bonding estimates by the Commission, the estimate shall be accepted or modified and the applicant shall be advised of the final amount of the bond required. All performance bonds required under these regulations shall be either a cash bond or a bank letter of credit in favor of the Town of Brookfield and shall be acceptable in language and content to the Board of Selectmen or Town Counsel. In addition, the institution upon which the bond is issued shall also be acceptable to the Board of Selectmen or the Town Counsel pursuant to the Public Act 11-79. The bond shall be coupled with a consent authorizing the inspection of the bonded work and the right of the town of Brookfield to enter upon the subject premises for the purposes of performing the bonded work upon a default thereof. Failure to comply with these bonding requirements shall be cause for the revocation of any approval or permit previously granted. *[approved 3/8/01, amended 10/13/11]*

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**Performance Bonding Schedule
Site Development & Documents – § 242-705C&D**

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Amendments - §242-801- 804

ARTICLE 8.

Amendments

§ 242-801. Amendments Authorized.

This chapter and the boundaries of zoning districts established hereunder may from time to time be amended or changed by the Commission in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, most current revision.

§ 242-802. Changes in text of regulations.

Application for a change in this chapter and Zoning Maps shall be made upon a form provided by the Commission. For a change in the chapter, such form shall be accompanied by the exact wording of the change applied for, including reference to appropriate section numbers, and by the exact wording of parts to be deleted.

§ 242-803. Changes in district boundary lines.

Application for a change in zoning district boundary lines shall be accompanied by two (2) prints of the Zoning Map of the town, indicating , in color, the area for which the change is applied, the proposed boundary line and the proposed zoning district designation.

In accordance with Connecticut General Statute Title 8-3(a) an application for a zone change shall be accompanied by documentation confirming that all adjacent property owners affected by the changes have been notified by mail of the proposed changes. This documentation shall include, at minimum, the following information:

1. Names and addresses of all adjacent property owners
2. Graphic representation confirming the inclusion of all the property owners on a Key Map.
3. Copy of the letters sent to each owner advising them of the proposed zone change language, and the intent to apply for the change to the Zoning Commission, Town of Brookfield signed by the applicant (or designated agent).
4. Copies of documentation from the US Postal Service confirming the dates the letters were mailed for each property owner.

Applications that do not contain this documentation in the initial submission will be considered incomplete. This requirement cannot be waived by the Commission.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Amendments - §242-801- 804

§ 242-804. Fee.

The fees associated with a required Public Hearing or a change in this Chapter shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. *[amended 2/28/85, 8/23/01]*

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Provisions Severable - § 242-901

ARTICLE 1.

VALIDITY

§ 242-901. Provisions severable.

If any section, paragraph, subdivision, clause or provision of this chapter shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this chapter shall be deemed valid and effective.

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ZONING REGULATIONS

Repealer, Effective Date - §242-1001 & 1002

ARTICLE 10.

Repealer, Effective Date

§ 242-1001. Repealer.

The foregoing Zoning and Subdivision Regulations¹ supersede Zoning and Subdivision Regulations adopted June 15, 1960, and all subsequent amendments thereto.

§ 242-1002. Effective date.

This chapter shall become effective on August 25, 1967.
Revised through **September 6, 2008.**

¹ Editor's Note: See Ch. 234, Subdivision of Land.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Policies - § 242-1101&1102

ARTICLE II.

Policies

§ 242-1101. Ethical conduct. *[adopted 9/26/91]*

It is the policy of the Zoning Commission, Town of Brookfield, that each of its members, its agents and its employees shall be guided by the highest ethical standards for a municipal public servant.

The general public and taxpayers of Brookfield shall be afforded courteous attention and assistance in all matters relating to the zoning function. All inquiries, complaints and applications shall be handled on its own merits as provided for under the Zoning Regulations, Town of Brookfield, and shall be coordinated with other cognizant agencies to the greatest extent possible.

No member, agent or employee shall solicit or accept gifts or gratuities in any form from anyone who proposes or is interested in doing business with the Town. Furthermore, they shall refrain from accepting invitations to luncheons, dinners or other events, except as considered necessary in the performance of their duties by the Commission Chairman.

In carrying out their duties, each member, agent and employee shall act in such a manner to be beyond challenge or reproach from allegations of favoritism or inappropriate ethical conduct. The Commission shall not permit any influence to be exerted upon it, its agent or employees which would be in conflict with the best interest of the Town of Brookfield.

§ 242-1102. Housing *[adopted 5/22/75]*

It is the policy of the Zoning Commission, Town of Brookfield, to offer alternative ownership housing opportunities for all citizens of the municipality consistent with the soil types, terrain and infrastructure capacity of the Town. It is also policy that incentives, in the form of increased land densities, shall be granted to those who devote a portion of the constructed housing to use by low/moderate income persons, especially the elderly. In implementing this policy, the Commission shall use standards, procedures and regulations which shall:

- to the maximum extent possible, equate the impact of development of a single family bedroom unit to the impact of development of a multi-family bedroom unit within any given zoning district; and
- by permitting more efficient use of land, maximize the preservation of natural open space.

**TOWN OF BROOKFIELD
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Policies - § 242-1101&1102

TOWN OF BROOKFIELD
ZONING REGULATIONS
Site Bonds & Re-Use & Retention of Historic Structures
§ 242-1103 & 1104

§ 242-1103 Site Bonds *[approved 11/18/99]*

Site Bonds are required for the faithful completion of all required site work under a **Design Review Approval – Special Permit or Site Plan Modification**. It is the experience of the Commission that newly completed site work often requires a period of settling and/or compaction and rework before it can be considered finally complete. Indeed, it has been the Commission's experience that winter storms, spring rains and tropical storms adversely affect newly completed work.

It is the policy of the Zoning Commission that site bonds remain in place for a minimum of one year after the effective completion of a project to insure the physical integrity of the work. The Commission may consider a reduction in the original bond amount, but the remaining amount must be sufficient, in the Commission's sole determination, to cover any possible rework.

242-1104 Re-Use and Retention of Historic Structures:

It is the policy of the Commission to give preferential treatment to the re-use and retention of historic structures within any zoning district. Such treatment shall include the following: Exclusion from the re-building prohibition of destroyed, non-conforming structures, modification of parking requirements or landscape treatment on a case-by-case site plan basis or other modifications of the regulations which, in the sole determination of the Commission, are in concert with the general intent of this policy. In treating each historical structure on a case-by-case basis, the Commission shall be guided by the recommendations of the applicable Historic District and/or the Brookfield Historical Society.

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**Pre-Application Review Process
§242-1105**

242-1105 Pre-Review Application Process *[effective 3/13/07]*

It is the policy of the Zoning Commission, Town of Brookfield, to not delay any competent application for Zoning Approval. The Commission recognizes that a development project must involve a careful balance of environmental, economic, aesthetic, technical competency, and public safety considerations. It is fully aware of its statutory obligation to insure public health, safety and welfare and these are the major concerns in any application. An application is a two-sided process where an applicant needs to be knowledgeable of the application process, technically competent, and flexible in decision making, while the Commission's obligation is to be thorough, competent and consistent in its decisions on a particular project.

Furthermore, it is the Commission's policy, in furtherance of Public Act 03-184, that it may offer an applicant the opportunity to informally come before a Committee of the Commission to discuss a particular application. In these discussions, the Committee can advise the applicant of any site or utility difficulties and other major areas of concerns that would have to be addressed. Per Public Act 03-184, these discussions do not imply any final possible action by the full Commission. Areas in which the Commission can be of little help are in water and sanitary matters in which State agencies have jurisdiction. These matters should be clarified with State Health Services and Public Utilities Control Departments very early in the process as the Commission has found that these considerations are the most time consuming part of the application process.

**TOWN OF BROOKFIELD
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**BROOKFIELD ZONING REGULATIONS
§ 242 - APPENDIX I**

**FEDERAL ROAD TRAFFIC IMPROVEMENT PLAN
GENERAL DESIGN AND IMPLEMENTATION PARAMETERS**

I. PURPOSE:

It is the purpose of this document to provide design and implementation guidance for traffic improvements to be made to Federal Road. The current roadway configuration and intensity of traffic on this roadway dictate that improvements be made to permit orderly development while protecting the public health, safety and welfare. These improvements are in keeping with the policy stated in Public Act 84-263 that a municipality may permit development consistent with the land's ability to support development and with its infrastructure capacity. Specifically, it is the purpose of this document to establish general traffic improvement parameters so that individuals may know what may be required of them in developing their property.

II. SCOPE:

The design guidance set forth hereinafter is applicable to the entire length of Federal Road, within the Town of Brookfield, from the Danbury town line to the New Milford town line. It also includes those intersections and adjacent state, town and private roads where improvement is necessary to facilitate the overall improvement of Federal Road. It is anticipated that most improvements can be made within existing state and town rights of way. However, it does preclude that some landowners will be required to grant easements, transfer property, or both in order to facilitate development of their proposed project. The improvements shall include, but are not necessarily limited to pavement widening, provisions for additional lanes and/or tapers, drainage facilities, utility relocation, signalization, signage, pavement marking, emergency lighting, erosion and sedimentation controls, guard rails, fencing and other similar functional requirements.

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III. APPLICABLE DOCUMENTS:

1. CGS, Title 8, Chapter 124, §8-2. "Zoning Regulations."
2. Code of Brookfield, §242-101, "Statement of Purposes."
3. Code of Brookfield, §242-601 G, "Traffic and Access."
4. HVCEO, Regional Planning Bulletin No. 29, "How To Limit Traffic Congestion In Your Community."
5. HVCEO, Regional Planning Bulletin No. 34, "Projection of Traffic Flow Improvements Needed For Lower RT. 202 in Brookfield."
6. HVCEO Report, June 1986, "Traffic Volume Trends on State Roadways"
7. Ltr. Brookfield Zoning Commission, 2-4-85 to STC and DOT re: Traffic
8. Ltr. Brookfield Zoning Commission, 2-19-85 to Representative Jodi Rell supporting Route 7 improvements
9. STC Permit No. 595, Brookfield Commons.
10. STC Permit No. 596, Miracle Mile Shopping Center.
11. STC Permit No. 946, Silvermine Warehouse

IV. BACKGROUND & COMMENTARY:

Even with the construction of the limited access highway, Route 7, in Brookfield, traffic conditions within the Federal Road (Route 202) corridor have steadily deteriorated to where the levels of service at several key intersections are unacceptable. With land becoming more scarce each day, there is considerable pressure to develop the remaining land because of the obvious economic benefit to landowners of property either on or in close proximity to Federal Road. Since 1960, this roadway had been designated as the primary area for commercial and industrial development. It is essentially a two-lane state highway with some intermittent four-laned improvements toward the southern area of town. The current conditions are substantially documented in a variety of traffic reports submitted to the Brookfield Zoning Commission as part of the Design Review process for commercial and industrial development projects. Various stipulations have been imposed by the Commission on applicants in order to improve the traffic situation in the immediate vicinity of the applicant's site, while in some cases the conditions, which would be created, have necessitated a denial of some projects. It is obvious, however, that a more expansive and coordinated approach to traffic improvement must be embarked upon rather than proliferate "piecemeal solutions." Neither State nor municipal funds are available in the foreseeable future for any required improvement work. Accordingly, applicants, either independently or in association with others, may be required to fund the required improvements if development is to proceed. Without such improvement, projects cannot meet the approval criteria: (i) being able to be supported by existing "infrastructure capacity, (ii) limiting "congestion in the streets," and (iii) averting "conditions which would adversely affect traffic safety." Approval of such projects must be withheld until the necessary capacity or improvement is available. The general design and implementation parameters contained hereinafter has it basis in the condition of present State Traffic Commission (STC) permits, Zoning Design Review permits, and policy Statements issued by various agencies.

