

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Permitted Uses In Residential Zones – § 242-401A**

**ARTICLE 4.**

**Residential Districts**

**§ 242-401. Permitted Uses in Residential Zones**

The following uses are permitted in all residential districts except that accessory buildings in the R7 district are limited to only garages, boat, beach houses, or sheds of less than 75 square feet in area and 8 feet in height. *[revised 3/8/01, 10/20/02]*

**A. Permitted uses:**

(1) **One-family dwellings.**

(2) **Customary Home Occupation:** *[revised 9/30/10, 6/26/14]*

In accordance with the definition of ‘customary home occupation’ contained in Section 242-202. In granting a Certificate of Zoning Compliance for a customary home occupation, the Zoning Enforcement Officer, shall insure that the use shall:

- (a) Not employ more than two (2) individuals within the dwelling in addition to the resident;
- (b) Occupy a floor area not in excess of twenty-five percent (25%) of the total floor area of the dwelling;
- (c) Conduct all operations within the dwelling;
- (d) Provide that all business related parking is “off-street” and within designated driveways/turn-arounds;
- (e) Create no objectionable: noise, odor, vibrations, unsightly site conditions, electro-magnetic interference in the immediate vicinity, and hazards to neighborhood health safety and general welfare;
- (f) Result in visitations to the site of not more than three (3) vehicle trips per hour, day care centers excluded;
- (g) Change the residential character or nature of the dwelling, site or adjacent properties;

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- (h) Not permit exterior storage of contractor's materials nor exterior parking of contractor's equipment of any kind.

In reaching a decision on an application for a Customary Home Occupation, the Zoning Enforcement Officer shall give due consideration to: *[revised 9/30/10]*

- the nature and magnitude of the business operation,
- the intensity and hours of operations,
- neighborhood traffic considerations,
- adequacy of off-street parking and screening thereof,
- frequency of deliveries or site visitations by clients or outside employees,
- required infrastructure, and
- the number of personnel involved.

The overriding consideration in issuing a certificate is the Zoning Enforcement Officer's perception of the use as not affecting the residential appearance, character and nature of the site and adjacent neighborhood. *[revised 9/9/99, 9/30/10]*

- (3) **The letting of rooms or furnishing of board** in a dwelling by the resident of the premises to not more than two (2) persons, except that more than two (2) persons may be permitted with the approval of the Zoning Commission.
- (4) **Agriculture, farming, silviculture, landscape services, truck or nursery gardening**, including greenhouses incidental thereto. Permitted uses under this subsection may include the maintenance, repair and storage of equipment, implements, machinery and vehicles used in connection with an agricultural operation on the same premises or on premises under the same occupancy and may include a stand for the sale of farm and garden produce raised on the premises, provided that it is located at least twenty feet (20') from the street line to provide off-street parking.
- (5) **Accessory uses** such as **tool and storage sheds, cabanas, playhouses and other similar buildings** which are less than eight feet (8') in height and not more than seventy-five (75) square feet in floor area may be located in the rear and side yard. Such buildings must be setback at least ten feet (10') from the rear lot line and must conform to the normal required side yard lines for the applicable residential district. Buildings greater than or equal to eight feet (8') in height or more than seventy-five (75) square feet in floor area must be located in the rear or side yards. These must conform to the rear and side yard setbacks for the applicable residential district. No accessory use buildings are permitted in the front yard. *[revised 8/28/08, 9/6/08]*

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Livestock/Poultry Farming – § 242-401A**

(6) **Livestock/poultry farming:**

Land, buildings and other structures are permitted for the purpose of raising, livestock and poultry. The minimum acreage for development of livestock/poultry farming is five (5) acres.

(7) **Guest House/Apartment:**

One guest house or apartment may be constructed on the same lot as the principal dwelling providing all required setbacks, yard, coverage and height requirements for the specific zoning district are adhered to. The maximum area of such guest house/apartment shall not exceed 15% of the floor area of the principal dwelling on the lot. Prior to the granting of either a Zoning Approval or Certificate of Zoning Compliance for such a structure, an applicant must have the prior approval of the Town Sanitarian. [11/20/97]

(8) **Noncommercial livestock/poultry:**

- (a) This regulation pertains to the keeping of **livestock/poultry**. For purposes of equating relative sizes of animals and their respective land area requirements, the following equations shall apply:

[1] One (1) animal unit:

- [a] Equals one (1) cow, horse, bull, steer, pony or comparable sized animal.
- [b] Equals two (2) sheep, goats or other comparable sized animals.
- [c] Equals twenty-five (25) chickens, roosters, turkeys, hens or other comparable sized poultry.

