

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

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 coastal 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 proving 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) ore preliminary determined by the Secretary of the Interior (SI) a 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 programs 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]*

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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.

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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.

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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).

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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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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

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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.

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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]*

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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]*

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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.

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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]*

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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."