**TOWN OF BROOKFIELD
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REQUIRED IMPROVEMENTS:

- (1) Federal Road shall be improved to a full four (4) lane configuration from the Danbury town line to its intersection with the southerly intersection of Old New Milford Rd. This is a priority improvement requirement.
- (2) The intersection of Federal Road and White Turkey Road Extension shall be suitably improved with turning lanes, bypass lanes, pavement markings, signage and traffic control signalization to permit the intersection to function at a Level of Service of "D", or better.
- (3) From its intersection with White Turkey Road Extension, the southbound stacking lane on Federal Road, shall be improved for a minimum of at least one hundred and fifty (150) additional feet, northward.
- (4) A traffic signal and a northbound, left-hand, turning lane shall be installed at the intersection of Federal Road and the northern Kohl's Shopping Center driveway and such intersection shall operate to the satisfaction of the Traffic Authority, Town of Brookfield.
- (5) The intersection of Sandy Lane and Federal Road shall be improved so that the Level of Service at this intersection shall not fall below Level "C". Specifically, this intersection shall include a center, southbound, left-hand turning lane and a center, northbound, left-hand turning lane. Such turning lanes shall be in addition to the full four (4) travel lanes. Sandy Lane, westward, shall have been improved to include two defined lanes, one of which shall be a right-hand turning lane onto Federal Road, northward.
- (6) From the intersection of White Turkey Road, traffic control signalization northward on Federal Road, to its intersection with Junction Road, shall be synchronized to enhance the flow of traffic.
- (7) The intersection of Beverly Drive, Hardscrabble Drive, and Federal Road shall be improved to a double "T" configuration. Hardscrabble Road shall be suitably improved to include two (2) defined lanes to facilitate southbound and northbound turning movements. Beverly Drive shall also be suitably improved in a manner identical to Hardscrabble Road. A southbound left-hand turning lane or by-pass lane shall be accommodated on Federal Road at this intersection. As traffic volumes increase and the Level of Service diminishes to "C", signalization of this intersection will be required.

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- (8) The intersection of Federal Road and Route 133 (Junction Road) shall be improved to include both a northbound, right-hand turning lane and a southbound, left-hand turning lane on Federal Road. Junction Road shall be suitably improved to provide two (2) defined westbound lanes to facilitate right-hand turns, northbound on Federal Road.
- (9) The intersection of Federal Road, Elbow Hill Road and Silvermine Road shall be improved and signalized as a three-way intersection. Both Elbow Hill Road and Silvermine Road shall be suitably improved to provide two (2) defined lanes to allow right-hand turning lanes onto Federal Road both northbound and southbound respectively.
- (10) The intersection of Federal Road and Station Road shall be suitably improved to facilitate the free flow of traffic by two lanes in each direction. Federal Road shall contain a southbound, left-hand turning lane onto Station Road, eastward. Such turning lane shall be in addition to the full four lanes on Federal Road. Station Road shall be suitably improved to provide for two (2) defined lanes to allow right-hand turning lanes onto Federal Road, both northbound and southbound, respectively.
- (11) Route 7 shall be modified to include a southbound entrance and a northbound exit at its intersection with Junction Road (Route 133) and Junction Road (Route 133) shall be suitably improved to accommodate such entrance and exits.
- (12) The intersection of Laurel Hill Road and Federal Road shall be suitably improved to provide for optimum lines of sight and a safe transition onto Federal Road.
- (13) Site drives accommodating site parking of fifty (50) or more vehicles shall provide for acceleration lane pavement tapers onto Federal Road.
- (14) Consistent with the ability to provide safe lines of sight, consideration shall be given to providing a visual barrier between Federal Road and site parking areas. Such barriers may include dense evergreen plantings, landscaped masonry walls five feet high, planted berms, and the like.
- (15) Site drainage into DOT or municipal drainage systems shall require specific prior approval by the cognizant authority.
- (16) Utility pole or structure relocation is the responsibility of the applicant, including all off-site improvements required to accommodate a project.
- (17) In the event of any conflict between these requirements and those imposed by any state or municipal agency having traffic jurisdiction, the applicant is required to present such conflicts to the Zoning Commission/Traffic Authority for its final resolution of the differences.

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VI. IMPLEMENTATION:

Specific development requests are initiated by a landowner/developer through the submission of an application to the Zoning Commission for a Design Review Approval Permit. The requirements for such a application are set forth in Sections 242-301 C. and 242-602 G. of the Code of Brookfield. The Commission may stipulate, as a condition of approval, that occupancy of the premises shall not occur until, in its sole determination, conditions which are created solely or in part by the applicant's project are improved in accordance with the design guidance contained herein. If approved by the Zoning Commission, improvements may be made and funded by the individual applicant or as part of a cooperative improvement project embarked upon by a group of landowners or developers. Approval, if granted, will incorporate a requirement to post a bond for the faithful completion of all required improvements in an amount sufficient to cover the cost of such improvement.

Alternate funding arrangements are not addressed as part of this document. It is anticipated that such funding plans will be developed by the Town in the not too distant future. Currently, funds are not available from municipal or state sources. Accordingly, in the absence of such funds, this guidance document provides for developer funding participation in the required improvements so as to allow for further orderly development in the Federal Road corridor.

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Design Guidelines and Standards Manual

Brookfield, Connecticut

Incentive Housing Zone & Town Center District

Effective June 1, 2014

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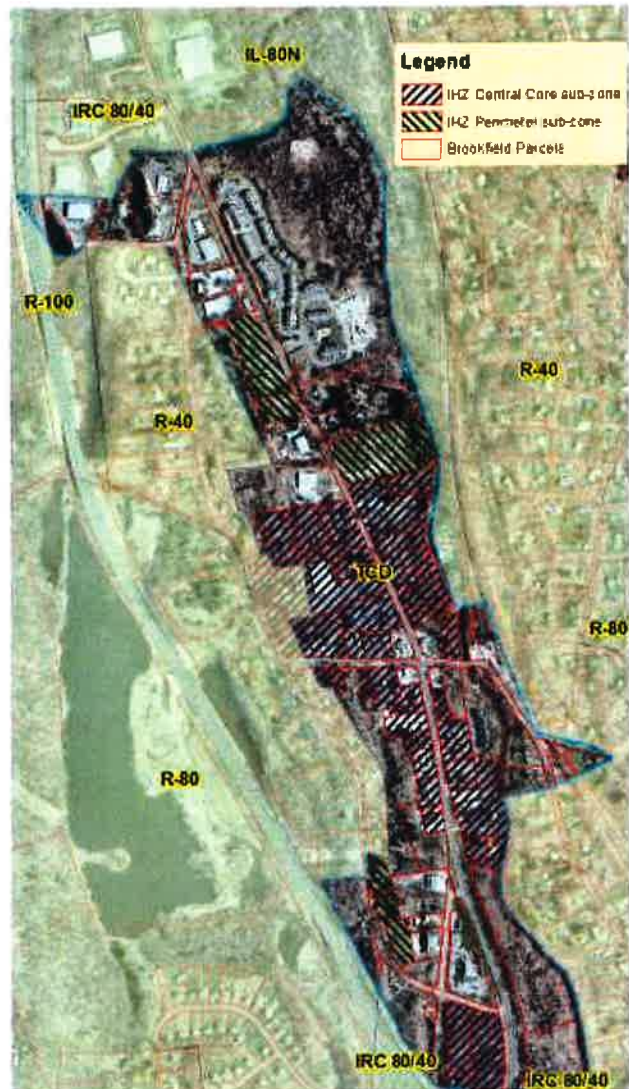
1.0 Purposes and Guiding Principles

The purpose of these Design Guidelines and Standards Manual is to facilitate the implementation of the vision and conceptual plan for the Brookfield Four Corners Town Center District (TCD) and overlay Incentive Housing Zone (IHZ) district. Along with this, it is the purpose of these guidelines and standards to direct development and redevelopment in these zones to incorporate quality design within a human scale, pedestrian-oriented, and walkable environment. Therefore, in any development, the height and overall mass of buildings, the character of the architecture, the design of street lights or signs, landscaping, the materials for sidewalks or other site features should be based on creating an inviting environment for the pedestrian at street level. Quality of design contributes to a sense of place through associations among all of the elements; connections and visual harmony among individual structures, infrastructure in the built environment, the natural landscape, the historical context, and the people who experience it.

These design guidelines and standards were developed through an interactive community engagement process. The content of the guidelines reflect the community direction and consensus on the form of development that is most desirable in the TCD and IHZ. Thereby, these design guidelines are intended to stimulate creativity and, through the design review process, help property owners, architects and developers pursue designs that complement, and are compatible with, the community vision for the fabric of the TCD and IHZ districts. As such, these guidelines and standards are intended to guide and inform development applicants regarding the desirable form, site planning, and character of development and redevelopment within the TCD and IHZ (see Figure 1).