[2] Additional equations of animals will be determined by the Zoning Commission as required.

- (b) If **one (1) or more animal units** are kept on the premises, the following conditions shall be met:

- [1] The livestock/poultry must be owned by the residents or owners of the respective property, which shall be a **minimum of eighty thousand (80,000) square feet**.

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[2] For the first animal unit, a minimum of twenty thousand (20,000) square feet will be established exclusively for housing, feeding and buffer area. Approximately one-half (1/2) of this area will be actively used while the other half is left fallow to rejuvenate and reseed. This area must be maintained so as to prevent soil erosion or the contamination of adjoining properties, watercourses or water supplies.

[3] In order to maintain more than one (1) animal unit, the area requirement in Subsection A(6)(b)[2] above shall be increased as follows:

| <b>Animal Units</b> | <b>Minimum Housing, Feeding, Buffer<br/>Acreage Requirements (square feet)</b> |
|---------------------|--|
| More than 1         | 40,000   |
| More than 2         | 120,000  |

[4] **Adequate fencing** shall be installed and maintained to contain the livestock/poultry.

[5] A **fifty-foot (50') buffer**, either in its natural state or landscaped as required elsewhere herein, shall be maintained between the property line and all fencing, corrals, feeding areas, etc. Animals shall not be left unattended within the buffer, and any droppings shall be promptly removed from the buffer strip.

[6] An **appropriate building** shall be provided for the keeping of the livestock/poultry. This building shall be well maintained, periodically cleaned and shall not be unsightly or degrading to the neighborhood. The building shall be centrally located in the rear yard of the premises, and rear and side lot line setback shall be maximized. In no event shall the building be closer than seventy-five feet (75') from any adjacent property line. Temporary animal shelters shall be permitted only for a maximum period of thirty (30) days. All food, supplies and tools shall be stored within the animal building.

[7] All fencing, corrals, feeding areas, etc., and buildings used for livestock/ poultry shelters will have reasonable **foliage screening**, natural or planted, so as to minimize the visual impact of the poultry/livestock habitat from neighboring dwellings.

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- [a] No appreciable detrimental effect on adjoining property values shall occur by virtue of the existence of such livestock/poultry.
- [b] Major or significant substantive objections pertaining to the particular site are not raised at the required public hearing.
- [c] The Town Health Officer has reviewed the application and concluded that there is no danger to public health.
- [d] The fifty-foot buffer strip in Subsection A(6)(b)[5] above may be reduced to twenty-five feet (25') and the seventy-five (75) foot building setback in Subsection A(6)(b)[6] above may be reduced to fifty feet (50'), provided that natural screening exists which, at normal eye level, covers at least twenty-five percent (25%) of the livestock/poultry building, fencing, corral, etc., as seen from neighboring properties, or if the Commission determines that natural screening does not meet the above requirements, then the Commission may grant approval, subject to the addition of specifically designated height, caliper and type of tree plantings to ensure adequate year-round screening.

**B. Other permitted uses:**

The following uses may be permitted, after obtaining Design Review Approval as set forth in Section 242-301C and subject to the following conditions: *[revised 3/8/01]*

- that the Commission shall have found that the proposed use will have no detrimental effect on present and future dwellings in the vicinity;
- that the proposed site planning and landscaping are in harmony with the character of the neighborhood;
- that no conditions will be created which adversely affect traffic safety or the normal movement of traffic;
- that adequate provisions will be made for off-street parking;
- provisions for water supply and sanitary sewage disposal will be adequate;
- and further provided that there shall be a minimum lot area of one hundred twenty thousand (120,000) square feet;

