

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Miscellaneous Provisions - § 242-308D-F**

**§ 242-308. Miscellaneous provisions.**

**A. Height limitations:**

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

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

For any proposed construction not subject to Inland Wetlands Regulations<sup>1</sup>, no building shall be constructed nor shall any land be filled within twenty-five feet (25') from the mean shore line of any body of water or stream, except with the approval of the Zoning Commission, giving consideration to any effect of the proposed building or other operation on the flow of such body of water or stream and on possible flooding. This subsection shall not apply to Candlewood Lake nor to Lake Lillinonah. *[amended 8/28/78]*

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

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

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<sup>1</sup> Editor's Note: See Ch. 220 Wetlands and Watercourses.

## TOWN OF BROOKFIELD ZONING REGULATIONS

### Miscellaneous Provisions - § 242-308D-F

#### **Tag sales and auctions:**

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

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

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

##### **(1) Obstructions at street intersections and walkways:**

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

##### **(2) Walkways/Sidewalks:**

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

#### **F. Liquor outlets:**

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

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Miscellaneous Provisions - § 242-308D-F**

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

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

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

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

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

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

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

**ZONING DISTRICTS**

*Measurements in Feet*

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

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

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

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

**H. Emergency Structures, Equipment and Devices:**

(1) **Purpose:**

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

(2) **Site Plan Modification:**

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

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

## TOWN OF BROOKFIELD ZONING REGULATIONS

### Miscellaneous Provisions - § 242-308I-J

#### I. Fences:

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

#### J. Temporary Living Quarters:

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

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Miscellaneous Provisions - § 242-308K-L**

**K. Fees:**

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

**L. Construction:**

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