The purpose of these design guidelines is to:

- Serve as design-related Standards for Compliance for the Incentive Housing Sub-zones and Town Center District
- Provide guidance on elements not covered in the Standards for Compliance regarding applications in the Incentive Housing Sub-zones and the Town Center District



Additional design-related standards and requirements are found in Zoning Regulations and should be consulted as part of site design. Sections of note include, but are not limited to:

- Section 242-505 Town Center District
- Section 242-602 Technical Standards
- Section 242-404 Incentive Housing
- Section 242-301 C Design Review
- Section 242-305 Off Street Parking and Loading
- Section 242-306 Signs
- Section 242-501 J Industrial and Commercial Districts - Landscaping
- Brookfield Sidewalk and Access Management Plan

2.0 Applicability

Key users of these design guidelines and standards include:

- **Property Owners, Architects and Developers** use the manual to help determine what types of alterations, additions and new construction are most appropriate in the TCD and IHZ and to guide the design of specific projects.
- **The Design Review Team** uses the manual to review project applications submitted to the Zoning Commission. The Team suggests ways to enhance and add to the design and/or aesthetics of proposed projects. The Team shares its recommendations with the applicant and the Zoning Commission.
- **The Zoning Commission** uses the manual to review Design Review Team recommendations and approve or deny applications submitted by property owners, architects and developers.
- **Town Staff** use the manual to advise property owners and make recommendations to the Design Review Team, Zoning Commission, and Planning Commission regarding proposed projects.
- **Town Residents** and others may also review the manual to better understand the community's vision for the design character of the Four Corners area where the TCD and IHZ districts apply

The Brookfield Zoning Commission established the Design Review Team in July 2013 to serve as an advisory body to the Zoning Commission on matters of site and building design in the Town Center District. All members are qualified to serve by reason of training or experience in Architecture, Site Planning, Landscape Architecture, Historic Preservation, Professional Engineering, Graphic Design or other disciplines as determined by the Zoning Commission. The Design Review Team is responsible for reviewing applications according to these design guidelines and making recommendations to the Zoning Commission.

Specifically with respect to Incentive Housing applications, the numbered standards are intended to serve as Standards for Compliance to (1) ensure that construction within the Incentive Housing Sub-zones is complementary to adjacent and neighboring buildings and structures, and is consistent with the Brookfield housing plan required in CGS section 8-13p, and (2) address the scale and proportions of buildings; site coverage; alignment, width and grade of streets and sidewalks; type and location of infrastructure; location of building and garage entrances; off-street parking; protection of significant natural site features; location and design of open spaces; signage; and setbacks and buffering from adjacent properties.

3.0 Process

The Town of Brookfield applies the following design review process applicable to any development application for site plan approval or special permit for any properties partially or fully within the Town Center District or Incentive Housing Sub-zones. New construction, additions and renovations to existing buildings and sites should be done in consideration of the following design guidelines.

When an Applicant is seeking a Zoning Permit or Site Plan Approval for an as-of-right use, the Land Use Office professional staff will consult these design guidelines and standards and review them with the Applicant to consider ways in which the design guidelines intent may be incorporated in the proposed development activity. Only standards related to proposed site plan changes will be required.

When an Applicant is seeking a Design Review Special Permit Approval or the application is for an Incentive Housing project, all standards must be met.

- **Step 1:** During preliminary site design, applicants and their engineers and architects should consult the Design Guidelines and Standards Manual and utilize the Design Checklist to assess how the guidance of this manual can best be incorporated. Applicants should also consult with the Land Use Office professional staff to discuss the application process and application requirements.
- **Step 2:** In advance of formal application to the Zoning Commission, applicants must schedule a pre-application meeting with the Design Review Team.
- **Step 3:** The Design Review Team will meet with the applicant to discuss the incorporation of the Design Guidelines elements into the proposed development scheme. The Town Land Use Office staff will keep notes of the discussion and prepare a summary of the meeting outcomes for the Design Review Team.
- **Step 4:** The Design Review Team will submit the findings of its pre-application review meeting with the Applicant and recommendations relative to the proposed development to the Zoning Commission. The Applicant should make any adjustments he/she deems appropriate to the proposed site plan based on the feedback from the pre-application review meeting in advance of formal submittal to the Zoning Commission
- **Step 5:** The Zoning Commission will refer to the recommendations of the Design Review Team in its decision making regarding the application. All recommendations of the Design Review Team are advisory in nature.

Each development application is unique and no single set of requirements fits all cases. Applicants should use the design guidelines and associated checklist during the presentation and review process. Much of the success of an application depends on the following considerations:

- Applicants have read and understand the design guidelines as they apply to their projects.
- Applicants have come prepared to answer questions based on these design guidelines germane to their projects.
- Applicants have met with the Design Review Team in an informal (pre-application) session to better understand Brookfield's design goals before finalizing plans and project documents.
- Applicants have provided complete documentation (scale drawings, site photographs including existing buildings, color samples, fixture specifications, etc.) at the time of their presentation to the Design Review Team and subsequently as part of their formal application to the Zoning Commission. Recommendations on applications may not be made on partial submittals.

4.0 Site Design Guidelines

4.1 Site and Landscape Organization

Purpose: The organization of structures and landscape elements for any new development, additions to existing structures or any redevelopment should reinforce and contribute to an overall cohesive, human scale, pedestrian-oriented, and walkable environment in the TCD and IHZ.

Guidelines:

- All efforts must be made to strengthen connections among parcels, create harmony of design, and preserve any unique landforms, notable built features such as stone walls, historic structures, scenic views, etc. and incorporate them into site design.

4.2 Relationship to Historic Structures

Purpose: Existing historic mill buildings and associated locally important historic commercial/residential buildings are considered part of the fabric and desired character of the Four Corners area.

Guidelines:

- Site design should consider preservation and context sensitive design that incorporates buildings and features on the state or national registers of historic places, as well as those on the Brookfield local inventory of historic resources called "Historical & Architectural Resource Survey of the Town of Brookfield, Connecticut 1996-1997" and those which are structurally sound and intact colonial era structures and features (such as stone walls).
- The historic buildings located at the following addresses have been specifically indicated by the Brookfield Museum and Historical Society and the Brookfield Historic District Commission as critical to maintaining a sense of place and history.

<u>Address</u>	<u>Approx. Year Built</u>
797 Federal Road (2 structures)	1857/1900
801 Federal Road	1850
825 Federal Road	1850
831 Federal Road	1840
834 Federal Road	1815
837 Federal Road	1800
843 Federal Road	1810
846 Federal Road	1835
849 Federal Road	1820
857A Federal Road	1931
40 Laurel Hill Road	1770
64 Laurel Hill Road	1811
31 Old Route 7, Bldg. #2	1930
174 Pocono Road	1842
179 Pocono Road	1860
1 Tucks Road	1875
272 Whisconier Road	1832
273 Whisconier Road	1914
277 Whisconier Road	1860
281 Whisconier Road	1875
283 Whisconier Road	1840
290 Whisconier Road	1790

4.3 Building Orientation

Guidelines:

- For sites with multiple buildings proposed, efforts should be made to vary the footprint among the building forms to minimize the overall sense of mass of the collective buildings (see figure 1).
- Prominent site features (e.g. topography, rock, mature vegetation, water, etc.) should be used to organize the architectural and site composition.

Standards:

- 4.3.1 Site variety must be created using building clustering, and open space breaks for sites with multiple buildings proposed.
- 4.3.2 For sites with multiple buildings proposed, buildings must be separated by at least twenty feet (20') to allow for fire equipment access and emergency egress maneuvers.
- 4.3.3 Building fronts must be oriented to the street or in the case of interior buildings, fronts must be oriented to a sidewalk.
- 4.3.4 Buildings along a public street must be set back a minimum of six feet (6') and a maximum of twenty-five feet (25') from the property line to the proposed building. (see figure 2A).
- 4.3.5 Buildings must be no more than 10' from the property line or sidewalk whichever is closer to the proposed building unless public space is provided in order to add to the overall streetscape appearance (see figures 2A and 2B).

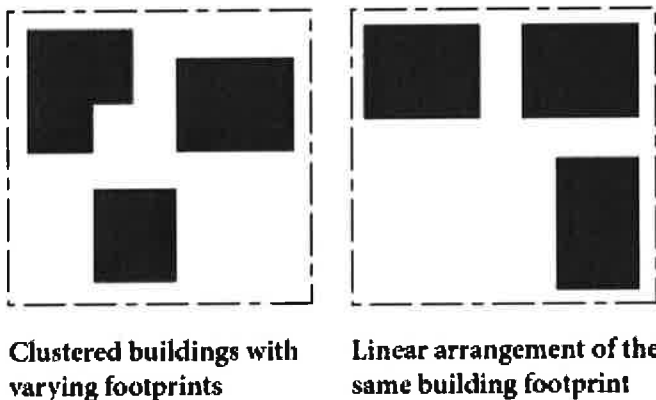


Figure 1: Building Orientation

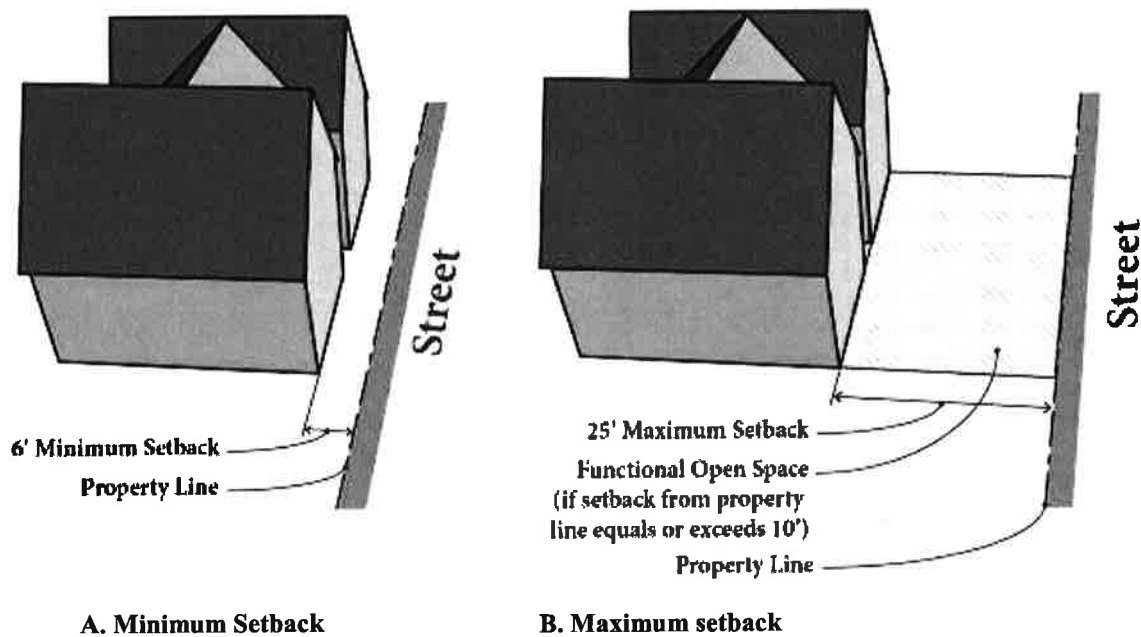


Figure 2: Building Setback

4.4 Site Design

Purpose: Arrange buildings, parking areas, public spaces including pedestrian walkways and landscaping to create a safe, visually attractive, accessible site for all modes of travel. Incorporate soft landscaped areas and trees within the parking lot to define major vehicle and pedestrian routes, provide shade and break-up the expanse of paved areas.

