

Zoning Regulations

Town of Brookfield, Connecticut



Adopted by the Brookfield Zoning Commission

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Article 1 – Introduction

1.1 Authority

These Regulations are adopted under the authority of Chapter 124 of the Connecticut General Statutes (CGS), as amended (Section 8-1 et seq).

1.2 Purpose

These Regulations are adopted for the purposes set forth in CGS 8-2, including:

- A. To guide the future growth and development of the Town of Brookfield in accordance with the adopted Plan of Conservation and Development
- B. To promote the health, safety, and general welfare of the community; lessen congestion in the streets; prevent the overcrowding of land; avoid undue concentration of population; provide adequate light and air; and facilitate the adequate provision for transportation, water, sewerage, schools, parks, and other public improvements.
- C. To divide the Town into districts with considerations as to the character of each district and its suitability for particular uses so as to conserve the value of property and buildings and promote the most appropriate use of land throughout the Town
- D. To protect historic features and existing and potential groundwater and drinking water supplies of the Town
- E. To assure that proper provision is made for sedimentation control and the control of erosion caused by wind or water
- F. To encourage the development of housing opportunities, including opportunities for multiple dwelling units, consistent with soil types, terrain, and infrastructure capacity
- G. To promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and identified housing needs
- H. To encourage energy efficient patterns of development; the use of solar and other renewable forms of energy; and energy conservation in such a way as to preserve the integrity, stability, and value of land and buildings

1.3 Zoning Map

A. Zoning Districts

1. To accomplish the purposes of these Regulations, the Town of Brookfield is divided into different districts as enumerated within these Regulations.
2. The location and boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended from time to time, which is on file in the Office of the Town Clerk.
3. The official Zoning Map is hereby declared to be a part of these Zoning Regulations.
4. Any facsimile of the official map is intended for the convenience of the public only and shall not be considered to be the official Zoning Map of the Town.

B. Boundary Interpretation

If not clearly delineated on the official Zoning Map identified above, district boundaries shall be construed in the following sequence:

1. Following the centerline of a street, railroad, right of way, or easement;
2. Following the property lines of record at the time of adoption of these Regulations or relevant amendments hereto;
3. Where district boundaries are set back from street lines, they shall be considered as running parallel thereto at distances shown or measured; or
4. Following the lines of a particular physical feature including brooks, streams, or ridgelines

In case of any remaining uncertainty regarding zone boundaries on the Zoning Map, the zone boundary shall be determined by the Zoning Commission (Commission).

1.4 Interpretation of Regulations

A. General

1. Should any doubt exist as to the meaning of any provision of these Regulations, the decision and interpretation of the Zoning Commission shall prevail.
2. To assist in the uniform application of the regulations in future cases, a written record of all interpretations rendered by the Commission, or decided by the courts, shall be maintained by the Zoning Enforcement Officer.

B. Prohibited if Not Permitted

1. Any principal use of land, buildings, or structures not expressly permitted by these Regulations in a particular zoning district is prohibited in that district.
2. Any activity not expressly permitted in the Regulations is prohibited.

3. Accessory uses that are not specifically permitted by these Regulations but which are customarily incidental and subordinate to a permitted principal use shall be permitted unless specifically identified as prohibited elsewhere in these regulations, subject to any conditions as may be imposed by these Regulations.

4. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

C. Minimum Requirements

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare unless the context clearly indicates that such provision is intended to be a maximum limitation.

D. Strictest Standards Control

1. In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall be applied.

2. The provisions of these Regulations may be superseded by other local, state, or federal laws or regulations.

3. These Regulations do not release a person from compliance with a more restrictive law, ordinance, easement, covenant, rule, regulation, or permit.

1.5 Conformity

A. Conformity Required

Except as may be otherwise provided in these Regulations (such as for a lawfully existing nonconforming lot or similar circumstance):

1. No building, structure, or land shall be used or occupied except in conformity with these Regulations for the zone in which the land, building, or structure is located.

2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building, structure, or land is located.

3. No land shall be sold or divided in a manner that results in a dimensional standard or any other standard that does not conform to the requirements of these Regulations.

4. No lot shall be diminished in area except in conformity with the provisions of these Regulations.

5. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.

6. No height, building coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.

7. No land shall be sold or divided in a manner that results in a use of all or a part thereof ceasing to conform to these Regulations.

B. Valid Permits

Nothing in these Regulations shall require any change in the plans, construction, or designated use of a building for which a building permit has been issued in accordance with regulations which were in effect on the date the permit was applied for.

1. 6 Nonconformities

A. Non-Conforming Uses

1. Continuance

Any non-conforming use of buildings, structures or land may be continued.

2. Extension, Expansion or Relocation

No non-conforming use of buildings, structures or land shall hereinafter be extended, expanded or relocated on the same lot.

3. Change of Non-Conforming Uses

No non-conforming use of buildings, structures or land shall hereinafter be changed into a new or different non-conforming use, except the Commission, by Special Permit in accordance with Section 8.5, may allow a change from one non-conforming use to another non-conforming use where:

- a. those parts of an existing building site are manifestly designed or arranged for such new or different use.
- b. such new use is not precisely the same as the old use, but the new use is generally similar to the old use;
- c. where the transfer or change does not involve replacing existing non-conforming structures with new non-conforming structures in whole or in part; and
- d. where the new or different use does not constitute the extension or expansion of an old use, or part thereof on the same lot.

4. Discontinuance

No non-conforming use of buildings, structures or land which shall have been voluntarily discontinued with an intent not to reestablish such use or building or structure shall be resumed or replaced by the same or any other non-conforming use. Any building, structure or portion thereof containing a non-conforming use

which has been destroyed or damaged by fire, explosion, act of God or other casualty may be restored and continued as a non-conforming use to the same extent as said use existing before such destruction, provided that such non-conforming use shall not be extended, expanded, or transformed into a different non-conforming use.

5. Use Permitted by Variance

A use of land or of a structure which is not a permitted use in the district in which it is located but which is permitted by variance shall be deemed to be a nonconforming use.

B. Non-Conforming Buildings and Structures

A non-conforming building or structure may not be expanded, extended, relocated or altered if such expansion, extension, relocation or alteration would increase the degree of any nonconformity. Specifically as listed below:

1. Expansion, Extension, Alteration, or Replacement

- a. No non-conforming building or structure shall be relocated on the lot.
- b. No portion of any non-conforming building coverage on a lot shall be transferred from one location to another location on the lot.
- c. No portion of any non-conforming building coverage that is attributable to an open structure without a roof, such as a deck, roof garden, balcony, open entry, handicapped ramp, swimming pool, tennis court, paddle tennis court, etc., shall be roofed over, enclosed or otherwise expanded, extended or altered in any vertical or horizontal direction from a structure into a building.
- d. Any non-conforming building or structure can be strengthened, restored or replaced; however, no portion of an existing building or structure that is nonconforming as to setback shall have the portion of the building or structure within the setback roofed over, enclosed, extended, expanded or altered in any vertical or horizontal direction.
- e. A building or structure which is prohibited by these regulations but which is permitted by variance shall be deemed to be a non-conforming building or structure.
- f. The replacement of entry steps or platforms projecting into the setbacks or in excess of coverage and no larger in area than the existing entry steps and/or platform are not considered an expansion, extension, or alteration.

2. Restoration

Article 1 - Introduction

Any non-conforming building or structure or non-conforming portion of a building or structure which has been destroyed or damaged by fire, explosion, act of God, or by other casualty may be restored or reconstructed to the same non-conforming building or structure as existed before such damage; provided that

- a. such restoration or reconstruction shall be limited to the damaged portion of the building or structure;
- b. such restoration or reconstruction shall adhere to all procedures necessary to obtain a proper Zoning Permit. The owner of such damaged building or structure may replace and reorganize the same amount of gross interior floor space in a manner to more nearly conform to these regulations.
- c. such restoration or reconstruction of any structure within the Special Flood Hazard Area as defined herein shall comply with Section 5.5.

3. Unsafe Conditions

Nothing herein shall prevent the strengthening or restoring to a safe condition of any existing non-conforming building, structure or any part thereof which shall have become unsafe as determined by the Building Inspector or Fire Marshal.

C. Non-Conforming Lots

1. New buildings or Structures

A new building, structure or use, or an addition to an existing structure on a non-conforming lot shall comply with all applicable requirements of the zoning district in which it is located.

2. Adjoining Lots

If two or more adjoining lots of record, one or more of which are undeveloped and fail to meet the requirements of these regulations with regard to lot area and/or lot shape, were in the same ownership on June 15, 1960 or subsequent date, and if such lots taken together would form one or more lots, each more nearly meeting the requirements of these regulations with regard to lot area and lot shape, such lot or lots shall merge and shall no longer be considered legally existing as separate lots and must be combined and used in compliance with the present lot area and lot shape requirements irrespective of subsequent changes in ownership.

1. 7 Validity, Separability, and Effective Date

A. Provisions Severable

If any provision of these Regulations is ruled by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

B. Effective Date

These Regulations and any amendment or change hereto shall be in full force and effect from the date established by the Commission in accordance with the CGS.

The effective date of these Regulations is **2018-December-21**.

Article 2 - Definitions

2.1 Introduction

For the purposes of these Regulations, the terms, phrases, and words used in these Regulations shall be construed as defined in this section unless the Commission finds that the term, phrase, or word is otherwise clearly qualified by its context.

A. General Terminology and Use of Words

When consistent with the context, the following rules apply:

1. The word "shall" is mandatory.
2. The word "may" is permissive.
3. Words used in the present tense include the future and vice versa.
4. Words in the singular include the plural and vice versa.
5. Words in the masculine include the feminine, neuter, and vice versa.
6. The words "parcel," "property," "lot," "plot," and "premises" have the same meaning.
7. The words "occupied" or "used" include the words "designed, arranged, or intended to be occupied or used."
8. The words "zone," "zoning district," and "district" have the same meaning.
9. The word "person" also includes a partnership, association, trust, corporation, or other legal entity.
10. The word "lot" includes the word "plot."
11. The word "built" includes the words "erected, constructed, reconstructed, altered, enlarged, and moved."

B. Terms Not Defined

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended
2. The CGS, as amended
3. A comprehensive general dictionary

C. Text to Control

In the case of any difference of meaning between the text of a Regulation and any caption, illustration, or table, the text shall prevail.

D. Acronyms

For the purposes of these Regulations, the following terms are abbreviated as follows:

- Connecticut Department of Energy and Environmental Protection - DEEP
- Connecticut Department of Public Health – DPH
- Connecticut Department of Transportation – DOT
- Connecticut General Statutes – CGS

2.2 Defined Terms

ACTIVE RECREATIONAL AREA

An area containing appropriate structures and facilities for recreational purposes.

ADULT ORIENTED BUSINESS

A business related to adult oriented entertainment, which includes, but is not limited to, adult bookstores, adult mini-motion picture theaters, adult cabaret, novelty businesses or other personal service businesses.

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 18 years or older.

ADULT CABARET

An Adult Cabaret is a public or private establishment that is licensed to serve food and/or alcoholic beverages and that 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.

ADULT MINI-MOTION PICTURE THEATER

Adult Mini-Motion Picture Theater is an enclosed building with a capacity of less than 50 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.

ADULT MOTION PICTURE THEATER

An Adult Motion Picture Theater is an enclosed building with a capacity of 50 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.

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.

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 public utility.

APARTMENT

Any building or any integrated group of buildings under the same ownership arranged, intended, or designed to be occupied by two or more families living independently of each other.

AQUIFER

A geologic formation composed of rock or sand and gravel capable of yielding usable amounts of water.

AQUIFER PROTECTION ZONE (BROOKFIELD)

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.

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.

AVERAGE GROUND LEVEL

See Height

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

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.

BASEMENT

Any area of the building having its floor subgrade below the average exterior finished ground level when measured within ten feet 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.

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 through a door from a common area, not through a room already deemed a bedroom. It normally contains at least one egress window and a closet. Dens, home offices, libraries, and the like are not considered bedrooms.

BOAT DOCK/MOORING, PRIVATE

A structure or anchored device used for the mooring of not more than two boats or yachts of more than 12 feet in length registered only to the landowner/resident of the property adjacent to such boat dock/mooring.

BREWERY

A manufacturing facility as defined in CGS § 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.

BREW PUB

A brewery or microbrewery with a restaurant and/or a tasting room; a facility as defined in the CGS § 30-16(f) and (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.

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 years a visual barrier. No roads or drives (except for street access across such "buffer strips"), 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 that has a roof and is supported by walls on all sides.

BUILDING, ACCESSORY

Any building that is subordinate to and whose use is customarily incidental and accessory to the use of the principal building on the same lot including, but not limited to, a shed, detached garage, or cabana or poolhouse. *[amended eff. 2019-Apr-19]*

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. Calculations include the width of the exterior walls.

BUILDING COVERAGE

See Coverage

BUILDING HEIGHT

See Height

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.

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.

BUILDING, NONCONFORMING

A building, the size or location of which is not permitted by any provision of these Regulations for the district in which such building is located but which was legally in existence at the effective date of these Regulations or the applicable provision which resulted in the nonconformity, or was subject to variance approval.

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 measured 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 courtyards, decks, and patios; and other facilities considered by the Commission not to be a useable part of the building (e.g. mechanical rooms). This term is often used in the calculation of required parking, the determination as to whether a Special Permit is required, building size limitations, and similar "size" calculations.

COMMERCIAL

Sale or exchange of goods, commodities, and/or personal or professional services.

COMMERCIAL USE

Activity involving the sale of goods, commodities and/or personal or professional services carried out for profit.

COMMISSION

The Zoning Commission of the Town of Brookfield, Connecticut.

COMMUNITY SERVICE FACILITY

A noncommercial establishment intended primarily for the benefit and service of the community in which it is located. Such facilities may include, but are not limited to, community centers, community health clinics, senior centers, WMCA or YWCA facilities, and boys and girls clubs.

CONDOMINIUM

Any building or any integrated group of buildings in a common interest community (as defined by CGS Chapter 828) arranged, intended, or designed to be occupied by three 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 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 materials acquired in anticipation of their use at remote locations.

COURTYARD

An open space, other than a yard, on the same lot with a building, which space is bounded on three sides by the walls of the building.

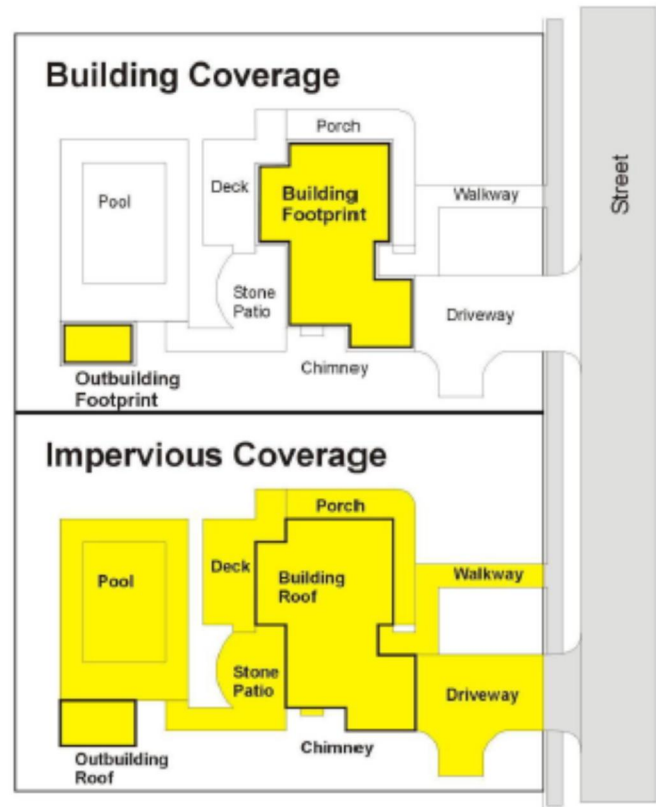
COVERAGE

Building Coverage – The total area of a parcel covered by buildings or roofed areas as measured along the outside wall at ground level.

Impervious Coverage – Total area of a parcel covered by impervious surface.

Impervious Surface – A hard, man-made surface that prevents the percolation of stormwater into the soil including building roofs, driveways, parking lots, sidewalks and other paved surfaces, swimming pools, and other impenetrable surfaces.

Pervious Surface - A surface area that consists of porous or noncompacted loose material that allows water to pass through and infiltrate the underlying soil. Examples are manufactured pervious pavers and parking spaces, loose gravel, rocks, and sand. It can be a monolithic slab of porous material if installed and maintained per manufacturer's specifications.



CUL-DE-SAC

A street open at only one end.

CUSTOMARY USES

Accessory uses and structures that are customarily and reasonably incidental to a permitted principal use on the same premises (such as tool and storage sheds, garages, a swing set, child play structure, doghouse, or birdbath on residential lots).

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 is not permitted under this section.

DAY CARE (as per CCGS §19a-77(b) and as may be amended)

Child Day Care – Provider of supplementary care to more than twelve related or unrelated children outside their own home on a regular basis.

Family Day Care – Private family homes caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three, nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis.

Group Day Care – Provider of a program of supplementary care (A) to not less than seven or more than twelve related or unrelated children on a regular basis, or (B) that meets the definition of a family day care home except that it operates in a facility other than a private home.

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 related 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.

DISCHARGE

Any accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of any material into or on any land or water.

DISTURBED AREA

An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

DOMESTIC ANIMAL

An animal normally adapted to live and breed in a tame condition.

DRAINAGE STRUCTURE

Any structure (culvert, pipe, swale, etc.), including both naturally occurring and man-made, that conducts drainage.

DRIVE, LOCAL ACCESS

Any drive or roadway that services less than the proposed project as a whole or the majority of residents.

DRIVE, MAIN ACCESS

Any drive or roadway that serves the proposed project as a whole or the majority of residents.

DRIVE-THRU FACILITY

A drive-thru facility is, and is limited to, a use that is accessory to a principal permitted or specially permitted use and such drive-thru facility allows a restaurant or retail business to dispense food, beverages, products, goods, or services from within a building to patrons or customers who remain in motor vehicles.

DUPLEX

A residential building containing two dwelling units. See also Dwelling, Two-Family.

DWELLINGS

Dwelling, Attached

A dwelling unit separated from other dwelling units in the same building by a continuous vertical party wall which extends from foundation to roof, without openings except for utilities.

Dwelling, Detached

A dwelling unit surrounded on all sides by yards.

Dwelling, Multiple

A group of dwelling units on one lot containing separate dwelling units for three or more families, having separate or joint entrances, services, or facilities.

Dwelling, One-Family

A detached dwelling unit designed for or occupied solely as a dwelling for one family.

Dwelling, Two-Family

A detached building designated or occupied solely as dwelling units for two families living independently of each other.

Dwelling Unit

One or more rooms in a residential structure, which room or rooms is (are) arranged, designed, used, or altered for use by one family, said room or rooms containing kitchen or kitchen area and a bathroom with bathtub and/or shower, a toilet and sink. The term shall not be deemed to include units in a hotel, motel, or rooming house.

ELDERLY

A status attained by a resident beyond the age of 55.

EROSION

The wearing away of the land surface by running water, wind, ice, or other geological agents, including processes such as gravitational creep.

FALL ZONE

The potential fall area for a small wind energy system. It is measured by using 120 percent 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 persons keeping house together but not necessarily related by blood or marriage may be considered a "family."

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the national flood insurance program.

FENCE

A physical barrier to separate or enclose a specific portion or portions of a lot.
See Fence Height, under Height

FIREARM

See CGS and State Regulations

FIREARM ACTIVITIES

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.

FIREWORKS

See CGS § 29-356. For the purposes of these Zoning Regulations, fireworks shall specifically include both "sparklers" and "fountains" as both of these terms are defined in CGS § 29-356.

FLICKER

See Small Wind Energy Systems

FLOODING-RELATED TERMS

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.

Flood Boundary and Floodway Map (Floodway)

The official map on which FEMA has delineated the boundaries of the floodway.

Flood Insurance Rate Map (FIRM)

The official map on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study

The official report from FEMA which contains examination, evaluation, and the determination of flood hazards and if appropriate, the corresponding water surface elevations.

Floodplain

The area adjacent to a river or stream that is flooded in the regulatory flood. The "Floodplain" includes the floodway and is bounded by the limits of the regulatory flood (100-year floodplain).

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.

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.

New Construction

Structures for which the "Start of Construction" commenced on or after the effective date of the FIRM, June 15, 1979, and including any subsequent improvements to such structures.

Regulatory Flood

A flood that is representative of large floods known to have occurred in the area and which is reasonably 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 Regulations in Section 5.5 of these Regulations.

Regulatory Flood Protection Elevation

The elevation to which uses regulated by these Regulations are required to be elevated or floodproofed.

Water Surface Elevation

Height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), of water within the floodplain areas of coastal or riverine areas.

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.

GENERAL SOIL TYPE

The predominant soil type in a zoning district and its accompanying characteristics.

GROUNDWATER

Water in the subsurface zone beneath the water table in which all pore spaces are filled with water.

GROSS VEHICLE WEIGHT (GVW)

GVW shall mean the total vehicle weight including vehicle, body, passengers, cargo, accessories, etc.

HAZARDOUS MATERIALS

Hazardous or contaminant material shall mean any substance or mixture of physical, chemical, or infectious characteristics posing a significant actual or potential hazard to water supplies or other hazards to human health if such substances or mixtures were discharged to land or water. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under CGS and CT DEEP, and also includes such products and solvents and thinners in quantities greater than normal household use.

HEALTH AND FITNESS CENTER

Indoor facilities for providing 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.

HEIGHT

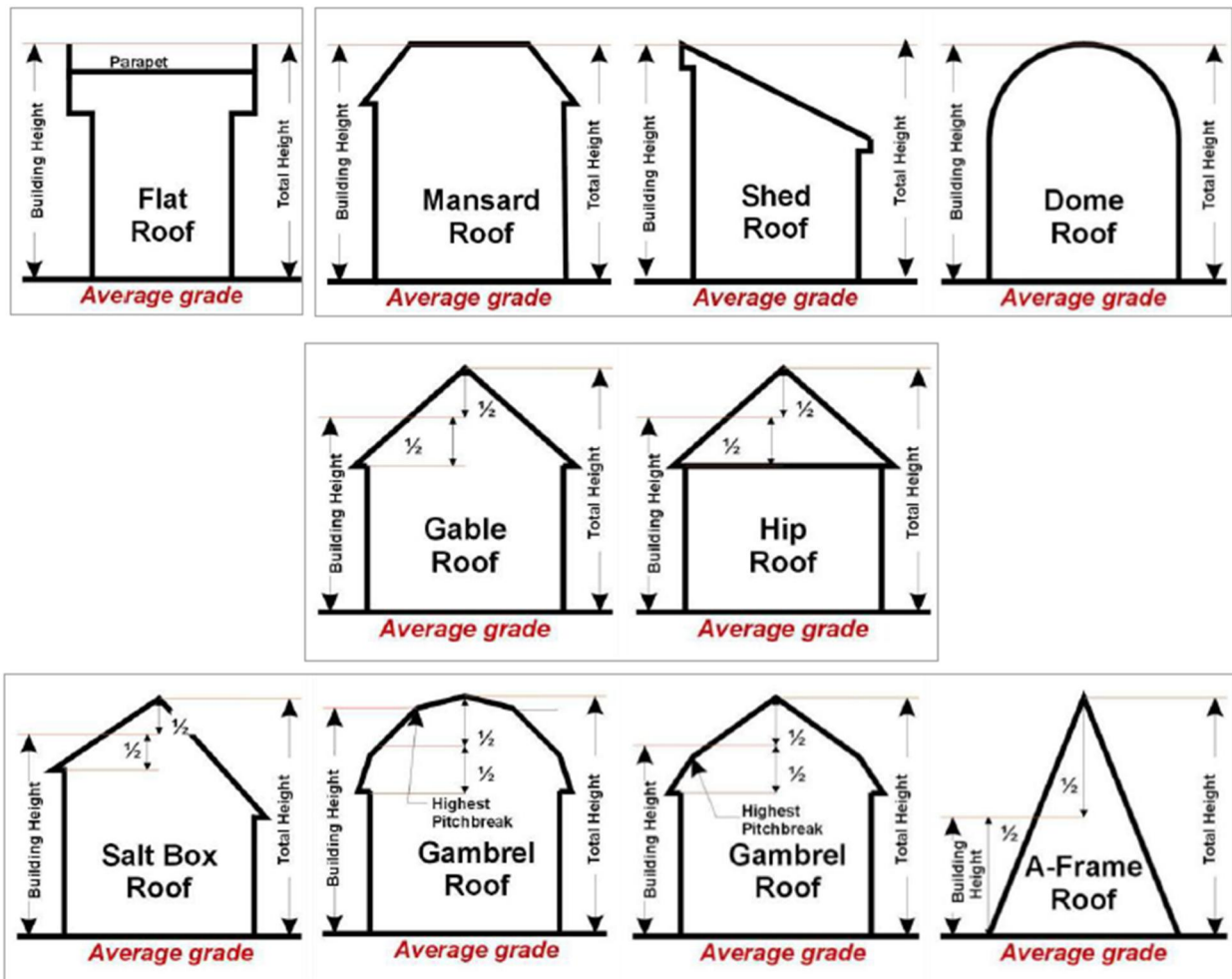
Average Ground Level

A reference plane established by the average of the ground level as measured at the base of all of the exterior walls. Measurements shall be taken at intervals of ten feet around the perimeter of the building or structure.

Building Height

In measuring the height of a building or other structure to determine compliance with maximum height provisions, measurements shall be taken from the lower of either the pre-existing average ground level or the finished average ground level at the base of the building or structure to the:

- highest point of mansard, dome (curvilinear), shed, or flat roofs, including any parapets; or,
- the mean level between the eaves and ridge of gable, hip, or A-frame roofs; or,
- the mean level between the highest eave and the ridge of a saltbox, or the highest pitch break for a gambrel roof.



Fence Height

The vertical distance measured from the side of the fence that is interior to the property from the ground directly below the fence to the top of the fence panel excluding support posts and ornamental features that do not extend more than 8 inches above the fence panel. Where the grade below the fence has been altered for the sole purpose of elevating the fence, the measurement shall be taken from the original grade. Allowance may be made for variations in height along the length of the fence due to uneven terrain so long as the majority of the fence sections do not exceed the maximum height requirement and the panel itself does not exceed eight feet in height. In the case of a fence on or within three feet of a retaining wall, fence height shall be measured including the height of the retaining wall, unless the fence shall be deemed necessary for safety by the Zoning Enforcement Officer. If a fence is setback at least three feet from the face of the retaining wall, the fence height shall be measured from the base of the fence.

HISTORIC DISTRICT

A historic district established pursuant to CGS Chapter 97a.

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) or preliminarily determined by the Secretary of the Interior (SI) as 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 historic preservation programs that 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) a state program as determined by the SI or (2) directly by the SI in states without an approved program.

HOTEL

See Lodging

HOTEL, EXTENDED STAY

See Lodging

HOUSEHOLD PET

An animal customarily housed within the confines of a dwelling.

IMPERVIOUS COVERAGE/ SURFACE

See Coverage

INDOOR SPORTS COURTS

Indoor facilities for the playing of such sporting activities and games as basketball, volleyball, racquetball, handball, tennis, soccer, batting practice games, swimming and other similar events requiring group participation. The courts/pool shall be of such size and dimensions as specified by the rules governing the playing of such sports.

INSTITUTIONAL USE

A public or quasi-public use or facility incorporated as a public benefit not-for-profit corporation and which qualifies for exemption under the Internal Revenue Code, typically including houses of worship, libraries, public or private schools, or hospitals. The term shall exclude those institutions which are penal or correctional institutions, domiciliary care facilities, community residences, or institutions owned or operated by a government agency.

JUNKYARD

Any junkyard, motor vehicle junk business, and motor vehicle junkyard as defined by CGS. The term shall also include any place of outside storage or deposit, whether in connection with a business or not, for two 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 automobile. In residential districts and recreational districts, however, the term shall also include the outside storage of more than one 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 that has not been a part or is not intended to be a part of any motor vehicle is stored or deposited.

KENNEL

Any premises on which four or more dogs, four months old or older are kept.

LAND TREATMENT

Any groundwork, including filling, grading, and draining, necessary to comply with Section 6.5 of these Regulations.

LANDSCAPING AND RELATED TERMS

Berm

A raised, sloped landscape device made of earthen material designed to provide visual separation between areas and which may contain planted materials and such natural landscape architectural features as boulders, sculptures, timbers, or stone walls, and arranged to the satisfaction of the Commission.

Evergreen Tree

A coniferous species of tree with an expected mature height greater than 20 feet.

Ground Cover

Plant materials generally not in excess of ten inches in height and used for decorative purposes or for their soil stabilization characteristics. Such materials include but are not necessarily limited to ivy, pachysandra, crown vetch, ground pine, and similar materials.

Lawn

An area planted and maintained in perennial grass. The selection of soils, sod, or grass seeds and maintenance practices shall result in lawn areas typical of lawn areas in adjacent residential zones.

Shade Tree

A deciduous tree with an expected mature height of 35 feet or greater.

Shrub

A deciduous or coniferous species of plant with a mature height of at least six feet.

Understory Tree

A deciduous tree with an expected mature height of 12 feet.

LIMITED ENTERTAINMENT AREA

See Restaurant-Related Terms

LIVESTOCK/POULTRY FARMING, COMMERCIAL

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.

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.

LODGING

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.

Hotel, Extended Stay

A building designed as a hotel, generally intended to accommodate longer lengths of stay, where all guest rooms are fully furnished and have a full kitchen.

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 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.

Short-Term Rental

The temporary rental of a dwelling unit or part of a property for occupancy by someone other than the unit's owner or permanent resident for no more than 14 consecutive days during any six-month period, with no property being used for such temporary rental more than three times during any six-month period.

LOT AND RELATED TERMS

Lot

A plot or parcel of land occupied or capable of being occupied by one or more permitted buildings, 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 or more streets where the angle of intersection is not more than 135 degrees or where the intersection

is rounded by a curve having a radius of less than 100 feet. A corner lot shall be deemed to have two front yards and two side yards but no rear yard.

Lot Coverage

See Impervious Coverage in Coverage

Lot, Frontage

The distance measured along the street line(s) of a parcel of land.

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 50-foot-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 "front yard," "side yards" and "rear yards" for the applicable zoning district provided.

Lot Line

The established division line between lots or between a lot and a street.

Lot Line, Front

The street lot line, the lot line located adjacent to the accessway providing access to the lot, or the lot line most parallel to the street that provides access to the lot.

Lot Line, Rear The lot line located most directly opposite and at a maximum distance from the front lot line.

Lot Line, Side

A lot line that is not a front lot line or a rear lot line. 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, Nonconforming

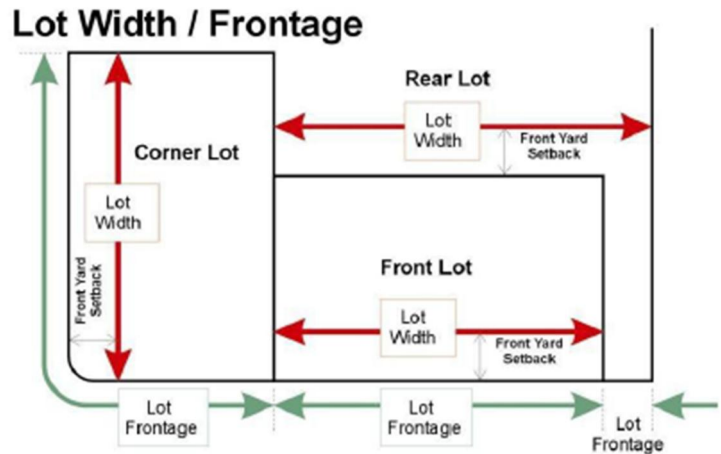
A lot, the size and location of which is not permitted by any provision of these Regulations for the district in which such lot is located, but which was legally in existence at the effective date of these Regulations, or subject to variance approval.

Lot, Through

A lot other than a corner lot which abuts two or more streets which do not intersect at the lot.

Lot Width

The distance in a straight line between the side lot lines measured at the front setback.



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 that are below base flood elevation.

MANUFACTURED HOMES

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 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) is completed before June 15, 1979, the effective date of the initial floodplain management ordinance adopted by the community.

Manufactured Home

A residential structure transportable in one 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 180 consecutive days or longer.

Manufactured Home Park or Subdivision

A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MARINA

An area of a waterway, lake, or pond and associated shoreline used for the commercial 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.

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.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the NAVD of 1988 or other datum to which base flood elevations shown on the FIRM are referenced.

MEDICAL MARIJUANA DISPENSARY

A facility which is a place of business where marijuana, as defined by CGS, may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit to an applicant under CGS § 21a-408 et seq. and § 21a-408-1 to 21a-408-70, inclusive, of the Regulations of the Connecticut State Agencies.

METEOROLOGICAL 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 CGS § 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.

MIXED-USE DEVELOPMENT

A development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office, or industrial uses.

MOTEL

See Lodging

NATURAL RESOURCE REMOVAL

Activities that involve withdrawing materials from the natural environment. Such materials may include, but are not limited to, trees, soil, sand, gravel, oil and water.

NEIGHBORHOOD

A group of adjoining properties and/or buildings having similar predominant characteristics and qualities.

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."

OPEN SPACE

A space, not occupied by a building or other structure, on the same lot as the principal building.

PARKING-RELATED TERMS

Gross Parking Lot Area

The cumulative total square footage of all areas dedicated for vehicle parking or loading, including all individual parking spaces, loading spaces, end and intermediate islands, and building separation buffers adjacent to parking spaces but excluding aisles, internal drives, and building separation buffers not adjacent to parking spaces.

Parking Area

An open space used for parking motor vehicles exclusively and in which no gasoline or motor vehicle accessories are sold and no other business is conducted.

Parking Space

An off-street space available for the parking of one motor vehicle. (See Table 6.1 of these Regulations for required dimensions.)

PERSONAL SERVICE BUSINESS

A service business whose principal use is the provision of services of a personal or domestic nature relating to the repair, adjustment, alteration, cleaning, or servicing of items owned by or being provided to an individual customer, including, but not limited to, barbershops, beauty salons, nail salons, day spas, clothing rental, photographic studios, garment repair, shoe repair, and tailoring.

Personal service businesses are primarily engaged in the provision of services rather than the sale of products.

PERVIOUS SURFACE

See Coverage

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.

PUBLIC TRANSPORTATION

A use or structure that facilitates the transportation of the general public, including but not limited to bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like.

