

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Affordable Housing  
§ 242-404H**

**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