Guidelines:

- Emergency access may be provided by drives or access way connections through adjacent properties.
- Canopy trees and shrubs should be planted along both sides (where space allows) of new streets and private access ways.

Standards:

- 4.4.1** Parking must be located behind buildings fronting on the street. Parking along the side of buildings may also be acceptable.
- 4.4.2** Where there is a view of parking lots from a street and/or private access way, the parking lot/spaces must be buffered with landscaping that is green year round, or low walls.
- 4.4.3** Sidewalks and pathways must connect all parking areas to the larger sidewalk network; sites must be laid out to maximize pedestrian connectivity between uses and sites.
- 4.4.4** A safe and convenient network of pedestrian ways within parking areas must be provided.

- 4.4.5 Potential conflict points between pedestrians or bicyclists and motor vehicles must be minimized.
- 4.4.6 Sites must be served by no more than one main access driveway and one service driveway, with access not on Federal Road when feasible. The *Town Center District Sidewalk and Access Management Plan* must be consulted for direction on driveway location and design.
- 4.4.7 All uses which are required to provide twenty (20) or more off-street parking spaces must incorporate landscaping in the interior, paved portion of the lot. Landscaped area in the interior of parking lots must equal 10% of the developable land not occupied by building footprint.
- 4.4.8 For developments requiring more than 19 parking spaces when a row of parking exceeds 10 spaces, landscaped intermediate islands containing at least one canopy tree must be located to divide the lot into smaller "pods".
- 4.4.9 Driveway or private access ways must not exceed 26 feet in width.
- 4.4.10 Visibility at the intersection of any access drive with any intersecting street must be sufficient to allow a stopped vehicle to see and be seen from a vehicle approaching from either direction

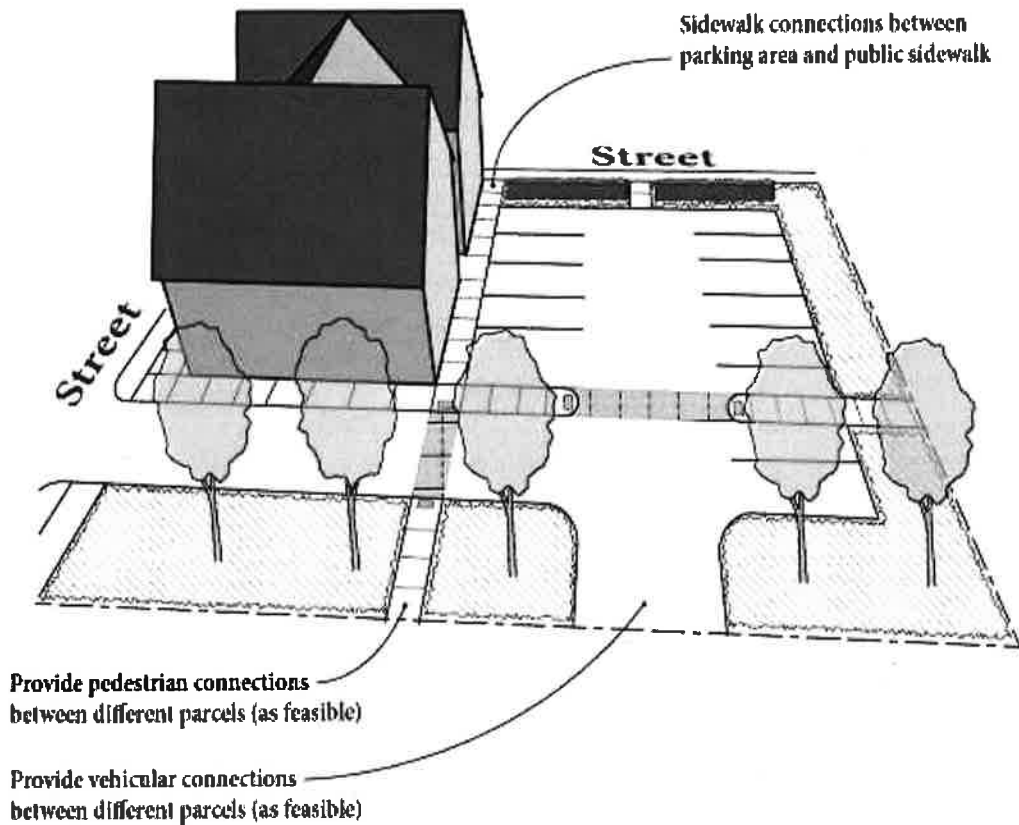


Figure 3: Site design showing connectivity between adjacent parcels and pathways connecting parking areas to the larger pedestrian network.

4.5 Service Areas/Loading Areas/Functional Elements

Guidelines:

- Vents, downspouts, flashing, electrical conduits and other functional elements should be an integral part of the building's architecture.
- The visibility of utility connections should be screened such as by hiding with landscaping or within a decorative enclosure.

Standards:

- 4.5.1 Mechanical and electric equipment, whether ground-mounted or installed on the roof, must be screened through the use of walls, fences, slopes, landscaping, or a combination of techniques.
- 4.5.2 Newly installed utilities must be situated below ground and existing overhead services relocated below ground wherever possible.
- 4.5.3 Loading areas, service areas, trash and recycling containers, and other accessory functions must be screened.
- 4.5.4 No off-street loading space will be located in the area required for setback from a street line

4.6 Bicycle Parking

Purpose: Bicycle access and activity is considered an important ingredient of a dynamic town or village center. Site design should facilitate bicyclist access and connectivity for bicycle travel among parcels.

Guidelines:

- Bicycle racks should be located along a major building approach line and clearly visible from the approach.
- Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side may be counted as one required space.
- Bicycle racks should be of architectural character to compliment that of the buildings and other site features such as lighting and pedestrian amenities.
- Residential bicycle parking should be located indoors or sheltered if feasible so as to prevent damage to bicycles parked for long periods of time (see figure 5).

Standards:

- 4.6.1 The bike rack area must be no more than 100 feet from the entrance it serves and should preferably be within 50 feet.
- 4.6.2 There must be one (1) secured bicycle parking space for every 4 dwelling units. There must be one (1) secured bicycle parking space per 6,000 sq. ft. of commercial space or one (1) secured bicycle parking space for every 24 automobile spaces (whichever is greater).



Figure 4: "Inverted U" style bike rack



Figure 5: Example of secure indoor bicycle parking

4.7 Open Space, Parks, Plazas

Purpose: Public spaces should be designed as gathering spots and destinations for pedestrians and include shade trees, benches, well-maintained landscaping, and pedestrian scale lighting.

Guidelines:

- Where feasible, site design should provide for focal points, such as public outdoor space, parks, plazas, and paths with views of natural features.
- Fountains, sculptures, public art, seating and visitor respite areas are encouraged.
- Public spaces may be in the form of well-maintained lawn, brick-lain plazas or other aesthetic hardscape materials, including complementary landscaping and planting beds, or a combination thereof.
- Where possible, open spaces, paths, parks or plazas should be designed so that adjacent buildings have windows, terraces or other features that provide a visual connection between the building tenants and the open space.
- Public spaces should be designed to be sustainable; well-maintained over time.
- Vacant public spaces that lack amenities such as benches, public art, or landscaping should be avoided (see figure 6).

Standards:

4.7.1 Incentive Housing projects must provide a minimum of 20% of the developable land as open public spaces including such focal points mentioned above.

4.7.2 Public open spaces such as parks and plazas must be located in areas with pedestrian traffic or if such spaces are provided in the interior of a lot or along the Still River, pedestrian connections to the sidewalk network must be provided. Meandering pathways are acceptable.

4.7.3 Asphalt surfaces are not permitted in public open spaces.



Preferred: Storefront open space with gathering space, landscaping, seating and other pedestrian amenities.



Not Preferred: Storefront open space that appears vacant, lacking gathering space and pedestrian amenities.

Figure 6: Open space examples

4.8 Landscaping

Purpose: Landscaping should integrate the proposed development to the site, with consideration for natural topography and existing vegetation.

Guidelines:

- Any portion of a developed lot that is not used for the location of buildings, structures, accessory uses, outside storage areas, off-street parking and loading areas, sidewalks or other paved areas, should be landscaped. Standards provided in Section 242-501 J apply to the Town Center District.
- Small spaces can also be creatively landscaped, such as with window planters,
- To the maximum extent possible, all significant existing natural, manmade or scenic resources should be preserved, protected, or restored. This includes but is not limited to, stone walls, steep slopes, large boulders or ledge outcroppings, specimen trees or stands of trees, water bodies, wetlands, scenic vistas, ridgelines or other significant geological or unique site features. artwork, water features, or other attractive amenities.



Figure 8: Landscaping in public plaza located in areas of pedestrian activity and visible from the interior of adjacent buildings.