RECREATIONAL VEHICLE

Recreational vehicle (a.k.a. park trailers, travel trailers, and similar transportable structures) means a vehicle which is:

- (1) built on a single chassis,
- (2) 400 square feet or less when measured at the longest horizontal projections,
- (3) designed to be self-propelled or permanently towable by a truck,
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- (5) maintained fully licensed and ready for highway use. If recreational vehicle remains on the site for 180 consecutive days or longer, it shall be considered a manufactured home.

RESTAURANT-RELATED TERMS

Limited Entertainment Area

Restaurant floor area devoted at any time to the combined uses of cocktail lounge, bar, dance floor, stage, or standing room for the viewing of entertainment, not to exceed 25 percent of the gross floor area (including storage areas) of the restaurant.

Restaurant

A business establishment where prepared food is served and sold.

Restaurant, Fast Food

A restaurant characterized by high customer turnover; payment upon order or receipt of food; sales of foods and nonalcoholic beverages for on- or off-

premises consumption; and foods and beverages preprepared or available after a short waiting period and primarily served in or on disposable wrappers, containers, or plates.

Restaurant, Sit-Down

A restaurant characterized by low customer turnover, sales of hot meals and alcoholic beverages for on-premises consumption, generally with table service, and may also include limited entertainment areas (see also Limited Entertainment Area).

Restaurant, Limited Service

A restaurant characterized by low to moderate customer turnover; sales of food and beverages that may include alcoholic beverages limited to beer and/or wine only; and no limited entertainment areas. Limited-service restaurants shall include but not be limited to cafeterias, caterers serving a la carte meals, coffee shops, delicatessens, donut shops, ice-cream parlors, snack bars, and other similar food service establishments.

SEASONAL BUSINESS

A business in operation at intervals and affected by or depending on a season.

SEDIMENT

Fragmental material transported by, suspended in, or deposited by water or air or accumulated in beds by other natural agents.

SETBACK

The shortest distance between any part of the building or structure and the nearest property line. 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 in height, not more than five feet from the outside perimeter wall, and not more than six feet in length. The above exclusions do not apply in the R-7 district.

SHORT-TERM RENTAL

See Lodging

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.

See also Window Sign

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 Section 8.4. Such drawing shall meet the accuracy of a Class A-2 survey.

SITE PLAN, LANDSCAPED

A detailed landscaping plan showing all grading, drainage, fences, walls, shrub and tree plantings, and other landscape features.

SMALL WIND ENERGY SYSTEM RELATED TERMS

Flicker

The moving shadow created by the sun shining on the rotating blades of the wind turbine.

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.

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 on-site consumption.

Total Height

The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

Tower

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.

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.

SOLID WASTE

Unwanted or discarded materials, including solids and containerized liquid or gaseous materials.

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 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.

STORY

See the State Building Code

STORY, HALF

See the State Building Code

STRATIFIED DRIFT

Unconsolidated, sorted sediment composed of layers of sand, gravel, silt, or clay, deposited by meltwaters from glaciers.

STREET

Any road, highway, avenue, land, or right-of-way providing access to one or lots.

STREET LINE

The line dividing the street and the lot.

STRUCTURE

Anything constructed or erected that 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 man-made facilities or infrastructures. Fences and walls equal to or less than eight feet in height shall not be considered a structure under this definition.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its predamaged condition would exceed 50 percent of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any combination of repairs, reconstruction, alterations, or improvements to a structure taking place over a five-year period, in which the cumulative costs equal or exceed 50 percent 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.

TAVERN

An establishment where liquor is sold to be consumed on the premises, including cocktail lounges but not including nightclubs and discotheques.

TOURIST CABIN

A furnished residential structure with or without kitchen facilities containing not more than two 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."

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 as such principal use or building.

USE, NONCONFORMING

Any use of land or building that is not permitted by these Regulations 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 CGS §8-6 and § 8-7.

VIOLATION

A failure of any use, structure or lot 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 are deemed to be in violation until such time as all required documentation is reviewed and all required approvals obtained.

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 in width and otherwise compatible with Americans with Disabilities Act (ADA) requirements.

WINDOW SIGN

A sign that is attached to the inside of a window or placed in a manner that the primary view is through a window. Signs attached to the outside of a window are considered wall signs.

YARD-RELATED TERMS

Yard, Depth or Width

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, extending the full width of the lot or, in the case of a corner lot, extending along all streets.

Yard, Rear

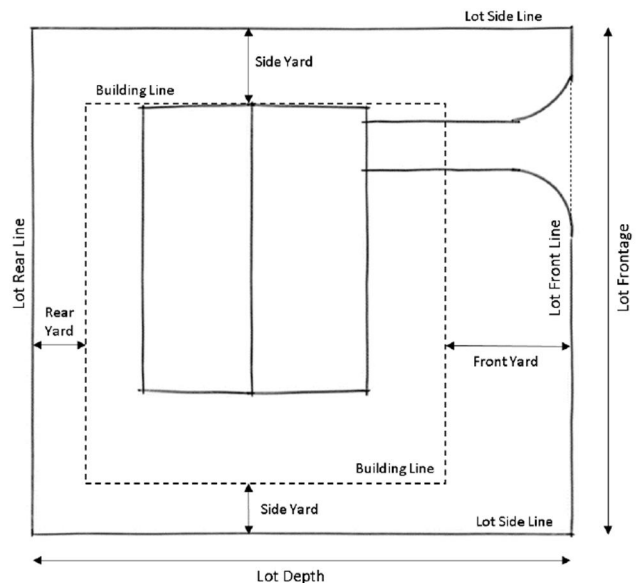
An open space between the building and the rear lot line, extending the full width of the lot.

Yard, Required Front, Side or Rear

So much of the front, side, or rear yard as is required by the applicable provisions of these Regulations.

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."



Article 3 – Residential Districts and Uses

3.1 Purpose

The Residential Districts (R) are intended to provide suitable areas primarily for residential uses and development appropriate to the environmental characteristics of the land and character of the neighborhood. The primary difference between the various Residential districts is to provide a variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.

Certain nonresidential uses may be allowed in Residential districts when it can be demonstrated that such uses are compatible with nearby residential uses and preserve neighborhood character and property values.

3.2 Residential Districts (R)

The following zoning districts constitute the (R) districts, intended primarily for single-family residential development and accessory uses.

- R-7
- R-15
- R-40
- R-60
- R-80
- R-100

3.3 Principal Uses and Structures

| A. Permitted As of Right | Additional Requirements (Section) |
|---|-----------------------------------|
| 1. Conservation Uses - open space, natural areas, and preserved lands including wildlife sanctuaries, flood protection facilities, conservation areas, pedestrian or bicycle greenway trails, and other lands in natural conditions | |
| 2. Agricultural uses | 3.8 |

Article 3 – Residential Districts and Uses

| B. Permitted by Zoning Permit | Additional Requirements (Section) |
|--|--|
| 1. One single-family dwelling per parcel | |
| 2. The letting of rooms or furnishing of board in a dwelling unit by the resident of the premises to not more than two persons, except that more than two persons may be permitted with the approval of the Commission | |
| 3. Short-Term Rentals | 3.19 |

| C. Permitted by Special Permit | Additional Requirements (Section) |
|--|--|
| <i>Residential Type Uses</i> | |
| 1. Conservation Subdivisions | 3.13 |
| 2. Multi Family Dwellings | 3.14 |
| 3. Planned Age Restricted Community (PARC) | 3.15 |
| 4. Group day care home licensed by the State of Connecticut | 3.18 |
| <i>Community/ Institutional-Type Uses</i> | |
| 1. Schools and colleges operated by a government unit or nonprofit corporation | 3.3D |
| 2. Private schools for pupils below high school grade, whether operated for profit or not | 3.3D |
| 3. Private nursery schools | 3.3D |
| 4. Child care centers licensed by the State of Connecticut | 3.3D |
| 5. Churches, parish houses, convents and similar religious buildings | 3.3D |
| 6. Clubs, lodges, and community houses, except those of which a chief activity is a gainful service or activity carried on as a business | 3.3D |
| 7. Libraries, museums, and auditoriums operated by a governmental unit or nonprofit corporation | 3.3D |
| 8. Hospitals, sanatoriums, and similar philanthropic institutions operated by a governmental unit or nonprofit corporation | 3.3D |
| 9. Privately operated sanatoriums, convalescent homes, or homes for the aged | 3.3D |
| 10. Fire or police stations and other municipal buildings, such as a post office | 3.3D |
| 11. Electric transformer station, water or sewer pumping stations | 3.3D |
| 12. Public parks, public playgrounds, or public recreational areas operated by a governmental unit or nonprofit corporation | 3.3D |
| 13. A cemetery of a church corporation located in the Town of Brookfield | 3.3D |
| 14. Antenna(s) and antenna towers and associated facilities | 3.3D |

D. Community/Institutional-Type Uses

The community/institutional-type uses permitted in this section are subject to the following property conditions:

- There shall be a minimum lot area of 120,000 square feet;
- a minimum lot width of 300 feet;
- two side yards of 75 feet each in width;
- a rear yard of 50 feet in depth;
- a front yard setback of at least 75 feet from the front lot line;
- not more than ten percent 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.

In permitting these Community/Institutional-Type Uses, the Commission shall find that:

- The proposed use will have no detrimental effect on the property value of present and future dwellings in the vicinity;
- the proposed site planning and landscaping are in harmony with the character of the neighborhood;
- no conditions will be created which adversely affect traffic safety or the normal movement of traffic;
- adequate provisions will be made for off-street parking; and
- provisions for water supply and sanitary sewage disposal will be adequate.

3.4 Accessory Uses and Structures**A. General Limitations**

1. Accessory buildings, structures, and uses shall be located on the same lot as the principal building, structure, or use to which they are accessory.
2. Accessory buildings, structures, and uses shall not be located on a lot without the establishment of a permitted principal use, nor shall any new lot be created that has an accessory building, structure, or use without a principal use.
3. Accessory uses are permitted as provided in this section provided that:
 - a. Accessory buildings shall be included in the maximum building coverage specified in Section 3.5.
 - b. Accessory structures shall comply with the minimum rear and side yard setbacks specified in Section 3.5 and shall not be located in the front yard. *[amended eff. 2020-Apr-27]*

Article 3 – Residential Districts and Uses

4. Proposals for accessory structures and buildings requiring a permit under this section shall obtain prior approval of the proposed location from the Town Sanitarian.

| B. Permitted As of Right | Additional Requirements (Section) |
|--|--|
| 1. Customary uses - accessory uses and structures less than eight feet in height and not more than 75 square feet in area | 3.6 |
| 2. Parking of up to six automobiles is permitted outside in the residential driveway, but not otherwise within the front yard or on the town right-of-way or any easement giving access to the property. All such vehicles shall be owned or operated by a permanent resident or owner of the property on which parked. Parked vehicles shall be registered, except up to one unregistered vehicle may be allowed. | |
| 3. Limited farm stands | 3.8 |
| 4. The keeping of farm animals for personal use and enjoyment | 3.8 |
| 5. Domestic animals kept as pets by residents for their personal enjoyment, excluding hoofed animals or poultry | |
| 6. Recreational equipment storage | 3.1 |

Article 3 – Residential Districts and Uses

| C. Permitted by Zoning Permit | Additional Requirements (Section) |
|--|--|
| 1. Customary uses: <i>[amended eff. 2019-Apr-19]</i> | |
| a. Accessory uses and structures. | |
| b. Buildings with an area not more than: | 3.6 |
| 1: 300 square feet for an Accessory building (such as a shed), | |
| 2: 900 square feet for a Detached Garage or Pool House, | |
| 3: 1,200 square feet for a Barn, | |
| except that buildings with areas greater than the above may be permitted with the approval of the Commission with submission of a Site Plan. | |
| 2. Commercial Vehicle Parking - Only one commercial vehicle not exceeding 13,000 pounds gross vehicle weight (GVW) may be parked or garaged on a residential lot | 3.11 |
| 3. Farm stands | 3.8 |
| 4. The keeping of poultry on lots of less than one acre | 3.8 |
| 5. Customary home occupation | 3.12 |
| 6. Family Day Care licensed by the State of Connecticut | |
| 7. Solar panels | 3.7 |
| 8. Swimming pools | 3.9 |
| 9. Guest house | 3.17 |

| D. Permitted by Special Permit | Additional Requirements (Section) |
|--|--|
| 1. (deleted) <i>[amended eff. 2019-Apr-19]</i> | -- |
| 2. Commercial Vehicle Parking - Only one commercial vehicle not exceeding 26,000 pounds gross vehicle weight (GVW) may be parked or garaged on a residential lot | 3.11 |
| 3. Commercial livestock or poultry operation | 3.8 |
| 4. Accessory apartments | 3.16 |

Article 3 – Residential Districts and Uses**3.5 Area, Dimensional and Building Height Requirements**

| | R-100 | R-80 | R-60 | R-40 | R-15 | R-7 |
|--|--------|--------|--------|--------|--------|-------|
| Minimum Lot Area* (square feet) | 100,00 | 80,000 | 60,000 | 40,000 | 15,000 | 7,000 |
| Minimum Lot Width (square feet) | 200 | | 150 | | 100 | 50 |
| Minimum Side Yard (feet) | 50 | | 30 | | 15 | 10 |
| Minimum Rear Yard (feet) | 50 | | 30 | | 15 | 10 |
| Minimum Front Yard (feet) | 50 | | 40 | | 30 | 20 |
| Minimum Building Separation (1-2 floors) | 20 | | | | | |
| Minimum Building Separation (> 2 floors) | 50 | | | | | |
| Maximum Building Coverage (%) | 10 | | | | 20 | 25 |
| Maximum Impervious Coverage (%) | 30 | | 40 | | 50 | 65 |

*Minimum Lot Area excludes wetlands, watercourses, slopes in excess of 25° (46.6%, 2.15:1 slope), portions of the lot less than 50 feet wide, or the private right-of-way leading to interior lots. The area is to be calculated using the existing, prior-to-development conditions.

No building or structure shall exceed 30 feet in building height. Excluded from the building height calculations is any space resulting from design seeking to achieve the goals and objectives of Section 6.11 (Architectural Guidelines) of these regulations.

3.6 Customary Uses

- A. Accessory customary uses and structures shall comply with the side yard setbacks of the Residential District and shall not be located in the front yard.
- B. Customary uses shall be set back from the rear yard line at least 50 percent of the required rear yard for the Residential District.
- C. The maximum height of customary use structures shall be:
 - 30 feet in R-100 and R-80 zones;
 - 25 feet in R-60 and R-40 zones; and,
 - 20 feet in R-15 and R-7 zones.
- D. The Zoning Enforcement Officer in consultation with the Commission shall determine which uses shall be permitted as customary uses.
- E. Accessory buildings or structures that require a permit from the Town Building Official shall be included in calculating impervious coverage.

3.7 Solar Panels

Solar panels whose primary purpose is to provide energy for the home on the lot are permitted by Zoning Permit provided that:

- A. Roof-mounted solar panels shall not be included in the maximum building height regulations.
- B. Solar panels are to be considered as a structure when located at ground level and are allowed provided that:
 1. Supporting documentation proves that no suitable location is available on the building due to exposed surfaces not facing the appropriate direction.

Article 3 – Residential Districts and Uses

2. No glare will be created.
 3. The optimum location of the panels is at ground level.
 4. The Commission may at its discretion establish a 10-foot or greater setback requirement.
- C. In no case are solar panels permitted whose primary purpose is to supply power for commercial purposes.

3.8 Agricultural and Animal Related Uses in Residential Zones

The purpose of this Regulation is to promote Brookfield's agricultural heritage and protect existing neighborhoods.

A. Limited Farm Stand

Limited farm stands are permitted as of right in Residential Districts provided:

1. The farm stand structure occupies no more than 40 square feet in area for the sale of agricultural products.
2. The farm stand structure is located at least 20 feet from the street line to provide off-street parking.
3. All agricultural products offered for sale must be grown on the premises.

B. Farm Stand

Farm stands are permitted by Zoning Permit provided:

1. The farm stand structure occupies between 40 square feet and 200 square feet in area for the sale of agricultural products.
2. The property shall contain not less than three acres of land devoted to growing edible crops and agricultural produce that is available for sale at the farm stand.
3. Seventy percent of gross sales shall be from agricultural goods produced on the premises.
4. Such farm stand may be located in the front yard and shall be a minimum of 25 feet from any adjacent parcels.
5. The extent and type of any products to be sold, any activities to be conducted, and any classes to be offered on the lot shall be clearly stated in the application or shall be considered to be prohibited.
6. To ensure public safety, such farm stands are required to provide parking with adequate ingress and egress not in a public right-of-way (permeable parking surface is preferred).

C. Farm Animals

Hoofed animals, poultry, and livestock are permitted as follows:

1. Hoofed Animals - The keeping of hoofed animals by the residents of the residential lot for their personal use and enjoyment provided that:

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- a. For horses, ponies, mules, donkeys, and cattle, the property lot shall contain two acres of land for the first such animal and an additional one acre of land for each additional animal.
 - b. For llamas, alpacas, sheep, goats, swine or similar animals, the lot shall contain two acres of land for the first such animal and an additional 20,000 square feet of land for each additional animal.
2. Poultry – The keeping of poultry by the residents of the residential lot for their personal use and enjoyment provided that:
 - a. The lot shall contain at least one acre for the first 12 fowl, and there shall be no more than six fowl per every additional 20,000 square feet.
 - b. The keeping of one or more roosters requires a minimum of three acres.
 - c. The keeping of poultry on lots of less than one acre may be permitted by Zoning Permit.
3. Commercial Livestock/Poultry Farming – The keeping of hoofed animals and/or poultry for commercial purposes requires a minimum of five acres.
4. For all farm animals, suitable areas of at least 20,000 square feet will be established exclusively for housing, feeding, and buffer area. Approximately one-half 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.
5. Adequate fencing shall be installed and maintained to contain farm animals.
6. A 50-foot 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.
7. An appropriate building shall be provided for the keeping of farm animals. 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 75 feet from any adjacent property line. Temporary animal shelters shall be permitted only for a maximum period of 30 days. All food, supplies, and tools shall be stored within the animal building.
8. All fencing, corrals, feeding areas, etc. and buildings used for farm animal shelters will have reasonable foliage screening, natural or planted, so as to

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minimize the visual impact of the farm animals' habitat from neighboring dwellings.

9. All properties, building, and manure-droppings storage areas used for animals shall be maintained in a clean and healthy manner and shall conform to Public Health codes, State of Connecticut, and any additional Town health requirements as determined from time to time.

10. No condition shall be created that will adversely affect the performance of sewage disposal systems located on the property or adjacent properties.

11. No noticeable offensive odor shall be detected off the premises. Manure and other waste material must be removed from the housing, grazing, and feeding areas on a regular basis.

12. No external floodlighting will be allowed that transmits beyond the owner's property.

13. All farm animal properties shall be subject to inspection by this Commission or the Zoning Enforcement Office or representatives selected by the Commission for the purpose of determining compliance with reasonable sanitation/health practices, as well as with this regulation.

3.9 Swimming Pools

A. Residential swimming pools, including in-ground, aboveground, and semi-in-ground pools, shall be permitted in any zoning district provided that all of the applicable regulations of the State of Connecticut Building Code and any amendment thereto are complied with.

B. Swimming pools shall not be located in the Front Yard.

C. Minimum setbacks for swimming pools and their related decking/apron area shall comply with the following minimum requirements:

| | R-100 | R-80 | R-60 | R-40 | R-15 | R-7 | MC |
|----------------------------------|-------|------|------|------|------|-----|----|
| Minimum Side Yards (feet) | 30 | 30 | 20 | 20 | 15 | 10 | 10 |
| Minimum Rear Yard (feet) | 30 | 30 | 20 | 20 | 15 | 10 | 10 |
| Minimum Front Yard (feet) | 50 | 50 | 40 | 40 | 30 | 20 | 20 |

D. For the purposes of calculating building coverage and impervious coverage, swimming pools and related impervious decks or aprons increase impervious coverage only.

3.10 Recreational Equipment Storage in Residential Zones

Storage of camping or recreational equipment such as a recreational boat, travel trailer, a tent trailer, campers, pick-up camper, or a recreational vehicle shall be permitted as of right in any residential district provided that:

1. At no time shall such equipment be occupied or used for living, sleeping, or housekeeping purposes.
2. There shall be no connections to any utility service, including electrical, heat, water, and sewage disposal service.
3. If such equipment is parked or stored outside of a garage, it shall only be parked or stored in a neat and orderly manner in a designated drive and shall only be parked in a location that conforms to the minimum yard setbacks for the Residential District.
4. Parking or storage of any such equipment on any lot shall be limited to one such piece of equipment, except that one additional utility trailer may be parked or stored per additional acre of lot area above the minimum required by the Residential District. Said trailers shall be registered in the name of and be the legal property of an occupant of the principal dwelling.
5. Notwithstanding the provisions of these Regulations, any such trailers may be parked anywhere on the lot for servicing, cleaning, loading, or unloading purposes for a period not to exceed three days.

3.11 Commercial Vehicle Parking in Residential Zones

- A. Regardless of GVW, all commercial vehicles parked in residential zones 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 emits 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 7:30 a.m. to 7:30 p.m. for a duration of more than five minutes and not to exceed 45 dB for a duration of three minutes between 7:30 p.m. and 7:30 a.m. Monday - Saturday and Sunday and holidays between 10 a.m. to 7:30 p.m.

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- B. Nothing herein shall be construed to permit a home occupation that is not otherwise permitted under the Regulations.
- C. 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.
- D. 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.
- E. Commercial vehicles - Unless otherwise approved by the Commission, overnight (8:00 p.m. through 6 a.m.) parking of commercial-type vehicles is prohibited in all residential districts.

3.12 Customary Home Occupations

- A. Zoning permit applications for Customary Home Occupations shall give due consideration to:
 - 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.
- B. The overriding consideration in issuing a Zoning Permit 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.
- C. Customary Home Occupations shall:
 1. Not employ more than two individuals within the dwelling in addition to the resident
 2. Occupy a floor area not in excess of 25 percent of the total floor area of the dwelling
 3. Conduct all operations within the dwelling
 4. Provide that all business-related parking is "off-street" and within designated driveways/turnarounds
 5. Create no objectionable noise, odor, vibrations; unsightly site conditions; electromagnetic interference in the immediate vicinity; and hazards to neighborhood health, safety, and general welfare

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6. Result in visitations to the site of not more than three vehicle trips per hour, day care centers excluded
7. Change the residential character or nature of the dwelling, site, or adjacent properties
8. Not permit exterior storage of contractor's materials or exterior parking of contractor's equipment of any kind

3.13 Conservation Subdivisions

A. Purposes

1. It is the objective of this section to encourage the conservation of existing undeveloped land in the Town within the current zoning density framework through the utilization of more flexible standards and requirements that permit a more creative, attractive, and efficient use of land in such a way as to achieve the following purposes:
 - a. The maximum preservation of natural open space within new residential developments so as to establish a more desirable living environment and help to assure the maintenance and/or enhancement of the appearance, character, and natural beauty of an area
 - b. The protection of the local ecology and the underground water table, the minimization of flood hazards in downstream areas, and the prevention of soil erosion, by preserving water bodies, wetlands, watercourses, a major stands of trees, steep slopes, ridge lines, significant geological features, and other areas of environmental value
2. And one or more of the following additional purposes:
 - a. To preserve the character and property values of existing residential development
 - b. To preserve land for scenic, park, recreational, and educational purposes
 - c. To encourage the development of community water supply systems within new residential developments so as to promote greater safety and efficiency

B. Eligibility

The provisions of this subsection are applicable only to properties located within the Residence R-40, R-60, R-80, and R-100 Districts and only if a subdivision plan for such a development is approved by the Planning Commission upon a determination that the purposes as set forth in Subsection A will be achieved.

C. Permitted Uses

The permitted uses within a conservation subdivision shall be the same as those otherwise permitted in the zoning district in which it is located and shall be subject to the same procedures and restrictions as would otherwise be applicable thereto.

D. Development Standards and Controls

Except as specified in this section, all development standards and controls applicable to other residential subdivisions shall be applicable to conservation subdivisions. The following standards are to be considered minimums that may be increased in specific instances where determined necessary or appropriate by the Planning Commission:

1. Density: The maximum permitted number of one-family building lots within a conservation subdivision shall be determined by dividing the land area of the subject property by the normal minimum required lot area for one-family dwellings for the district or districts in which the property is located, except that the Planning Commission may reduce the permitted number of lots so calculated if, in the Commission's opinion, such reduction is warranted based upon the presence of substantial areas of poor soils and/or other severe topographic limitations of the subject property that would tend to inhibit development at such a density.
2. Minimum required lot area: The minimum required lot area for one-family dwellings in a conservation subdivision shall be 20,000 square feet, except that larger minimums may be required in specific instances where determined necessary or appropriate by the Planning Commission or by the Health Director of the Town of Brookfield.
3. Minimum required lot width: The minimum required lot width for a one-family building lot in a conservation subdivision shall be 100 feet.
4. Minimum required yards: The minimum required yards for a one-family building lot in a conservation subdivision shall be as follows, except that where such building lots adjoin private property not included within the conservation subdivision the minimum yard requirements normally applicable to buildings within the zoning district in which the property is located shall apply to setbacks from such adjoining property lines:
 - a. Front yard: 30 feet from the front lot line.
 - b. Side yards: 15 feet minimum; the aggregate of both side yards shall not be less than 45 feet.
 - c. Rear yard: 25 feet.

E. Conserved Land Areas

1. All land within a conservation subdivision which is not included with a one-family building lot or designated to serve as roads or for other public purposes shall be designated "conserved land area(s)" on the final subdivision plan. The conserved land areas shall be in such location and/or such size and shape and shall have such access as may be approved by the Planning Commission as being appropriate to satisfy the purposes set forth in this section.
2. Ownership of conserved land areas:

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a. The ownership of conserved land areas shall be divided equally among all owners of one-family building lots within the conservation subdivision, except where all or an appropriate portion of the conserved land areas are:

- i. Deeded to a recognized conservation organization dedicated to the preservation of open space, and such dedication is acceptable to the conservation organization and to the Town Planning Commission; or
- ii. Offered for dedication to the Town of Brookfield, and the Town Meeting has voted to accept such offer.

b. Except in those cases where the ownership of the conserved land areas is to be vested in the Town of Brookfield or an approved conservation organization, the subdividers shall execute and file with the Planning Commission documents that are sufficient to create a property owner's association responsible for the continued ownership, use, and maintenance of all conserved land areas in accordance with the following requirements:

- i. Membership in the association shall be mandatory for each property owner within the subdivision and for any successive lot owners.
- ii. The association must be responsible for liability insurance, local taxes, and the maintenance of the conserved land areas, including any active recreation areas and related facilities.
- iii. Each lot owner within the subdivision shall be made responsible for paying his proportionate share of the association costs, and the assessment levied by the association shall become a lien on the property if not paid.
- iv. The association shall have the power to adjust assessments to meet changing needs.
- v. In the event that the maintenance, preservation, and/or use of the conserved land area(s) ceases to be in compliance with any of the above requirements or any other requirements specified by the Planning Commission when approving the subdivision plan, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against the association and/or each individual property owner within the subdivision all costs incurred by the Town for such purposes.
- vi. The establishment of such an association shall be required prior to the sale of any lots within the subdivision.

3. Permitted uses in conserved land areas:

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Except where otherwise approved by the Planning Commission, conserved land areas shall be preserved in their natural state, and the use of such areas shall be limited to appropriate conservation, open space, and recreation purposes as determined by the Planning Commission. Suitable legal agreements, including conservation easements, in form and content approved by the Town Attorney may be required by the Planning Commission to assure such continued preservation and use of conserved land areas. A portion of the conserved land area(s) may be designated "active recreation area" on the subdivision plan, in a location approved by the Planning Commission, provided that such designated area remains in the ownership of a homeowner's association. Within such area, structures and facilities for active recreational purposes, including playground equipment, swimming pools, tennis courts, and so forth, may be constructed and operated for the use of the property owners in the conservation subdivision and their guests. Such active recreation area shall not exceed ten percent of the total area of the proposed subdivision.

F. Application Procedure

Subject to compliance with any special standards, requirements, and procedures as set forth in this section, the Planning Commission may approve conservation subdivisions in accordance with the approved procedures applicable to a conventional subdivision containing three or more lots.

3.14 Multifamily Dwellings

A. Intent

It is the intent of this section to:

- Enable the establishment of multifamily dwellings, including apartments, garden apartments, townhouses, row houses, condominiums, and cooperative apartment buildings, in appropriate locations of the Town so as to respond effectively to diverse housing needs.
- Provide guidelines, standards, and controls for the development of multiple family dwelling projects that are compatible with the intent of this regulation;
- Provide for affordable housing; and
- Meet the planning goals and objectives of the Town of Brookfield.

B. Purpose

The purpose of this section is to guide in achieving the stated intents while providing for:

- The protection of the environmental character of the area and the particular suitability for the specific use;
- The protection against congestion in the streets;
- Protection against undue concentration of population and overcrowding of land;

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- Preservation of buildings and property values;
- Adequate access of light and air;
- Adequate vehicular access and off-street parking;
- Adequate disposition of buildings upon the land;
- Freedom for site layout and building design that will enable to achieve, to the extent practicable, construction efficiency and economic building forms while assisting in establishing a compatible and attractive living environment; and
- The pursuance of economic development while meeting the housing needs of diverse households.

C. Site Eligibility

1. The minimum total contiguous land area required for a multifamily dwellings project site is as follows:
 - a. In Residential (R) Zones: ten acres
 - b. In the TCD Perimeter Overlay: one acre
 - c. In other permitted zones: five acres
2. The site shall have a minimum frontage of 200 feet on a collector, principal, or minor arterial street as defined by the Connecticut Department of Transportation (CT DOT) in its Functional Road Classification, as may be amended, unless located in the TCD Perimeter Overlay Zone, where the minimum frontage is 100 feet on any street, or unless the site has frontage on a state highway, in which case the site shall have a minimum lot width of 200 feet.
3. The site topography shall be able to accommodate the buildings, roads, development features, and amenities as well as other requirements of this Section;
4. The site shall be served by public sewer systems capable of handling the effluent that may be generated by the development;
5. The site shall be served with adequate water to meet the development's potable and firefighting water demands;
6. The site shall be so situated, consist of topography, and is furnished with natural features that can accommodate the development; and
7. The development shall not exert a detrimental impact on nearby properties or values thereof.

D. Applications

Concurrently with the submission of an application and all required data to the Zoning Commission, the applicant shall submit one duplicate application form and data package to the Brookfield Planning Commission. The Planning Commission shall

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formally receive a copy of the application and data package at its first scheduled meeting following receipt of such data in the office of the Planning Commission and determine its findings on the proposal per CGS § 8-3a.

E. Design and Technical Requirements

In addition to the requirements set forth in Section 8.5, the proposed project shall conform to the following:

1. The site planning, landscaping, and architectural theme shall be in harmony with the character of the neighborhood. Existing features of the site which add value to the development or to the Town as a whole, such as trees, watercourses, topographical contour, inland wetlands, and historical and similar irreplaceable assets, shall be preserved through harmonious design and placement of buildings, driveways, walks, and parking facilities.
2. The proposed finished contour map to Class A-2 survey standards shall show all contour lines at two-foot intervals in areas other than those designated as "conserved land areas."
3. Two independent means of access shall be provided for the site. At least one such means of access shall be provided within a frontage containing a minimum of 200 feet on any street, except in the TCD Perimeter Overlay.
4. The proposed project shall conform to the regulations of the Inland Wetlands Commission of the Town of Brookfield with regard to any wetlands contained within the proposed project. Each application shall be accompanied by evidence that an application has been submitted to the Inland Wetlands Commission.
5. Drives that serve the proposed project shall be constructed in accordance with the driveway specifications of the Town of Brookfield and those sections pertaining to driveways, roads, and street improvements found in Architectural Graphic Standards of the latest edition published by the American Institute of Architects.
6. Main access drives shall have the traveled portion thereof not less than 26 feet in width. Local access drives shall have the traveled portion thereof not less than 22 feet in width. Walkways shall be provided to assure safe pedestrian travel between buildings and community facilities.
7. In addition to such requirements as may be set forth in the State Building Code and State Fire Safety Code, as determined by the Building Official, Town of Brookfield, the proposed project shall conform to the following:
 - a. Each multifamily dwelling structure shall be separated a minimum of 20 feet from another building or structure. Multifamily dwelling structures of more than two stories shall be separated by 50 feet.
 - b. Sewage treatment facilities shall be in accordance with the requirements set forth by the Water Pollution Control Authority (WPCA),

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Town of Brookfield. Community water systems shall be in accordance with the requirements of the Connecticut Department of Public Utility Control and such other regulations and requirements of other agencies as may be required by law. The Commission shall be provided with copies of any approvals granted by the WPCA, State Health Department, and/or State DEEP for sewage systems and public water supply approvals from the Connecticut Department of Public Utility Control, Connecticut Department of Health, and Connecticut DEEP, as may be required, before submission and consideration of the Design Review application.

c. All utilities shall be located underground.

d. Typical floor plans and elevations depicting the configuration of the dwelling spaces shall be submitted with the application.

e. If the entire project is not to be constructed within an 18-month period, the application shall contain a detailed construction schedule indicating the start and completion dates for each planned phase. The first construction phase, unless otherwise permitted by the Commission, shall contain all the necessary facilities for the overall project, such as community water system, sewerage facilities, recreational facilities, main access drives, etc. Subsequent phases shall contain only additional dwelling units, connecting utility lines, local access drives, and associated parking.

F. Density and Number of Units

1. No multifamily dwelling project shall contain more than 150 dwelling units.

2. Multifamily dwelling developments shall have no more than 8 dwelling units per gross acre of developable land, unless the development qualifies for a density bonus per subsection G below. For the purposes of this Section, developable land is the total land area minus 50 percent of the area of inland wetlands, utility easements employing aboveground buildings or towers, and natural slopes steeper than one to one (1:1).

3. The maximum number of dwelling units permitted in any one multifamily dwelling structure is as follows, unless the development qualifies for a density bonus per subsection G below:

a. Residential (R) zones: four units; provided, however, that if any angular configuration is utilized and a corner unit is feasible, the Commission, in its discretion, may allow a fifth corner unit within the structure.

b. Other permitted zones: six units for a one- or two-story structure, or nine units for a three-story structure

G. Density Bonus for Affordable Units

1. Additional units per gross acre and additional units per structure shall be permitted, provided that 20% of the total dwelling units on the site are subject to

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binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay 30% or less of income, where such income is less than or equal to 80% of the area median income, as defined by CGS Section 8-30g.

