

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

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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.

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(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 individual(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.