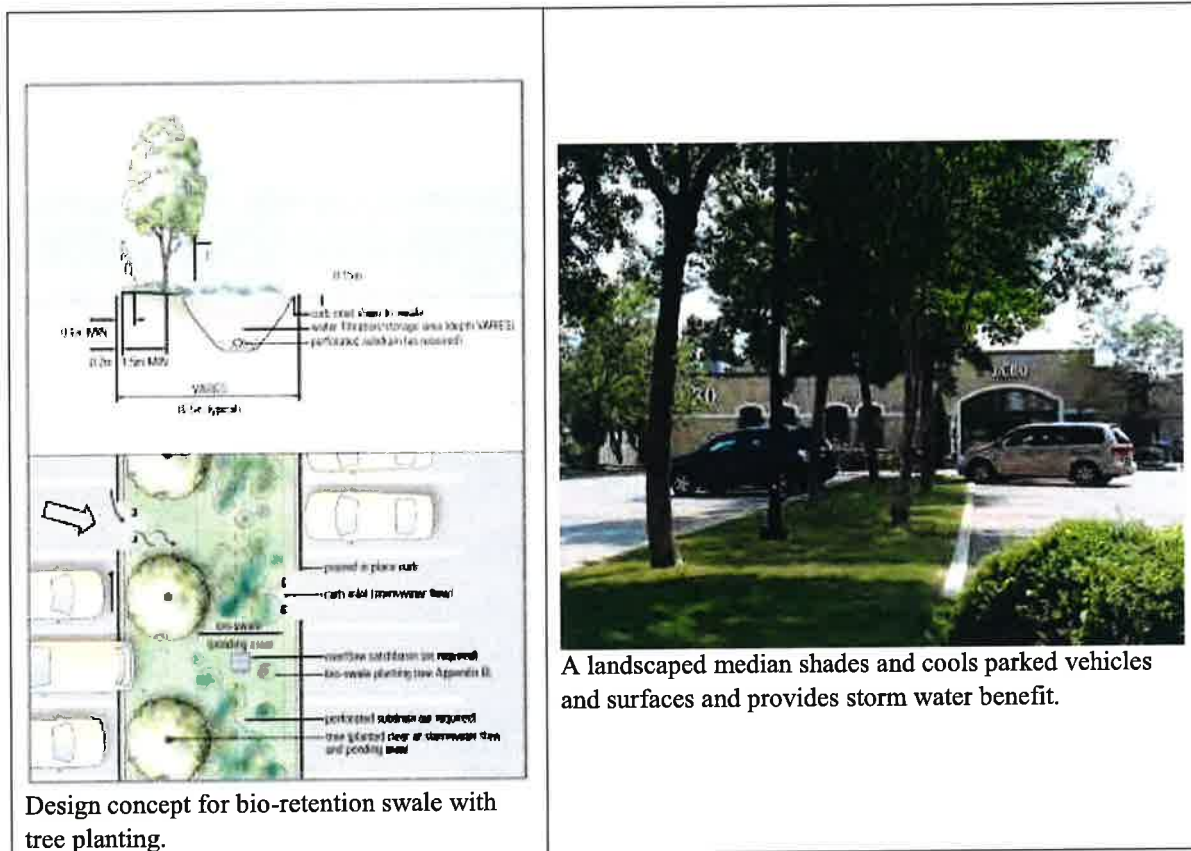
Figure 7: Landscaping used to create visual interest and integrate building to site

- Landscaping should be sustainable and include a variety of plants including shrubs and trees to create interest, color, fragrance and texture.
- Use of native species for landscaping is encouraged; the use of resource-efficient, landscapes and gardens of drought-resistant plant species indigenous to the region is encouraged.
- Fences may be used to visually reinforce a space, add a decorative element, or provide a screen as required elsewhere in the zoning regulations and may be covered with vegetation.
- A Landscape Maintenance Plan should be employed by the property owner or manager to ensure that landscapes are successfully established and continue to function well over time.
- The plan should include at a minimum: 1) a landscape management/ maintenance schedule which includes instruction for mowing, pruning and trimming, irrigation schedule, and seasonal protection of landscape elements and 2) plan and list of plant species to enable replacement as needed.

4.8 Landscaping (cont'd)

Standards:

- 4.8.1 Landscaping must be provided around buildings to establish continuity within the site, soften structure harshness, and introduce pedestrian scale at the sidewalk level (see figure 7).
- 4.8.2 Parking lots must contain high-branching canopy trees for shade. Providing shade trees at a minimum ratio of one tree planted for every five parking spaces and distributed such that no parking space is more than 100 feet from a canopy tree.
- 4.8.3 No invasive species may be used.
- 4.8.4 Vegetated areas must be designed to integrate Low Impact Development storm water techniques. For example, parking lot end islands, separation strips and divider islands can be designed as bio-swales to collect and renovate parking lot run-off. Drainage areas and culverts can provide habitat areas when appropriately designed (see figure 9).
- 4.8.5 No plant may be located to create – nor grown to create – a visual hazard for vehicular or pedestrian traffic either within or at the intersection of the site's access with a street.
- 4.8.6 Retaining walls that are visible to the public must be constructed of stone, decorative blocks, stone veneer, or other similar material. Poured concrete and wired gabion are not permitted.
- 4.8.7 Fences must be designed to avoid barriers to pedestrian connections.



Design concept for bio-retention swale with tree planting.

A landscaped median shades and cools parked vehicles and surfaces and provides storm water benefit.

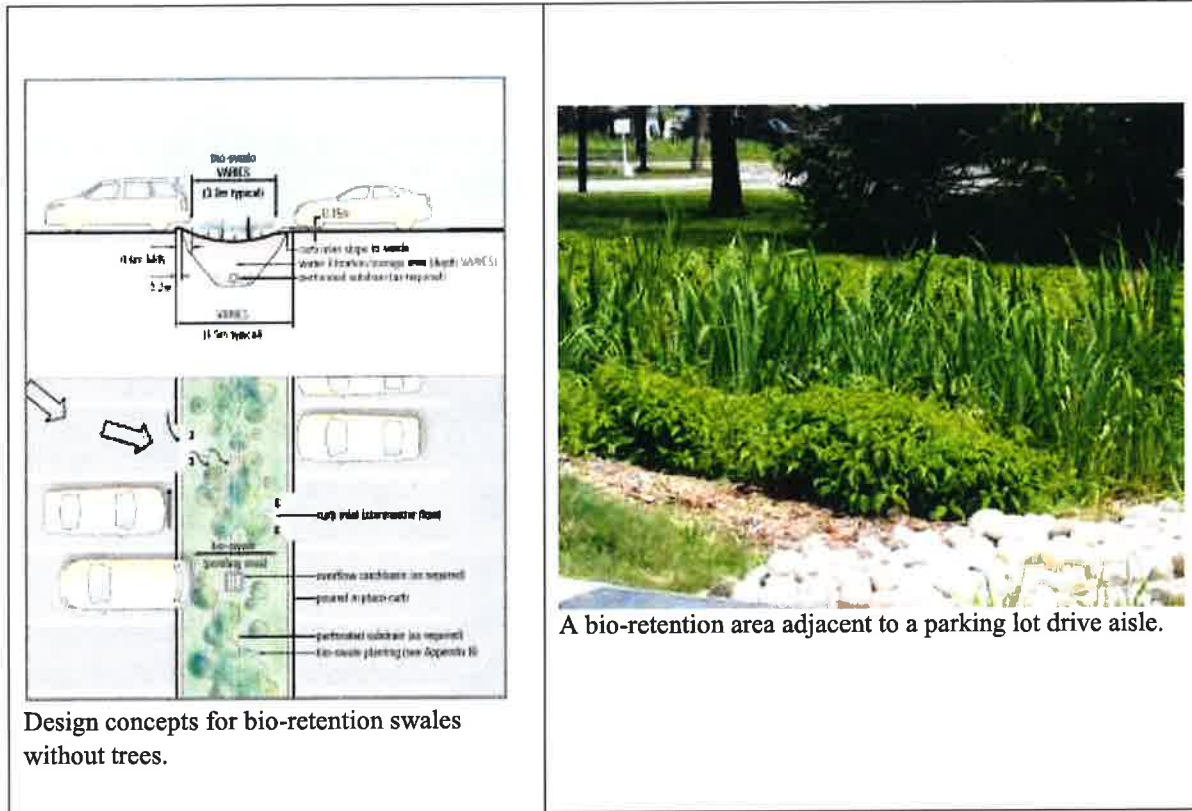


Figure 9: Images from Toronto's Design Guidelines for 'Greening' Surface Parking Lots, Toronto City Planning, January 2013.

4.9 Lighting

Purpose: Lighting should be at a pedestrian scale and designed to provide both safety of travel and ambience complimentary to the overall site design.

Guidelines:

- The lighting plan should avoid relative brightness differences with adjacent dissimilar land uses (i.e. brightly lit retail area adjacent to dimly lit residential area).
- Lighting fixture assemblies should coordinate with the architecture it serves.
- Soft, low wattage spotlighting of signs and signature architectural or site features is acceptable.
- Low wattage lighting with close spacing is preferred over high wattage lighting spaced further apart.

Standards:

- 4.9.1** Pole mounted fixtures shall must be 12 to 14 feet from grade to the light source and supplied by an underground wire. Height to light source may be increased to 16 feet when the fixture is located at least 60 feet from any property line, building, public space or park.
- 4.9.2** Light fixtures in parking lots must be full cut-off, whereas light fixtures in pedestrian areas may be cut-off fixtures permitting no more than 2.5% uplight.
- 4.9.3** Building lights must not blink, flash or change in intensity.
- 4.9.4** Victorian or other period fixture styles are preferred (contemporary shoebox style light fixtures are undesirable).



Figure 10: Example of storefront light fixture



Figure 11: Example of pedestrian scaled pole mounted light fixture

4.10 Streetscape and Outdoor Seating

Purpose: The streetscape along the front or sides of a building presents an opportunity for providing a welcoming environment that encourages business patronage. These areas are where the public and private realms merge and where people cross paths or congregate. As such, the streetscape should accommodate all users and offer comfortable, convenient, safe and supportive environment for these interactions.

Guidelines:

- Street amenities such as accent pavers, pedestrian scale sidewalk lighting, and small garden or landscaped spaces should be provided to further enhance and soften the streetscape environment.
- Benches and/or low walls may be provided to encourage pedestrians to gather providing they do not provide an obstruction to pedestrian traffic.
- Outdoor dining spaces, when provided, should be located along the sidewalk near the street.
- Outdoor dining spaces should include overhead protection from the weather; awnings for this purpose are preferred.

Standards:

- 4.10.1** Sidewalks are required along at least one side of all roads and drives in accordance with the Section 242-505 I. Refer to the *Town Center District Sidewalk and Access Management Plan* for the planned location of sidewalk areas along Federal Road, Station Road and Whisconier Road.
- 4.10.2** Decorative trash receptacles must be installed where accumulation of trash is likely to occur.
- 4.10.3** Adequate area illumination must be provided to ensure public safety.
- 4.10.4** Outdoor dining must not be located along vehicle access ways
- 4.10.5** Overhead protection for outdoor dining spaces must not overwhelm the sidewalk travel ways; at least 5 feet of sidewalk width must remain uncovered so the perception remains that the sidewalk is intended for public passage.



Figure 12: Preferred examples of outdoor dining areas

5.0 Architectural Design Guidelines

5.1 Building Scale and Massing

Purpose: The buildings in the TCD and IHZ are intended to be at a neighborhood scale and of traditional (versus contemporary) architectural style.