2. The number of additional units per gross acre that shall be permitted shall not exceed 10 units per gross acre (for a total of 18), or in the TCD-Overlay zone, 4 units per gross acre (for a total of 12), as defined in subsection F above.

3. The number of additional dwelling units per structure that shall be permitted shall not exceed six units in Residential (R) zones; and 10 units for one- or two-story structures, or 12 units for a three-story structure in all other permitted zones.

4. A development that uses an affordable housing density bonus shall submit an affordability plan that complies with CGS Section 8-30g and regulations adopted pursuant thereto.

H. Development Standards and Controls

1. Permissible Accessory Uses and Buildings – The following uses may be permitted by the Commission after the Commission shall have found that they are an integral part of the overall development to serve primarily the residents thereof:

- Game courts or fields
- Golf courses
- Swimming pools and cabanas
- Meeting halls
- Recreational facilities buildings
- Maintenance, storage, and utility buildings
- Residents' parking garages

2. Minimum Setbacks

a. (In Residential (R) zones, no principal building, accessory building, or parking area shall be located closer than 100 feet from any side or rear property line.

b. In the TCD Perimeter Overlay zone, no principal building, accessory building, or parking area shall be located closer than 20 feet from any front, side, or rear property line.

c. In other permitted zones, no principal building, accessory building, or parking area shall be located closer than 50 feet from any front, side, or rear property line.

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d. Such setback yards may be required to be provided with screening as determined by the Commission.

3. Maximum Building Height

No building or structure shall exceed 30 feet in building height. Excluded from the building height calculations is any space resulting from design seeking to achieve the goals and objectives of Section 6.11 of these regulations.

4. Parking

Unless otherwise approved by the Commission, a minimum of one and one-half (1.5) off-street parking spaces for each dwelling unit containing one bedroom, and a minimum of one and one-half (1.5) off-street parking spaces for each dwelling unit containing two or more bedrooms shall be available in a well-planned landscaped configuration except when dwelling units are dedicated to housing for the elderly, when the minimum shall be one (1.0) space per dwelling unit. Parking areas shall be a minimum of ten feet from any unit within the project. They shall be screened from adjacent residential areas and public thoroughfares by dense evergreen plantings, grassed embankments, or similar screening, approved by the Commission. No parking shall be permitted within 100 feet set back from the lot line through which main access to the project is provided.

5. Conserved Land Area

All land that is not dedicated to dwelling units, maintenance, storage and utility buildings, garages, roadway and parking areas, sewer systems, or active recreational areas shall be designated "conserved land areas" in perpetuity. The conserved land area(s) shall be preserved in their natural state or improved at the discretion of the Commission and limited to appropriate passive recreation.

On an individual, case-by-case basis, the Commission may request an easement on certain portions of the conserved land area for public water supply including access thereto. In such instances, a dedicated parking area may be permitted in the conserved land area.

6. Active Recreational Areas

In addition to those areas designated "conserved land area(s)," area(s) shall be designated "active recreational area(s) on the site plan in a location(s) approved by the Commission. Within such area(s), appropriate structures and facilities for recreational purposes, as approved by the Commission, shall be constructed and operated for the use of the residents and their guests. These facilities may be used for accessory uses. Such areas must remain in the ownership of a tenants'/owners' association.

I. Maintenance

1. Maintenance:

- All common project facilities or systems shall be maintained by the applicant, owner, or residents' association in perpetuity. Such systems and facilities shall include, to the extent such items are included in the original approval, the following:
 - Project utilities, including fuel, lighting, electricity, telephone, and cable television distribution systems and controls
 - Roadways, drives, parking areas, and sidewalks including curbing and paving
 - Drainage systems, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching
 - Recreational facilities
 - Landscaping, including maintenance of buffer areas and conserved land areas
 - Other similar common project systems and facilities

J. Inspections

1. In accordance with CGS § 8-12, the Town of Brookfield, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with state, local, and municipal standards and regulations, including any approvals previously issued and relating to the development. As a condition for granting approval, each applicant, owner, or residents' association shall provide legal documents which shall hold harmless and indemnify the Town of Brookfield and its duly appointed officials from any claims or liability arising from the corrections of violations cited. The form of such documents shall be acceptable to the Commission. The provisions of this subsection shall survive the issuance of any Certificate of Occupancy or Certificate of Zoning Compliance.
2. Should such verification inspections discern that corrective action is necessary to bring the development into conformance with statutes, laws and regulations, the cognizant Town official performing the inspections shall, in writing, cite the violations noted and require corrective action within a reasonable period of time. Failure to perform the required corrective action shall be considered a violation of the Zoning Regulations, Town of Brookfield, and be subject to such fines or penalties as prescribed by statute, ordinance, or regulation.

3.15 Planned Age-Restricted Community – PARC

A. General

The Commission may, pursuant to an application hereunder, establish PARCs on sites and within areas deemed suitable for such purposes and provided that the sites comply in general with the eligibility criteria, standards, and other requirements of this section. Following the designation of an eligible site, a special permit application for development meeting the requirements of this Section shall be submitted within six months thereafter.

B. Intent and Purpose

1. It is the intent of this Section:

- a. To enable the establishment of age-restricted communities addressing the needs and interests of the elderly in appropriate locations of Town so as to respond effectively to the housing needs of an increasing elderly population;
- b. To provide guidelines, standards and controls for the development of PARCs, which are compatible with the intents of this regulation; and
- c. To meet the planning goals and objectives of the Brookfield development plans.

2. The purpose of this Section is to guide in achieving the stated intents while providing for:

- a. Housing opportunities that are designed to meet the special needs of elderly citizens;
- b. The protection of the environmental character of the area and the particular suitability for the specific use;
- c. The protection against congestion in the streets;
- d. Protection against undue concentration of population and overcrowding of land;
- e. Preservation of buildings and property values;
- f. Adequate access of light and air;
- g. Adequate vehicular access and off-street parking;
- h. Adequate disposition of buildings upon the land;
- i. Freedom for site layout and building design that will enable, to the extent practicable, achievement of construction efficiency and economic building forms while assisting in establishing a compatible and attractive living environment; and

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- j. The pursuance of economic development while meeting the housing needs of elderly residents.

C. Establishment of Community Site

The owner of record of a parcel of land or a contract purchaser may petition for the establishment of a PARC only if the parcel meets the site eligibility criteria of subsection D below.

D. Site Eligibility Criteria

The Commission may at its discretion establish PARC sites providing that the site(s) meets the following criteria:

1. The site consists of no less than five acres and is located within the TCD-Perimeter Overlay, Gateway North, Gateway South, or Industrial zones;
2. The site can be provided with or the site is within close proximity of shopping facilities and services;
3. The site has the required frontage on a state highway and/or a Town road or street which street, road, or highway is improved or will be improved to the extent necessary to adequately accommodate the development traffic;
4. The site topography can accommodate the buildings, roads, development features, and amenities as well as other requirements of this Section;
5. The site has or will be provided with plantings, vegetative cover, or features that will adequately buffer site development from adjacent properties;
6. The site is served by public sewer systems capable of handling the effluent that may be generated by the development;
7. The site can be served with adequate water to meet the development's potable and firefighting water demands;
8. The site is so situated, consists of topography, and is furnished with natural features that can accommodate the development; and
9. The development will not exert a detrimental impact on nearby properties or values thereof.
10. If located in an Industrial Zone, the site must abut a Residential Zone.

E. Application Procedures

1. Following the designation of the property as suitable for a PARC pursuant to the eligibility criteria described under subsection D above, the applicant may submit an application for special permit pursuant to the provisions of Section 8.5 of these Regulations.

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2. Concurrently, with the submission of an application and all required data to the Zoning Commission, the applicant shall submit one duplicate application form and data package to the Brookfield Planning Commission. The Planning Commission shall formally receive a copy of the application and data package at its first scheduled meeting following receipt of such data in the office of the Planning Commission and determine its findings on the proposal per CGS § 8-3a.

F. Design and Technical Requirements

As established for Multifamily Dwellings in 3.14E.

G. Density and Number of Units

1. No PARC project shall contain more than 150 dwelling units.
2. Not more than 8 units per developable acre of land. For the purposes of this Section, developable land is the total land area minus 50 percent of the area of inland wetlands, utility easements employing aboveground buildings or towers, and natural slopes steeper than one to one (1:1).

H. Development Standards and Controls

1. Permissible Uses:
 - a. Planned age-restricted structures consisting of dwellings not to exceed three bedrooms each designed for use as elderly housing exclusively.
 - b. Accessory uses, buildings, and structures including parking areas and garages; maintenance buildings; and recreational uses, buildings, and facilities when said uses are built and maintained for the exclusive use of residents within the project and their guests. At the Commission's discretion, accessory uses may include a retail/service store not to exceed 4,000 square feet in total floor area designed to service the immediate needs of community residents.
 - c. All structures and uses under this section shall meet the definition of "Housing for Older Persons" set forth at §42 USC 3607 (b)[2] as amended.
3. Minimum Lot Area and Frontage:
 - a. The minimum lot area shall be five acres.
 - b. The lot shall have a minimum frontage of 200 feet on a public highway having a right-of-way no less than 50 feet.
4. Minimum Setbacks:
 - a. No principal building, accessory building, or parking area shall be located closer than 50 feet from any front, side, or rear property line.
 - b. No building in a townhome-style PARC shall be located closer than 25 feet from the edge of pavement of any road, internal drive, or cul-de-sac.

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c. If abutting a residential district, no building, structure, or parking area pursuant to this Section shall be closer than the minimum side or rear building setback required in the residential district which it abuts. Such setback yards may be required to be provided with screening as determined by the Commission.

5. Maximum Building Height:

No building or structure shall exceed 30 feet in building height. Excluded from the building height calculations is any space resulting from design seeking to achieve the goals and objectives of Section 6.11 of these Regulations.

6. Building Separation:

For the purpose of emergency vehicular access, buildings or structures shall be separated as may be prescribed by prevailing local fire or building codes and regulations but in no event shall they be closer than 20 feet from another building or structure. Exempted from this requirement are buildings not designed for human occupancy.

7. Off-Street Parking:

A minimum of one and one-half (1.5) spaces per dwelling unit is required. The Commission may require additional off-street parking spaces for visitors and guests.

8. Landscaping:

Landscaping shall be provided in accordance with the intent and spirit described under Section 6.3 of these Regulations.

I. Miscellaneous Provisions

1. Conserved Land Area:

a. All land that is not dedicated to dwelling units, maintenance, storage and utility buildings, garages, roadway and parking areas, sewer systems, or active recreational areas shall be designated "conserved land areas" in perpetuity. The conserved land area(s) shall be preserved in their natural state or improved at the discretion of the Commission and limited to appropriate passive recreation.

b. On an individual case-by-case basis, the Commission may request an easement on certain portions of the conserved land area for public water supply including access thereto. In such instances, a dedicated parking area may be permitted in the conserved land area.

2. Active Recreational Areas:

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In addition to those areas designated "conserved land area(s)," area(s) shall be designated "active recreational area(s) on the site plan in a location(s) approved by the Commission. Within such area(s), appropriate structures and facilities for recreational purposes as approved by the Commission shall be constructed and operated for the use of the residents and their guests. These facilities may be used for accessory uses. Such areas must remain in the ownership of a tenants'/owners' association.

J. Maintenance

As established for Multifamily Dwellings in 3.14I.

K. Elderly Occupancy

The applicant shall submit for final approval of the Commission documentation that dedicates and restricts the units to elderly persons in perpetuity. Such documentation shall be in the form of a deed restriction or such other form as may be acceptable to Commission Counsel.

3.16 Accessory Apartments

A. Purpose

The Commission may allow the development of one accessory apartment in a single-family dwelling or on a single-family property by Special Permit in order to provide for affordable housing options within Brookfield.

B. Intent

The intent of this section is to:

- Enable property owners desiring to meet the housing and social needs of Brookfield;
- Provide an alternate housing arrangement that can adequately and comfortably house residents requiring lower cost housing;
- Reduce the necessity for public agencies to provide housing and support services; and
- Establish a procedure to minimize potential impacts from accessory apartments on abutting single-family uses.

C. Occupancy

The owner of the property shall occupy either the single-family dwelling unit or the apartment unit.

D. Standards

1. No single-family dwelling unit shall qualify under these regulations unless such unit shall have been on the Assessor's list on October 1, 1975, or a dwelling constructed after October 1, 1975, for which a building permit for a single-family dwelling was issued.

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2. The lot shall be a minimum of 40,000 square feet, and shall otherwise conform to the minimum yard, area and bulk requirements of the underlying zone.

3. Conversion of an existing outbuilding into an accessory apartment, where in the opinion of the Commission it is not feasible to connect the outbuilding to the main house, will be allowed subject to the provisions of this section and the existing outbuilding proposed for the apartment must have been constructed and assessed as an accessory building by the Town Assessor for seven (7) years prior to application. Whether the “apartment unit” is within an existing dwelling, or a proposed newly constructed dwelling, or within an existing outbuilding, there shall be only one “apartment unit” allowed per lot. [\[amended eff. 2020-Apr-27\]](#)

4. An apartment unit shall not be occupied by more than two unrelated persons and no more than four persons in total.

5. An apartment unit shall contain not less than **480 square feet** nor more than **800 square feet** of the building footprint.

6. All parking shall be on the premises and the apartment shall be provided with two (2) parking spaces. [\[amended eff. 2020-Apr-27\]](#)

7. Where located within or attached to a single-family dwelling, the accessory apartment shall have:

- a. one means of egress separate from that of the main dwelling, and
- b. at least one operable door on a common wall connecting the main dwelling to the apartment.

8. The applicant shall provide a site plan and layout for exterior and interior modifications showing all proposed changes of sufficient detail for the Commission to evaluate compliance of the proposal with the Regulations.

9. The owner must reside in either the main part of the house or in the apartment. The other occupant must be a direct family member, elderly or disabled person or a caregiver for an elderly or disabled person who lives on the premises.

In lieu of the above requirement, the owner of the property instead shall file an affordable housing deed restriction which requires that such accessory apartment be rented at, or below, prices which will preserve the unit as housing for which persons and families pay 30% or less of income, where such income is less than or equal to 80% of the area or state median income, whichever is less, as defined by CGS Section 8-30g-8(a). The deed restriction shall be in effect for a period of not less than ten years from the date of recording these 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-Land Use Office, by the property owner. The deed restriction shall also provide that the

Article 3 – Residential Districts and Uses

municipality may recover its reasonable fees and expenses in enforcing the terms of any deed restriction.

10. For Accessory Apartments that are NOT deeded affordable, an Affidavit of Status shall be presented to the Zoning Commission at the time of application and each year thereafter as to the ownership and elderly/disabled occupancy of the particular dwelling unit as a requirement of the continuance of the Zoning Compliance Certificate for a Single Family Conversion. The Affidavit of Status must be notarized. *[amended eff. 2020-Apr-27]*

11. Zoning Compliance Certificates for a Single Family Conversion are issued for an initial period of one (1) year with a provision to renew the Certificate annually thereafter upon presentation of an Affidavit of Status by the permit holder certifying that the occupancy provisions remain valid and any other requested information. An Affidavit of Status, as called for in subsection 10 above, shall be submitted by the Certificate holder prior to the expiration date of the Certificate. If the status of either the occupant or owner changes, the permit holder must file a new Affidavit of Status within thirty (30) days of the effective date of the change. Failure to provide such affidavits when required shall cause the Certificate to lapse. A lapsed Certificate may only be reinstated by the Zoning Enforcement Officer, without a public hearing, when a properly executed Affidavit of Status is accepted by him/her. The Zoning Enforcement Officer may require an inspection of the premises as a condition of renewal. For the **Certificate Renewal**, the Affidavit of Status does **NOT** have to be notarized. *[amended eff. 2020-Apr-27]*

12. The letting of rooms or furnishing of board, normally permitted by Zoning Permit, shall not be allowed for any lot that has an Accessory Apartment. *[amended eff. 2020-Apr-27]*

E. Termination of Special Permit

Upon written notice of termination of the Special Permit by the Zoning Enforcement Officer due to failure to comply with these Regulations, the accessory apartment shall be removed within 120 days. The removal of all kitchen appliances and fixtures and the safe cutting and/or capping of the utility lines and pipes servicing them to the satisfaction of the Building Official shall constitute removal of the accessory apartment. The Building Official may allow the removal of the pre-existing kitchen instead of the kitchen in the accessory apartment.

3.17 Guest House**A. Purpose**

A guest house intended 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, may be permitted.

B. Standards

1. One guest house apartment may be constructed on the same lot provided all setback, yard, coverage, and height requirements for the specific zoning district are adhered to.
2. The guest house shall not exceed 15 percent of the floor area of the principal dwelling.
3. The guest house structure shall not provide kitchen facilities.

3.18 Group Day Care Homes**A. Purpose**

To allow state licensed group day care homes in residential districts by Special Permit.

B. Standards

1. All state licensure requirements are met; including those pertaining to building, fire safety and health codes;
2. All minimum lot, yard and coverage requirements for the residential zoning district are met;
3. Signage, if any, conforms to the zoning district regulations;
4. There shall be safe and adequate provision for boarding and off-boarding children from vehicles without hazards to pedestrians; off-street parking and loading must comply with Section 6.2
5. A safe on-site vehicle turnaround, or separate entrance and exit points must be provided;
6. No area for active play or play structures may be located in a front yard or within 10 feet of a property line. A sight-obscuring and childproof wall or fence of at least five feet shall be installed along the entire perimeter of all play areas. In addition to such walls or fences, an exterior buffer of at least five feet in height shall be planted and maintained along the entire perimeter of any play areas;
7. The site must be landscaped in a manner compatible with adjacent residences;
8. No structural or decorative alteration that will alter the residential character of

Article 3 – Residential Districts and Uses

an existing residential structure used for a group day care home is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;

9. If the proposed group day care home is within 2,500 feet of another currently operating group day care home, the Commission may approve the application only if the application shows that the cumulative effects will not have an adverse effect on the neighborhood due to traffic, noise and other safety factors;

10. No group day care home shall be located on a shared or common driveway used by two or more residences including the residence of the applicant;

11. The applicant must show that there will be no traffic congestion resulting from the operation of the group day care home.

3.19 Short-Term Rental

A. Purpose

To allow short-term rental of dwelling units as an accessory use in residential districts by Zoning Permit.

B. Standards

1. No more than 2 adult guests per bedroom, and any associated children, are permitted for the duration of the short-term rental.
2. Accessory buildings and structures may be used for short-term rental, provided the owner or permanent resident of the principal dwelling unit remains on the premises for the duration of the short-term rental.
3. The short-term rental shall not materially disrupt the residential character of the neighborhood.
4. No signs are permitted in association with the short-term rental.

Article 4 – Commercial and Industrial Districts

4.1 Purposes

A. Regional Commercial (C-1)

The purpose of the Regional Commercial (C-1) District is to allow for commercial and professional activities that have regional draw, especially the retail sale of goods and services.

B. Neighborhood Commercial (C-2)

The purpose of the Neighborhood Commercial District is to allow smaller-scale commercial and professional activities primarily serving local residents.

C. Commercial Gateway North (CG-N)

The purpose of the Commercial Gateway North District (CG-N) is to provide an attractive entrance into Brookfield and a transition to the Town Center District along Federal Road that allows for a variety of commercial and higher-density residential uses that have high-quality site and building design with interconnected vehicular and pedestrian systems.

D. Commercial Gateway South (CG-S)

The purpose of the Commercial Gateway South District (CG-S) is to provide an attractive transition to the Town Center District along Federal Road that allows for a variety of commercial and higher-density residential uses that have high-quality site and building design with interconnected vehicular and pedestrian systems.

E. Marine Commercial (MC)

The purpose of the Marine Commercial District (MC) is to allow for certain residential, institutional, recreational and marine commercial uses in select, concentrated locations that are primarily residential.

F. Industrial (I-1)

The purpose of the Industrial District (I) is to allow and protect industrial development opportunities that are adequately supported by the land and contribute to the Town's economic base.

G. Corporate Park (CP)

The purpose of the Corporate Park District (CP) is to allow industrial development opportunities in a park-type environment.

H. Town Center District (TCD)

See Section 5.1 of these Regulations for details on the Town Center District.

Article 4 – Commercial and Industrial Districts

4.2 Permitted Uses

A. Permitted Uses Table

ZP = Zoning Permit Site = Site Plan SP = Special Permit, public hearing required

Table of Permitted Commercial and Industrial Uses

| 1. Community Services | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|-------------|-------------|------------|------------|-----------|------------|-----------|------------|
| a. Community service facility | Site | Site | Site | Site | SP | SP | SP | SP |
| 2. Institutional Uses | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
| a. Cemetery | SP | SP | SP | SP | | | | |
| b. Daycare (child and adult) | SP | SP | SP | SP | | SP | SP | SP |
| c. Places of worship/parish houses and centers, provided a minimum lot area of 120,000 square feet | SP | SP | | SP | SP | | | SP |
| d. Public buildings (state or federal) | SP | SP | SP | SP | SP | SP | SP | SP |
| e. Schools – public, private, preschools, training schools | SP | SP | SP | SP | SP | SP | SP | SP |
| f. Town of Brookfield buildings | Site | Site | Site | Site | Site | Site | SP | SP |
| 3. Dwellings and Residential Care | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
| a. One-family dwellings | ZP | ZP | | Site | ZP | | | Site* |
| b. Multi-family dwellings (see Section 3.14) | SP | SP | SP | SP | | | | SP* |
| c. Planned Age Restricted Community (PARC) (see Section 3.15) | SP | SP | SP | SP | | SP† | | SP* |
| d. Assisted living facility, congregate housing, continuing life care community, or nursing facility | SP | SP | SP | SP | | SP† | SP | SP |
| e. Residential dwelling units on floors other than the first floor in mixed-used buildings. | Site | Site | SP | SP | SP | | | Site |
| * See Section 5.1 for limitations on one-family homes, PARCs, and Multi-Family Dwellings in the TCD Overlay Zone. | | | | | | | | |
| † Must abut a Residential district. | | | | | | | | |
| 4. Agriculture and Animals | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
| a. Kennels (see 4.4I) | SP | SP | SP | SP | | SP | | |
| b. Agriculture/farm stand (see 4.4B) | ZP | ZP | ZP | ZP | | ZP | Site | |
| c. Commercial livestock or poultry (4.4B) | ZP | ZP | ZP | ZP | | ZP | | |
| d. Greenhouses | Site | Site | Site | Site | | Site | Site | |
| e. Veterinary offices and animal hospitals (see 4.4I) | Site | Site | SP | Site | | SP | Site | SP |
| f. Riding stables, Boarding, & Livery | Site | Site | SP | Site | | SP | Site | SP |
| 5. Lodging | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
| a. Hotels/motels/inns, provided a minimum lot area of 80,000 square feet plus 2,000 square feet for each room | SP | SP | SP | SP | SP | SP | SP | SP |
| b. Bed and Breakfast | SP | SP | | SP | SP | | | SP |
| c. Conference centers as accessory uses to hotels/motels/inns | SP | SP | SP | SP | | SP | SP | SP |

Article 4 – Commercial and Industrial Districts

ZP = Zoning Permit Site = Site Plan SP = Special Permit, public hearing required

| 6. Retail Sales and Service | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|-------------|-------------|------------|------------|-----------|------------|-----------|------------|
| a. General retail (building footprint < 7,500 sq ft) | Site | Site | Site | Site | | Site | | SP* |
| b. General retail (building footprint ≥ 7,500 sq ft) | SP | SP | Site | SP | | SP | | SP* |
| c. Drive-thru facilities | SP | SP | SP | SP | SP | | | SP* |
| d. Outside storage or display of merchandise | SP | SP | SP | SP | SP | SP | | SP |
| e. Retail sale limited to commodities that are manufactured, processed, fabricated, or warehoused on the premises provided that the total floor area devoted to retail sales does not exceed 50% of gross floor area of all building on the premises. | SP | SP | SP | SP | | Site | SP | |
| f. Sale at wholesale of an commodity except live animals and commercial explosives. | SP | SP | Site | Site | | Site | Site | |
| g. Adult-oriented business (see 4.4A) | | | SP | | | | | |
| h. Alcohol (see 4.4C) | Site | Site | Site | Site | | | | Site |
| i. Medical Marijuana Dispensary (see 4.4xx) | | | | | | SP | | |
| j. Artisan/Craftsman studio/shop | SP | SP | SP | SP | SP | SP | SP | SP |
| k. Automobile/boat/motorcycle/equipment sales and rental | SP | SP | Site | SP | SP | | | |
| l. Automobile and boat service (limited or general motor vehicle repair license) (see 4.4D) | SP | SP | SP | SP | SP | SP | SP | |
| m. Car wash, provided that all building and equipment is set back a minimum of 100 feet from the front lot line | SP | SP | SP | SP | SP | SP | | |
| n. Dry cleaner/laundry | SP | SP | SP | SP | | SP | SP | SP |
| o. Flower, nursery, garden centers | SP | SP | SP | SP | | | | SP |
| p. Gasoline sales/filling station | SP | SP | SP | SP | | | | |
| q. Parking garage (freestanding whether or not connected to another building) | SP | SP | SP | SP | | SP | SP | SP |
| r. Parking garage (under building) | SP | SP | SP | SP | SP | SP | SP | SP |
| s. Personal service business | Site | Site | Site | Site | SP | | | Site |
| t. Rental, equipment and supplies | Site | Site | Site | Site | SP | SP | Site | SP |
| u. Undertaking and funeral homes | SP | SP | SP | SP | | SP | | SP |

* See Section 5.1 for special provisions regarding building footprints and Drive-Thrus in the TCD

| 7. Offices | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|-------------|-------------|------------|------------|-----------|------------|-----------|------------|
| a. Banks and financial institutions (bldg footprint < 5,000 sq ft) | Site | Site | Site | Site | | Site | Site | Site |
| a. Banks and financial institutions (bldg footprint ≥ 5,000 sq ft) | SP | SP | SP | SP | | SP | SP | SP |
| b. Medical and dental offices and laboratories (bldg footprint < 5,000 sq ft) | Site | Site | Site | Site | | Site | Site | Site |
| b. Medical and dental offices and laboratories (bldg footprint ≥ 5,000 sq ft) | SP | SP | SP | SP | | SP | SP | SP |
| c. Professional and business offices (bldg footprint < 5,000 sq ft) | Site | Site | Site | Site | | Site | Site | Site |
| c. Professional and business offices (bldg footprint ≥ 5,000 sq ft) | SP | SP | SP | SP | | SP | SP | SP |

| 8. Food and Beverage Establishments | CG-N | CG-S | C-1 | C-2 | MC* | I-1 | CP | TCD |
|--|-------------|-------------|------------|------------|------------|------------|-----------|------------|
| a. Fast-food restaurant | SP | SP | Site | Site | | SP | | SP |
| b. Sit-down restaurant | Site | Site | Site | Site | Site | | Site | Site |
| c. Limited-service restaurant | Site | Site | Site | Site | SP | SP | Site | Site |
| d. Outdoor dining accessory to a sit-down restaurant (see Section 6.10) | Site | Site | Site | Site | SP | | SP | SP |
| e. Tavern with a permit | Site | Site | Site | Site | SP | | SP | SP |
| f. Bar/café with a permit | SP | SP | Site | Site | SP | | SP | SP |
| g. Brewpub with brewery | SP | SP | SP | SP | | SP | SP | SP |
| h. Brewpub with microbrewery, microdistillery | SP | SP | SP | SP | SP | SP | SP | SP |
| i. Catering establishment where food is prepared for delivery and consumption off the premises | Site | Site | Site | Site | SP | SP | SP | SP |

* See Section 5.1 for special provisions regarding building footprints in the TCD

Article 4 – Commercial and Industrial Districts

ZP = Zoning Permit Site = Site Plan SP = Special Permit, public hearing required

| 9. Industrial | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|--|------|------|-----|-----|----|------|------|-----|
| a. Assembling, manufacturing, and processing of products, supplies, and/or equipment | SP | SP | SP | SP | | Site | Site | |
| b. Publishing and printing | SP | SP | SP | SP | | Site | Site | |
| c. Research laboratories (excluding medical laboratories) | SP | SP | SP | SP | | Site | Site | |
| d. Truck and bus terminals | | | | | | SP | | |
| e. Warehousing and distribution | SP | SP | SP | SP | | Site | Site | |
| f. Wholesale | SP | SP | SP | SP | | Site | Site | |

| 10. Recreation | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|--|------|------|------|------|----|------|----|------|
| a. Assembly halls and theaters | SP | SP | SP | SP | | Site | SP | SP |
| b. Gymnasiums | Site | Site | Site | Site | | Site | SP | |
| c. Health and fitness centers | Site | Site | Site | Site | | Site | SP | Site |
| d. Indoor courts, pools, sporting areas (see 4.4F) | Site | Site | Site | Site | | Site | SP | SP |
| e. Marinas, docks and slips (see 4.4E) | | | | | SP | | | |
| f. Outdoor courts, pools, play areas (see 4.4F) | SP | SP | SP | SP | SP | Site | SP | |

| 11. Storage | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|------|------|-----|-----|----|------|----|-----|
| a. Bulk storage of materials | SP | SP | SP | SP | | SP | SP | |
| b. Motor vehicles, indoor | SP | SP | SP | | SP | Site | SP | |
| c. Motor vehicles, outdoor | | | | | | SP | SP | |
| d. Boats, indoor | SP | SP | | | SP | Site | SP | |
| e. Boats, outdoor | | | | | SP | SP | SP | |
| f. Contractor's equipment, indoor | SP | SP | SP | | | Site | SP | |
| g. Contractor's yard and outdoor equipment storage (see 4.4E) | | | SP | | | Site | SP | |
| h. Self-storage facilities | | | SP | | | Site | SP | |

| 12. Energy and Utilities | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|------|------|------|------|----|------|----|-----|
| a. Utilities (electric, water, natural gas, public, sewer) | SP | SP | SP | SP | | Site | SP | SP |
| b. Solar energy as an accessory to a principal use (see 4.4I) | ZP | ZP | ZP | ZP | ZP | ZP | ZP | ZP |
| c. Telecommunications towers and antennae (see 7.2) | SP | SP | SP | SP | | SP | SP | |
| d. TV and data facilities | SP | SP | Site | Site | | Site | SP | |

| 13. Mix or Combination of Uses | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|------|------|-----|-----|----|-----|----|-----|
| a. The combination or mixture of Commercial and Industrial uses that are permitted within the District on the same parcel (see 4.4K) | SP | SP | SP | SP | | SP | SP | SP |
| b. The combination or mixture of Commercial and Residential uses that are permitted within the District on the same parcel (see 4.4L) | SP | SP | | SP | | | | SP |

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ZP = Zoning Permit Site = Site Plan SP = Special Permit, public hearing required

| A. Occupancy of Existing Space | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|------|------|-----|------|------|-----|------|------|
| a. *MINOR Modifications to a valid approved use where: <ul style="list-style-type: none"> The existing number of trees or shrubs is NOT reduced; Erosion and sedimentation controls are NOT required; NO conditions will occur which affect traffic safety; Existing outdoor lighting fixtures are NOT modified; The number of parking spaces are NOT reduced NOR increased by more than 10% of existing; <u>AND</u> Building or structures as initially constructed are NOT enlarged by more than 2,500 square feet or 25%, whichever is less (such enlargements are limited to a one-time expansion) | | | | ZP | Site | | ZP | Site |
| b. *MAJOR Modifications to a valid approved use where: <ul style="list-style-type: none"> The existing number of trees or shrubs IS reduced; Erosion and sedimentation controls ARE required; Conditions will occur which WILL affect traffic safety; Existing outdoor lighting fixtures ARE modified; The number of parking spaces ARE reduced OR increased by more than 10% of existing; <u>OR</u> Building or structures as initially constructed ARE enlarged by more than 2,500 square feet or 25%, whichever is less. | | | | Site | SP | | Site | SP |
| c. Subsections a. & b. above shall not apply to the following uses: kennels; hotels, motels, or inns; bed and breakfasts; drive-thru facilities; adult-oriented business; automobile/boat/motorcycle/equipment sales, rental or repair; car wash; dry cleaner; flower, nursery, garden center; gasoline sales/filling station; undertaking/funeral homes; bar/café; brewpubs with brewery or microbrewery | | | | | SP | | | |

*Any modifications permitted under subsections a. & b. above shall be modifications or amendments to the originally approved site plan or special permit.

B. Prohibited Uses

The following uses shall be prohibited in the Industrial & Commercial Districts:

- (a) Any business which includes an adult amusement machine.
- (b) Any business which could be characterized as an adult cabaret.
- (c) Any business containing or consisting of an adult motion picture theatre or adult mini-motion picture theatre.
- (d) Any business which could be characterized as an adult personal service establishment.
- (e) Any use prohibited by **5.4 D(2)** of the Aquifer Protection Regulation.
- (f) Medical Marijuana Production Facilities.

4.3 Location, Dimensional and Site Requirements

A. Dimensional Requirements Table

| | CG-N | CG-S | C-1 | C-2 | MC | I-1 | CP | TCD |
|---|--------------------|--------|------------------|--------|--------|-----------------|--------|-----------------|
| Min Lot Area (sq ft) | 40,000 | 20,000 | 80,000 | 40,000 | 10,000 | 40,000 | 40,000 | 10,000 |
| Min Lot Width (ft) | 150 | 75 | 200 | 150 | 50 | 150 | 150 | 50 ^A |
| Min Front Yard Setback (ft) | 25 | | 50 | | 20 | 50 ^G | 50 | 6 ^B |
| Min Rear Yard Setback (ft) | 30 | 20 | 50 | 30 | 10 | 30 ^G | 30 | 10 ^C |
| Min Side Yard Setback (ft) | 30 | 20 | 50 | 30 | 10 | 30 ^G | 30 | 0 |
| Max Impervious Coverage (%) | 75 | | | | | | | 80 |
| Max Building Height (ft) | 30 ^{F, G} | | | | | | 45 | 42 |
| Setback from Residential District Line^D | 100 | | 100 ^E | 100 | 0 | 100 | | 0 |

A: Plus 26 ft wide side yard if rear parking is provided.

B: Minimum from sidewalk or property line, whichever is closer; and a maximum of 25 feet from property line.

C: Plus the width of a rear yard drive.

D: Except when the boundary is contiguous with a railroad right-of-way, the setback may be reduced to 25 feet.

E: Except for multifamily dwellings, which shall comply with the minimum setbacks set forth in Section 3.14(G)(2).