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- a minimum lot width of three hundred feet (300');
  - two (2) side yards of seventy-five feet (75') each in width;
  - a rear yard of fifty feet (50') in depth;
  - a front setback of at least one hundred feet (100') from the center traveled portion of the road;
  - not more than ten percent (10%) of the area of the lot shall be covered by buildings; and
  - no parking or recreation equipment shall be located in any required front or side yard:
- (1) **Schools and colleges** operated by a government unit or nonprofit corporation.
  - (2) **Private schools** for pupils below high school grade, whether operated for profit or not.
  - (3) **Private nursery schools.**
  - (4) **Churches**, parish houses, convents and similar religious buildings.
  - (5) **Clubs, lodges and community houses**, except those of which a chief activity is a gainful service or activity carried on as a business.
  - (6) **Libraries, museums and auditoriums** operated by a governmental unit or nonprofit corporation.
  - (7) **Hospitals, sanatoriums** and similar philanthropic institutions operated by a governmental unit or nonprofit corporation.
  - (8) Privately operated **sanatoriums**, convalescent homes or homes for the aged.
  - (9) **Fire or police stations** and other municipal buildings, such as a post office.
  - (10) **Electric transformer station**, water or sewer pumping stations.
  - (11) **Public parks**, public playgrounds or public recreational areas operated by a governmental unit or nonprofit corporation.
  - (12) A **cemetery** of a church corporation located in the Town of Brookfield.

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- (13) **Multifamily dwellings** in accordance with §242-404 A-J, provided that they are supported by public/municipal sewer and water services (per PCD “Guide to Multi-family Development No. 14.”) *[revised 6/4/10; 4/14/11]*
- (14) **Business and secretarial schools** with dormitories located on the same property as the school building.
- (15) **Antenna(s) and antenna towers** and associated facilities pursuant to the requirements of Chapter 242, Section 312, entitled: “Telecommunication Towers and Antennas” *[added 7/9/98]*

**C. Accessory uses:**

Those customarily incidental to a permitted use.

**D. NEIGHBORHOOD ANTI-BLIGHT REGULATION:** *[revised 10/23/03]*

(1) **Purpose:**

It is the purpose of this regulation to promote and preserve the general health, safety and welfare of the residents and property owners of Brookfield by regulating and preventing, reducing or eliminating litter, junk, trash rubbish, refuse and debris, and other blight or potential blight in the township through the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Town. The regulation is also necessary to prevent any detrimental effect upon the property values of neighboring properties.

(2) **Regulation:**

- (a) Unless otherwise determined by the Commission, uses, items, or materials to be specifically prohibited from placement within any **residential front yard** are:

- [1] A “junk yard” as defined in §242-202 of these regulations.
- [2] “Litter, junk, trash, rubbish, refuse or debris of any kind” as defined in §242-202 of these regulations.
- [3] The parking, storage or accumulation of non-motorized vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof.
- [4] The outdoor storage or accumulation of appliances, televisions or furniture, or parts or components thereof.

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- [5] The parking of any vehicle except within the designated driveways and turn-arounds.
- [6] The parking or storage of mobile homes not meeting the minimum standards for inhabitation by humans.
- [7] The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof.
- [8] The storage or accumulation of:
  - building materials as defined in §242-202 of these regulations (except for a project of specified duration for which a valid building permit has been issued),
  - home or garden supplies in bulk or containerized; and
  - similar materials.

Such items or materials do not include firewood or garbage containers awaiting refuse removal by an authorized waste hauler within fourteen (14) days.

(b) Side & Rear Yards

Items and materials indicated in Section 242-401D(2)(a) above, may be permitted in “side” and “rear” yards provided that they are screened from adjacent properties or from visible roadways by dense tree/shrubs, fencing, or other appropriate screening devices. *[revised 2/13/07]*

**E. PROHIBITIONS IN RESIDENTIAL DISTRICTS:** *[added eff. 11/24/09, revised eff. 10/4/12]*

The following uses, operations, or activities, are specifically prohibited in all Residential Districts and take precedence over any other similar requirements in the existing regulations:

- (1) **Displays:** The exhibition of merchandise, materials or articles associated with a non-residential use within the front yard except as may be permitted by an appropriate permit issued by the Commission.
- (2) **Property of a Contractor/Craftsman Resident Owner:** Any outward evidence of commercial use of the property. All vehicles shall comply with the requirements of “commercial vehicle” defined elsewhere herein.
- (3) **Contracting Equipment:** Equipment such as earthmovers, dump trucks, trailers and the like, maintained or stored on the property after five (5) days from the completion of such projects as: grading, contour changes, wall or driveway construction, tree removal or landscaping and the like.