Guidelines:

- Building design should suggest traditional architectural styles including Colonial, Cape Cod, Bungalow, Victorian, Federal, and Georgian styles.
- The height, footprint, overall dimensions, layout, and character of such structures should not suggest a single big-box with long generic undifferentiated walls. Avoid long, large, unarticulated structures; as they do not add visual interest to the streetscape or surrounding landscapes.
- Blank wall surfaces greater than 50 feet in length should not be visible from streets or other public areas.
- Upper floors above street level may be set back to provide visual interest and to distinguish between street-level commercial uses and upper floor residential uses.
- A building may have more than one front; where the building meets the property line at a public street, the primary front should face the street.

Standards:

- 5.1.1 Buildings up to 3 stories are permitted; 2.5 stories are preferred.
- 5.1.2 One story building structures are discouraged.
- 5.1.3 Building structures with a footprint of 5,000 square feet or more must be broken into smaller sections and structures. This may be accomplished via the use of horizontal offsets, bump outs, cross-gable features, and other architectural features and elements (Figure 13).
- 5.1.4 Each building fronting on the street must not exceed 200 feet in length along the street.
- 5.1.5 Residential balconies must be located in the setback area of an upper floor and may not protrude from the building façade out over the sidewalk or frontage area.



Figure 13: Building Design

5.2 Façade Design

Purpose: Façades should be traditional but demonstrate some variety and complexity. This means that façades should be of traditional materials, but also incorporate elements such as shutters, dormers, gables and cupolas when suited to the overall architecture and building functions.

Guidelines:

- Buildings at the property line and along the public street should be arranged so that they have a façade along that public way.
- All building façades that are visible from a public street should be attractively designed with windows and other architectural elements (such as window sashes, cornices, transoms).
- All building façades should be complementary in design and materials.
- Entry doors should be provided for all storefronts/businesses.
- Upper story windows should not be larger than street level windows;
- Upper story windows should be residentially scaled (see figure 14).
- Windows should be recessed at least one inch from the plane of the wall.

Standards:

- 5.2.1** Building façades that are greater than 40 feet in length along a public road must be broken up, such as with porches, column lines, cornices and bays, changes in roof-lines, staggered front setbacks and other techniques.
- 5.2.2** Street level façades of mixed use buildings must differ from upper story façades to convey a retail / commercial feel with upper story façades having a residential feel (see figure 14).
- 5.2.3** For façades facing a public road, display windows must cover at least 50% of the street level façade (see figure 14).
- 5.2.4** Street level window glazing should be of clear vision glass. Stenciling that does not significantly obstruct vision may be acceptable.



Figure 14: Façade Design



Figure 15: Examples of Preferred Façade Design

5.3 Building and Garage Entrances

Purpose: The building frontage at the street is intended to be integrated into the pedestrian environment. The design should provide a visually appealing approach to the entrance.

Guidelines:

- Retail entrances should be located fronting the main thoroughfare or oriented to a plaza or other public space that is between two building sides.
- The building's primary entrance should be onto the street.
- Secondary entrance / exits may be located facing a rear or side parking area, but retail entrances should never solely be located at the rear.
- Public entries for commercial and retail uses are defined by a large scale and window glazing. Private entries for residential uses are smaller in scale, according to their use.

Standards:

- 5.3.1** The main building entrance must be clearly visible and identifiable from the primary vantage points or public right-of-way.
- 5.3.2** Entrances must be accentuated with strong definition and legibility for individual tenants.
- 5.3.3** There must be at least one walkway directly from the street to the major functional entry of any building or use oriented along the public street.
- 5.3.4** Garage entrances must not front on a public street.

5.4 Building Exteriors

Purpose: Exterior building materials should suggest traditional architectural styles.

Guidelines:

- Traditional materials are preferred for building exteriors.
- Colors should be non-reflective and selected using Colonial or Victorian historic color palettes.

Standards:

- 5.4.1 Exterior siding style must resemble traditional New England styles, such as clapboards, shakes, brick and stone.
- 5.4.2 Exterior building materials must be high quality materials.
- 5.4.3 Long term maintenance and durability shall be a consideration in the selection of building materials.
- 5.4.4 Vinyl siding and Stucco type Exterior Insulation Finishing Systems (EIFS) are not permitted.

5.5. Roof Design

Purpose: Roof design should suggest traditional architectural styles.

Guidelines:

- Roofs should be front gabled, side gabled, gambrel, mansard or hip; Flat roofs or contemporary shed pitch roofs are not desirable.
- If a green roof is proposed, the Commission may consider approving a flat roof though portions of the roof should be designed to harmonize to the extent feasible with other pitched roof structures in the immediate vicinity.
- Variations in roof lines, pitch and orientation should be used to add visual interest, complement the character of the Town, and to break up building bulk and massing.
- Dormer windows, gables or other architectural treatments should be used to break up the face of roofs that are steeply pitched or expansive.

Standards:

- 5.5.1 If visible equipment such as HVAC units are located on the roof, they should be attractively screened from public view or hidden within the structure of the roof.



Figure 16: Examples of preferred roof design

5.7 Exterior Signs

Purpose: Signs and awnings along public streets in the TCD and IHZ should be varied to create visual interest. At the same time, signs and awnings should help to maintain a sense of street-level, pedestrian activity and cohesiveness.

Guidelines:

Size:

- Overall, the size of such signs should be proportionate to the façade of the business they serve, mounted no higher than the uppermost elevation of the first story of the building and should not overwhelm the sidewalk travel ways.

Materials and Style:

- Signs composed of traditional materials such as painted or engraved wood are preferred.
- Wall signs, projecting signs of appropriate scale, and awning signs are all desirable;
- Sandwich board signs are acceptable as long as they are removed when the business is closed.
- Signs with a highly stylized and corporate/franchise look are not desirable.
- Plastic, steel, and extruded (3-dimensional letters) signs are not desirable.
- Signs should be compatible with the style, materials, color, composition and details of the building.

Location:

- Wall signs should be located within the frieze of the cornice, on a covered transom or other flat and unadorned surface that is suitable for sign location.
- Where there are multiple storefronts in one building, wall signs should be coordinated in terms of size, placement, color and overall design. However, some variation is encouraged to avoid a monotonous look.
- Hanging signs should hang perpendicular to the façade wall and visible hardware should complement signage and be similar in style.
- Roadside signs of appropriate proportion may be acceptable if located outside of "street-side" areas or where sidewalks are allowed (see Zoning Regulation 242-505 H(5)).

Standards:

- 5.7.1** The total area of all building signs, including any lettering or logos on awnings and any lettering or logos on windows, must not exceed the area defined in Section 242-306C. That is, total square footage of building signs is limited to the amount of "linear building frontage" facing the street, main access drive or interior courtyard/pedestrian mall. For example, for 100 linear feet of building frontage, 100 square feet of building signage is permitted.
- 5.7.2** Signs must not obstruct architectural elements such as cornices, arches, windows, etc.
- 5.7.3** Sign lighting must not be internal; lighting must be indirect and non-glaring and comply with Section 242-306 of the Zoning Regulations.
- 5.7.4** Roof-mounted signs are not permitted.
- 5.7.5** Lettering or logos painted onto windows must not cover more than 25% of the glass area and should not block views.
- 5.7.6** Where roadside signs are permitted, signs must be no more than 10.5 feet in height and proportional to the building to which the sign refers.



Preferred: Engraved and/or painted wood sign



Not Preferred: Steel and plastic sign

Figure 17: Sign examples



Figure 18: Perpendicular hanging sign and store lettering on window glass



Figure 19: Example of roadside sign

5.8 Awnings

Purpose: Awnings are allowed as a means of adding visual interest to the streetscape and to provide protection from the elements.

Guidelines:

- Awnings should fit the shape of the window or opening that it is affixed to.
- Fabric awnings are preferred; metal, plastic and vinyl awnings should be avoided.
- Awning colors should be coordinated with building colors and among other tenants in the same building. Subtle patterns such as striping are appropriate.

Standards:

- 5.8.1** A single awning spanning the length of single long building wall (e.g. one, 100 to 200 foot awning) must be avoided.
- 5.8.2** Awnings must not hide the façade's primary architectural details.
- 5.8.3** All window awnings on a single building must be of similar style, using the same type of materials and have the same valance style.
- 5.8.4** Lettering and logos are permitted on the valance or side of awnings: Lettering and logos on the valance must not cover more than 60% of the area of the valance; Lettering and logos on the side must cover no more than 40% of the area of the side.
- 5.8.5** Internally illuminated awnings must be avoided, unless the lighting is intended to and designed to illuminate a sidewalk directly under the awning.



Figure 20: Example of fabric storefront awning with lettering on valance

5.9 Climate Adaptation, Solar Access, and Energy Efficient Design

Purpose: Promote the construction of new buildings and additions or renovations to existing buildings in a manner that takes advantage of solar gain and shading to minimize building energy use. Promote the development of sites using materials and methods that minimize impacts of impervious surfaces to increased storm water run-off.

Guidelines:

- Without adversely affecting the reasonable solar gain of any neighboring property, new plantings should concentrate evergreen trees and hedges on the north side of a structure to protect from wind without interfering with passive solar gain; deciduous, on the south side for seasonal sun control.
- Orient the building consistent with energy conservation principles as feasible.
- Wherever possible, new technologies that reduce energy usage or storm water run-off are encouraged including solar panels, green roofs and permeable surfaces for parking lots.
- Energy efficient building standards are encouraged in the construction of buildings.

6.0 Additional Standards for Building Additions

Purpose: Locally important historic commercial/residential buildings are considered part of the fabric of the Town Center District and the Central Core sub-zone of the Incentive Housing Overlay zone. To promote appropriate scale and proportions when expanding an existing building, particularly those listed in Section 4.2 Relationship to Historic Structures, additions and renovations to existing buildings and sites should be done in consideration of the following design guidelines.

Guidelines:

- Place an addition to the side or rear of the original building.
- Use wall plane or roof ridge offsets to distinguish an addition from the original building.
- Position the taller portion of a structure away from neighboring buildings of lower scale or other sensitive edges.
- Step down the height of a building towards lower-scaled neighbors and historic properties.
- Vary the height of a larger building to help it fit in with traditional smaller-scale development.

7.0 Glossary/Definition of Terms

Architectural style: The exterior design of a structure as it expresses a particular time, society or individual.

Awning – A roof like structure, generally of fabric or canvas, over windows or doors.