F: Except when in the I-1 Height Overlay Zone where 45' max building heights are allowed.

G: Except in the CG-N district where 45' max building height is allowed on parcels ≥ 25 acres with required setback of 150' from property lines on all sides.

B. Site Requirements – Gateway Districts

1. Buildings

In addition to the area, yard, and height requirements found in 4.3A, the following site development standards shall apply to all uses in the Gateway Districts (CG-N and CG-S).

a. Buildings along a public street shall be oriented to the street. Buildings along an interior access drive shall be oriented toward the access drive.

b. For sites where multiple buildings are proposed, the minimum distance between buildings shall be equal to the height of the tallest adjacent building. In instances where the building has a sprinkler system, the buildings shall have a minimum separation distance of 25 feet.

2. Access and Parking

In addition to the access and parking standards set forth in Section 6.1, the following standards shall apply to all uses in the Gateway Districts (CG-N and CG-S):

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- a. Where parking may be visible from a street or internal access drive, the parking lot shall be buffered by existing or proposed topography, the preservation of existing mature vegetation, low walls, or evergreen plant material.
- b. Access from Federal Road shall be limited to one driveway per parcel, or site in the case of a unified site development of multiple parcels, in order to reduce the potential of traffic congestion unless the Commission finds that overall traffic circulation and safety will be improved by having more than one point of access.
- c. Where practical, the Commission may recommend that internal access drives be connected to adjacent properties in order to facilitate a comprehensive circulation system and avoid congestion along Federal Road to promote shared parking.
- d. Loading areas shall not be visible from Federal Road and shall be suitably screened from other streets and internal access drives.

3. Landscaping of Parking and Loading Areas

In addition to the landscaping requirements set forth in Section 6.3, the following landscaping standards shall apply to parking and loading areas in the CG-N District.

- a. At least ten percent of a parking and loading area containing more than ten spaces shall be landscaped using landscaped planting islands and planting strips.
 - b. At least one shade tree shall be provided within the parking lot for every ten spaces.
 - c. Parking lots shall have landscaped islands at the end of row of parking. The islands shall have a minimum width of ten feet.
4. Where the soils are suitable, planting islands and planting strips may be depressed when designed to serve as rain gardens or to promote infiltration of surface runoff from the parking lot. Depressed areas shall be suitably protected with guardrails or curb stops.

4.4 Commercial and Industrial Uses**A. Adult-Oriented Businesses**

An adult-oriented business may only be located in the specific Zoning Districts found in Section 4.2 as revised. In addition to the general requirements of these Zoning Regulations, site plan approval, parking and other requirements, and notwithstanding any regulation to the contrary, such uses are subject to the following requirements:

1. No such adult-oriented business may be located within 500 feet of any residential structure, public or private school or other educational facility serving individuals under 18 years of age, daycare centers, senior centers, churches, medical marijuana dispensaries, or other adult-oriented business establishments, nor an establishment which sells alcoholic beverages pursuant to a valid State Liquor License. For purposes of compliance with these distance requirements, distances shall be measured in a straight line without regard to intervening structures or objects from the principal interest of the building containing the proposed use to the nearest boundary of the uses identified herein.
2. No such business shall remain open between the hours of 11:00 p.m. and 8:00 a.m. and shall not be open on Sundays.
3. All such business interiors shall be fully lighted and well-lit during operating hours.
4. No such business shall have any enclosed screens or booths or cubicles.
5. No such business may have for rental or usage adult amusement machines for the viewing of materials depicting sexual activities or male or female nudity.
6. No such business shall include the featuring of live entertainment involving the touching or displaying of nude male or female entertainers, the actual or simulation of sexual activities, or the exposure of human genitalia or female breasts.
7. No such business shall be conducted in a manner that permits the observation of any materials or novelties intended for adult viewing from any public way. Accordingly, displays, windows, doorways, and signs shall not be arranged so as to display the adult-oriented business to the exterior of the premises. No such business shall allow partially nude live performances as defined in Town of Brookfield "Adult Oriented Business Establishments Ordinance."
8. All such businesses must post or maintain a sign 24 inches by six inches on the exterior of the building adjacent to its main entranceway indicating "ADULTS ONLY" in capital letters with letters five inches in height.
9. No such adult business shall be allowed if it has not first complied with and obtained any licensing requirements of the Town of Brookfield Ordinance Regarding Adult-Oriented Businesses.

Article 4 – Commercial and Industrial Districts

10. All such establishments must be in compliance with any applicable ordinance of the Town of Brookfield.

B. Agriculture and Animal-Related Uses

1. The purpose of this Regulation is to promote Brookfield's agricultural heritage and protect its economic development interest.
2. Growing edible crops and agricultural produce for wholesale or retail is generally permitted by zoning permit in the CG-N, CG-S, C-1, C-2, and I-1 zones, provided the following:
 - The parcel and any structures meet the minimum dimensional requirements of the District.
 - Seventy percent of gross sales shall be from agricultural goods produced on the premises.
 - The extent and type of any products to be sold, any activities to be conducted, and any classes to be offered on the lot shall be clearly stated in the application or shall be considered to be prohibited.
 - Adequate parking is provided to accommodate farm equipment and customer vehicles.
3. Commercial livestock or poultry farming requires a minimum of five acres. In addition, a 100-foot buffer shall be maintained, in its natural state or landscaped as required to provide visual screening, between the property line and any fence, corral, feeding area, or structure used to house or feed animals.

C. Alcohol Sales

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. Said 2,000-foot distance requirement shall be measured as follows: beginning at the midpoint of the principal public entrance door of the portion of the structure in which the sale of alcohol 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

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store permit" shall have the same meaning as those terms defined in Chapter 545 of the CGS, as may be amended or re-codified from time to time.

D. Contractor's Yards

Any fuel storage facilities shall be built above ground and provided with a containment berm. The mixing of materials is permitted provided that effective dust control methods are used and that the operations conform to the noise regulations of Section 6.8. Contractor's yards are NOT permitted in any Aquifer Protection District.

E. Marinas, Docks, and Slips

The quantity, construction, lighting, and physical location of docks and mooring spaces and parking spaces pertaining thereto, from the aspect of public safety, shall be subject to approval of the Commission. The sale of fuel and lubricant for marine use is considered an accessory use hereto.

F. Recreation

Mechanical amusement park devices are specifically prohibited. Within the MC District, outdoor recreational uses shall not be operated later than 10:00 p.m.

G. Restaurants

Within the MC District only, food sold for consumption at home is considered an accessory use. Specifically prohibited in this District are ice cream, soda, hot dog, or hamburger stands or outlets or similarly related establishments, except those which may be reasonably considered by the Commission to be an accessory use to a club, beach, or recreational sports area. The Commission may grant a special permit for such accessory use.

H. Solar Energy Generation

Solar panels accessory to a principal use and whose primary purpose is to provide energy for the principal structure are permitted by Zoning Permit provided that:

1. Roof-mounted solar panels shall not be included in the maximum building height regulations.
2. Solar panels are to be considered as a structure when located at ground level and are allowed provided that:
 - a. Supporting documentation proves that no suitable location is available on the building due to exposed surfaces not facing the appropriate direction.
 - b. No glare will be created.
 - c. The optimum location of the panels is at ground level.
 - d. The Commission may at its discretion establish a 10-foot or greater setback requirement.
3. In no case are solar panels permitted whose primary purpose is to supply power for commercial purposes.

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I. Veterinary Offices, Animal Hospitals, and Kennels

Such uses require a minimum lot area of five acres, and no animal may be kept in an enclosure or structure which is located within 150 feet from any property line.

J. Combination/Mix of Commercial and Industrial Uses

Within districts that permit both commercial and industrial uses, the combination or mixture of such types of uses on the same lot shall not generally be permitted. The Commission, in its sole determination, may permit the combination or mixture of such uses only when they are supportive of or accessory to one another, e.g., warehouse/office, manufacture/sales, etc. When incompatible uses are proposed to be combined or mixed or where the risk to pedestrians and property would be increased, the combination or mixture shall not be permitted, e.g., truck terminal/retail shop, motel/contractor's yard, etc.

K. Combination/Mix of Commercial and Residential Uses

Within the CG-N and CG-S Districts, more than one of the permitted uses may be permitted on the same parcel in separate buildings or mixed-use buildings provided that the uses and buildings are planned as a single development.

For sites where multiple buildings are proposed, the minimum distance between buildings shall be equal to the height of the tallest adjacent building. In instances where the building has a sprinkler system, the buildings shall have a minimum separation distance of 25 feet.

L. Medical Marijuana Dispensary

Medical Marijuana Dispensaries are permitted, subject to Special Permit Approval, and the following requirements:

- a. Shall be licensed by the State of Connecticut and must maintain all necessary approvals and permits from the State at all times;
- b. The Gross Leasable Space shall not exceed 4,000 square feet;
- c. The main pedestrian entrance to the proposed dispensary shall be located at least 1,000 linear feet from all public and private schools, nursery schools, daycare facilities, parks and playgrounds, and places of worship. The distance shall be measured by drawing a straight line between: 1) the nearest main pedestrian entrance of any existing facility listed herein, or 2) in the case of a park or playground, from the nearest boundary of the park or playground, and the nearest pedestrian entrance of the proposed dispensary;
- d. Shall be located in the Industrial District (I-1);
- e. Shall not adversely affect health, safety, convenience and welfare of the surrounding neighborhood;
- f. Shall not engage in the sale of recreational marijuana, regardless of Connecticut Laws, without additional approval from the Town of Brookfield;

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- g. Shall not operate within 7,000 linear feet of any other Medical Marijuana Dispensary, measured as set forth in item c above;
- h. Shall not be located in the same building or any portion thereof that is used for residential purposes.

Notwithstanding any other zoning regulation to the contrary, there shall be no outdoor display of marijuana products, packaging, paraphernalia, display boards or pricing information.

Medical Marijuana **Production** Facilities are specifically prohibited in any district/zone.

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5.1 Town Center District (TCD)

A. Purpose

This district encompasses the historical business center of the town. Many business establishments within the district have been in operation prior to the enactment of the Regulations, and physical conditions exist which limit their compliance with regulatory requirements and/or good planning principles. It is considered in the best economic interest of the Town to foster business development of both new and existing establishments in a planned, integrated, and orderly manner and in such a way as to complement the historic character and traditions of the district.

In the future, the Four Corners will become a center of activity in Brookfield and a destination. It will be a “downtown” for Brookfield that is well defined visually and aesthetically, providing a positive experience for residents and visitors, with a distinctive identity that is well known throughout Brookfield and the region. Development will have complementary scale, character, and density that will contribute to a sense of both history and vitality. It will offer places to live, work, shop, eat, and find entertainment and cultural enrichment. The area will provide a diversity of services that enhance the quality of life for residents and invite travelers to stop. This will be complemented by access to the Still River as a scenic resource in the Four Corners. It will have complementary civic spaces in the form of outdoor parks and plazas and public community facilities. Most new development will result from infill and from reuse or redevelopment of existing sites. No new strip or large-scale single-use developments will be built.

The area will be easy to access and navigate by car, bicycle, transit, and on foot. There will be a variety of opportunities to travel by all these means along all roads within the Four Corners area including walking, biking, rail, and bus along with key connections among those means. Streets in the Four Corners will offer a balance among motor vehicle and pedestrian and bicycle traffic, with an enhanced streetscape that is pedestrian friendly and complementary to the character of the area. This will be accomplished through improvements such as landscaped sidewalks, aesthetic lighting, and areas to pause and relax such as plazas with benches near public art and other public spaces. Traffic on Route 7 will flow at reasonable speeds through the area as a result of measures designed to encourage drivers to slow down, improve safety, and minimize any degradation of the character of this special place.

B. Plan of Conservation and Development

The Commission shall use the Plan of Conservation and Development as amended to include the Four Corners Revitalization Plan, approved by the Planning Commission, Town of Brookfield, as a guide in reviewing all applications for design review approval within the district. In particular, the Commission shall consider and be guided by the various aspects of

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the Plan, which may identify historic sites, irreplaceable site features, wetlands, utility concepts, bridges and walkways, service areas, common areas and open space, potential housing sites, access drives, vehicle and pedestrian circulation patterns, and common parking areas in addition to other elements.

C. Common Service Areas

In order to provide for services to the district as a whole, certain areas within the district may be acquired by various business entities and held in common under a condominium association or similar entity. Such service areas may consist of access drives, parking areas, area lighting, utility facilities, walkways, seating, landscaped areas, etc.

D. Permitted Uses

1. Table of Permitted Uses

The permitted uses established for the TCD are as indicated in Table I, "Table of Permitted Uses" appearing in Section 4.2.

2. Residential Apartment or Condominium Dwelling Units

Residential apartment or condominium dwelling units may be permitted on floors other than the first floor of a mixed-use structure. Each such dwelling unit shall not contain more than two bedrooms.

3. One-Family Dwellings/PARCs/Multi-Family Dwellings

One-family dwellings, PARCs, and Multi-Family Dwellings (notwithstanding point 2 above) are permitted only in the TCD Perimeter Overlay Zone (see Section 5.2 of these Regulations).

4. Square Footage Restriction

Each new structure permitted within the district shall not exceed a footprint of 12,000 square feet, except when the new structure is a supermarket/grocery store or municipal building, when the footprint shall not exceed 20,000 square feet.

5. Drive-Thru Facility

a) The lot shall be a minimum of 40,000 square feet;

b) The lot must have frontage on a state highway, thus making it subject to state Drive-Thru regulations.

Article 5 – Special Districts**E. Land Use Standards**

| | |
|--|---|
| Lot Area, Min. | As determined by parking space and building footprint requirements for a particular use or group of uses but not less than 10,000 square feet |
| Impervious Coverage, Max. | 80% |
| Loading/Refuse area, Min. | 250 square feet |
| Lot width, Min. | 50 feet, plus 26-foot-wide side yard driveway if rear parking is required |
| Side Yard | None |
| OR, if a Side Yard Driveway is provided, the setback from the inner edge of the drive | None |
| Rear Yard | 10 feet, plus the width of a rear yard driveway |
| Front Yard Setback, Min. | 6 feet from sidewalk or property line, whichever is closer |
| Front Yard Setback, Max. | 25 feet from property line |
| Height, Max. | Three stories and 42 feet |
| Sidewalk width, Min. | 6 feet wide or as per Town Center District Sidewalk and Access Management Plan |
| Common or Public Areas | Refuse containers, seating areas, and other pedestrian amenities shall be provided at locations approved by the Commission. |

F. Architectural Guidelines

Additional design standards for compliance for site design are set forth in the TCD Design Guidelines in Appendix 2 of these Regulations.

G. Conflicts

Where compliance with the TCD Design Guidelines is required pursuant to this Regulation, to the extent that there is any conflict between a specific provision of this section and the TCD Design Guidelines set forth in Appendix 2, the requirements of the TCD Design Guidelines shall prevail and apply.

H. Application and Permitting

1. In addition to meeting all requirements of Section 8.5, "Special Permit Application," all projects shall demonstrate:

- a. Preservation of historical sites and irreplaceable site features
- b. Preservation of the architectural design of the original building during renovation or expansion of existing buildings
- c. Continuity of the architectural theme with adjacent structures
- d. Harmony of building material texture and color with other district structures

2. All projects must undergo a preapplication review with the TCD Design Review Team, which shall be chosen by the Commission. The advisory team may be comprised of the following technical specialists: an architect and a landscape architect, the Zoning Enforcement Officer, the Town Historian, Fire Chief or his designee, Fire Marshal, Sanitarian, Building Inspector, WPCA Chief of Maintenance, and Inland/Wetlands, when applicable. A complete site plan must be submitted prior to the preapplication meeting. The team and its members will function in an advisory capacity for the Commission and will provide a report for each project proposed in the TCD.

I. Parking

1. Off-Site Parking - Notwithstanding 6.1, if a business has insufficient parking to meet the regulatory requirements on the site where the business is established, the business may satisfy the requirement by acquiring (lease or purchase) the additional required parking spaces on an off-site location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of a defined off-site parking location shall not exceed 900 feet, except that parking spaces dedicated for employee use may be at a greater distance.

2. Aesthetic and Pedestrian Considerations - If a business determines that site aesthetics and pedestrian accessibility can be improved by the addition of malls, walkways, landscaping, or similar site elements, or if adequate additional off-street parking is provided, it may apply to the Commission for a special permit that would allow for reduced on-site parking in favor of these design enhancements and the substitution of additional parking spaces within a defined off-site parking location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of the defined off-site parking shall not exceed 900 feet, except that parking spaces dedicated for employee use may be at a greater distance.

3. Location

- a. With the approval of state and municipal authorities, street-side parking within the right-of-way is permitted.
- b. No street-side berms are required.

c. Off-street parking shall be located in the side or rear yards of street-front development.

4. Minimum Spaces – Parking shall be provided as required by Section 6.1 of these Regulations.

J. Design Flexibility

1. Assemblages – In order to allow for more practical and conforming development, the assemblage of smaller, contiguous parcels into a legal, consolidated conforming parcel is to be encouraged.

2. Side Yards – Pursuant to Section 5.1E above, the Commission has provided for the “clustering” of buildings, on separate sites, planned in such a manner as to foster pedestrian accessibility and continuity, integrity of architectural design, and the orientation of buildings to the street. In such instances, the adjoining buildings may be connected by covered pedestrian walkways or courtyards. The Commission, however, must give specific consideration to the need to provide emergency passage of vehicles through these yards and fire protection methods.

3. Setbacks from Access Drives – Setbacks from common area access drives shall not be less than ten feet. No parking space may be located closer than ten feet from a building.

4. Parking Areas – Buffers, setbacks, and other distance requirements pertinent to parking areas may be reduced when the Commission finds that such reduction will foster pedestrian accessibility, pedestrian and vehicular safety, and utilization of good design and engineering principles. Pedestrian walkways are permitted within any buffers in setback areas between roads, drives, accessways, and parking area pavement.

5. Signage – Signs within the district shall conform to the requirements of Section 6.2, except as follows:

a. There shall be a common design concept, approved by the Commission, for signs for individual businesses located within a building or grouping of buildings.

b. “Building signs” of the prescribed size shall be allowed on both the front and rear of a building.

c. “Freestanding signs” directing vehicles to the access points or assigned parking area of individual businesses may be erected on the approach to access drives or roadways provided that:

- i. The location of the signs is consistent with the Plan of Development,
- ii. The sign(s) do not inhibit lines of sight.
- iii. The overall sign shall have lettering and directional arrows that contrast from the background and shall not exceed a size of 20 square feet.
- iv. Individual sign panels, placed on the above sign and indicating the individual business name, shall not exceed six inches x 36 inches.
- v. Signs shall be no more than 10.5 feet in height.
- vi. Sign location shall not interfere with the use of any sidewalks.

d. Signs which identify the district may be erected at the borders of the district with the prior written permission of the landowners of record. These signs shall be uniform in appearance and shall not exceed 20 square feet.

K. Sidewalks

1. Installation

For any new, modified, assembled, or subdivided properties within the District, sidewalks shall be installed as follows:

- a. Along all street frontages, between the road right-of-way and building frontages;
- b. Along all sides of a developed site which abut a public highway;
- c. Adjacent to entrances to buildings at locations deemed appropriate by the Commission;
- d. So as to connect sidewalks on a user's property with parking areas on the same or adjacent properties;
- e. So as to connect any sidewalk on a user's property to adjacent parks, plazas, or other open space and/or recreational areas; and
- f. In the event an adjacent sidewalk is planned but not built, the sidewalk shall be built so as to connect to the proposed sidewalk.

2. Sidewalk Location

- a. Sidewalks shall not be permitted within any area dedicated by either the DOT or the Brookfield Director of Public Works (DPW) for guardrails, fencing, drainage devices, plowed snow storage, and the like.

b. Sidewalks shall be located parallel to the street at a height six inches above the edge of pavement unless otherwise determined by the Commission so as to adjust to variable site conditions.

c. When located immediately adjacent to street-side parking spaces, they may be located immediately adjacent to the street curb.

d. When not located adjacent to street-side parking spaces, they shall be located no closer than four feet from the curb or edge of pavement. This four-foot area shall be planted with sod or ground cover plant material.

e. With the specific approval of the cognizant state and municipal agencies, sidewalks may be located within the roadway right-of-way.

3. Construction

a. Sidewalks shall be extended to the perpendicular curb at intersections and shall be continuous across driveways.

b. Sidewalks shall meet the requirements of the Americans with Disabilities Act.

c. Sidewalks shall be sloped to prevent the accumulation of water on the surface.

d. Steps shall not be permitted on sidewalks.

e. Minimum Width:

i. When immediately to adjacent diagonal, on-street parking:

A minimum of five feet in width to provide for unencumbered pedestrian passage. An additional paved area of not less than eight feet in width from the sidewalk to the front of a building shall be provided. This area shall include containerized landscaping, tree wells, and street furniture.

ii. When on-street parking is not provided:

A minimum of five feet in width located from either the front lot line or edge of pavement and may be located within any required street-side buffer area.

4. Construction Standards

All sidewalks shall be constructed in accordance with DOT and Brookfield Department of Public Works standards and specifications.

5. Owner Responsibility

The owner of the private property directly abutting a sidewalk shall be responsible for and have the duty, burden, and expense of the maintenance, repair, snow/ice removal, cleaning, repair, and renewal of such walks.

L. Landscaping

1. Landscape Plan

The landscaping plan shall be developed with the goal of creating a pedestrian friendly environment.

2. Planter Boxes

Street-side areas shall use planter boxes containing deciduous, evergreen, and other similar plants. They shall be located every 20 feet along the front perimeter of the site. The planter boxes shall be not less than three feet in diameter or three feet square and adequate to support the continued and healthy plant life contained therein.

3. Buffer Areas

The Commission may require landscaped buffer areas to shield or enhance the view of the site and the use from adjacent uses, land, or buildings.

M. Street Lighting

Property owners shall provide street lighting from dawn to dusk each day along all sidewalks as follows:

1. Maximum separation distance between poles shall be 50 feet.
2. Maximum pole and fixture height shall be 14 feet.
3. Lighting fixtures and poles shall be uniform in design throughout the district and shall comply with the requirements of Section 6.4.
4. The connection from power source to lighting poles shall be underground.
5. There shall be one in-line cartridge-type fuse per each pole accessible through a covered hand hole.
6. The average level of illumination shall be 12 LUX.
7. Property owners shall be responsible for maintenance and repair including bulb changing.
8. Installation plans shall be specifically approved by the Commission and DPW.

N. Public Utilities

All utilities shall be placed underground unless otherwise authorized by the Commission upon review of plan and finding that unique geographical or complex technical circumstances exist.

O. Road Right-of-Way Improvements *[amended eff. 2019-July-5]*

In the absence of any requirement in these regulations for an adjacent property owner to undertake certain improvements required by these regulations, in accordance with Connecticut General Statutes sections 7-148 and 8-2, as part of any construction or reconstruction within the road right-of-way of any State or Town road located within the Town Center District (TCD), the Town and/or State shall comply with sections 5.1.K, L and M and Appendix 2, subsections 4.8 through 4.10.

5.2 TCD Perimeter Overlay Zone

A. Purpose

The purpose of this overlay zone is to:

1. Encourage housing in the TCD of sufficient density to support small-scale commercial and transit uses.
2. Enable properties on the perimeter of the underlying TCD to have the flexibility to develop residential uses not otherwise permitted in the TCD zone.

B. Permitted Uses

In addition to all permitted uses allowed in the underlying TCD Zone, multifamily dwellings and PARC developments are permitted by special permit in the TCD Overlay zone in accordance with the requirements of Section 3.14 and Section 3.15, respectively.

5.3 Residential – Rental Housing Opportunity/Workforce Zone (R-RHOW)

A. Purpose

The purpose of the Residential – Rental Housing Opportunity/Workforce Zone (R-RHOW) is to:

1. Increase the availability of affordable and attainable rental workforce dwellings in the Town of Brookfield where existing and adequate public facilities and services are present.
2. Rehabilitate sites that have become either functionally obsolete or have suffered from significant deterioration or have become derelict.
3. Efficiently utilize existing infrastructure and promote neighborhood planning where such infrastructure is available to create a diversity of housing and mixed commercial uses.

B. Requirements

A mixed commercial/workforce housing use may be permitted within the R-RHOW Zone subject to special permit by Section 8.5, the R-RHOW Zone Regulations, and the following additional requirements:

1. The development shall contain a mix of residential and commercial uses which may include retail, restaurant, and professional and medical offices with associated amenities.
2. The development shall be located on Federal Road and within 1,600 feet of the intersection of Federal Road and Station Road.
3. The development shall be located on a parcel of land or combined parcels of land having a minimum of three acres and a maximum of five acres which are served by public sewer and water.
4. The parcel shall have a minimum width of 500 feet.
5. Impervious coverage shall not exceed 60 percent.
6. Setbacks for buildings shall be as follows:
 - a. Street or front yard minimum of five feet
 - b. Side yard minimum of five feet
 - c. Rear yard minimum of 100 feet
7. Minimum number of parking spaces shall be one and one-half (1.5) per dwelling unit. Spaces shall be a minimum of nine feet by 18 feet. Reasonable accommodations shall be made for commercial uses as shall be determined by the Commission.
8. Maximum building height shall be three stories.
9. Maximum density for residential uses shall not exceed 27 dwelling units per acre.
10. A minimum workforce housing component of 10 percent of the total number of dwelling units shall be provided, which shall be set aside for occupants earning not more than 80 percent of the area median income. An incentive housing plan and deed and/or lease restrictions comparable to those required by C.G.S. §8-30g (as it may be amended) and/or Section 5.1 of the Brookfield Zoning Regulations shall be submitted for approval by the Commission to ensure compliance with this requirement as a condition of any approval.
11. All applications shall meet the requirements of Section 5.1H of the Brookfield Zoning Regulations.

12. A minimum of 3,000 square feet on the first floor of the buildings located on the site shall be for a commercial use. Notwithstanding the foregoing to the contrary, the Commission may require that additional commercial space on the first floor of any buildings on the site be reserved as a “flex space” and prioritize it for additional commercial use in such buildings prior to allowing the use of such flex space for residential use. The total of such flex space shall not exceed 50 percent of the first floor of the buildings located on the site.

C. Expiration

For any R-RHOW in existence as of the adoption date of these Regulations, the Commission shall no longer accept applications for a mixed commercial/workforce housing use, in accordance with these Regulations, after **July 1, 2021**. In addition, no new R-RHOW zones shall be created after the adoption date of these Regulations.

5.4 Brookfield Aquifer Protection District (APD)

A. Purpose

It is the purpose of the Brookfield APD to protect public health by preventing contamination of the ground and surface water resources providing water supply or potential water supply to the Town of Brookfield. These Regulations intend to provide protections across a larger area of existing or potential water supply sources than the Town of Brookfield's Aquifer Protection Area Regulations, adopted under CGS 22a-354a to 22a-345bb, and administered by the Brookfield Zoning Commission.

B. Applicability

These regulations apply to all land within the boundaries of the APDs delineated on a map on file in the offices of the Commission that shows both primary and secondary recharge areas of the designated aquifer and is entitled "Aquifer Protection District, Town of Brookfield effective January 1, 2000" and that are not serviced by a public water company (e.g. Aquarion, etc.).

C. Compliance

Within Town boundaries, the APDs shall be superimposed on existing zoning districts. The provisions of these regulations shall be in addition to all other requirements of applicable statutes, codes, regulations, or ordinances. In the event of conflict between the provisions of this Regulation and any other Town regulation, the more restrictive requirement shall control.

D. Permitted Uses

1. Permitted uses are all uses permitted within the underlying district except as cited in Subsection D(2) below.
2. The following uses or activities are specifically prohibited:
 - a. Road salt storage and loading facilities
 - b. Manufacture, storage, warehousing, or transportation of toxic, hazardous, or contaminant materials as a primary activity
 - c. On-site disposal of toxic, hazardous, contaminant, or industrial waste into the soil or groundwater regime
 - d. Truck terminals, depots, yards, and servicing facilities of a transportation line or company as a primary activity but excluding warehousing and distribution services
 - e. Sanitary landfills, junkyards, salvage yards, and other solid waste disposal
 - f. Contractor's yards

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- g. Motor vehicle service or washing stations of a commercial nature
- h. Automotive and boat sales, repair or storage. Boat storage may be permitted provided the following precautions are designed, constructed and followed:
 - i. All boat storage shall be within a weather tight building.
 - ii. No repair work on any boat shall be permitted.
 - iii. Internal fire protection walls shall be provided and no area protected by such walls shall exceed 10,000 square feet.
 - iv. A fire alarm system shall be installed and maintained. It shall be connected to a twenty-four (24) hour answering service. Fuel fume detectors shall also be installed on the ground level and shall be connected to the alarm monitoring system.
 - v. The floors shall be Portland cement concrete and depressed a minimum of ten (10) inches with Portland cement concrete “curbs (minimum ten (10) inches high). All concrete shall be sealed against water, oils and fuel. All construction joints shall be sealed.
 - vi. A 20,000 gallon storage tank shall be provided and have a high overflow connected to a catch basin if possible. All floor areas shall drain to this tank.
 - vii. All drain plugs shall be left in any boats on the ground level.
 - viii. All batteries shall be removed from the boats prior to the boat being placed within the building.
 - ix. All personal items containing any flammable materials shall be removed from the boats prior to the boat being placed within the building.
- i. Disposal of snow from Disposal of snow from outside of the district
- j. Uses or processes whereby other than standard domestic wastes generated on the site are discharged into the groundwaters of the Town of Brookfield
- k. Underground storage of fuel and other flammable or hazardous material except that pre-existing underground storage may be continued as a pre-existing, nonconforming use provided that there is evidence that no leakage has occurred.

l. Etching, plating, coating, finishing, degreasing, chemical cleaning, and the like

m. Unless specifically regulated by the DEEP or prohibited by the state or Brookfield Health Department, the storing of hazardous substances for purposes of retail consumer sale or individual private use is excepted from this prohibition.

E. Aquifer Protection Performance and Design Standards

1. General

All permitted uses shall conform to the standards indicated below. The purpose of these standards is to prevent or minimize potential groundwater pollution from improper waste disposal, releases of hazardous materials, and other sources. An alternative standard or protection method may be approved if it is clearly demonstrated to provide equivalent protection of these standards.

2. Exception

Storage or use of hazardous materials in quantities normally associated with customary residential or office use as determined by the Commission is exempt from these standards.

3. Stormwater Management

a. No wastewater discharges shall be connected to the stormwater system.

b. Stormwater from developed site areas shall be directed to an aboveground outlet point (swales, basins, surface waters). Discharges to drywells or other subsurface leaching structures may be allowed for the recharge of clean stormwater only, such as clean roof drainage.

c. Stormwater contact with sources of pollution shall be prevented by use of roofs, covers, berms, and directing runoff away from such sources.

d. Parking, storage, loading, and other areas where releases can occur shall be an impervious surface.

e. All sites and parking areas shall require the property owner or site operator to prepare, implement and maintain a Stormwater Management Plan as described by DEEP in its "General Permit for the Discharge of Stormwater Associated with Commercial Activity" document of May 15, 2017, as revised. Furthermore, runoff from parking areas shall be collected and contaminants shall be separated therefrom by use of engineered contaminant collection devices, e.g., Vortechs or similar systems. The contaminant materials shall be disposed of in accordance with DEEP

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regulations. Maintenance on the collector system shall be performed at least annually, and collection of contaminant materials shall be performed at least semiannually. A report prepared by a professional engineer shall be submitted to the Commission annually and shall describe the results of the stormwater management system inspection and any required corrective action. A permanent maintenance bond in an amount designated by the Commission shall also be required.

f. The use of sodium chloride as a deicing agent is prohibited.

4. Wastewater Discharges

No wastewater shall discharge to the ground other than approved domestic sewage systems or other certain discharges approved by state wastewater discharge regulations, such as contaminant separator systems.

5. Floor Drains

No floor drains shall discharge into the ground. Floor drain discharges may be connected to public sanitary sewers in accordance with DEEP or WPCA approval. Bathroom and kitchen drains connected to a Health Department approved septic system are excepted from this standard.

6. Storage, Generation, Use, and Handling of Hazardous Materials

All areas and operations where hazardous materials are stored, generated, used, or handled shall be designed and constructed to prevent groundwater contamination including provisions for the control of inadvertent or accidental spills, leaks, or other discharges. The following standards shall apply:

a. Manufacturing, processing, or other activities using hazardous materials shall be conducted only in a building or structure where the flooring is impervious to the material being used. Suitable containment provisions shall also be constructed for areas in which such activities are conducted. If floor drains are present, they shall be made inoperable prior to conducting such activities.

b. Generation of toxic or hazardous materials in excess of 100 kilograms per month shall require a permit issued by the DEEP. Disposal of any material so generated shall be in accordance with DEEP regulations.

c. Pre-existing underground storage tanks may be replaced subject to the following:

i. Tanks shall be double-walled fiberglass-reinforced plastic or a double-walled steel cathodically protected.

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ii. Piping and distribution lines shall be protected against corrosion and constructed of double wall pipe or within a secondary containment pipe or conduit.

iii. A monitoring or failure detection system shall be employed.

iv. An overfill prevention or containment area shall be employed.

d. Aboveground storage tanks, containers, or drums shall be within a building or structure meeting the following requirements:

i. Have an impervious floor and containment area or dike of adequate size to contain the total volume stored

ii. The area shall be protected by a roof and adequate sides to prevent exposure to precipitation.

iii. Tank overfill protection devices shall be designed to prevent release of overfill outside of the storage area.

iv. Storage areas shall be located outside of floodprone areas or be floodproofed.

v. Have no floor drains

e. Venting systems for evaporation or distillation of hazardous materials shall be designed with a control or recovery system to prevent the discharge of contaminated condensate or drippage.

f. Loading or transferring activities shall be conducted on impervious surfaces, roofed and diked to capture and control any spills or leaks.

7. Bulk Material and Solid Waste Storage

a. Bulk storage facilities of nonhazardous materials which may leach into the ground such as deicing salt, sludge, manure, or silage shall have an impervious floor and roof and be raised or designed to prevent surface water runoff from entering.

b. Solid waste dumpsters shall be on a concrete pad, covered and plugged so as to be watertight.

