

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**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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**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]*

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- (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 Heath 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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- (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]*

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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]*

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

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- (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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- [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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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 ( $2 \frac{1}{4}$ ) per acre, or two-bedroom units at one and one-half ( $1 \frac{1}{2}$ ) per acre, or three-or-more-bedroom units at three-fourths ( $\frac{3}{4}$ ) per acre, or any combination thereof. *[amended 6/6/77]*
- (c) **R-80 Zones:**
- one-bedroom units at one and one-half ( $1 \frac{1}{2}$ ) per acre, or two-bedroom units at one (1) per acre, or three- or-more-bedroom units at one-half ( $\frac{1}{2}$ ) per acre, or any combination thereof.
- (d) **R-100 Zones:**
- one-bedroom units at three-fourths ( $\frac{3}{4}$ ) per acre, or two-bedroom units at one-half ( $\frac{1}{2}$ ) per acre, or three-bedroom units at one fourth ( $\frac{1}{4}$ ) 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.