Bay – A regularly repeated unit on a building elevation defined by columns, pilasters, or other vertical elements, or defined by a given number of windows or openings.

Blank Wall – An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.

Buffer - A suitable landscaped open space unoccupied except by vegetative growth, and left in a natural state with the land surface protected with suitable ground cover.

Character - Special characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality.

Column – A vertical pillar or shaft, usually structural.

Cornice – The top part of an entablature, usually molded and projecting.

Cultural/historical resources: Buildings, places, and amenities that transmit the beliefs, social forms, and material traits of the town to successive generations.

Elevation – An exterior façade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction and design.

Façade – The principal exterior face of a building, usually the front.

Form - Shape and structure of a building as distinguished from its materials.

Gable – The part of the end wall of a building between the eaves and a pitched or gambrel roof.

Green Roof – A vegetated roof system that stores some rainwater in a lightweight engineered soil medium, or other manner such that the water is taken up by plants and transpired into the air.

Massing – The three dimensional bulk of a structure: height, width, and depth.

Orientation – Spacing, site coverage and set back from side and rear property lines.

Pedestrian Scale/Human Scale – Pedestrian or Human Scale is the use of elements which can be experienced or used by a passing pedestrian at street level such as: front porches, awnings, bay windows, attractive trash receptacles, benches, bicycle racks, decorative sidewalks, drinking fountains, kiosks, neighborhood directories, signage, landscaping, lighting, outdoor fountains, plazas, and public art.

Pedestrian Way – A way intended for use by the general public for the movement of pedestrians. Pedestrian Ways include sidewalks and pass-through walkways.

Pitch – The angle of slope of a roof or berm.

Proportion – The relationship or ratio between two dimensions, e.g. width of street to height of building wall, or width to height.

Public Open Space – An area of land such as a square, green, Neighborhood Park, pocket park, and linear pedestrian park which is located and designed for public access by pedestrians and/or bicyclists for passive or active recreation.

Scale – The size or bulk of a building as it relates to neighboring structures and the topography of the street.

Sidewalk – A Pedestrian way that is located adjacent to and incorporated within the design of a street.

Street Furniture – Functional elements of the streetscape, including but not limited to benches, trash receptacles, planters, telephone booths, kiosks, sign posts, street lights, bollards, and removable enclosures.

Streetscape – The visual and functional character of an entire street including: buildings, paving material, plantings and street amenities such as lamps and benches. Also, the environment created for human activity and interaction.

§242-314 Small Wind Turbine Systems (11/8/09)

A. Purpose:

- (1) The purpose of this section is to accommodate distributed generation/small wind energy systems whose primary purpose is to supply *electrical* power to the structures or facilities located on the same lot, while minimizing any adverse visual, safety and environmental impacts of the system. Distributed generation/small wind energy systems whose primary purpose is to generate power for commercial purposes or augment the supply of power to utilities are prohibited in the Town of Brookfield.

In addition, this section provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

The regulations and permitting process are the same for all zones in the Town of Brookfield.

B. Definitions: See section §242-202

C. Permits Required

- (1) **Designed Review Permit:** No small wind energy System or testing apparatus shall be erected, constructed, installed or modified without first obtaining a Design Review Approval Permit.
- (2) **Building Permit:** After Design Review Approval as stated above, a building permit is required for the installation, construction or modification of a small wind energy system.

D. Procedure for Review:

- (1) **Application:** An application for Design Review Approval shall be in accordance with the requirements of Section 242-302 C (3) as modified hereinafter in subparagraph (3) below.
- (2) **Public Hearing:** Upon receipt of an application and prior to issuance of a Design Review Approval Permit and a building permit, the Commission shall hold a public hearing.
- (3) **Required Data:**
 - (a) Property lines and physical dimensions of the applicant's property drawn to scale, including names of adjoining property owners.
 - (b) Location, dimensions, and types of existing major structures on the property shown to scale.

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- (c) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
- (d) Setback requirements as outlined in this ordinance.
- (e) The right-of-way of any public road that is contiguous with the property.
- (f) Any overhead utility lines.
- (g) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed).
- (h) If the small wind energy system will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind energy system.
- (i) Tower foundation blueprints or drawings.
- (j) Tower blueprint or drawings.
- (k) Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.
- (l) Confirmation that the manner of installation will conform to the National Electrical Code (usually provided by the manufacturer).
- (m) Estimated costs of physically removing the small wind energy system to comply with surety standards.
- (n) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- (o) The site plan must be stamped by a professional engineer licensed to practice in the state of Connecticut.
- (p) Documentation describing the containment plan for ice that may accumulate on the turbine surfaces such that the ice will not become a hazard.
- (q) Copies of certified mail receipts and copy of the Neighbors/Adjoining Property Owner Notification.

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(r) Documentation from public utility company noting interconnection approval.

E. Design Review Approval Standards:

(1) Through the Design Review Process, the small wind energy system shall be evaluated for compliance to the following standards;

(a) **Setbacks:**

- i) Small wind energy system shall be set back a distance equal to 110% of the total height from:
 - (A) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
 - (B) Any overhead utility lines.
 - (C) All property lines, unless the affected land owner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with the abutting property.
 - (D) Any travel ways to include but not be limited to driveways, parking lots, nature trails or sidewalks.
- (ii) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
- (iii) The setback shall be measured to the center of the tower's base.
- (iv) Guy wires used to support the tower are exempt from the small wind energy system setback requirements

(b) **Tower:**

- (i) Wind turbines may only be attached to freestanding or guy wired monopole towers. Lattice towers are explicitly prohibited.
- (ii) The tower height shall not exceed 15 feet above any structure on the the property.
- (iii) The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

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(c) **Sound Level:**

The small wind energy system shall not exceed 45 decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.

(d) **Shadowing/Flicker:**

Small wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts on neighboring properties. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(e) **Signs:**

All signs, both temporary and permanent, are prohibited on the small wind energy system, except as follows:

- (i) Appropriate warning signs and placards
- (ii) Signs shall not be more than 2 square feet in size.

(f) **Code Compliance:**

The small wind energy system shall comply with all applicable sections of the Connecticut State Building Code.

(g) **Aviation:**

The small wind energy system shall be built to comply with all applicable Federal Aviation Administration. Evidence of compliance or non-applicability shall be submitted with the application.

(h) **Visual Impacts:**

It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the wind resources.

- (i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.

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- (ii) The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment and minimizes ice build up.
 - (iii) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
 - (iv) All systems shall be located in the rear, side yards or on rooftops, unless testing clearly demonstrates these locations are not suitable.
- (i) **Utility Connection:**
If the proposed small wind energy system is to be connected to the power grid through net metering.
- (j) **Access:**
- (i) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (ii) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
 - (iii) All connections and cabling shall be underground.
- (k) **Approved Wind Turbines:**
The manufacturer and model of the wind turbine to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.
- (l) **Clearing:**
Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

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F. Fees:

- (1) The fee for the design review process, including the Public Hearing is documented in section 242-301C

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Section Number	Title	Revision Effective Date	Page(s)
242-602K	Land Use Performance Standards/Blasting	6/18/03	6-30, 6-31
242-501K	Site Maintenance & Waste Control	6/18/03	5-24
242-301C(3)	General Provisions	6/18/03	3-5
242-404H(2)	Affordable Accessory Apartments	8/22/03	4-32
242-405G	Deed Restrictions	8/22/03	4-50
Zone Change		10/18/03	Map Change
242-402A	Physical Requirements – Note 1	10/23/03	4-11
242-303A	Excavation, Fill & Grading	10/23/03	3-15
242-404G(2)[e]	Occupants/tenants restrictions	10/23/03	4-26
242-501J	Landscape Requirements	10/23/03	5-23
242-506A	Candlewood Lake Watershed District	11/5/03	5-65 – 5-68
242-402A	Physical Requirements	3/8/04	4/11
242-501C(4)	Building Separation	3/8/04	5-8
242-602F	Water Supply	5/6/04	6-11
242-301C(1)[c]	Site Plan Modification	5/6/04	3-3
242-602I(4)	Architectural Standards	6/9/04	6-23
242-405B(1)	Conversion of Single Family Dwelling	6/9/04	4-48
242-202	Definitions – Bedroom	9/1/04	2-5
242-602J	Dust Control	11/3/04	6-28
242-507	Commercial Industrial Office Parks	1/26/05	
242-301B(1)	Compliance Certificate	3/4/05	3-1
242-301C(1)(a)	General Requirements	3/4/05	3-2
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242-301C	Digital Map Submission	3/15/06	3-9
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242-202	Definition of "Fence"	1/16/07	3-46
242-308I(1)&(2)	Fences	1/16/07	2-10
242-301 C (10)	Appeal	2/1/07	3-9
242-401D(2)(b)	Side & Rear Yards	2/13/07	4-9
242-306D(1)	Residential Zone: Signs	2/13/07	3-32
242-1105	Pre-Review Application Process	03/13/07	11-3
Zone Change		4/2/08	Map change
242-305C(11)	Handicapped Parking	9/6/08	3-22
242-306C(4)(c)	Double facing sign calculation	9/6/08	3-30
242-306E(7)	Special event sign timeframe	9/6/08	3-36
242-308D	Tag Sale sign timeframe	9/6/08	3-42
242-308I(1)	Fences	9/6/08	3-46
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242-401A(5)	Accessory use location	9/6/08	4-2
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242-405B(5)	Elderly conversion connecting spaces with door	9/6/08	4-49
242-501C(5) (new)	Solar Panels – Industrial & Commercial	9/6/08	5-8
242-501J(2)(a)	Canopy tree definition	9/6/08	5-16
242-202	Definition of "General Retail"	7/30/09	2-11
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242-401 E	Prohibitions in Residential Districts	11/24/09	4-9
242-505 A-L	Town Center District	1/14/10	5-56 – 5-64
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242-303A	General requirement	6/4/10	3-15
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Section #	Title	Revision Eff. Date	Pages
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242-501L	Outdoor Dining Requirements	6/4/10	5-25
242-505E&F	Town Center District (Height Max)	7/28/10	5-58
242-401A(2)	Customary Home Occupation	9/30/10	4-1 & 4-2
242-405A-B	Apartment Units w/in single family dwellings	9/30/10	4-54 thru 4-56
242-404K and Zone Change	Incentive Housing regulations and location	9/30/10	4-46 thru 4-51 and Map Change
242-309C(4)	Non-conforming Uses, Buildings & Lots	4/20/11	3-49
242-401B(13)	Permitted Uses in Residential Zones	4/20/11	4-8
242-404K	Incentive Housing District	4/20/11	4-47 thru 4-49
242-405A	Apartment Units within Single Family Dwellings	4/20/11	4-54
242-501	Table of Permitted Uses	4/20/11	5-2, 5-3 & 5-5
242-505D	Town Center District	4/20/11	5-57
Zone Change	Add IHZ overlay on Oak Meadows Townhouses #201100139	5/5/11	Map Change
242-502E(5)	Aquifer Protection District – Approval considerations	6/16/11	5-29
242-501C	Table of Permitted Uses – remove caretaker’s apt from TCD	9/30/11	5-3
Zone Change	IL80 changed to IRC80/40 north of Junction Rd/Old New Milford Rd/Huckleberry Hill Rd to Route 7 Interchange #201100579	9/30/11	Map change
242-705A-D	Performance Bonding Schedule	10/20/11	7-6 & 7-7
242-305C(11)	Handicapped Parking	12/14/11	3-22
242-501	Table of Permitted Uses	1/19/12	5-3 thru 5-6
242-602 B(2)(b)(1)	Technical Standards/ Lighting	02/09/12	6-3 & 6-4
Zone Change	IHZ overlay on 398 Federal #201200088	9/30/11	Map Change
242-308F	Liquor Outlets	03/28/12	3-43 & 3-44
242-504C(5)	Major Shop Ctrs. Accessory Uses Permitted	03/28/12	5-50
242-504N(1) & (4)	Major Shop Ctrs. Additional Requirements for Support Services	03/28/12	5-55 & 5-56
242-504 O	Major Shop Ctrs. – Project Limitation	03/28/12	5-56
242-501	Table of Permitted Uses	05/30/12	5-2
242-405A, B(3), C	Apt. Units w/in Single Family Dwellings	05/25/12	4-55 thru 4-56
242-502D2(i)	Aquifer Dist. – Automotive & boat sales, repair or storage	9/21/12	5-28
242-501	Table of Permitted Uses	10/4/12	5-6
242-401E	Prohibitions In Residential Districts	10/4/12	4-9
242-505A	Town Center District	10/4/12	5-57