8. Hazardous and Contaminant Materials Control Plan

A control plan and applicable procedures shall be submitted for approval that contains the following elements:

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- a. An inventory of all hazardous or contaminant materials which are or will be generated, stored, or used at the facility and a description of the methods and procedures utilized for the receipt, handling, storage, utilization, treatment, and disposal of such materials. The inventory shall also state the quantities involved and shall be accompanied by the applicable Material Safety Data Sheets (MSDS).
- b. Security and inspection measures to control vandalism or accident
- c. The locations and types of storage containers used to store hazardous and contaminant materials and a description of leak detection and prevention methods and equipment
- d. Procedures for the periodic inspection and maintenance of handling equipment and storage containers
- e. A description of the operations at the site, including service, cleaning, or manufacturing processes which might result in contamination of surface or groundwater
- f. Procedures to contain and clean up spills or leaks of hazardous materials
- g. Procedures for the collection after use and off-site disposal of hazardous and contaminant materials
- h. Procedures for an emergency response to natural or man-made accidents or disasters including notification of local and state officials
- i. Name, address, and phone number of the persons responsible for implementing the above plans and procedures

9. Pesticide and Fertilizer Use

Any use which includes more than five acres of land for crop, lawn, garden, or landscaping requiring regular application of pesticides or fertilizer shall be accompanied by a management plan indicating the types of materials, application schedule, and conformance with DEEP-approved best management practices.

10. Monitoring

If the Commission determines that additional safety measures and monitoring are needed because of hydrological conditions, existing contamination, or a high potential for contamination, then it may require the installation of monitoring wells, periodic sampling, and reporting of analysis of the samples.

F. Permit Review

To ensure compliance with these Regulations, review and determination must be made by the Commission in accordance with Section 8.10 in order to grant a special permit in a Brookfield APD.

G. Inspection

On a periodic basis or for good and sufficient reason at other times, the Commission shall cause inspections and/or tests to be conducted to verify compliance with applicable federal, state, and municipal standards/requirements for drinking water. In the event that such tests indicate noncompliance, the Commission shall require the owner/occupant to immediately cease operations causing such noncompliance and to take timely corrective action at his expense.

5.5 Floodplain Districts (FP)

A. General Provisions

1. Applicability

In accordance with the official Floodplain Map identified hereinafter, this district is superimposed over any other zoning district. It is subject to all regulations applicable to the underlying district and those additional regulations contained in this section.

2. Administration

All projects to be contained wholly or in part in the Floodplain District shall be submitted by the applicant to the Inland Wetlands Commission, if required by law. The application to the Zoning Commission, pursuant to Section 8.9 of these Regulations, shall not be accepted unless the applicant has submitted an application to the Inland Wetlands Commission previous to or no later than the application submitted to the Zoning Commission, if required by law. If an application was required by law to be submitted to the Inland Wetlands Commission, the Zoning Commission shall not render a decision on such application and site plan until a report has been submitted by the Inland Wetlands Commission with its final decision. This information along with a copy of the Inland Wetlands permit and all other data as prescribed by Section 8.4 or Section 8.5 shall become a criterion to be considered in the approval/ denial of the application and shall be made part of the applicant's design review file.

3. Use Variances

In accordance with the authority granted by CGS § 8-6, no use variances shall be permitted in the Floodplain District.

B. Floodplain District Boundaries

The areas of special flood hazard identified by FEMA in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, accompanying Flood Insurance

Rate Map (FIRM) dated June 18, 2010, other supporting data applicable to the Town of Brookfield, and any subsequent revisions thereto are hereby adopted by reference and declared to be a part of this section. Since mapping is legally adopted by reference into this section, it must take precedence when more restrictive, until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area on the FIRM designated as Zones A and AE, including areas designated as floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. The BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIS is on file at the office of the Town Clerk, Town Hall, Brookfield, Connecticut. The regulatory flood protection elevation for any point in question shall be the governing factor in locating the zoning district boundary of the land.

1. Establishment of Development Permit

A development permit shall be obtained before construction or development begins within any area of special flood hazard as prescribed in Section 8.9 of these Regulations.

2. Designation of the Brookfield Zoning Commission

The Brookfield Zoning Commission is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

3. Information to be Obtained and Maintained

a. Obtain and record the actual as-built elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures.

b. For all new or substantially improved floodproofed structures:

i. Verify and record the actual as-built elevation (in relation to mean sea level).

ii. Maintain the floodproofing certifications required in Section 8.9 and Appendix 1.

iii. Maintain for public inspection all records pertaining to the provisions of this section.

4. Alteration of Watercourses

Notify adjacent communities and the DEEP prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

C. Floodway Permitted Uses

Subject to the provisions of and in conformance with Section 8.4 or Section 8.5, the following open space uses may be permitted within the floodway provided that such uses do not require fill, structures, or storage of materials or equipment and are not prohibited by any other regulations:

1. Low-value agricultural uses, including pasture, grazing, wild-crop harvesting, and nonfertilized crops
2. Private and public recreation, such as golf courses; tennis courts; driving ranges; archery ranges; picnic grounds; swimming areas; outdoor ice-skating rinks; parks; wildlife and nature preserves; target ranges; trap and skeet ranges; fishing areas; and bicycle, hiking, and horseback riding trails

D. Floodplain Permitted Uses

Subject to the provisions of and in conformance with Sections 8.4 or 8.5 of these Regulations, the following uses may be permitted within the floodplain to the extent that they are permitted in the underlying district:

1. All uses permitted in the floodway, as described in Subsection C
2. All agricultural uses, including general farming, nurseries, truck farming, and forestry, provided that all structures are located outside the floodway
3. Seasonal commercial uses, including open-air markets and drive-in theaters, provided that all structures are located outside the floodway
4. Parking areas and loading areas, provided that all structures are located outside the floodway
5. Nonstructural residential uses, including lawns, garden, parking area, and play areas, provided that all structures are located outside the floodway
6. Storage of low-cost, nonhazardous materials, provided that all structures are located outside the floodway
7. Nonresidential buildings whose lowest floor is elevated one foot above the 100-year flood or is floodproofed to an elevation one foot above the 100-year flood, provided that all structures are located outside the floodway
8. Residential buildings whose lowest floor, including basement, is elevated one foot above the 100-year flood, provided that all structures are located outside the floodway

E. Other Permitted Uses

The following uses may be permitted in floodplain areas with or without floodways having established BFEs but prohibited in the floodway, provided that no structure (temporary or permanent), fill deposits (including fill for roads, parking, and levees),

excavations, obstructions, storage of materials or equipment, or other use may be allowed which, acting alone or in combination with existing or future uses, increases flood elevations by one foot or more beyond the BFEs as depicted on the Town's FIS dated June 18, 2010, and in the accompanying FIRM.

1. Circuses, carnivals, and similar transient amusement enterprises
2. Natural resources removal in accordance with Section 6.7
3. Railroads, streets, bridges, utility transmission lines, and pipelines
4. Support for structures, excluding fill, where the floor level of the structure is above the regulatory flood protection elevation but the supports are within the floodplain area
5. Structures constructed on fill, or first floor if there is no basement, provided that the basement floor is above the regulatory flood protection elevation. The fill shall be at a point no lower than one foot below the regulatory flood-protection elevation for the particular area and shall extend at such elevation at least 15 feet beyond the limits of any structure or building erected thereon.
6. Uses or structures accessory to a permitted use

F. Structures (temporary or permanent)

1. Structures shall not be designed for human habitation except as provided in Subsection D(8).
2. Structures shall have a low flood-damage potential.
3. The structures or structure, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
4. Structures shall be firmly anchored to prevent flotation, which may result in damage to other structures or restriction of bridge openings and other narrow sections of the stream or river.
5. Service facilities, such as electrical and heating equipment, shall be constructed at or above the regulatory flood-protection elevation for the particular area.

G. Storage of material and equipment

1. The storage or processing of materials that are buoyant, flammable, or explosive in time of flooding is prohibited.

2. Storage of other material or equipment may be allowed, if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the limited time available after flood warning.

H. Provisions for Flood Hazard Reduction

In all areas of special flood hazards, the following standards are required:

1. Anchoring: All new construction, including manufactured and mobile homes, and substantial improvements thereto shall be anchored to prevent flotation, collapse, or lateral movement and to resist hydrostatic and hydrodynamic pressure. Anchoring may include over-the-top or frame ties to ground anchors.
2. Construction materials and methods:
 - a. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Utilities:
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - d. Electrical heating, ventilation, plumbing, and air-conditioning systems shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e. Aboveground storage tanks that are located outside or inside of the structure must be elevated above the BFE on a concrete pad or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of floodwater.

I. Specific standards

In all areas of special flood hazards where BFE data has been provided as set forth in Subsection B, Floodplain District Boundaries, and Subsection B(4), Use of Other Base Flood Data, the following provisions are required. If any structure or portion thereof lies

partially or wholly within one or more flood zones, the entire structure must comply with the most stringent requirements of the zones involved.

1. Residential construction:

New construction and substantial improvements thereto shall be placed on a permanent foundation and shall have the lowest floor, including basement, elevated to or above the BFE. This includes manufactured homes located outside a manufactured home park or subdivision, in an existing manufactured home park or subdivision, or on a site in an existing park in which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles placed on sites within the areas of special flood hazard shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the elevation requirements listed above and anchoring requirement of Section H (1). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent attached additions.

2. Nonresidential construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level one foot above the BFE or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed from an elevation one foot above the BFE and below so that the structure is watertight with walls and floors substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects on buoyancy; and
- c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certificates shall be provided to the official set forth in Subsection B(5)(b).

3. Floodways

- a. Located within areas of special flood hazard established in Subsection B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and erosion, the following provisions apply:
 - i. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating through hydrologic

and hydraulic analyses performed in accordance with standard practice that encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge.

When utilizing data other than that provided by FEMA, the Commission shall select and adopt a regulatory floodway based on the principle that that area chosen for the regulatory floodway shall be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any one point.

ii. If Subsection I(3)(a)[i] is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection H, Provisions for Flood Hazard Reduction.

iii. Manufactured homes and recreational vehicles, (temporary or permanent) are prohibited within all special flood hazard areas.

b. These requirements are in addition to those requirements of Site Plan or Special Permit Application established in Section 8 of these Regulations.

4. 100-Year Flood Districts

Where BFEs have been determined but before a floodway is designated, no new construction, substantial improvement, or other improvement, including fill, shall be permitted which could increase BFE more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

J. Equal Conveyance, Compensatory Storage, and Associated Prohibitions

1. Equal Conveyance

Within the floodplain, except those areas that are tidally influenced, as designated on the FIRM for the community, encroachment resulting from filling, new construction, or substantial improvements involving an increased footprint of the structure are specifically prohibited unless the applicant provided certification from a registered engineer demonstrating, with supporting hydrological and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (BFE). Work within the floodplain and the land adjacent to the floodplain including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

2. Compensatory Storage

The water-holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increased footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on site unless easements have been gained from adjacent property owners. It shall be provided within the same hydraulic reach and a volume not previously used for flood storage. It shall be hydraulically comparable and incrementally equal to the theoretical volume of floodwater at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off site if approved by the Town of Brookfield.

5.6 Watershed Protection District (WPD)

A. Candlewood Lake Watershed District, (CLW)

1. Background

Candlewood Lake, the state's largest lake and one of its most important inland water resources, has experienced a gradual deterioration of water quality since about 1950. Studies of the lake shoreline development area have recommended planning to avoid the need to install a public sewer system.

Brookfield is one of five Connecticut towns that border the lake shore. The lake's watershed area is 26,461 acres, and Brookfield's portion is 1,177 acres or 4 percent of the total. However, the watershed in Brookfield, especially the lake shore area, is generally intensively developed and a primary source of stormwater runoff that can carry nutrients and pollutants that contribute to the eutrophication of the lake and deterioration of lake and groundwater quality.

These regulations are designed to minimize, and where possible reduce, the negative impact of stormwater runoff affecting Candlewood Lake and the watershed area, thereby reducing the rate of lake eutrophication and avoiding the need for a public sewer system.

2. Purpose

The purpose of the Candlewood Lake Watershed District is to prevent nutrient enrichment or contamination of Candlewood Lake and its watershed and to avoid the need for sewers in this densely developed area of Brookfield. Specifically, the purposes are:

- a. To minimize the impervious surfaces and maximize infiltration of stormwater runoff

- b. To reduce peak stormwater flow and minimize the likelihood of soil erosion, stream channel instability, flooding, and habitat destruction
- c. To preserve and/or create vegetative buffers of native plantings to control and filter stormwater runoff
- d. To minimize disturbance of natural grades and vegetation and utilize existing topography for natural drainage systems
- e. To contain stormwater runoff on the site wherever possible to reduce the volume of stormwater runoff before it reaches the groundwater or surface water bodies
- f. To prevent and minimize potential groundwater pollution from improper waste disposal, release of hazardous materials, and other sources

3. Land to which these regulations apply

These regulations apply to all land within the boundaries of the Candlewood Lake watershed as delineated on a map on file in the offices of the Commission entitled "Candlewood Watershed District, Town of Brookfield."

4. Compliance

Within Town boundaries, the Candlewood Watershed District shall be superimposed on existing zoning districts. The provisions of these regulations shall be in addition to all other requirements of applicable statutes, codes, regulations, or ordinances. In the event of conflict between the provisions of this Regulation and any other Town regulation, the more restrictive requirement shall apply.

5. Permitted Uses

Permitted uses are all uses permitted in the underlying districts except those cited in Section 5.4D(2).

6. Required Stormwater Management Plan and Data

All new building construction, or an addition, alteration, or enlargement that results in an increase in the amount of impervious surface (paved drives, walks, patios, etc.) on a lot where the total impervious surface is ten percent or greater, shall require a Stormwater Management Plan. In addition to the data required elsewhere in these Regulations, the following data shall be required:

- a. A narrative report prepared by a licensed engineer indicating:
 - Any risk or threat to Candlewood Lake or the water resources in its watershed from site development, site improvements, or on-site operations proposed in the application and measures

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- Methods of assessment and best management practices to prevent and reduce any such risk or threat
- Supporting documentation, including calculations and engineering details, shall be provided to illustrate the existing and proposed development's compliance with these Regulations, which development shall be designed in accordance with the stormwater management design guidelines of the "Connecticut Stormwater Quality Manual" of 2004, as revised.

b. A site plan indicating

- All relevant data required under Section 5.4(F)
- Location and area of all impervious surfaces on the site
- Location and area of turf cover (lawn areas)
- Location and area of all existing woodland areas
- Location and area of all existing and proposed vegetative buffer areas
- Location and description of all potential runoff and pollution sources including erosive soils and steep slopes
- Location and specification of all existing and proposed stormwater best management practices

7. Best Management Practices

The following practices and methods shall be incorporated into all Stormwater Management Plans where practicable:

- Vegetated swales, buffers, filter strips
- Level spreaders
- Grassed drainage swales, wet or dry
- Maintain or restore predevelopment vegetation
- Minimize creation of steep slopes
- Bioretention structures/residential rain gardens
- Rainwater harvesting/rain barrels
- Dry detention ponds
- Underground detention ponds
- Proper location and reduction of impervious surface area on site
- Disconnect flows from multiple impervious surfaces
- Permeable pavement choices
- Groundwater infiltration systems (curtain drains, drywells, galleries, etc.)

8. Approval Considerations

- a. Prior to the issuance of Zoning Approval or Certificate of Zoning Compliance, the Commission, acting through its authorized agent, the Zoning Enforcement Officer, shall give consideration to the simplicity,

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reliability, and feasibility of the individual Stormwater Management Plan prepared for the site.

b. The Commission, or its agent, may solicit the opinion of the Health Department, Town Engineer, Inland Wetlands Commission, and the Planning Commission concerning any application involving the Candlewood Lake Watershed District.

c. Approval shall not be granted until the Zoning Enforcement Officer determines that the proposed plan will employ best management practices to substantially reduce and improve the on-site cleansing of stormwater runoff from the site.

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6.1 Parking, Loading, and Access

A. Off-Street Parking and Loading

1. Purpose:

- a. That all structures and land uses be provided with a sufficient amount of off-street vehicular parking space to meet the needs of the users of such structures and land uses without adversely affecting nearby land uses and surrounding neighborhoods.
- b. Provide safe and convenient pedestrian circulation within the site to be developed, and between the site and adjacent properties.
- c. The following standards and schedules of required parking spaces shall be considered the minimum necessary to accomplish this purpose unless otherwise provided in these Regulations.

2. Applicability:

- a. This section of the Regulations shall apply to any proposed use or development activity that requires Zoning Permit, Site Plan, or Special Permit approval.
- b. Structures and land uses in existence, or for which building and zoning permits have been issued prior to the adoption of these Regulations, shall not be subject to any additional parking or loading space requirements of this Section, provided that any existing parking or loading facilities shall not be reduced below the amounts required by these Regulations.
- c. Any change or expansion of an existing use that requires a larger amount of parking or loading space under these Regulations than is currently provided shall meet the parking and loading requirements of the new or expanded use, unless otherwise specified elsewhere in these Regulations.

3. Location Standards

- a. Off-street parking and loading shall be provided and maintained on the same parcel as the use that the parking serves, except that commercial or industrial establishments may provide and maintain parking facilities on another parcel within a radius of not more than 900 feet from the principal entrance to the building or structure containing the use to be served.
- b. If parking is provided on a separate lot located on another parcel, the following standards shall apply:

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- i. The property owner(s) shall demonstrate that the separate approved lot has excess capacity to support the dedication of spaces to another use;
 - ii. Safe pedestrian walkways must be provided from the separate lot to the building or structure containing the use to be served;
 - iii. An easement in force for as long as the subject use, and in a form acceptable to the Town Attorney, shall be recorded in the land records identifying the number of spaces on the separate lot dedicated to the subject use and requiring Zoning Commission approval for any changes in the easement that would reduce available parking;
 - iv. In no case shall a use located within a nonresidential district be served by a separate parking lot located within a residential district;
- c. All parking and loading spaces shall be provided with adequate dimensions for ingress and egress in accordance with Table 6.1 below.
- d. No parking area of ten or more spaces shall exit or enter onto a road less than 75 feet from the center line of the nearest intersecting street.
- e. No parking space may be closer than twenty-five feet (25') from the front lot line. A separating strip of at least ten feet (10') shall be provided, either in the form of a landscaped bed or a sidewalk, or both, between a building and any parking spaces or drive aisle. Commercial/commercial vehicles supporting a business entity (i.e. trucks, vans, pickup trucks and the like) shall be parked in the rear yard only, except that the Commission may specify another location in unique circumstances dictated by unusual or complex site conditions.

[\[amended eff. 2020-Apr-27\]](#)

4. Design Standards

a. Parking and loading spaces and access aisles shall conform to the minimum dimensions specified in Table 6.1.

b. Parking and loading spaces and access aisles shall be surfaced with concrete, bituminous concrete, or other equivalent dustless-type material and shall be suitably marked.

c. To ensure adequate drainage and prevent the collection of standing water, all parking spaces shall be sloped at least 1 percent but not more than 10 percent.

d. Up to 25 percent of parking spaces may be designated for compact car parking. The layout of these spaces shall discourage their use by mid and full size cars. Generally, the compact spaces shall be clustered in the same area. The purpose of this section is to encourage a design which will reduce the amount of impervious surfaces and provide additional landscaped area.

e. Parking designated for handicapped accessibility shall conform in number of spaces required, location, and dimension to the requirements of the Connecticut State Building Code, as amended.

f. The perimeter of any parking area for a commercial or industrial use shall be finished with a curb of not less than six inches in height backfilled with earth material.

g. All artificial lighting used to illuminate any parking area shall be in accordance with Section 6.4.

h. Fire lanes shall be provided as follows:

i. Fire lanes shall be designated by the Zoning Commission in consultation with the Town of Brookfield Fire Marshal.

ii. Fire lanes and adjacent curbing shall be suitably marked and painted in traffic yellow

Table 6.1 Parking Dimensions and Aisles

| Parking Space Dimensions | Width | Length |
|------------------------------------|------------------|---------|
| 90° Parking Space | 9' | 18' |
| Diagonal Parking | 9' | 18' |
| Parallel Parking | 8' | 20' |
| Compact Car Parking Space | 8' | 16' |
| Handicap Accessible Parking | as per ADA reqs. | |
| Loading Space Dimensions | Width | Length |
| Loading Space | 12' | * |
| Access Aisle | 24' | N/A |
| Minimum Aisle Width | One-Way | Two-Way |
| Parallel or 30° | 14' | 24' |
| 45° | 16' | 24' |
| 60° | 16' | 24' |
| 75° | 23' | 26' |
| 90° | 26' | 26' |

** Loading space lengths shall be commensurate with the type of vehicle anticipated to serve the use*

- iii. Immediately adjacent to these fire lanes, appropriate signage indicating a prohibition from parking in fire lanes shall be erected on stanchions or placed on an adjacent building a minimum of 5' high from the pavement surface and at intervals along the fire lanes of not more than 50 feet apart.

5. Minimum Required Parking Spaces

The number of parking spaces shall be determined using Table 6.2 below. For uses not shown in the table, the Commission or Board shall apply the recommendations contained in the Institute of Traffic Engineers "Parking Generation" manual, as may be revised, or a study of parking generation of comparable projects performed by a qualified transportation professional.

- a. When the computation of required spaces results in a fractional total, any fraction less than one-half shall be disregarded and any fraction equal to or greater than one-half shall be rounded to one off-street parking space
- b. When any land or building is used for two or more distinguishable purposes (i.e. joint or mixed-use development), the minimum total number of parking spaces required to serve the combination of all uses may be determined in the following manner.
 - i. Multiply the minimum parking requirement for each individual use (as set forth in the Table 6.2) by the appropriate percentage (as set forth in the Table 6.3, Parking Credit Schedule Chart) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land use.
- c. The Zoning Commission may permit the construction of some portion of the required parking spaces to be deferred when it finds that the full number of spaces are not required immediately. However, construction of stormwater management systems designed to accommodate the entire parking area shall not be deferred. The Zoning Enforcement Officer, in consultation with the Zoning Commission, may require the installation of the deferred parking spaces at any time if he determines that the constructed parking is insufficient for the use.
- d. The Zoning Commission may permit two or more parcels of land to enter into a shared parking agreement to satisfy the parking requirements per tables 6.2 and 6.3, based on additional study of parking generation of proposed and existing land uses on the parcels. The parcels shall be located within 500 feet of one another and there shall be safe pedestrian access provided between the parcels, and proposed and existing uses. The shared parking agreement shall be in a form acceptable to the Town Attorney and shall be recorded in the Land Records.

Table 6.2 Parking Space Requirements

| Type of Use | Required Spaces | Per Unit of Measurement | Notes |
|---|-----------------|---------------------------------------|---|
| 1. Community Services | | | |
| a. Community service facility | 1 | 250 SF GBA | |
| 2. Institutional Uses | | | |
| a. Cemetery | 1 | acre | |
| b. Daycare (child and adult) | 1 | 4 children | Additional drop-off spaces may be required at the Commission's discretion |
| c. Places of worship/parish houses and centers, provided a minimum lot area of one-hundred-twenty thousand (120,000) sq ft. | 1 | 3 seats | |
| d. Public Buildings (state or federal) | 1 | 250 SF GBA | |
| e. Elementary and Middle Schools and Preschools – public, private Plus | 1 1 | 6 students staff | Additional drop-off spaces may be required at the Commission's discretion |
| f. Secondary Schools – public, private, training schools | 1 | 2 students design capacity | |
| g. Town of Brookfield buildings | 1 | 300 SF GBA | |
| 3. Dwellings and Residential Care | | | |
| a. Single-family dwellings | 2 | Dwelling unit | |
| b. Multi-family dwellings, including in mixed-use developments (1 BR) (see Section 3.14) | 1.5 | Dwelling unit | |
| c. Multi-family dwellings, including mixed-use developments (2+ BR) (see Section 3.14) | 1.5 | Dwelling unit | Additional visitor parking may be required at the Commission's discretion. |
| d. Planned Age Restricted Community (PARC) (see Section 3.15) | 1 | Dwelling unit | Additional visitor parking may be required at the Commission's discretion. |
| e. Assisted living facility, congregate housing, continuing life care community, or nursing facility. | 1 | 3 beds | |
| f. Accessory Dwelling Unit | 1 | Dwelling unit | Additional to primary residence |
| g. Home Occupation | 1 | Employee not residing in the dwelling | Additional to primary residence |
| 4. Agriculture and Animals | | | |
| a. Kennels | 1 | 500 SF GBA | |
| b. Agriculture/Farm Stand | 1 | Employee | Additional customer parking may be required at the Commission's discretion. |
| c. Commercial livestock or poultry | 1 | Employee | |
| d. Greenhouses | 1 | Employee | |
| e. Veterinary offices and animal hospitals | 1 | 250 SF GBA | |

Definitions: GBA – Gross Building Area; LF – Linear Feet; SF – Square Feet

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Table 6.2 Parking Space Requirements (continued)

| Type of Use | Required Spaces | Per Unit of Measurement | Notes |
|---|-----------------|---|---|
| 5. Lodging | | | |
| a. Hotels/motels/inns/bed and breakfast | 1 | Room | |
| Plus | 1 | Employee | |
| Plus | 1 | 4 seats | If hotel includes restaurant and/or bar uses. |
| b. Conference centers as accessory uses to hotels/motels/inns | 1 | 100 SF gross assembly area | Additional customer parking may be required at the Commission's discretion. |
| 6. Retail Sales and Service | | | |
| a. General Retail | 1 | 300 SF GBA | |
| b. Artisan/craftsman studio/shop | 1 | 300 SF GBA | |
| c. Furniture or carpet store | 1 | 1,000 SF GBA | |
| d. Automobile and boat service (limited or general motor vehicle repair license) | 3 | Service Bay | |
| e. Dry Cleaner/laundry | 1 | 250 SF GBA | |
| f. Home Improvement, Hardware, Flower, nursery, garden centers | 1 | 500 SF GBA | |
| g. Gasoline sales/filling station | 1 | 250 SF GBA | |
| h. Personal service business | 1 | 250 SF GBA | |
| i. Rental or sales of autos, equipment, and/or supplies | 1 | Vehicle or similarly-sized equipment to be stored on premises | |
| Plus | 1 | 250 SF GBA | |
| j. Undertaking and funeral homes | 1 | 4 seats | Or 1 per 200 SF gross useable floor area, if no fixed seats |
| 7. Offices | | | |
| a. Banks and financial institutions | 1 | 250 SF GBA | |
| b. Medical and dental offices | 1 | 250 SF GBA | |
| c. Professional and business offices | 1 | 300 SF GBA | |
| Plus | 1 | Company vehicle | |
| 8. Food and Beverage Establishments | | | |
| a. Sit-Down Restaurant, Fast Food Restaurant, Limited Service Restaurant, Taverns, Bars, Cocktail Lounges | 1 | 100 SF of public floor area | |
| Plus | 1 | 200 SF of non-public area | |
| b. Catering establishment where food is prepared for delivery and consumption off the premises | 1 | 300 SF GBA | |

Definitions: GBA – Gross Building Area; LF – Linear Feet; SF – Square Feet

Table 6.2 Parking Space Requirements (continued)

| Type of Use | Required Spaces | Per Unit of Measurement | Notes |
|---|-----------------|--------------------------|---|
| 9. Industrial | | | |
| a. General industrial, publishing, or research facilities | 1 | 1,000 SF GBA | |
| <i>Plus</i> | 1 | 300 SF gross office area | |
| <i>Plus</i> | 1 | Company vehicle | |
| b. Truck and bus terminals | 1 | Employee | Plus adequate loading, parking, and/or staging areas to the Commission's satisfaction |
| c. Warehousing and distribution | 1 | 2,000 SF GBA | |
| <i>Plus</i> | 1 | 300 SF gross office area | |
| <i>Plus</i> | 1 | Company vehicle | |
| d. Wholesale | 1 | 500 SF GBA | |
| 10. Recreation | | | |
| a. Assembly halls, banquet halls, and theaters | 1 | 3 seats | |
| b. Health and fitness centers | 1 | 250 SF GBA | |
| c. Indoor courts, pools, sporting areas | 1 | 200 SF GBA | Additional spectator parking may be required at the Commission's discretion |
| d. Marinas, docks and slips | 1 | Mooring or slip | |
| e. Outdoor courts, fields, or play areas | 2 | acre | Additional spectator parking may be required at the Commission's discretion |
| f. Pools, skating rinks | 1 | 100 SF rink or pool area | Additional spectator parking may be required at the Commission's discretion |
| 11. Storage | | | |
| a. Bulk storage or materials | 1 | 2,000 SF GBA | |
| b. Motor vehicles or boats, indoors | 1 | 3,000 SF GBA | |
| c. Contractor's equipment, indoor | 1 | 2,000 SF GBA | |
| d. Self-storage facilities | 1 | 5,000 SF GBA | |
| 12. Energy and Utilities | | | |
| a. Utilities (electric, water, natural gas, public sewer) | 1 | Employee | |
| b. TV and data facilities | 1 | Employee | |

Definitions: GBA – Gross Building Area; LF – Linear Feet; SF – Square Feet

Table 6.3 Parking Credit Schedule Chart

| | Weekday Night | Weekday Day | Weekday Evening | Weekend Day | Weekend Evening |
|--|---------------------|--------------------|---------------------|--------------------|---------------------|
| | Midnight to 7:00 am | 7:00 am to 5:00 pm | 5:00 pm to Midnight | 6:00 am to 6:00 pm | 6:00 pm to Midnight |
| | (percent) | (percent) | (percent) | (percent) | (percent) |
| Residential | 100 | 60 | 90 | 80 | 90 |
| Office/Industrial | 5 | 100 | 10 | 10 | 5 |
| Commercial/Retail | 5 | 80 | 90 | 100 | 70 |
| Hotel | 70 | 70 | 100 | 70 | 100 |
| Restaurant | 10 | 50 | 100 | 50 | 100 |
| Restaurant associated with hotel | 10 | 50 | 60 | 50 | 60 |
| Entertainment/recreation (theaters, bowling allies, cocktail lounges and similar) | 10 | 40 | 100 | 80 | 100 |
| Day-care facilities | 5 | 100 | 10 | 20 | 5 |
| All other | 100 | 100 | 100 | 100 | 100 |

B. Outdoor Vehicle Storage

1. Trailer Coaches, Campers, Commercial Trucks, and Storage Trailers

a. Occupancy of trailer coaches and campers is not permitted. This subsection shall not be interpreted to prevent the use of a trailer coach as a temporary office in connection with a construction project, provided that suitable provisions for running water and sanitary sewage disposal are approved in writing by the Town Sanitarian prior to the issuance of a building permit.

b. Interior Storage

i. Except as provided hereinafter, no roadway vehicle, trailer, or other similar device shall be used to store equipment, goods, or materials on premises for an extended period of time.

ii. The Zoning Commission may, in its sole discretion, issue a zoning permit for storage of equipment, goods, or material for a period not to exceed

60 days once in any given 12-month period. Such a permit shall be issued for a use in a commercial or industrial zone only.

iii. In granting such a permit, the Commission shall have found that the placement of such vehicle or trailer is in conformance with the provisions of this Section, and that no conditions would be created that would adversely affect traffic safety or the general health, safety, and welfare.

c. Storage of commercial trucks should not be observable from the road or from any abutting residential zone.

C. Access

Access from subject lots to public rights of way and, where applicable, adjacent lots shall be in conformance with the following standards.

1. Criteria and Standards

a. No parking or loading space shall be located with direct access to a driveway leading to and from a public street in the area where traffic is expected to queue. A minimum queuing area shall accommodate two vehicles unless otherwise specified in these Regulations.

b. Points of access shall align with opposing streets and driveways unless there is a specific site or safety condition that precludes such alignment.

c. The width of an access drive from the street shall be a minimum of 12 feet for one-way traffic and shall not exceed 24 feet for two-way traffic except in instances where there is a landscaped median or in instances where the width is controlled by a permit issued by the Connecticut DOT.

d. Except for single-family dwellings, traffic controls and pavement markings shall be installed and maintained as determined by the Local Traffic Authority and shall conform to the "Manual on Uniform Traffic Control Devices" (MUTCD).

2. In order to reduce existing and potential traffic congestion and safety issues on the Federal Road corridor, the following standards shall apply to any project or development with frontage or access onto any portion of Federal Road. In addition to the standards and regulations described below, applicants should familiarize themselves with the requirements set forth by the Connecticut Office of the State Traffic Administration (OSTA) with respect to new traffic control devices, modifications to existing traffic control devices, and certification of major traffic generators (pursuant to CGS §14-311).

a. Vehicle access to a property and circulation thereon shall be arranged in such a manner so as to safeguard against hazards to traffic, property and pedestrians, to avoid congestion on any street and to provide safe and convenient circulation in the street and upon the property.

- b. Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by residential districts.
- c. Where a property has frontage on two or more streets, the access to the property shall be provided to the property across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- d. The street giving access to the property shall have traffic-carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.
- e. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within the streets.
- f. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- g. Commercial and industrial entrance driveways shall be a minimum of two 12-foot-wide lanes in each direction of travel. For driveways entering into a town road, the width of the driveway flare at the edge of the roadway where the driveway intersects the roadway shall be a maximum of 30 feet for residential drives and 50 feet for commercial/industrial drives unless the Commission determines that a wider width of driveway flare will facilitate traffic flow and/or is required for overriding considerations of safety. Driveways entering into state highways are under the jurisdiction of the state DOT and/or OSTA.
- h. It is the intent of the Commission to minimize the number of curb cuts and access points along all state highways and Town roads. Provision shall be made for circulation driveway connections to adjoining properties of similar existing or potential use whenever possible, based on physical conditions and ownership agreements.
- i. Existing traffic, access management, and safety plans and studies adopted by the Western Connecticut Council of Governments, its predecessor entities, and the Connecticut DOT shall be considered in the development of traffic mitigation measures relating to any development adjacent to Federal Road. To the extent practicable, improvements and mitigation measures shall implement or complement previously planned improvements.
- j. There shall be no more than one driveway connection from any property to any street, except that separate entrance and exit driveways may be provided where necessary to safeguard against hazard, provide access for emergency

vehicles, and to avoid congestion. Additional driveway connections may be provided particularly for but not limited to large tracts and uses of extensive scope if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the street line or such lesser width as will be sufficient to accommodate the traffic to be generated unless a greater width is required by the Town Road Ordinance.

k. Where it is projected that the additional traffic resulting from the project will reduce the level of service to D or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition. In all traffic analysis reports, use of a volume/capacity ratio of 1.00 to represent either level of Service C or E is acceptable as long as the selected base is used consistently and clearly indicated.

D. Traffic Impact Analysis

The Commission shall require a traffic impact analysis as part of any application for a multifamily dwelling project of 20 or more units or any other project containing either 50 or more parking spaces in a new or expanded parking lot or generating 100 or more vehicle trips a day.

1. Such analysis shall include, at least, the following information:

- a. Existing and projected traffic volumes (average daily traffic, peak a.m. and p.m.) and peak-hour traffic generation
- b. Past and present roadway conditions including location and number of accidents
- c. Existing roadway capacity and volume and capacity ratios
- d. Proposed sight lines
- e. Location of existing and proposed curb cuts, traffic lights, and intersections at the development site and within 300 feet from the development site
- f. Traffic impact of proposed development, including but not limited to the effect of the proposed development on traffic conditions on abutting streets and any nearby intersections that would have 100 or more vehicle trips in a peak hour
- g. The patterns of vehicular circulation in relation to the adjoining street system
- h. Adequacy of:
 - i. Right-of-way and travel way
 - ii. Traffic signalization, traffic channelization, left-turn lanes, and roadway widths of adjoining streets

- iii. Vehicular stacking lanes and/or distances
 - iv. Pedestrian drop-off areas
 - v. Other traffic or transportation facilities to accommodate the proposed development
 - i. Recommendations for safe pedestrian, bicycle, and vehicular circulation
 - j. Where applicable, the applicant shall include the written recommendations of the Connecticut DOT, the Brookfield Police Commission, and the Commission's engineer
 - k. Whether a significant traffic impact will occur as identified under subsection (2) below
2. In evaluating whether the projected impacts of a proposed project are significant, the Commission shall consider the following factors:
- a. The effect of traffic conditions on abutting streets and nearby intersections that would have 100 or more peak-hour vehicle trips
 - b. The adequacy of traffic signalization, channelization and turn lanes, roadway width, length of queues, traffic drop-off areas, and other transportation facilities
 - c. A reduction of the peak-hour level of service at an intersection below Level D (or a further degradation of the level of service if the intersection is already at or below service D). The Commission may also take into consideration the incremental degradation of service within a particular level of service.

6.2 Signage

A. Purposes

The provisions of this section have been adopted to achieve the following purposes:

1. To preserve property values by preventing unsightly and detrimental development which has a blighting influence upon residential, business, and industrial uses of land.
2. To ensure signs may perform their important functions of identifying and advertising businesses, while preventing signs from reaching such excessive size that they obscure one another to the detriment of adjacent businesses.
3. To promote the maintenance and development of an attractive visual environment and maintain the aesthetic and historic character of the Town of Brookfield and prevent the blighting influence of large signs.
4. To prohibit billboards, defined as signs that promote an activity, business, or product that is unrelated to the site on which it is located, and to prevent the blighting influence of large signs.
5. To foster public safety on streets by assuring that all signs are located and designed in a safe and appropriate manner that prevents the creation of traffic distractions and hazards.
6. Notwithstanding any element of this statement of purposes or any other subsection of these Regulations, any authorized sign may contain non-commercial copy in lieu of any other copy, so long as the other provisions of these Regulations are complied with, it not being the intent of these Regulations to regulate sign content.

B. Severability

1. Should a court of law deem any portion of these Regulations, their subparts, or referring regulations to be Constitutionally infirm, said court may strike or sever such portion it deems inconsistent with the Constitution of the United States of America or the Constitution of the State of Connecticut and leave the unoffending portions of these Regulations intact.

C. Permits

1. Application for a sign permit shall be on an appropriate form provided by the Zoning Commission, in accordance with the requirements of Appendix 1.
2. The fees associated with a Sign Permit shall be in accordance with the Zoning Commission Fee Schedule (Appendix 3).
3. No sign shall be installed, enlarged, or relocated unless it conforms to the provisions of this regulation and a permit has been secured.
4. Permits shall be issued by the ZEO, in accordance with the Zoning Permit procedures established in Section 8.2 of these regulations.

5. Permits are valid only during the time the business is in operation. Signs and all sign material shall be removed within ten days after the business ceases to be operational. The period shall begin on the day following the last day the business is open.

D. Prohibited Signs

The signs or sign devices are expressly prohibited:

1. Streamers, banners, inflatables, flag-like, or other sign devices not herein defined, unless specifically authorized for grand opening events
2. Flashing, rotating, moving, or blinking signs, or optically projected slide signals which are changed periodically. This provision shall not be construed to prohibit clocks or time and temperature signs that have been approved by the Commission.
3. Signs illuminated by flashing, rotating, moving, or blinking sources of light, or signs having an exposed source of illumination.
4. Signs that are illuminated in a manner or with such intensity or brightness that they may tend to cause glare, distraction, or nuisance to operators of vehicles, pedestrians, or neighboring property owners and/or occupants.
5. Signs including structural elements that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress from any building or structure.

E. General Provisions

1. Construction: All signs shall be constructed of strong material which will not warp or contort with weather or age, firmly supported so as to withstand wind conditions normally expected throughout the year, and kept freshly painted or otherwise maintained in good condition and repair.
2. Design and Appearance: All signs shall be compatible in scale, design, color, and construction with the architectural character of the building(s) or premises to which they refer and with the neighborhood within which they are located.
 - a. The structure portions of signs (columns, cross-beams, braces, etc.) shall be proportional to the sign panel they are supporting.
 - b. Freestanding signs shall meet the ground in an attractive manner. The use of appropriate plantings with year-round attractiveness, mulched with a fine stone aggregate or bark surface treatment, shall be required in conjunction with the approval of a new sign if necessary for compliance with this section.
 - c. The following guidelines should be considered in the design of signs to maximize their function as a communication tool:

- i. Simple fonts and use of a combination of upper and lower-case lettering (compared to all upper-case lettering) are encouraged to promote legibility.
- ii. Open or negative space surrounding lines of type or graphic elements should be greater than the copy space for multiple lines of copy.
- iii. Signs employing light-colored copy on a contrasting, darker-colored background is encouraged to enhance sign visibility, as white or light-colored backgrounds may be more difficult to read due to the competing nature of environmental light sources.
- iv. A well-defined edge or border to a sign enhances its visibility.

3. Window Signs

Window signs shall not exceed **25%** of the total window area for each business, viewable from a public street or from a parking area, provided no such window sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, ventilation system or cause any other hazard to public health or safety.

4. Location

- a. No sign shall be located closer than **35 feet** from the center of the traveled portion of the road, or closer than **10 feet** from the edge of pavement of the road, in any zone, except names and addresses attached to mailboxes. No sign location shall obstruct any line of sight. Where a paved or traveled portion of any street is widened and the sign obstructs the new lines of sight, it shall be set further back to conform to the requirements.
- b. No sign shall be arranged so that it blocks reasonable sight lines for streets, walks, or driveways. No sign should be confused with a traffic control device by reason of the sign's color, location, shape, and/or other characteristics or through any other means. Glare from the sign shall not interfere with traffic.
- c. All permitted signs must be located on the same lot as the building or use to which said signs apply.
- d. No sign may be attached to a tree.

5. Wording: Descriptive wording may be changed without a permit provided that the area dedicated to changing descriptive wording, commonly called "reader boards," shall not exceed 50 percent of the total sign area and that the coloration and composition of the text are compatible with the remainder of the sign.

6. Dimensional Standards

- a. The area of a sign shall be considered to be that of the smallest rectangle, triangle, or circle which encompasses all lettering, wording, design, or symbols. If attached to or located on the building, the area of the sign shall include any background different from the balance of the wall if such background is designed as an integral part of, and obviously related to, the sign. When the lettering is placed on a building, the area of the sign shall be computed as the area of the smallest quadrilateral capable of including all lettering or other items comprising the sign.
- b. Building signs shall be limited in total square footage to the amount of "linear building frontage" facing each street, main access drive, or interior courtyard/pedestrian mall. In multioccupant buildings, the allowable signage facing each street, main access drive, or interior courtyard/pedestrian mall shall be proportionally divided according to the percentage of the "linear building frontage" attributable to each occupant on that street, main access drive, or interior courtyard/pedestrian mall, or such other method as may be approved by the Commission in unique or unusual circumstances.
- c. Roadside signs are to be limited to one per building, or three commercial buildings in a group with a maximum size of 50 square feet. If there is more than one establishment, the sign may contain the name of all occupants with each name appearing on a panel. If the establishment is a retail service station, an additional sign or signs denoting prices of fuel only, not to exceed 24 square feet, may be located on the trademark sign stanchion.
- d. Where a double-facing sign is allowed, the maximum permitted sign area shall apply to each face. All framing shall be included in computing the sign area. Where the sign is not contained within the outer dimension of a frame, then the area of the sign shall be computed as the area of the smallest quadrilateral encompassing all lettering and other items comprising the signs. Legs, posts, pedestals, or monuments supporting the sign and below the sign quadrilateral shall not be considered in computing the maximum area of the sign.
- e. If a permitted sign is independent of a building, the top of said sign or support shall be not higher than 18 feet above mean ground level in the immediate area in which the sign is located. If the sign is mounted on a monument or pedestal-type base that is more than one foot wide, the height of the monument type or pedestal base shall not exceed five feet above mean ground level. Support legs or posts shall not exceed 12 inches in diameter or width.
- f. A sign supported by a wall shall not be set out more than 12 inches from said wall and shall not project above the roofline or beyond the side of said wall.
- g. No building sign shall extend above the roofline or parapet wall.

7. Illumination

- a. Animation, flashing, moving, or festoon lights or any audio advertising devices shall not be permitted.
- b. Where a building fronts on two streets, each frontage is to be considered individually, with the limitations applied as for two separate units.
- c. Illuminated signs may be permitted by the ZEO, subject to the following regulations:
 - i. A drawing showing the general appearance of the proposed illuminated sign from each street from which such sign may be visible shall be provided to the ZEO.
 - ii. A plot plan showing the location of the proposed illuminated sign in relation to existing buildings on the same lot and on all adjacent lots, including lots which would be adjacent but for the existence of a street, shall be provided to the ZEO. The names of the owners of such lots shall be clearly shown thereon.
 - iii. Internally illuminated or back-lit signs shall not exceed 225 lumens of luminous flux for every square foot of signage. Data sheets must be provided with application.
 - iv. Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign façade. Light shall not be aimed toward adjacent streets, roads, or properties, nor shall the light source be visible from any public right-of-way or from outside of the lot lines.
 - v. No LEDs or new internally illuminated signs shall be permitted in the TCD or any residential zone.
 - vi. Externally mounted light fixtures shall be mounted on the top of the sign structure and aimed downward unless it can be demonstrated that alternative designs will not result in light spillover.
 - vii. All ground-mounted fixtures shall be screened by bushes or other appropriate means; all fixtures mounted on the sign itself shall blend in with the background color of the sign or its surroundings as deemed appropriate for the site.
 - viii. Energy-saving and solar lighting are encouraged.
 - ix. Halo-lit signs may be approved by the ZEO provided that white light only shall be used, and light intensity shall be subtle and create a low

intensity light wash on the sign board or background surface. Colored lighting is not permitted.

x. The ZEO may approve a reduced-size sign if halo lighting is requested.

xi. Internally illuminated signs existing at the date of adoption of these Regulations may remain and may have minor modifications to reflect changing business names, but more significant changes in location, size, or structure shall require compliance with these Regulations.

xii. The ZEO may require readjustment or relocation of a sign in order to prevent glare and to ensure vehicular and pedestrian safety.

8. Sign Types by Zone Categories:

Signs shall be permitted in accordance with Table 6.4, in which the maximum area per sign is listed as square feet (SF).

Table 6.4 Permitted Signs

| Residential Districts | | |
|--|---|-------------------------|
| Sign Type | No Permit | By Permit |
| Name and occupation of occupant | 1 sign, max. 1 SF | |
| Advertisement: sale, rental, or lease of same property | 1 sign, max. 4 SF | |
| Open House signs ** , † | 5 signs, max. 4 SF | |
| Sign identifying a civic, charitable, religious, patriotic, fraternal, or similar organization and its meeting hours, on a lot where such meetings are regularly held. | 1 sign, max. 6 SF | |
| Historical markers (placed by a bona fide historical organization or government agency) | 1 marker, max. 3 SF | |
| Names and addresses required to be placed on mailboxes by the US Post Office | As required | |
| Traffic or other directional signs erected by the Town or other government entity | As required | |
| Temporary sign indicating owner or resident's political preference and located on premises of such owner or resident (displayed during the period between 60 days before and one week after Election Day) | 1 sign per elected office, max. 4 SF | |
| Temporary sign advertising produce grown and sold on-premises , displayed during appropriate season only | | 1 sign, max. 4 SF |
| Temporary tag sale signs , as furnished by Zoning Commission (required deposit is \$15, refund is \$9 if returned within 15 days) | | 3 signs, max. 1.5 SF |
| Signs prohibiting trespassing, hunting, fishing, trapping, or picnicking on property likely to be used in such a way by unauthorized persons | 4 signs/acre, max. 1 SF | |
| Temporary sign advertising a subdivision (displayed up to 6 months; may be extended by Zoning Commission upon request; must be removed after completion of subdivision) | | 1 sign, max. 12 SF |
| Temporary sign listing the contractor, engineer, architect, or other pertinent data associated with a construction project (displayed up to 6 months; may be extended by Zoning Commission upon request; must be removed after completion of construction) | | 1 sign, max. 12 SF |
| Temporary directional signs advertising a not-for-profit special public event (displayed up to 7 days) ***, † | | 6 signs, max. 12 SF |
| Seasonal farmer's market sign advertising a not-for-profit farmer's market (displayed up to 14 days before opening market to 7 days after final market of the season) | | 1 sign, max. 12 SF |
| Municipal Greeting Sign providing a greeting to individuals entering the Town of Brookfield (including a badge, signia, or seal identifying a not-for-profit entity operating within the town, with a design acceptable to the Commission; if located on Town property, Board of Selection must approve). † | | 1 sign, max. 60 SF |
| <p>* For sale, rent, or lease signs: No sign shall be placed in a state or town right of way, notwithstanding any other provision of these Regulations. No sign shall be placed so as to block lines of sight for streets, drives, and walkways as determined by the Zoning Enforcement Officer. No sign shall be placed within four feet from a property line. Such signs may be added below a permitted roadside sign. The applicable fee for such sign shall be for each premises regardless of the number of signs permitted.</p> <p>** Open House signs: No more than one sign shall be permitted on any one intersection. For no longer than 36 hours. The signs shall be generic in nature and display no advertising. Violators shall be fined according to a schedule established by the Zoning Commission.</p> <p>*** Temporary not-for-profit special event signs: An application for such signs shall indicate the time period involved, the proposed design of the sign, and the proposed location of the sign(s). The signs shall be placed in a manner as to not impede lines of sight or otherwise adversely affect traffic safety. Applications for such signs will be processed on a first-come, first-served basis. No more than two independent signs may be placed at the same location within the same time period.</p> <p>† Any application for a sign to be located off of the premises to which it refers must be accompanied by express written consent of the owner of the property on which it is to be located. Any application for a sign to be located in a Town right of way must be accompanied by express written consent of the abutting property owner. No sign shall be placed in a state right of way.</p> <p>‡ See additional sign guidelines and standards of Appendix 2 – TCD Design Guidelines</p> | | |

Table 6.4. Permitted Signs ... continued

| Commercial and Industrial Districts | | | | | | | | | | | |
|--|---|---|--------------|-------------------------|--------------|----------------------|--------------|-------------|--------------|-------------------|--------------|
| Sign Type | Standards | Commercial (C-1, C-2, CG-N, CG-S) | | Town Center District | | Marine Commercial | | Industrial | | Corporate Park | |
| | | By Right | By Permit | By Right | By Permit | By Right | By Permit | By Right | By Permit | By Right | By Permit |
| Roadside sign identifying one or more permitted use(s) on the premises, bearing the names of all occupants (may be a directory sign). | 1 sign, max. 50 SF (height 10.5' in TCD & MC) | | X | | X | | X | | X | | X |
| Yard sign in lieu of roadside sign (as described above) | 1 sign, max. 50 SF | | | | | | | | X | | X |
| Building sign identifying a store, shop, office, or business | 1 sign per tenant, max 1 SF per 1 LF building frontage | | X | | X | | X | | X | | X |
| Entrance and Exit Signs | 1 sign per street opening, max. 3 SF and 2.5 ft height | | X | | X | | X | | X | | X |
| Street address sign (only when affixed to an approved road sign, above the context of the roadside sign, with numerals no greater than six inches in height). | 1 sign per approved roadside sign | X | | X | | X | | X | | X | |
| Advertisement sales, rental, or lease of same property | 1 sign (or 2 signs if fronting on 2+ streets), max. 24 SF*, † | X | | X | | X | | X | | X | |
| Open House signs ** , ‡ | 5 signs, max. 4 SF | X | | X | | X | | X | | X | |
| Sign identifying a civic, charitable, religious, patriotic, fraternal, or similar organization and its meeting hours, on a lot where such meetings are regularly held. | 1 sign, max. 12 SF | X | | X | | X | | X | | X | |
| Historical Markers (placed by a bona fide historical organization or governmental agency) | 1 marker, max. 3 SF | X | | X | | X | | X | | X | |
| Names and addresses required to be placed on mailboxes by the US Post Office | As required | X | | X | | X | | X | | X | |
| Traffic or other directional signs erected by the Town or other government entity | As required | X | | X | | X | | X | | X | |
| Temporary sign indicating owner or resident's political preference and located on premises of such owner or resident (displayed during the period between 60 days before and one week after Election Day) | 1 sign per elected office, max. 4 SF | X | | X | | X | | X | | X | |
| Temporary sign advertising produce grown and sold on-premises , displayed during the appropriate season only | 1 sign, max. 4 SF | | X | | X | | X | | X | | |
| Temporary tag sale signs , as furnished by Zoning Commission (required deposit is \$15, refund is \$9 if returned within 15 days) | 3 signs, max. 1.5 SF | | X | | X | | X | | X | | X |
| <p>* For sale, rent, or lease signs: No sign shall be placed in a state or town right of way, notwithstanding any other provision of these Regulations. No sign shall be placed so as to block lines of sight for streets, drives, and walkways as determined by the Zoning Enforcement Officer. No sign shall be placed within four feet from a property line. Such signs may be added below a permitted roadside sign. The applicable fee for such sign shall be for each premises regardless of the number of signs permitted.</p> <p>** Open House signs: No more than one sign shall be permitted on any one intersection. For no longer than 36 hours. The signs shall be generic in nature and display no advertising. Violators shall be fined according to a schedule established by the Zoning Commission.</p> <p>*** Temporary not-for-profit special event signs: An application for such signs shall indicate the time period involved, the proposed design of the sign, and the proposed location of the sign(s). The signs shall be placed in a manner as to not impede lines of sight or otherwise adversely affect traffic safety. Applications for such signs will be processed on a first-come, first-served basis. No more than two independent signs may be placed at the same location within the same time period.</p> <p>† Any application for a sign to be located off of the premises to which it refers must be accompanied by express written consent of the owner of the property on which it is to be located. Any application for a sign to be located in a Town right of way must be accompanied by express written consent of the abutting property owner. No sign shall be placed in a state right of way.</p> <p>‡ See additional sign guidelines and standards of Appendix 2 – TCD Design Guidelines</p> | | | | | | | | | | | |

Table 6.4. Permitted Signs ... continued

| Commercial and Industrial Districts | | | | | | | | | | | |
|--|---|---|--------------|-------------------------|--------------|----------------------|--------------|-------------|--------------|-------------------|--------------|
| Sign Type | Standards | Commercial (C-1, C-2, CG-N, CG-S) | | Town Center District | | Marine Commercial | | Industrial | | Corporate Park | |
| | | By Right | By Permit | By Right | By Permit | By Right | By Permit | By Right | By Permit | By Right | By Permit |
| Signs prohibiting trespassing, hunting, fishing, trapping, or picnicking on property likely to be used in such a way by unauthorized persons | 4 signs/acre, max. 1 SF | X | | X | | X | | X | | X | |
| Temporary sign advertising a subdivision (displayed up to 6 months; may be extended by Zoning Commission upon request; must be removed after completion of subdivision) | 1 sign, max. 12 SF | | X | | X | | X | | X | | X |
| Temporary sign listing the contractor, engineer, architect, or other pertinent data associated with a construction project (displayed up to 6 months; may be extended by Zoning Commission upon request; must be removed after completion of construction) | 1 sign, max. 12 SF | | X | | X | | X | | X | | X |
| Temporary directional signs advertising a not-for-profit special public event (displayed up to 7 days) ***† | 6 signs, max. 12 SF | | X | | X | | X | | X | | X |
| Seasonal farmer's market sign advertising a not-for-profit farmer's market (displayed up to 14 days before opening market to 7 days after final market of the season) | 1 sign, max. 12 SF | | X | | X | | X | | X | | X |
| Municipal Greeting Sign providing a greeting to individuals entering the Town of Brookfield (including a badge, signia, or seal identifying a not-for-profit entity operating within the town, with a design acceptable to the Commission; if located on Town property, Board of Selection must approve). † | 1 sign, max. 60 SF † | | X | | X | | X | | X | | X |
| Trademark sign stanchion displaying prices of fuel only (for a retail service station only) | 1 sign (single or double faced), max. 24 SF | | X | | X | | X | | X | | X |
| Off-premise directional signs † | As permitted, max. 1.5 SF | | X | | X | | X | | X | | X |
| Sign advertising a special event, sale, promotion, or opening/closing of business (displayed up to 30 days, not more than twice annually unless otherwise permitted by the Zoning Commission) † | 1 single/double faced sign, max. 24 SF | | X | | X | | X | | X | | |
| Individual business signs perpendicular to the building line under a covered walkway | 1 sign per business, max. 1.5 SF | | X | | X | | X | | X | | X |
| Theater marquee signs (for a theater use only; placed flat against the face of such marquee and not extending beyond any edge of such face) | 1 sign, max 1 SF per 1 LF building frontage | | X | | X | | X | | X | | |
| <p>* For sale, rent, or lease signs: No sign shall be placed in a state or town right of way, notwithstanding any other provision of these Regulations. No sign shall be placed so as to block lines of sight for streets, drives, and walkways as determined by the Zoning Enforcement Officer. No sign shall be placed within four feet from a property line. Such signs may be added below a permitted roadside sign. The applicable fee for such sign shall be for each premises regardless of the number of signs permitted.</p> <p>** Open House signs: No more than one sign shall be permitted on any one intersection. For no longer than 36 hours. The signs shall be generic in nature and display no advertising. Violators shall be fined according to a schedule established by the Zoning Commission.</p> <p>*** Temporary not-for-profit special event signs: An application for such signs shall indicate the time period involved, the proposed design of the sign, and the proposed location of the sign(s). The signs shall be placed in a manner as to not impede lines of sight or otherwise adversely affect traffic safety. Applications for such signs will be processed on a first-come, first-served basis. No more than two independent signs may be placed at the same location within the same time period.</p> <p>† Any application for a sign to be located off of the premises to which it refers must be accompanied by express written consent of the owner of the property on which it is to be located. Any application for a sign to be located in a Town right of way must be accompanied by express written consent of the abutting property owner. No sign shall be placed in a state right of way.</p> <p>‡ See additional sign guidelines and standards of Appendix 2 – TCD Design Guidelines</p> | | | | | | | | | | | |

6.3 Landscaping

A. Purpose, Applicability, and Design Principles

1. Purpose: These landscaping requirements are adopted for the purpose of protecting property values by:

- a. Preserving existing vegetation, planting of new materials, and use of planters and similar landscape devices that enhance the environmental quality and visual appearance of sites, buildings, and parking
- b. Providing buffers between land uses that enhance privacy and minimize the intrusion of light, dust, and noise
- c. Preventing the erosion of soil
- d. Improving water quality through the reduction of sedimentation and promotion of runoff infiltration
- e. Improving the environmental quality and aesthetic quality of the Town of Brookfield

2. Applicability: These regulations shall apply to any proposed use or development activity that requires Site Plan or Special Permit approval. Additionally, the requirements contained in Section 6.3(B) shall apply to any application requiring subdivision approval. The Commission may approve alternate landscape treatments consistent with the purpose and intent of these standards.

3. Design Principles: to the greatest extent practicable, landscape design and specific treatments shall:

- a. Preserve the existing landscape in its natural state with respect to trees and vegetation, grade changes, and existing landscape features such as stone walls.
- b. Use natural, planted slopes rather than retaining walls.
- c. Retain existing healthy, mature trees and provide protection during construction.
- d. Use native species or cultivars of native species for the majority of the planted area that can survive on the natural rainfall cycle and require minimal or no fertilizers, herbicides, or pesticides.
- e. Incorporate stormwater management systems into the overall landscape plan for the site, including rain gardens, depressed planting islands, permeable pavers, and ponds.

4. Landscape Plan: compliance with all requirements of this Section shall be demonstrated and all plantings and proposed landscape architectural features indicated, on a landscape plan of at least the same scale as the required site plan. Such plan shall include a plant list with plant names, size at planting, and size when mature. It shall also provide planting instructions conforming to good horticultural practice. The plan shall be prepared by a licensed landscape architect.

B. General Landscaping Standards

1. To the extent practicable, the existing landscape shall be preserved in its natural state. Existing mature vegetation shall be maintained insofar as practical and may be credited toward meeting landscape requirements with the approval of the Board or Commission.

2. Where existing large trees have been removed prior to the submission of an application, the installation of additional landscape materials to preplace the removed trees may be required. The number, size, quality of the vegetation, amount of lost shade, and similar factors shall be considered when determining the amount of additional landscape materials to be installed.

3. Steep Slopes

a. Any slope in excess of 20 percent (1:5) shall be considered a steep slope.

b. Steep slopes and other areas subject to erosion shall require improvements and appropriate landscape treatments to ensure the stability of soils and viability of planted materials. Steep slopes shall be planted with shrubbery or ground cover. Riprap and other nonvegetative material may be allowed at the Commission's discretion.

c. No slope extending over 100 feet in length measured in any direction across the contours of a lot may be created with a grade that exceeds 33 percent on average. All site plans shall identify any existing slopes that exceed this criteria.

4. A variety of plant species shall be integrated into a landscaping plan, and the use of monocultures shall be avoided.

5. The use of invasive plant species, as identified by the Connecticut Invasive Plant Council, is prohibited (see <https://cipwg.uconn.edu>).

6. Plant materials used in or adjacent to parking areas shall be salt tolerant and capable of sustaining snow loads. Plant materials used in or adjacent to stormwater areas, including depressed landscape islands in parking lots, shall be tolerant of wet soils.

Article 6 – General Standards

7. At the time of planting, plant materials shall meet the following size criteria:

- a. Shade trees: 3" caliber or greater, measured at 6" above ground
- b. Flowering or understory trees: 2.5" caliber or greater, measured at 6" above ground
- c. Evergreen trees: 6' height or greater

C. Landscape Buffers

1. Buffers shall be provided in accordance with the following schedule:

| Zone/Use | Front Yard | | Side/Rear Yard (Adjacent to R Zone) | |
|--|------------|-----------------------|--|-----------------------|
| | Buffer | Landscape Requirement | Buffer | Landscape Requirement |
| Corporate Park (any Use) | 25' | 25' | 150' | 25' |
| TCD Zones (any Non-Residential Use) | 6' – 25' | 6' – 25' | 75' | 25' |
| CG-N Zone (any Use) | 25' | 25' | 50' | 25' |
| CG-S Zone (any Use) | 25' | 25' | 50' | 20' |
| Marine Commercial Zones (any Use) | 20' | 20' | 10' | 10' |
| Other Commercial/Industrial Zones (any Non-Residential Use) | 25' | 25' | 100' | 25' |
| Multi-Family Residential (any Use) | 25' | 25' | 50' | 25' |

2. Landscaped buffer areas within a front yard shall be planted with lawn and/or ground cover as well as street trees in accordance with the following schedule and standards.

| Buffer Type | Trees Required | Other Requirements |
|--|--|---|
| Street Frontage Buffer | 1 shade tree and 2 understory trees per 50' frontage | 6 shrubs per 50' frontage; landscaped berm |
| Side/Rear Buffer | 1 shade tree per 1500 SF area | Lawn, ground cover, flower beds, shrub beds |
| Side/Rear Buffer (if adjacent to R zone) | 2 shade trees per 50' frontage, or alternatives acceptable to Commission | Alternatives include 3 understory trees, 6 evergreen trees, 12 shrubs per 50' frontage, or natural state; landscaped berm |
| Building Separation Buffer | N/A | 1 to 4 shrubs per 10' building perimeter |

a. Landscaped buffer areas shall contain only plantings, required berms, driveways and/or accessways, sidewalks, and/or pedestrian walkways as approved by the Commission.

b. If deemed necessary by the Commission to provide a visual and traffic safety barrier between the use and adjacent roadway, a designed landscaped berm of a height and configuration approved by the Commission shall be located in this buffer strip.

- c. No berm, planted material, fencing, or other obstruction located within the buffer area shall be required, installed, or allowed to grow so as to obstruct required lines of sight of vehicle drivers at any intersection.

D. Landscaping for Parking and Loading Areas

1. Any parking lot containing 10 or more spaces shall be provided with an amount of interior landscaped islands or planting strips equivalent to 10% of the total impervious area of the parking lot.
 - a. Such parking lots shall have landscaped islands at the end of each row of parking spaces.
 - b. All required landscaped islands shall have a minimum width of 8' exclusive of the curb and any walkway within such island, and a length of 18' in a direction perpendicular to the row. All landscaped islands shall include at least one shade tree.
 - c. Landscaped "divider islands", a minimum of ten feet (10') in width, separating opposing rows of vehicles. One (1) deciduous shade tree of a minimum of 3.5" in caliper shall be planted every twenty-five feet (25') along the divider island and shrubs every ten feet (10') along the divider island.
2. At least one shade tree shall be provided within the parking lot for every 10 parking spaces or portion thereof, which shall be provided within landscaped islands with an area of at least 150 square feet.
 - a. A minimum clear branch height of 8' shall be maintained above all parking and loading areas and pedestrian walkways.
3. Where soils are suitable, landscape islands shall be designed to filter runoff from the parking lot as part of the overall stormwater management system. In such cases, the landscape island shall be depressed from the pavement surface and protected with a suitable curb stop or guiderail system. Trees planted in such islands should be tolerant of wet environments.
4. A landscaped buffer shall be provided between any building and parking area or access drive, which may contain a sidewalk with the balance of the buffer planted with trees, shrubbery, or groundcover. This requirement shall not apply to any driveway providing access to an internal garage or loading area.

Schematic Illustrations of Parking Area Terms

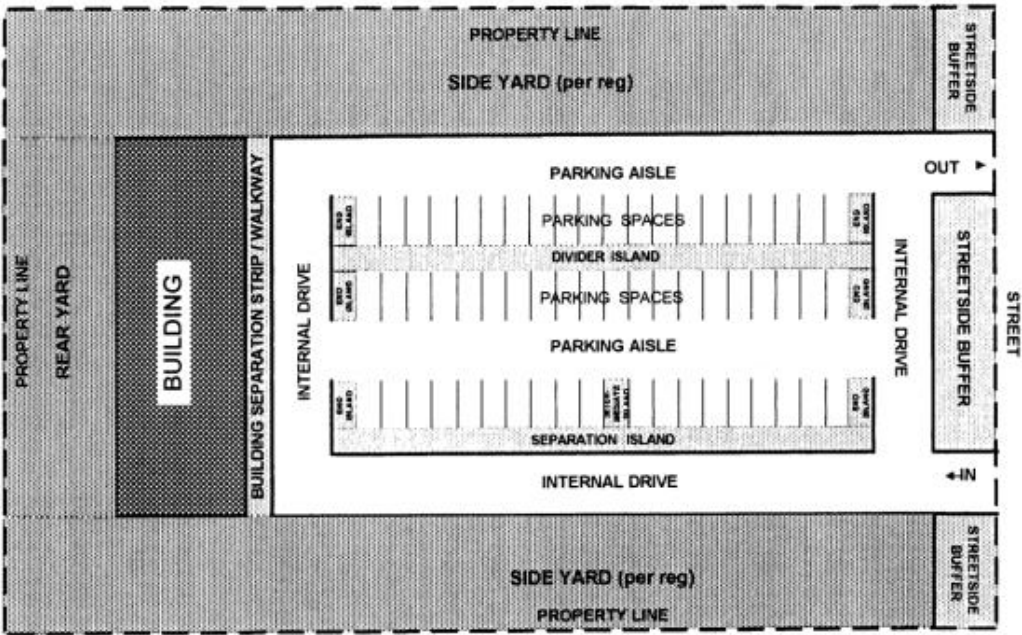


Figure 1.

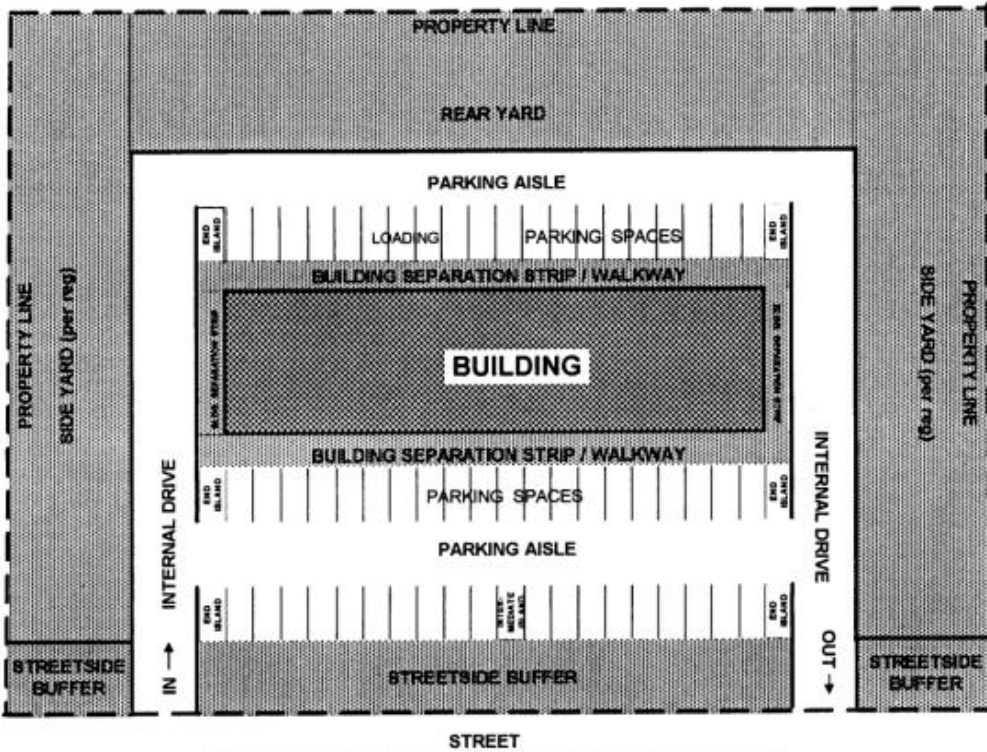


Figure 2.