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Section #	Title	Revision Eff. Date	Pages
242-202	Definition - Drive-Through Restaurant	11/01/12	2-9
242-501G (11)	Restaurant, cocktail lounge, cabaret	11/01/12	5-12
242-202	Definition – Open Space	11/01/12	2-18
242-306F(7)	Special Event Signs – Comm. Establishments	11/01/12	3-36
242-306G(6)	Special Event Signs – Shopping Centers	11/01/12	3-38
242-308C(2)	Temporary Event Permit	11/01/12	3-42
242-404K(9)(c)	Town Center District Density Require.	12/07/12	4-49
242-505D(2)	Town Center District Permitted Uses	12/07/12	5-58
242-202	Definition – Yard, Front	01/17/13	2-24
Zone Change	Lots 11, 13 & 15 Orchard St. become R40 Zone #201201074	2/6/13	Map Change
242-404K(4) (7) & (16) and Zone Change	Incentive Housing – Location, Permitted Uses & Modifications to Standards and creation of two Sub-zones #201201033	03/12/13	4-46, 4-47 & 4-51 and Map Change
Zone Change	16 Elbow Hill Rd go from split Zone to IRC 80/40 #201300015	3/21/13	Map Change
242-505 B-H	Town Center District	4/17/13	5-57 thru 5-63
Zone Change	20 Elbow Hill to go from an R-40 Zone to IRC 80/40 Zone #201300338	7/9/13	Map Change
242-404 K(7)	Incentive Housing Permitted Uses	7/29/13	4-48
242-505 F(2)	TCD Design Review Pre-App Review	7/29/13	5-60
242-306C (7)	Signs – Illumination	12/01/13	3-31 & 3-32
242-404I(7)(a)	PARC – number of units	4/20/14	4-40
242-602B(2)(i) & (j)	Light Fixtures and Lighting Intensity	5/15/14	6-3 & 6-4
242-404K	Incentive Housing District	6/1/14	4-46 thru 4-53
242-505 A-L	Town Center District	6/1/14	5-57 thru 5-66
Appendix 3	Design Guidelines & Standards Manual	6/1/14	App. 3 pages 1 thru 39
242-202	Definition of Setback	6/26/14	2-20
242-202	Definition of Structure	6/26/14	2-21
242-202, 242-305F & 242-401A(2)(g)	Commercial Vehicle definition, permitted uses in residential zones and off-street parking	6/26/14	2-7, 2-8, 3-26 & 4-1
Zone Change	Meadowbrook Aquifer Protection Area added to Zoning Map	8/14/14	Map Change
242-404K(7)(b)[1]	IHZ Central Core sub-zone	11/21/14	4-50
242-405 A-G	Apartments Units within Single Family Dwellings	12/15/14	4-55 thru 4-58
Zone Change	19 Station Rd – TCD / Incentive Housing District Overlay; Central Core sub-zone #201401130	1/30/15	Map Change
242-309C(2)	Vertical Expansion	3/6/15	3-51
242-202	Drive-Through Facility definition	3/6/15	2-10
242-501 table 1	Drive Thru Facility	3/6/15	5-5
242-202 & 242-501	Breweries, Microbreweries and Brew Pubs	7/3/15	2-5, 2-18, 5-4, 5-5, 5-10

Zoning District Map Brookfield, Connecticut

December 10, 1993

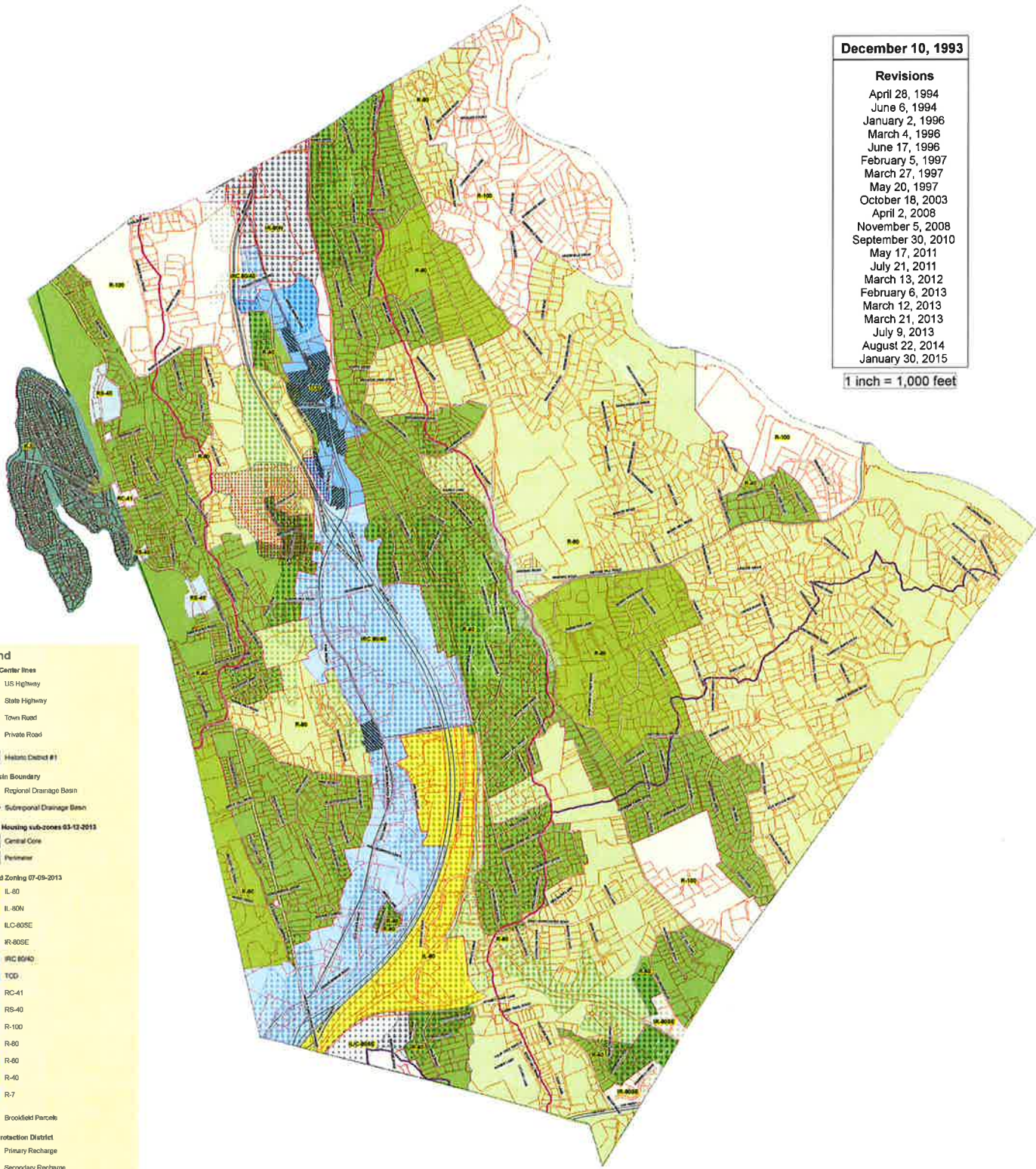
Revisions

- April 28, 1994
- June 6, 1994
- January 2, 1996
- March 4, 1996
- June 17, 1996
- February 5, 1997
- March 27, 1997
- May 20, 1997
- October 18, 2003
- April 2, 2008
- November 5, 2008
- September 30, 2010
- May 17, 2011
- July 21, 2011
- March 13, 2012
- February 6, 2013
- March 12, 2013
- March 21, 2013
- July 9, 2013
- August 22, 2014
- January 30, 2015

1 inch = 1,000 feet

Legend

- Streets - Center Lines
 - US Highway
 - State Highway
 - Town Road
 - Private Road
- Helena District #1
- Local Basin Boundary
 - Regional Drainage Basin
 - Subregional Drainage Basin
- Incentive Housing sub-zones 03-12-2013
 - Central Core
 - Perimeter
- Brookfield Zoning 07-09-2013
 - IL-60
 - IL-80N
 - ILC-80SE
 - IR-80SE
 - IRC-8040
 - TCD
 - RC-41
 - RS-40
 - R-100
 - R-80
 - R-60
 - R-40
 - R-7
- Brookfield Parcels
- Aquifer Protection District
 - Primary Recharge
 - Secondary Recharge
 - IR-80SE
 - Meadowbrook DEEP Aquifer Protection Area



Town of Brookfield, CT - GIS Map

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