6. 4 Outdoor Lighting

A. Purpose

It is the purpose of this standard to regulate the illumination of land uses in order to avoid unnecessary upward illumination, minimize indirect light trespass onto adjacent properties, and reduce glare so as to eliminate deleterious physical effects and promote public safety.

B. Applicability

1. These Regulations shall apply to any uses requiring Site Plan or Special Permit approval with the exception of agricultural uses.
2. The Zoning Enforcement Officer may require post-construction lighting surveys to demonstrate compliance with these standards.
3. The following types of lighting are exempted from these regulations:
 - a. Temporary lighting used by emergency service personnel.
 - b. Temporary lighting for holiday seasons, displayed between November 20 and January 5 each year.
 - c. Lighting for special events permitted under the provisions of Section 7.1.
 - d. Marina lighting direct at or towards a body of water not visible on other land areas and not presenting a danger to navigation.
 - e. Aircraft warning lights and navigation beacons.

C. Standards

1. General Standards: All exterior light sources shall be directed downward (at an angle of 90 degrees or less from vertical) and the illumination confined to necessary and useful areas. An excessively high level of illumination, spillage of unwanted illumination beyond lot lines and lighting designed or situated in such a manner as to detract from recognition of traffic signals or presenting a hazard to safe driving is prohibited. Improved effectiveness of lighting, rather than higher levels of intensity, is to be achieved wherever possible.
2. Exterior and Interior Lighting: exterior lighting shall be limited to all lights mounted on the exterior of buildings and structures as well as freestanding or ground lights. For the purposes of this regulation, interior lighting visible from the exterior shall be treated as exterior lighting.
3. Prohibited Lighting Types: The following types of lighting are prohibited in all zones.

- a. Flood, spot, or searchlights directed upwards, except for lights directed upwards towards structures, vegetation, or artistic or decorative features and not exceeding 1000 lumens.
 - b. Illuminated signs and advertising devices, including any animated, flashing, moving, or festooned lighting, or any type of lighting producing changing colors.
 - c. Any unshielded exterior lighting.
- 4. Shielding: all exterior lighting shall be designed so that the filament, light source or lenses are shielded with opaque material in such a way that they will not be visible at any point five feet or higher above ground level at any property line.
- 5. Security Lighting: Lighting installed for purposes of security of a building shall be directed toward the building(s).
- 6. Maximum Luminaire Height
 - a. General uses: 20' measured from bottom of source to grade level.
 - b. Parking areas with more than 200 parking spaces: 36' measured from bottom of source to grade level, provided that any lighting fixture mounted at greater than 20' shall not exceed 13,000 lumens.
 - c. Outdoor fields, stadiums, or similar recreational uses: 80' measured from bottom of source to grade level. Sporting event lights shall be scheduled to terminate by 11:00PM.
- 7. Lighting Fixtures: The following types of fixtures are acceptable:
 - a. Fully shielded full cut-off for parking lots
 - b. Fully shielded cut-off for pedestrian areas
 - c. Fully shielded "period" fixtures
 - d. Flush mounted canopy fixtures
- 8. Approved Sources: The following light sources are acceptable:
 - a. Metal halide with a coated lamp and LED
 - b. LED with temperatures 3,500 degrees Kelvin or less for uses located in residential or commercial zones, or temperatures 4,000 degrees Kelvin or less for uses located in industrial zones.
- 9. Prohibited Sources: The following light sources are prohibited:
 - a. Halogen

- b. Mercury vapor
- c. Non-shielded laser fixtures
- d. High-pressure sodium
- e. LED with temperatures greater than 4,000 degrees Kelvin

10. Lighting Intensity measured above grade:

- a. Industrial and Commercial sites shall not exceed 1.0 foot candles at the property line.
- b. Any use abutting a residential use shall not exceed 0.5 foot candles at the property line. House side shields may be required by the Commission as applicable.
- c. The following light intensity levels are based on the Illumination Engineers Society of America recommendations for lighting based on activity levels.
 - i. Parking spaces shall be maintained at a .5 foot candle minimum.
 - ii. Parking lot aisles shall be maintained at 0.2 foot candles minimum.
 - iii. Building entry surfaces shall be maintained at not less than 0.5 foot candles.
 - iv. Sidewalks shall be maintained at an average of 1.0 foot candles.
 - v. The Zoning Commission reserves the right to restrict excessive light levels under a fixture.

11. Uniformity of Lighting: Parking lot lighting shall be maintained at a uniformity ratio of 4:1 (highest horizontal illuminance point at grade divided by the lowest horizontal illuminance point).

12. Screening: Vegetative screen shall not be used as a means of controlling glare or lighting intensity.

6.5 Earthwork and Grading

A. Purpose and Intent

The purpose of this subsection is to provide for excavation, filling, grading, and removal of earth materials in a manner that protects the public health, welfare, and safety during the duration of site preparation and construction activities. These Regulations are intended to:

- 1. Protect the Town's natural resources, including soil and ground and surface water supplies, from potential adverse impacts, including erosion, sedimentation,

the alteration of drainage flows, disruption of on-site sewage disposal systems, and pollution or contamination.

2. Protect neighboring properties from potential adverse impacts of noise, dust, visual impacts, and other nuisances that may result in a lowering of property values.

3. Protect the traveling public from potential vehicular or pedestrian traffic hazards.

4. Promote safe site conditions.

5. Provide for appropriate site restoration and future uses of the subject property.

B. Applicability

1. Any excavation, filling, grading, or soil removal or processing activity associated with development of a proposed or approved site plan or special permit which exceeds 10% of the total lot area shall not commence without the issuance of an excavation permit for such activities in accordance with the provisions of Section 8.14.

2. Necessary excavation grading for a subdivision road for which plans have been approved by the Planning Commission of the Town of Brookfield.

3. The removal or filling by or for the owner from one part of his property to another of topsoil or subsoil when such removal is for the purpose of landscaping, farming or otherwise improving the property to a maximum of one hundred (100) cubic yards of material in a Residential District or two hundred cubic yards of material in a Commercial or Industrial District. Above these maximums will require a Special permit and Excavation Permit.

4. Material that may be otherwise excavated or filled in any one (1) calendar year without the required permit in an amount not to exceed one hundred (100) cubic yards.

C. Standards

1. Scheduling of Work: All earthwork and grading activities shall be completed within one year from the commencement of such activity, and all commercial and earth moving equipment must be promptly removed after such activities are complete. All approved work shall be performed between the hours of 7AM and 6PM, Monday through Friday, except state recognized holidays, unless such hours are specifically modified by the Commission. The Commission shall have the right to modify these time restrictions to more permissive or more restrictive hours, in accordance with potential impacts on adjacent land uses.

2. No slope extending over 100 feet in length measured in any direction across the contours of a lot may be created with a grade that exceeds 25%.

3. No fill material which is reduced in volume by fragmentation or decomposition may be used beneath footings, foundations, structures, walkways, drives or on-site sewer disposal systems. Fill under such areas, when permitted by the Building Official, Town of Brookfield, must be clean earth, loam, humus, sand, gravel, clay, stone, soil, subsoil or other earthen products only and shall be properly compacted in accordance with good engineering practice.
4. Natural or building product wastes or debris which result from construction on the premises only and are not transported from elsewhere may be buried and covered over with a minimum of 12" of clean fill of the types indicated in Subsection C(3) above only with the written approval of the Zoning Enforcement Officer who, after inspection of the site, shall have satisfied himself/herself that adequate provisions have been made to prevent adverse impacts listed in Subsection A above or such other conditions as might adversely affect the public health, safety and welfare. The locations of such materials shall be indicated on the approved plot plan.
5. The burial of material resulting from demolition activity is specifically prohibited.
6. Truck access to site shall be so arranged as to minimize nuisance to surrounding properties, and such access on the premises shall be provided with a dustless surface.
7. Any permittee or agent thereof who shall cause damage to any road or roads in the Town of Brookfield shall immediately be liable to the Town for repairing said damage, which shall be under the supervision of the Board of Selectmen of the Town of Brookfield.
8. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless located within an industrial or commercial district where such may be permitted, at the discretion of the Commission. No fixed machinery shall be erected or maintained within three hundred feet (300') of any property line or street line.

6.6 Soil Erosion and Sediment Control

A. Purposes

It is the intention of this subsection to provide guidelines and standards for the control of erosion or sedimentation during or after the execution of any project, development, or mining operation involving excavation, filling, and/or grading activity. The management of erosion and sedimentation shall be undertaken in conjunction with the management of stormwater quality described in Section 6.9 of these Regulations.

B. Applicability

All development requiring a Zoning Permit, Site Plan, or Special Permit approval and which would have a cumulative disturbance of ½ acre of land or more shall receive

approval for an erosion and sedimentation control plan prior to the commencement of work.

C. Standards and Implementation

Minimum measures to control erosion and reduce sedimentation are set forth in the Connecticut DEEP Guidelines for Soil Erosion and Sedimentation Control adopted in 2002, or as amended (hereafter "DEEP guidelines"). Erosion and Sedimentation Control Plans shall employ the best available technologies consistent with DEEP Guidelines, and shall be prepared by a professional engineer or landscape architect. Such Plans shall include, at a minimum, the following information:

1. A narrative describing project elements, nature of the construction, timing and phasing of project elements, sequence of construction, and the installation of the erosion control measures.
2. A site plan at appropriate scale showing the following elements:
 - a. Location of existing and proposed improvements.
 - b. Existing topography, soil types, wetlands, and watercourses.
 - c. Proposed grading and drainage.
 - d. Location of proposed erosion and sediment control measures.
 - e. Sequence for installing such control measures.
 - f. Permanent measures for stabilizing the site including vegetation where appropriate.
 - g. Design criteria for the erosion and sediment control measures.
 - h. Construction details specific to the site.
 - i. Operation and maintenance plan.
3. Implementation of Controls: Site development shall not commence in any area of any site until the appropriate erosion and sedimentation controls have been installed and are functioning. Such controls shall be maintained in good functional order throughout the duration of construction, as dictated by the Plan. The Zoning Enforcement Officer shall have the authority to inspect erosion or sediment control measures for their effectiveness, and may, in his or her sole discretion, require the installation of additional measures to effectively control erosion and sedimentation.
4. Financial Guarantee: The Board or Commission may require the filing of a financial guarantee prior to the issuance of a permit for which an Erosion or Sedimentation Control Plan is required, in an amount securing to the Town the

cost of installing and maintaining the approved erosion and sedimentation controls.

6.7 Performance Standards

A. Purposes

The purpose of these Performance Standards is to protect the health of Brookfield's residents and the integrity of its natural resources from potential adverse effects that may result from the construction and operation of land use activities.

B. Applicability

The standards of this Section shall apply to all land uses, including those that do not require a specific approval by the Commission. The standards shall constitute continuing obligations of all land uses in the Town.

1. Any existing use which is not in compliance with these performance standards shall not be varied or changed in such a way as to increase the degree of such violation.
2. All land use activities must also comply with all other applicable sections of these Regulations, as well as the requirements of any local, state, or federal agencies with permitting jurisdiction.

C. Measurement and Certification

1. Compliance with each performance standard shall be based on criteria contained or referenced in each regulatory section. Where compliance is unclear, the standards and criteria of pertinent state and federal agencies shall be applied.
2. To determine compliance with the established performance standards, a property owner or developer may be required to provide a written certification of compliance from a licensed engineer, architect, or appropriate qualified professional that all applicable standards have been met. Certifications may be required during the permit review process, prior to the issuance of a Certificate of Zoning Compliance, or after the subject use has begun.

D. Standards

1. Air Pollution: No land use shall create or cause to be created a degradation of air quality which is injurious to human health or property. Emissions of gas, smoke, dust, dirt, fly-ash, and other potential atmospheric contaminants shall comply with all applicable rules, regulations, and standards promulgated by CT DEEP.
2. Odor: With the exception of permitted agricultural uses, no land use shall create or cause to be created offensive odors which are readily discernible or detectable beyond the subject property lines. Detailed plans for the prevention of odors crossing property lines may be required of a property owner or developer.

3. Noise: Compliance with the Town's noise ordinance is required.
4. Vibrations and Electrical Disturbances: With the exception of temporary construction projects, no land use shall create or cause to be created objectionable vibration or electrical disturbances which are readily discernible or detectable beyond the subject property lines.
5. Radiation: No activity, operation, or use shall create or cause to be created levels of radiation or radioactivity which are in violation of state or federal standards.
6. Fire or Explosive Hazard: All land uses, particularly those involving the storage, use, or manufacture of flammable or explosive substances, shall be conducted with reasonable precautions against fire or explosive hazards, as required by all applicable federal, state, and local fire safety standards.
7. Glare and Heat: Land use activities shall not produce glare or heat which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways.
8. Hazardous Materials: All land uses which produce, utilize, or store hazardous materials as identified by state and federal sources, including Section 3001 of the Resource Conservation and Recovery Act of 1976, as may be modified, must safely transport, store, handle, and dispose of all hazardous materials in accordance with current state and federal standards.
9. Liquid or Solid Discharges: No land use shall discharge into the ground, a wetland, a surface water body, or a storm drainage or waste disposal system any liquid or solid matter which endangers the public's health and safety, or is likely to cause detrimental effects on surface or groundwater quality or property values.
10. Waste Disposal and Storage: All wastes created in conjunction with any land use activity shall be properly stored in a screened area and expediently removed to prevent health or safety hazards, visual nuisances, or conditions conducive to the attraction of insects, rodents, or other pests.

6.8 Stormwater Management

A. Purposes

The purposes of these stormwater management regulations are to:

1. Protect public health, safety, and general welfare from threats of runoff on downstream properties, and promote the goals and objectives of the Plan of Conservation and Development with respect to Brookfield's water resources.
2. Preserve the pre-development site hydrology to the extent practical in order to maintain stream base flow conditions, maintain groundwater recharge, and

minimize flooding, erosion, and the effects from runoff on downstream properties.

3. Minimize the sources and amounts of pollution transported by stormwater runoff to wetlands, watercourses, groundwater, and other natural resources, and minimize impacts to downstream properties.

4. Encourage appropriate operation, monitoring, and maintenance of site stormwater conditions and facilities to perpetuate these purposes over time.

B. Applicability

These Regulations shall apply to any new development and to modifications to existing land uses that result in the disturbance of 20,000 square feet or more of land, or any development where stormwater will discharge to a wetland or watercourse. For such uses, a Stormwater Management Plan conforming to the provisions of Section 6.8(C) below.

C. Stormwater Management Plan

1. A Stormwater Management Plan ("SWM Plan") prepared in accordance with these Regulations is required to be include as part of the site plan for all applicable developments.

2. Guiding Principles: The SWM Plan shall be consistent with the purposes of Subsection 6.8(A) above, the principles and guidance set forth in the 2004 Connecticut Stormwater Quality Manual, and sound engineering and site planning practices, including known low impact development (LID) best management practices (BMPs). Bioretention techniques are preferred.

3. The SWM Plan shall include, at a minimum, the following components. All documents included in such Plan shall be signed and sealed by the professional engineer by or under whose direction the SWM Plan was prepared.

a. A stormwater management evaluation and design report, as described below.

b. A stormwater management system improvement plan, as described below.

c. A narrative describing the sequence of construction of stormwater management system improvements.

d. A program for operation, monitoring, and maintenance of the stormwater management system, including scheduling of operation, monitoring, and maintenance activities, and observable physical signs of significant inadequate maintenance or function of the stormwater management system.

4. The stormwater management evaluation and design report shall include:

a. An evaluation of existing site, and relevant off-site, conditions that may affect or be affected by the selection, design, location, and operation of measures and facilities for the proposed SWM system. Such conditions shall include, as applicable:

- i. Wetlands and vernal pools
- ii. Watercourses and drainageways
- iii. Drainage patterns
- iv. Depth to groundwater/ledge
- v. Soils, with special regard to infiltration capacity, erodibility, and runoff computations
- vi. Topography and slopes
- vii. Vegetation

b. An evaluation of existing and proposed post-development site, and relevant off-site, hydrology; such evaluation shall include for all scenarios:

- i. Identification of the location, direction, manner of conveyance, and contributing area for all stormwater runoff within the site, exiting the site, and, where flow characteristics (which include increases in peak flowrates amongst other characteristics) are altered as a result of the subject development, off-site until the runoff will discharge to a receiving watercourse or off-site maintained conveyance system where the applicant has secured appropriate permission accounting for the altered characteristics of the discharge.
- ii. Calculate estimated discharges at all identified locations for the 2-, 10-, 25-, and 100-year storm events.
- iii. Evaluation of the effects (e.g. travel paths, flow and ponding depths, flow velocities, facilities impacted, hydrologic assumptions) of stormwater facilities being overwhelmed during the 100-year storm event.

c. A discussion of the particular stormwater treatment and control measures proposed in association with the subject development. Such discussion shall include the reasoning, in relation to the purposes, requirements, and guidance of these Regulations, for the selection and, as appropriate, design of the particular measures proposed.

d. Supporting background, observations, assumptions, references, calculations, and other pertinent information regarding the design of the proposed SWM system treatment and control measures.

5. The stormwater management system improvement plan shall:

a. Be designed to provide zero net increase in peak discharge to receiving watercourses and, as may be applicable, onto adjacent properties for the 2-, 10-, 25-, and 100-year storm events unless it is sufficiently demonstrated that there will be no significant deleterious effects downstream as a result of any peak discharge increase.

b. Be designed to treat the Water Quality Volume (runoff from the first inch of rainfall) from the subject developed area.

c. Conveyance systems shall be designed at a minimum in accordance with applicable provisions of the latest edition and amendments of the Connecticut DEEP Drainage Manual.

d. Properly depict and detail the various stormwater management (and related) measures, facilities, and improvements proposed to adequately provide for evaluation for purposes of these Regulations and construction of the same.

e. Incorporate appropriate vegetation in proposed measures wherever practical.

f. Incorporate appropriate erosion and sedimentation control measures in accordance with Section 6.6.

g. Stormwater management facilities which may be visible from streets or other public areas shall appropriately take aesthetics into consideration in their selection and design.

h. Where the proposed development involves modifications or disturbance of existing developed area, as related to the extents of the same, the Commission may take into additional consideration site and project-specific factors such as physical constraints, age and condition of existing stormwater management facilities, and relative project scope in the application of the stormwater management regulations set forth in this Section.

6.9 Outdoor Display, Dining, and Storage Areas

A. Outdoor Sales, Display, and Storage

1. Outdoor display of goods shall be permitted by use and zone as follows:

a. Residential Zones (R-7, R-15, R-40, R-60, R-80, R-100): Nothing may be displayed outside of a house as a result of a home occupation.

b. Commercial establishments: Outdoor sales, display, or storage of goods shall be approved by special permit as a primary or accessory use. Sales, display, and storage activities must occur at least 35' from the shoulder of the road, not in an area dedicated for parking, and may not obstruct walkways or sidewalks.

c. Industrial establishments: Outdoor sales, display, or storage of goods or materials shall be approved by special permit as a primary or accessory use. Storage or display of products or materials used in process or for sale must not be in the front setback or in any area reserved for parking, or walkways or sidewalks, and may not obstruct walkways or sidewalks.

i. Outdoor storage of raw, unfinished, or scrap materials shall not be permitted in any area visible from the lot line or any public right of way. Any storage of such materials shall be screened from public view by means of fencing or evergreen vegetation.

B. Outdoor Dining

1. Outdoor dining areas shall be permitted by use and zone as follows:

a. Residential Zones: outdoor dining areas shall not be permitted in any commercial establishment located in a Residential Zone.

b. Commercial Zones (C-1, C-2, CG-N, CG-S, MC): outdoor dining areas must be located at least 35' from the shoulder of the road, not in any area dedicated for parking, and may not obstruct walkways or sidewalks. Any outdoor dining area shall be enclosed by a fence, velvet rope, or similar barrier. Provision of overhead weather protection above outdoor dining areas is encouraged.

c. Town Center District: outdoor dining areas may be located within the front setback or on sidewalks within public rights of way. Such areas may not be located alongside vehicle accessways, must not obstruct walkways or sidewalks, and must include overhead weather protection. Outdoor dining areas in the Town Center District shall conform to all standards and requirements of Appendix 2 – TCD Design Guidelines.

6.10 Fences and Walls

A. Location and Design Standards

1. Fences under eight feet in height may be constructed in any residential zoning district without Zoning Approval. Fences eight feet 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 eight feet or higher in height to document that the fence will be located on the subject lot.
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 in height. All other fence types shall not exceed 12' in height.
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 design of buildings on the lot and 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.
5. Suitable animal fencing may be employed in conjunction with the regulations concerning "noncommercial livestock and poultry" of Section 3.8 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.
7. Stone walls shall be considered a historic and scenic asset and shall be preserved in new development to the maximum extent possible.

6.11 Architectural Guidelines

A. Purpose and Intent

It is the purpose of this section to provide general guidelines on the design of buildings and structures with the objective of promoting development projects that preserve and improve the appearance, beauty and character of the community.

It is the goal of the Commission to foster economic development by encouraging the harmonization of design and appearance across Brookfield's commercial districts and to create welcoming and attractive gateways to the Town Center District.

It is also the goal of the Commission to minimize the impacts of the Town's commercial uses on adjoining residential areas; thereby protecting the property values of both adjoining commercial properties as well as adjoining residential zones.

B. Background

During the preparation of the Plan of Conservation and Development in 2000, surveys and considerable public comment indicated a high degree of dissatisfaction with the physical appearance of many structures within the Town's Commercial and Industrial zoning districts. The public consensus was that building design should follow traditional New England architectural design and style concepts, and that modern, monolithic structures were not compatible with the desire for more historic architectural themes. This consensus was reaffirmed in subsequent plans, studies, including the Four Corners Revitalization Plan prepared in 2012, the establishment of the Brookfield Design Review Team in 2013, and the 2015 update of the Plan of Conservation and Development. This consensus is consistent with the stated zoning purpose of protecting and conserving the character of the town.

C. Applicability and Procedure

Any Site Plan or Special Permit application for a non-residential or mixed-use structure proposed in any zoning district shall conform to the architectural guidelines set forth in Section 6.11 (D - F) below, except if such use is proposed within the Town Center District. Uses or structures proposed in the Town Center District shall instead conform to the standards, guidelines, and procedures of the TCD Design Guideline, presented in Appendix 2 of these Regulations.

1. The Zoning Commission shall make a determination of whether the design of any use or structure(s) conforms with these standards.
2. In the case of any proposed use or structure to be located outside of the Town Center District, the Land Use Department professional staff and/or its designee shall evaluate the application's general conformance with the architectural

guidelines and standards set forth below. The Zoning Commission may refer to such evaluation in its decision making regarding the application.

3. In the case of a proposed use or structure to be located within the Town Center District, the Design Review Team shall consider the proposed development and make recommendations relative to the conformance of the proposed site plan with the TCD Design Guidelines and Standards Manual, in accordance with the procedure set forth in Section 3.0 of that document.

4. In the case of a proposed use or structure to be located in a Commercial or Industrial zone (including the C-1, C-2, C-GS, C-GN, I-1, CP or MC districts) the applicant shall schedule a pre-application meeting.

a. Land Use Department professional staff and/or its designee will meet with the applicant to discuss the incorporation of the guidelines and standards set forth below. Land Use Department staff will keep notes of the discussion and prepare a summary of the meeting outcomes.

b. Land Use Department staff and/or its designee will submit the summary of meeting outcomes from its pre-application review meeting with the Applicant, and its recommendations relative to the proposed development to the Zoning Commission. Such recommendations are advisory in nature only. The Applicant should make any adjustments he or she deems appropriate to the proposed site plan based on the feedback from the pre-application review meeting in advance of formal submittal to the Zoning Commission.

c. The Zoning Commission will refer to the advisory recommendations of Land Use Department Staff and/or designee in its decision making regarding the application.

D. I-1 and CP Design Standards

The following standards are applicable to Site Plan and Special Permit applications in the I-1 and CP districts.

1. Relationship of buildings to site

a. The site shall be planned to accomplish a desirable transition along the streetscape an adjoining properties, safe pedestrian movement and adequate public parking area;

b. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings;

c. Newly installed utility services, and service revisions necessitated by exterior alterations shall be underground.

2. Building design

a. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

b. Buildings shall be in scale with permanent neighboring development.

c. Predominant exterior building materials on street-facing facades shall be high quality materials, including, but not limited to, brick, wood, stone, or textured concrete masonry units. Building materials shall be selected for suitability to the type of building and the design in which they are used, and shall be of durable quality.

d. Building components, such as windows, doors, eaves and parapets shall have good proportion and relationships to one another and the overall building structure.

e. Building facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors or fluorescent colors is prohibited.

f. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located as not to be visible from any public ways.

E. C-1 and C-2 Design Standards

The following standards are applicable to Site Plan and Special permit applications in the C-1 and C-2 districts.

1. Relationship of buildings to site

a. The site shall be planned to accomplish a desirable transition along the streetscape an adjoining properties, safe pedestrian movement and adequate public parking area;

b. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings;

c. Newly installed utility services, and service revisions necessitated by exterior alterations shall be underground.

2. Building design

a. Architectural style is not restricted; however, traditional New England architectural themes are preferred. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

b. Buildings shall be in scale with permanent neighboring development.

c. The main entrance façade shall be designed in a manner to clearly distinguish it from other façades and to define the consumer entry. This faced shall contain some of the following elements to add scale to the entry:

- canopy
- gables and dormers
- pilasters
- display windows
- outdoor seating area
- recesses or projections in keeping with the scale of the building
- peaked roof
- unique architectural details in keeping with the overall building design
- other features designed to add scale and visual interest to this façade

d. Building designs shall not present large, blank, continuous planes of a single material towards primary accessways or public rights of way. Such building walls shall be designed with architectural features and/or varying materials that break up large building volumes and should incorporate fenestration.

e. Selection of building materials and colors shall be compatible with and complement the building design, the appearance of adjacent buildings, and the Town as a whole. The number of different materials on the exterior of the building shall be limited in order to avoid unnecessary visual complexity or a cluttered appearance.

f. The use of traditional building materials and historic Colonial color palettes is preferred; the use of vinyl or aluminum siding or exterior insulation and finish systems is discouraged.

g. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located as not to be visible from any public ways.

h. Accessory buildings and functions (e.g. trash containers, storage sheds, and emergency generators) shall be screened from public view with materials harmonious with the building, or they shall be located as not to be visible from any public ways.

i. Garage doors and loading areas shall be screened from view from public ways. If a garage door or entrance facing a public right of way is integral to the building's design and functioning, the garage door shall have a complimentary design to the building's architecture as a whole, and shall use materials compatible with that design and the building's material palette.

F. CG-N and CG-S Design Standards

The following standards are applicable to Site Plan and Special permit applications in the CG-N and CG-S districts. These districts are intended to create an attractive entrance to the Town Center District, while encouraging coordinated development with high design standards. The goal is to promote compact development that has a scale and form consistent with the natural landforms of the site and character of the Town.

1. Relationship of buildings to site

a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and parking area;

b. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings;

c. All buildings shall be oriented to create usable, safe and attractive pedestrian spaces, preserve significant site features and minimize the appearance of parking areas.

d. Newly installed utility services, and service revisions necessitated by exterior alterations shall be underground.

2. Building design

a. Architectural style is not restricted; however, traditional New England architectural themes are preferred. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

b. Buildings shall be in scale with permanent neighboring development. In the case of the first new structure in an area which has been designed for

a particular character, the design shall reflect the desired high quality, welcoming gateway

c. The main entrance façade of individual buildings shall be designed in a manner to clearly distinguish it from other facades and to define the consumer entry. This faced shall contain some of the following elements to add scale to the entry:

- canopy
- gables and dormers
- pilasters
- display windows
- outdoor seating area
- recesses or projections in keeping with the scale of the building
- peaked roof
- unique architectural details in keeping with the overall building design
- other features designed to addscale and visual interest to this façade

d. Building designs shall not present large, blank, continuous planes of a single material towards primary accessways, public rights of way, or internal access drives, to the extent practicable. Such building walls shall be designed with architectural features and/or varying materials that break up large building volumes, and should incorporate fenestration.

e. Building materials shall consist of high quality materials, including, but not limited to, brick, wood, stone, or textured concrete masonry units. Building materials shall be selected for suitability to the type of building and the design in which they are used, and shall be of durable quality. The number of different materials on the exterior of the building shall be limited in order to avoid unnecessary visual complexity or a cluttered appearance.

f. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located as not to be visible from any public ways.

g. Accessory buildings and functions (e.g. trash containers, storage sheds, and emergency generators) shall be screened from public view with materials harmonious with the building, or they shall be located as not to be visible from any public ways or internal access drives.

h. Garage doors and loading areas shall be screened from public view from public ways or internal access drives. If a garage door or entrance facing a public right of way is integral to the building's design and functioning, the garage door shall have a complimentary design to the building's architecture as a whole, and shall use materials compatible with that design and the building's material palette.

6.12 Neighborhood Anti-Blight

A. 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.

B. Regulation

1. Unless otherwise determined by the Commission, uses, items, or materials to be specifically prohibited from placement within any residential front yard are:

- a. A "junkyard" as defined in Section 2 of these regulations.
- b. Litter, junk, trash, rubbish, refuse or debris of any kind.
- c. 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.
- d. The outdoor storage or accumulation of appliances, televisions or furniture, or parts or components thereof.
- e. The parking of any vehicle except within the designated driveways and turn-arounds.
- f. The parking or storage of mobile homes not meeting the minimum standards for inhabitation by humans.
- g. The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof.
- h. The storage or accumulation of:

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- i. building materials as defined in Section 2 of these regulations (except for a project of specified duration for which a valid building permit has been issued),
- ii. home or garden supplies in bulk or containerized; and
- iii. 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.

2. Side and Rear Yards

Items and materials indicated in Section 6.12(B)(1) above may be permitted in residential 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.

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7.1 Temporary Events

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 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.

The Commission or the ZEO 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 30 consecutive days not more than twice annually without the permission of the Commission. Such event(s) may be temporarily housed within a tent, which may not be located closer than 20 feet from 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 Section 6.2.

7.2 Telecommunications Towers and Antennas

A. Intent and Purpose

It is the intent and purpose of these Regulations to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, subject to jurisdictional limitations imposed by Section 16-50g et seq. of the CGS. These regulations are necessary in order to:

1. Facilitate the provision of wireless communication services to residents and businesses
2. Minimize the adverse visual effects of towers through careful design and siting standards
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements
4. Minimize any health hazards associated with use of such equipment
5. Reduce the number of towers needed to serve the community by maximizing the use of existing and approved suitable facilities, existing water towers, or similar buildings to accommodate new wireless telecommunication antennas

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6. Minimize the perception of diminution of adjoining property values due to the location of such devices
7. Review the electromagnetic radiation interference to receptor devices on adjoining properties to ensure consistency with the requirements of the Federal Communications Commission
8. Enable the Commission to find that the above purposes are met together with the requirements of Section 8.5 and this Section in approving any Special Permit or Site Plan Modification application

B. Jurisdiction and Applicability

1. The Commission asserts jurisdiction over the siting, construction, and modification of any and all telecommunications towers and telecommunications equipment not designated as exclusive jurisdiction of the Connecticut Siting Council under the authority of 16-50g et seq. and as defined by CFR Title 47, Part 22, as amended.
2. If by any act of the Connecticut General Assembly or any other legislative body or rule-making entity any type of telecommunications tower or telecommunications equipment shall cease to be designated the exclusive jurisdiction of the Connecticut Siting Council, jurisdiction over the siting, design, construction, and modification of such tower or equipment shall henceforth be asserted by the Commission and governed under these Regulations.

C. General Standards

In addition to the requirements for special permit outlined in Section 8.5, the following guidelines, standards, procedures, and considerations shall apply.

1. Location Criteria:
 - a. Distance: Any tower should be constructed a minimum distance of one mile from any existing towers.
 - b. Lot Size and Setbacks: Any site should be the minimum lot size required for the zoning district in which it is located and should be of sufficient size to accommodate a setback from all adjoining property liens equal to the maximum height of the tower and all appendages plus 25 feet.
 - c. Scenic Ridge Lines: Antenna towers should not be sited on any property that may be designated as a scenic ridgeline by the Planning Commission pursuant to the Plan of Conservation and Development.
 - d. Co-Location: Antenna(s) should be located on existing towers where available. If no existing towers are available, antennas may be located

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on new towers or other structures, whichever provides the greatest amount of screening.

e. Building and Roof-Mounted Antennas: Building or rooftop-mounted antenna(e) should be located or screened so as not to be visibly intrusive from abutting public streets or adjoining residences. The area of the equipment enclosures and other structures should not occupy more than 15 percent of the roof area. If the equipment is located on the roof, setbacks from the roof edge should be ten feet or ten percent of the roof depth, whichever is greater. Antenna(s) installed on buildings should be compatible with the underlying structure.

2. Plans and Specifications: Plans and specifications for the antenna and the antenna tower shall be prepared and signed by a Connecticut licensed Professional Engineer and shall be designed to withstand sustained winds of at least 80 miles per hour.

3. Site Simulations: The Commission may require the applicant to provide simulations of tower locations and impacts as part of the review of the special permit application. Such simulations may entail the erection of balloons or other devices necessary to visualize the proposed facility.

4. Consolidation of Facilities: The proposed support structure shall be designed for additional facilities including other wireless communication companies and local police, fire, and ambulance needs unless it is determined to be technically unfeasible. The Commission may require independent outside evaluation of such determination at the applicant's expense. The applicant shall make payment for such expenditures prior to the decision by the Commission on the application.

5. Distance Requirement: No tower may be constructed within a one-mile radius of an existing tower.

6. Lot Size and Setbacks: The minimum site shall be the minimum lot size required for the zoning district in which it is located, and the site shall be of sufficient size to accommodate a setback from all adjoining property lines equal to the maximum height of the tower and all appendages plus 25 feet.

7. Antenna Size: Directional or panel antenna(s) shall not exceed six feet in height or two feet in width. Omnidirectional antenna(s) shall not exceed 20 feet in height or seven inches in diameter. Satellite and microwave dish antenna(s)

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shall not exceed two feet six inches in diameter in residential districts and six feet in diameter in all other districts.

8. Height Limitations: Any proposed radio or television antenna tower, earth station, dish, or other such device shall not exceed the allowable building height plus 12 feet in residential zones or 100 feet in height, above existing grade, in any other permitted zone.

9. Fencing: A fence with a height of eight feet shall be required around the tower and its ancillary equipment.

10. Landscaping: Landscaping shall be required around the fence, which shall consist of a row of evergreen trees planted not less than ten feet on center. The evergreen plantings shall be a minimum height of six feet at planting and shall reach a minimum height of 15 feet at maturity. Such screening shall be maintained by the owner of the property to ensure its effectiveness.

11. Scenic Ridge Lines: Antenna towers on any property that may be designated as a scenic ridge line by the Planning Commission pursuant to the Plan of Conservation and Development are prohibited.

12. Design Compatibility: Structures shall be designed to be in harmony with the surrounding neighborhood properties and with due consideration for the impact that the tower will have on these properties, i.e., structures in residential districts must have characteristics such as roof lines, siding, fenestration, etc. that are compatible with residential structures in the immediate area as determined by the Commission. The Commission may impose conditions that foster a compatible design of the tower with the site and surrounding environment.

13. New Towers: Only monopole antennas shall be permitted as new towers and only after exhausting co-locations on existing towers or buildings. The economical situation associated with a site should not be a reason for exhausting a site.

14. Existing Towers: Antenna(s) shall be located on existing towers where available. If no existing towers are available, antennas may be located on new towers or other structures, whichever provides the greatest amount of screening.

15. Associated Equipment: The related unmanned equipment areas and/or building shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height. Manned equipment incidental to the business

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office, maintenance depot, and vehicle storage is prohibited. All site utilities shall be provided underground.

16. Building and Roof-Mounted Antennas: Building or rooftop-mounted antenna(s) shall be located or screened so as not to be visibly intrusive from abutting public streets or adjoining residences. The area of the equipment enclosures and other structures shall not occupy more than 15 percent of the roof area. If the equipment is located on the roof, setbacks from the roof edge shall be ten feet or ten percent of the roof depth, whichever is greater. Antenna(s) installed on buildings shall be compatible with the underlying structure.

17. Noise: All operations on site, including the operation of generating equipment, shall comply with all state and local noise regulations.

18. Interference: Subject to Federal Communication Commission regulations and requirements, any communications equipment or devices shall not cause electromagnetic interference with receptor devices located on adjoining or nearby properties, nor shall they interfere with any existing or proposed public safety communications activities.

19. Illumination: Illumination shall not be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Agency, or Connecticut Siting Council.

D. Applications

In addition to the requirements for special permit outlined in Section 8.5, the following application requirements shall apply, if required by law.

1. A description of the proposed tower/antenna and associated equipment including height, design features, structural analysis, access roads, and power lines, if any
2. A map showing the extent of planned coverage within the Town of Brookfield and the location of the proposed facilities
3. Plan and elevation drawings showing the proposed tower/antenna, associated equipment, antennas, and other structures on site
4. A topographic profile showing the proposed tower and its associated equipment
5. A description of the slopes, wetlands, watercourses, scenic vista, and other environmental characteristics of the site; any historically designated areas of the site; and the impact that the tower will have on these resources

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6. An architectural rendering of the view of the tower/antenna from adjoining properties
7. A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, containing a description of the siting criteria and the process by which other possible sites were considered and eliminated.
8. A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, of technological alternatives and their costs for the proposed tower and a statement containing the reasons for the choice of the proposed facility.
9. A statement from the applicant shall be required, if appropriate, or a report or certification from the applicant or his engineer shall be required if that is more appropriate, describing the impact on human health, if any, of signal frequency and power density at the proposed site to be transmitted and/or received by the proposed facility.
10. The Commission may waive any of these requirements for an application for a modification or change to an existing tower if it finds that the modification or addition will not have a significant impact.
11. All applications for a Special Permit to construct and operate wireless communications towers in a residential district shall include an inventory of all antenna equipment and apparatus not contained within fully enclosed buildings and the power and frequency of all transmission to be broadcast from the facility.

E. New Antenna

Any proposal within the jurisdiction of the Commission to add an antenna to an existing tower or building shall require a Site Plan Modification as outlined in Section 8.4. In addition to the requirements of the Site Plan Modification, applications shall include the information listed in Sections 7.2(D) 1-3, 6, 8-9, and 11 above. Applications for multiple antenna(s) on an existing tower may be submitted in one Site Plan Modification application.

F. Termination or Nonuse Removal

A facility not in use for more than one year or whose use is terminated shall be removed by the service facility owner. This removal shall be completed within 90 days of the end of the one-year period. Upon removal, the site shall be restored to its previous appearance. The owner shall submit an annual report indicating that the facility is still in use.

G. Bonding

The Commission may require the posting of a bond to:

- secure compliance with the approved installation of all towers and antenna(s); and
- to ensure the timely and proper removal of said tower and/or antenna upon termination or nonuse.

7.3 Firing Ranges, Target Shooting, and the Discharge of Firearms for Recreational Purposes

A. Prohibition

Firearm activities are prohibited in all zones unless an application for a Firearm Plan is submitted to and approved by the Commission.

B. Firearm Plan Requirement

1. No Firearm Plan shall be approved by the Commission unless the use of the property for firearm activities:

- a. Predates November 8, 2000, the effective date of this section, and;
- b. Constitutes a valid nonconforming use as provided by law.

2. No Firearm Plan shall be approved by the Commission unless it incorporates the following structures:

- a. A sound attenuation enclosure surrounding the firing discharge area, which shall reduce the noise measured at the property lines to the standards outlined in Section 6.7D of these Regulations and any noise regulations provided by local, state, or federal statute or regulation, whichever more restrictive
- b. A target barrier which shall not be less than 12 feet in height and shall be backed by an earthen berm of four feet or more in thickness, which structure shall be set back not less than 30 feet from any property line and shall be sufficient to act as a complete deterrent to any ammunition used on the property from passing onto an adjoining property
- c. An elevation-limiting device, which shall prevent any round from being fired above the target barrier
- d. The area in which firearm activities may take place shall be completely surrounded by means of a fence or wall not less than four feet above the ground at any point, and all openings in the fence or wall shall be secured by a gate or door equipped with a self-closing, self-latching mechanism that is inaccessible from the outside to small children. A natural barrier is not permitted as an enclosure.

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3. An application for approval of a Firearm Plan must contain at a minimum, the following documents:

a. A Firearm Plan, which shall consist of a Class A-2 survey of the property, in recordable form, prepared by a licensed and certified land surveyor. In addition to the standard requirements for a Class A-2 survey, the Firearm Plan shall contain the following information:

- i. The location of all existing and proposed structures on the property;
- ii. The location of all existing and proposed locations of firearm activities;
- iii. The location of all structures required by this Section, particularly those enumerated in subsection B(2) above;
- iv. A written narrative detailing all restrictions imposed by this Section particularly those enumerated in subsection B(3)[b] below;
- v. Elevations of all existing and proposed site structures;
- vi. The distances of the existing and proposed firearm activities from structures on adjoining properties;
- vii. The location of any wetlands, underground aquifers, and underground aquifer wells providing drinking water, including the distances of the existing and proposed firearm activities from such areas and the depth of such aquifer resources; and
- viii. Evidence that the range is constructed in such a manner that all shot, debris, and discharge are confined to the target area and that there is no danger or risk of injury to persons and property.

b. An agreement from the applicant, to be recorded on the Land Records, that firearm activities on the property will be subject to the following limitations:

- i. Firearm activities will be conducted on the property only by the owners and/or occupants thereof and their invited guests;
- ii. There will be no charge or fee for the conduct of firearm activities on the property;
- iii. The property owner must be present during the conduct of firearm activities on the property at all times;
- iv. There shall not be more than four individuals simultaneously conducting firearm activities on the property;

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v. All individuals conducting firearm activities on the property must be duly licensed to carry and discharge firearms in accordance with state and federal law;

vi. No firearm activities shall be conducted on Sundays or on legal holidays;

vii. No firearm activities shall be conducted except between the hours of 9:00 a.m. and 6:00 p.m.; and

viii. No ammunition may be used in connection with any firearm activities except that which can be safely discharged in accordance with state and federal law and the provisions of this Section and be stopped by the target barrier.

c. An enumeration of the specific firearm activities to be conducted on the property, to be detailed on the Firearm Plan

d. A plan of operation for the property, detailed on the Firearm Plan, including an enumeration of the safety precautions and procedures to be implemented

e. A letter report from the Chief of the Brookfield Police Department stating that the Firearm Plan has been reviewed and that the plan incorporates adequate safety measures

f. A plan for the property, detailed on the Firearm Plan, to ensure that no ammunition remains, pellets, spent shells, spent shot, target debris, or other residual material, especially that containing lead, is allowed to enter any watercourse or wetlands or accumulate on the property in violation of any federal, state, or local rule, regulation, or statute

g. If lead shot is to be utilized, a lead discharge permit for the property, issued by the Connecticut DEEP;

h. Copies of all required governmental firearm licenses issued to the applicants for the firearm activities to be conducted on the site

i. A written statement, under oath, from the applicant that the property had frequently and regularly been used for the specific firearm activities to be conducted on the property for at least the one-year period prior to the adoption of these regulations.

7.4 Small Wind Turbines

A. Purpose

The purpose of this section is to accommodate distributed generation/small wind energy systems whose primary purpose is to supply electrical power to the structures or facilities located on the same lot while minimizing any adverse visual, safety, and environmental impacts of the system. Distributed generation/small wind energy systems whose primary purpose is to generate power for commercial purposes or augment the supply of power to utilities are prohibited in the Town of Brookfield.

In addition, this section provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

The regulations and permitting process are the same for all zones in the Town of Brookfield.

B. Permits Required

1. Special Permit: No small wind energy system or testing apparatus shall be erected, constructed, installed, or modified without first obtaining a Special Permit.
2. Building Permit: After Special Permit approval as stated above, a building permit is required for the installation, construction, or modification of a small wind energy system.

C. Procedure for Review

1. Application: An application for Special Permit shall be in accordance with the requirements of Section 8.5 with the following modifications:
 - a. Property lines and physical dimensions of the applicant's property drawn to scale, including names of adjoining property owners
 - b. Location, dimensions, and types of existing major structures on the property shown to scale
 - c. Location of the proposed small wind energy system, foundations, guy anchors, and associated equipment
 - d. Setback requirements as outlined in this section
 - e. The right-of-way of any public road that is contiguous with the property
 - f. Any overhead utility lines
 - g. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed)

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- h. If the small wind energy system will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind energy system
- i. System/tower foundation blueprints or drawings
- j. system/tower blueprint or drawings
- k. Sound-level analysis prepared by the wind turbine manufacturer or qualified engineer
- l. Confirmation that the manner of installation will conform to the National Electrical Code (usually provided by the manufacturer)
- m. Estimated costs of physically removing the small wind energy system to comply with surety standards
- n. Evidence of compliance or nonapplicability with Federal Aviation Administration (FAA) requirements
- o. The site plan must be stamped by a professional engineer licensed to practice in the State of Connecticut
- p. Documentation describing the containment plan for ice that may accumulate on the turbine surfaces such that the ice will not become a hazard
- q. Copies of certified mail receipts and copy of the Neighbors/Adjoining Property Owner Notification as provided by Section 8.11E
- r. Documentation from public utility company noting interconnection approval

D. Standards**1. Setbacks**

- a. Small wind energy system shall be set back a distance equal to 110 percent of the total height from:
 - 1. Any public road right-of-way unless written permission is granted by the governmental entity with jurisdiction over the road.
 - 2. Any overhead utility lines.
 - 3. All property lines unless the affected landowner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with the abutting property.

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4. Any travel ways to include but not be limited to driveways, parking lots, nature trails, or sidewalks.

b. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

c. The setback shall be measured to the center of the tower's base.

d. Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

2. Tower

a. Wind turbines may only be attached to freestanding or guy-wired monopole towers. Lattice towers are explicitly prohibited.

b. The tower height shall not exceed 15 feet above any structure on the property.

c. The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

3. Sound Level: The small wind energy system shall not exceed 45 decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.

4. Shadowing/Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts on neighboring properties. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

5. Signs: All signs, both temporary and permanent, are prohibited on the small wind energy system, except as follows:

a. Appropriate warning signs and placards

b. Signs shall not be more than 2 square feet in size.

6. Code Compliance: The small wind energy system shall comply with all applicable sections of the Connecticut State Building Code.

7. Aviation: The small wind energy system shall be built to comply with all applicable FAA regulations, including but not limited to markings, placement, and detection lighting. Evidence of compliance or nonapplicability shall be submitted with the application.

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8. Visual Impacts: Small wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts without restricting the owner's access to the wind resources.

a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground.

b. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a nonreflective, unobtrusive color that blends in with the surrounding environment and minimizes ice buildup.

c. A small wind energy system shall not be artificially lit unless such lighting is required by the FAA. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

d. All systems shall be located in the rear yard, side yards, or on rooftops, unless testing clearly demonstrates these locations are not suitable.

9. Utility Connection: A utility connection is necessary if the proposed small wind energy system is to be connected to the power grid through net metering.

10. Access

a. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

c. All connections and cabling shall be underground.

11. Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

7.5 Outdoor Wood-Burning Furnaces

No person shall construct, install, modify, operate, or use an outdoor wood-burning furnace unless the outdoor wood-burning furnace complies with the requirements of Section 22a-174k of the CGS, as revised, as well as the following requirements:

- Installation of the outdoor wood-burning furnace is not less than 200 feet from the nearest residence not serviced by the outdoor wood-burning furnace.
- Installation of the chimney of the outdoor wood-burning furnace is at a height that is more than the height of the roof peaks of the residences that are located within 500 feet of the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-burning furnace, provided the chimney height is not more than 55 feet.
- No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated.
- Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions provided such instructions do not conflict with the provisions of this section.
- The outdoor wood-burning furnace shall comply with the 2010 Environmental Protection Agency Phase 2 emission guideline limits or any subsequent revisions thereof.

Article 8 – Procedures

The intent of this Section is to provide applicants, commissioners, and staff a clear understanding of the procedures required for the most common zoning applications in order to avoid misunderstandings and unnecessary defects or delays in the application process. The application requirements and fee schedule are included in Appendices 1 and 3 of these Regulations. All appendices are incorporated into these Regulations and are a part thereof.

8.1 Preliminary Concept Plan and Pre-Application Review

A. Purpose and Applicability

Applicants proposing projects of a scale or complexity as to require significant expense in the preparation of Site Plan or Special Permit application materials are encouraged to request staff and/or Commission pre-application review of a Preliminary Concept Plan. This pre-application review process is intended to provide informal guidance to the applicant to:

1. Enhance the applicant's understanding of the submission requirements, standards, and provisions of these Regulations
2. Advise the applicant of any known site or utility difficulties or other major areas of concern that should be addressed in a Site Plan or Special Permit Application
3. Enhance staff and the Commission's understanding of the goals, constraints, and considerations of the applicant
4. Avoid unnecessary delays or expense in the processing of subsequent applications through avoidance of errors, omissions, or misinterpretations of either substantive or procedural provisions of these Regulations
5. Any pre-application review is for informational purposes only.

B. Submission and Procedures

1. A Preliminary Concept Plan may be submitted to the Land Use Department and should be accompanied by plans and/or other information as specified in the Appendix 1. Any omissions in materials submitted with a Preliminary Concept Plan may hinder Staff and/or the Commission's ability to provide guidance to the applicant of potential concerns, conditions, or requirements relevant to any subsequent application.
2. The Commission, a subcommittee thereof, and/or Land Use and other Town staff may informally review the Concept Plan for general conformance with these and other applicable regulations and may request additional information where deemed necessary.

3. Pre-application review of a Preliminary Concept Plan shall be considered only informational and advisory in nature; no development rights shall attach to the review or consideration of any Preliminary Concept Plan.
4. Such review and any results or information obtained from it may not be appealed under any provision of the CGS and do not imply any final possible action by the Commission.
5. Such preliminary review shall not constitute or be treated as a substitute for complying with all requirements of these Regulations when a final plan is submitted for review as required herein.
6. A Preliminary Concept Plan shall be placed on file in the Land Use Department for reference purposes only for any subsequent application.

8.2 Zoning Permit

A. Applicability

No building or land shall be occupied or used; the use of an existing building or land shall not be changed; site work and site improvements shall not be undertaken; and no building or other structure shall be constructed, reconstructed, altered, extended, or enlarged in whole or in part for any purpose, until a Zoning Permit shall have been issued by the ZEO showing conformance:

1. With these Regulations
2. With all required Zoning, Planning and Inland Wetlands approvals

B. Submission and Procedures

1. An application for a Zoning Permit shall be accompanied by plans and/or information that complies with the requirements in the Appendix 1 of these Regulations.
2. If the submitted application materials document to the satisfaction of the ZEO that the proposed activity or use is in compliance with these Regulations, the ZEO shall issue a Zoning Permit setting forth the date on which the permit was issued.
3. If the ZEO finds a Zoning Permit application meets all of the requirements of these Regulations, the ZEO will make best efforts to issue a Zoning Permit within 30 days of the receipt of the completed application.
4. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such Zoning Permit shall be null and void.
5. Approval of an Application for a Zoning Permit or issuance of a Certificate of Zoning Compliance shall not be construed to constitute compliance with any other regulation, ordinance, or law or to relieve the applicant from responsibility to obtain any other required permit thereunder.
6. An application for a Zoning Permit may be withdrawn, in writing, by the applicant at any time prior to final action.

C. Notice Provisions

In accordance with CGS 8-3(f), the recipient, or their authorized agent, of a Zoning Permit may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient, or authorized agent, shall contain:

1. A description of the building, use, or structure and its location
2. The identity of the applicant

3. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7

D. Foundation Survey Required

The property owner shall notify the ZEO of the completion of the foundation of any new structure or addition thereto within seven days after such completion. It is required that a Class A-2 boundary survey prepared by a Connecticut-licensed land surveyor be filed with the ZEO showing the foundation location of the new building, structure, or addition. Such filing would be beneficial to the landowner in helping to ensure that any errors in location are found at an early time in the construction process.

E. Zoning Permit Expiration

1. Any Zoning Permit issued by the ZEO under the provisions of these Regulations shall become invalid if the authorized work is not commenced within six months after issuance of the Zoning Permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.
2. A permit may be renewed up to two times for an additional six months each time, for a total of twelve additional months, upon filing a written request to do so.

8.3 Certificate of Zoning Compliance

A. Applicability

1. No structure, land, or premises shall be occupied for use or converted to a new use until a certificate of zoning compliance has been issued by the ZEO or his designee.
2. The ZEO shall determine whether any use, building, structure, or alteration for which a Zoning Permit has been issued conforms in all respects to the Zoning Regulations.
3. In accordance with CGS 8-3, no certificate of occupancy shall be issued for a building, use, or structure subject to these Regulations without certification in writing by the ZEO that such building, use, or structure is:
 - a. In conformity with these Regulations; or
 - b. Is a valid nonconforming building, use or structure under these Regulations.

B. Procedures

1. An application for a Certificate of Zoning Compliance shall be accompanied by plans and/or other information that complies with the requirements in the Appendix 1 of these Regulations.
2. The ZEO or his designee will inspect the premises.
3. If all requirements of these Regulations are met, including requirements of approved site and plot plans, the ZEO will make best efforts to issue the certificate within 30 days of application.
4. In the event that any permit or certificate is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such permit or certificate shall be null and void.
5. A certificate of zoning compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained, but shall cease whenever such conditions and uses are terminated or no longer maintained.

C. Notice Provisions

1. In accordance with CGS Section 8-3(f), the recipient of a certificate of zoning compliance may publish notice of issuance of the certificate of zoning compliance in order to establish the appeal period per CGS Section 8-7.
2. Any such notice to be published by the recipient or authorized agent shall contain:
 - a. A description of the building, use, or structure,

- b. The location of the building, use, or structure,
- c. The identity of the applicant, and
- d. A statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS Section 8-7.

8.4 Site Plan Application

A. Applicability

A Site Plan application shall be submitted for any activity designated as requiring Site Plan approval in these Regulations.

B. Submission

1. A Site Plan application shall be submitted to the Land Use Department and shall include a completed application form and the appropriate fee.
2. A Site Plan application shall be accompanied by detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements of Appendix 1 of these Regulations.
3. If a site plan application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Zoning Commission.
4. Upon written request by the applicant, the Commission may waive specific requirements for application, if, in its sole discretion, it finds that the particular information is not required or may be deferred to render a decision on the application.
5. A complete site plan application must be submitted a minimum of ten days before a regular meeting in order to be considered by the Commission at that meeting. Nothing in this section shall be construed to extend the time limits for action as specified in the CGS.

C. Procedures

1. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission may hold a public hearing on the application in accordance with the requirements of CGS 8-7 and Section 8.11 (E) of these Regulations.
2. The date of receipt for the site plan application shall be determined in accordance with Section 8.11 (B).
3. An incomplete site plan application may be denied in accordance with Section 8.11 (C).
4. All required notices and referrals by the Commission and/or applicant shall be completed as required by Section 8.11 (E).
5. The Commission may refer any Site Plan Application to any Town department, commission, or other agency in accordance with Section 8.11 (F).

6. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):

- a. The time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
- b. A decision on the application shall be rendered within 65 days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed 65 days.

7. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within 65 days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed 65 days, in accordance with CGS 8-7d.

8. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Approval Considerations

In reviewing any site plan under this Section, the Commission shall find that the application meets all site plan requirements. In addition, the Commission shall consider whether the site plan fulfills the following objectives:

- 1. To promote the public health, safety, comfort, convenience, prosperity, amenity, and other aspects of the general welfare
- 2. To ensure that the layout of the proposed use shall be in harmony with the surrounding area and shall contribute to its desirable and orderly development
- 3. To ensure that traffic generated by the proposed use will not adversely affect the surrounding area or public health, safety and welfare, and will not disrupt the orderly movement of vehicles and pedestrians in the area
- 4. To protect and preserve the supply of potable drinking water by protecting and preserving subsurface aquifers

E. Commission Action

- 1. The Commission shall render a decision on such application within the period of time specified in Section 8.11(D).
- 2. Whenever the Commission acts upon a Site Plan application, it shall state upon the record the reasons for its decision.

3. The Commission may approve the plan, approve the plan with modifications and/or stipulations, or deny the plan in accordance with CGS §8-3.
3. Written notice of the final decision of the Commission shall be sent by certified mail to the applicant within 15 days of its action.
4. The Commission shall have published in a newspaper with significant circulation in the Town of Brookfield notice of its final decision within 15 days of its action. If such notice is not published within the 15-day period, the applicant may provide for publication of such notice within 10 days of thereafter.

F. Submission of an Approved Plan

When an approval has been granted by the Commission, the applicant shall submit five sets of final plans, on which all modifications imposed by the Commission as part of the approval have been clearly indicated and noted in the revision block for signature by the Chairman of the Commission, within 60 days after approval. One final set of plans and associated documents shall be submitted in PDF digital format.

G. Modifications to an Approved Site Plan

1. Modifications or amendments to an approved site plan are permitted in accordance with Section 4.2 of these Regulations.
2. In addition, for those changes as indicated in Section 4.2 that require coming before the Commission, the ZEO shall have the authority to approve minor changes to an approved Site Plan if in the judgment of the Zoning Commission such changes do not materially or substantially alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Plan as approved, and such changes are in conformity to the requirements of these Regulations
3. If the Zoning Commission determines that changes in the Site Plan, or any change of use within a building or structure or on a lot, may materially or substantially alter overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Plan as approved, said modification shall require a new application.

8.5 Special Permit Application

A. Applicability

A Special Permit Application shall be submitted for any activity designated as requiring Special Permit approval in these Regulations.

B. Pre-Application

Prior to the submission of a Special Permit application to the Commission, the applicant may request an informal conference with Land Use Department for a pre-application review with appropriate Town agents and staff. Applicants are encouraged to request an informal conference prior to preparing application materials in order maximize efficiency in the application process.

C. Submission

1. A Special Permit application shall be submitted to the Land Use Department and shall include a completed application form and the appropriate fee.
2. A Special Permit application shall be accompanied by detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements of Appendix 1 of these Regulations.
3. The Commission may, in accordance with the requirements of these Regulations and its Appendices, require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. Upon written request by the applicant, the Commission may, by resolution determine that the required submission of all or a part of the information required under Appendix 1 is not necessary or may be deferred in order to render a decision on the application, and need not be submitted.
5. The applicant shall bear the burden of demonstrating that the applicable criteria in Subsection 8.5E of these Regulations are addressed to the Commission's satisfaction.
6. The Commission shall not be required to hear an application relating to the same request or substantially the same requests more than twice in a 12-month period.

D. Procedures

1. The date of receipt of the Special Permit application shall be determined in accordance with Section 8.11(B).
2. An incomplete Special Permit application may be denied in accordance with Section 8.11(C).
3. All required notices and referrals by the Commission and/or applicant shall be provided as required by Section 8.11(E).

4. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
5. The Commission shall hold a public hearing on the Special Permit application. The Commission and applicant shall provide all required notices and referrals in accordance with Section 8.11 (E).
6. The Commission may refer any Special Permit application to any Town department, commission, or other agency in accordance with Section 8.11 (F).
7. The Commission shall process the Special Permit application within the period of time provided by CGS Section 8-7d.
8. The applicant may, at any time prior to action by the Commission, withdraw such application.

E. Approval Criteria

The Commission, in determining the acceptability of the proposed project, shall consider and evaluate the following criteria:

1. Zoning - Conformance of the proposed project with the Brookfield Zoning Regulations, including such land use standards and design criteria as may be included therein, Brookfield Subdivision Regulations (where applicable), and the Road Ordinance, Town of Brookfield
2. Plan of Conservation and Development - Consistency with one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended
3. Environmental Protection and Conservation - Whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features that enhance the character and environment of the area
4. Neighborhood Compatibility - Whether the proposed use will have a detrimental effect on neighboring property values
5. Suitable Location - Whether the location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it, are such that the use will not adversely impact the public health, safety and welfare of the Town
6. Appropriate Improvements -

- a. Whether the design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located
- b. Whether the location, nature, and height of buildings, walls, and fences; planned activities; and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof
- c. Whether the proposed use or activity will have an adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers, or other noisemaking devices
- d. In cases where it is proposed to convert a structure designed and built originally for other uses, whether the structure is adaptable to the proposed use from the point of view of public health and safety

7. Suitable Transportation Conditions -

- a. Whether the design, location, and specific details of the proposed use or activity will adversely affect safety in the streets, or unreasonably increase traffic congestion in the area, or interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions
- b. Whether the parking area or areas will be of adequate size for the particular use and suitably screened from adjoining residential uses, and whether entrance and exit drives shall be designed so as to prevent traffic hazards and nuisances
- c. Whether the streets and other rights-of-way are or will be of such size, condition, and capacity (in terms of capacity, width, grade, alignment, and visibility) to adequately accommodate the traffic to be generated by the particular proposed use

8. Adequate Public Utilities and Services -

- a. Whether the provisions for water supply, sewage disposal, and stormwater drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and will not unduly burden the capacity of such proposed and existing facilities

- b. Whether the proposed use or activity will provide easy and safe accessibility for fire apparatus, ambulance and police protection and is designed and equipped to further the provision of all emergency services

9. Nuisance Avoidance –

- a. Whether the design and use incorporate measures to control noise, light, parking visibility, erosion, water contamination, and stormwater runoff on the site and in relation to the surrounding area
- b. Whether the hours of operation need to be regulated in order to protect public health, safety, welfare, convenience, and property values

F. Decision Considerations

1. Before the Commission approves a Special Permit application, in its sole discretion, it shall determine that the application:
 - a. satisfies the Special Permit criteria in Subsection 8.5(E) of these Regulations
 - b. is in conformance with other applicable provisions of these Regulations, and
 - c. is consistent and in harmony with the purposes and intent of these Regulations.
2. When a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45 inclusive, the Commission shall:
 - a. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, if required by CGS, and
 - b. give due consideration to any report of the Inland Wetlands Commission when making its decision.
3. On a Special Permit application involving notice to adjoining municipalities under Subsection 8.11(E) or notice to water companies under Subsection 8.11(E), the Commission shall give due consideration to any report or testimony received.
4. In granting a Special Permit, the Commission may:
 - a. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety, and welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning, and land development; or better overall neighborhood compatibility, and
 - b. impose additional requirements, conditions, or safeguards as a prerequisite to the issuance of the Zoning Permit by the ZEO, if it finds

necessary to ensure compliance with these Regulations and any decision, and protect the public health, safety and welfare of the Town.

5. Any condition or safeguard attached to the granting of a Special Permit:

- a. shall remain in force and effect as long as the Special Permit use is still in operation, and
- b. shall continue in force and effect regardless of any change in ownership of the property.

6. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation unless such Special Permit application will remedy or eliminate such violation.

G. Commission Action

1. Decision

- a. The Commission shall render a decision on such application within the period of time permitted under CSG Section 8-7d and in Section 8.11 (D).
- b. Whenever the Commission acts upon a Special Permit application, it shall state upon the record the reasons for its decision.

2. Final decisions made by the Commission on an application for Special Permit approval in accordance with this section shall be appealed directly to the Superior Court in accordance with CGS §8-8, as amended.

H. Following Approval

1. The applicant shall submit one set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and five copies of the approved plan, on which all modifications imposed by the Commission as part of the approval have been clearly indicated and noted in the revision block for signature by the Chairman of the Commission within 60 days after approval. One final set of plans and associated documents shall be submitted in PDF digital format. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS §8-3d.

2. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.

3. Failure to strictly adhere to the documents, plans, terms, conditions, and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations, and the Commission shall have the authority to revoke the permit at any time the use is found to be in noncompliance with the approval.

I. Amendments and Modifications to an Existing Special Permit

1. A Special Permit may be amended or modified, in accordance with Section 4.2 of these Regulations.

2. Any other modification or amendment to an approved Special Permit not allowed by Section 4.2 shall meet all requirements of a Special Permit application.

8.6 Zone Text Amendment or Zoning Map Amendment Application

A. Applicability

A Text Amendment Application shall be submitted for any proposal to alter the text of these Regulations.

B. Submission

1. A Text or Zoning Map Amendment application shall be submitted to the Land Use Department and shall include a completed application form and the appropriate fee.
2. A Zone Text Amendment shall be accompanied by the exact wording of the proposed additions and deletions to the text of these Regulations, including reference to relevant section numbers, and shall include all other materials necessary to comply with the requirements of Appendix 1 of these Regulations. A Zone Map Amendment shall be accompanied by two prints of the Zoning Map of the town, indicating, in color, the area for which the change is proposed to be applied, the proposed boundary line, and the proposed zoning district designation and shall include all other materials necessary to comply with the requirements of Appendix 1 of these Regulations.
3. In accordance with CGS Section 8-7(d), an application for a zone change shall be accompanied by documentation confirming that all adjacent property owners affected by the changes have been notified by a certificate of mailing of the proposed changes. This documentation shall include, at minimum, the following information:
 - a. Name and addresses of all adjacent property owners
 - b. Graphic representation confirming the inclusion of all the property owners on a Key Map
 - c. Copy of the letters sent to each owner advising them of the proposed zone change signed by the applicant (or designated agent)
 - d. Copies of documentation from the US Postal Service confirming the dates the letters were mailed for each property owner.
 - e. Applications that do not contain the documentation specified in items 2(a-d) above in the initial submission will be considered incomplete. This requirement cannot be waived by the Commission.
4. The Commission may, in accordance with the requirements of these Regulations and its Appendices, require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. The Commission shall not be required to hear any petition or application relating to the same Text or Zoning Map Amendments, or substantially the same

changes, more than once in a period of 12 months unless it finds, on facts presented in writing, that a material or substantial change of circumstances justifies the new petition or application.

C. Procedures

1. The date of receipt of the Text or Zone Map Amendment application shall be determined in accordance with Section 8.11(B).
2. An incomplete Text or Zone Map Amendment application may be denied in accordance with Section 8.11(C).
3. The Commission shall hold a public hearing on the Text or Zone Map Amendment application and:
 - a. Shall cause a legal notice to be published in accordance with Section 8.11(E).
 - b. May publish the full text of the proposed text amendment in full in such notice or may publish reference to the full text of the proposed text amendment as made available elsewhere, such as on the website of the Town of Brookfield.
4. The Commission shall refer the Text or Zone Map Amendment application to the Planning Commission, in accordance with CGS §8-3a.
5. The Commission shall give written notice of the Text or Zone Map Amendment to the regional council of governments, in accordance with CGS §8-3b.
6. The Commission may refer any Text or Zone Map Amendment Application to any Town department, commission, or other agency in accordance with Section 8.11(F).
7. A copy of the proposed Text and/or Zone Map Amendment shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten days before the public hearing.
8. The Commission shall process the Text or Zone Map Amendment application within the period of time provided pursuant to CGS Section 8-7d as detailed in Section 8.11(D) of these Regulations.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Approval Considerations

1. The Commission, in determining whether to act upon the changes requested in a Text or Zone Map Amendment Application, shall consider and evaluate the following criteria:

- a. Any report received from the Planning Commission; regional council of governments; other towns; or other Town department, commission or agency.
- b. The Commission shall state on the record its findings on consistency of a proposed Text or Zone Map Amendment with the Plan of Conservation and Development, as amended.
- c. Whether the proposed Text or Zone Map Amendment will:
 - i. Protect the public health, safety, welfare, or property values
 - ii. Attain the purposes of these Regulations

E. Commission Action

1. Decision

- a. The Commission shall render a decision on such application within the period of time specified in Section 8.11 (D).
- b. Whenever the Commission acts upon a Text or Zone Map Amendment application, it shall state upon the record the reasons for its decision.
- c. A majority vote of all members of the Commission is required.
- d. If a valid protest petition is filed as provided by the CGS, then a two-thirds vote of all members of the Commission is required.
- e. If the Planning Commission, on referral, disapproves a proposed Text or Zone map Amendment, then a two-thirds vote of all members of the Commission is required.

2. As part of approving a Text or Zone Map Amendment application:

- a. The Commission shall establish an effective date for the Regulation change provided that a copy of the approved zone map or regulation has been filed in the Town Clerk's office and notice of the decision has been published in a newspaper having a substantial circulation in Brookfield before such effective date, in accordance with CGS §8-3.
- b. If notice of the Commission's decision is not published in a newspaper within 15 days, any applicant or petitioner may provide for publication of such notice within 10 days thereafter, in accordance with CGS §8-3.
- c. All other notice, publication and filing requirements provided by the CGS, in particular CGS §8-3, shall be complied with.

8.7 Variance Application

A. Purpose and Applicability

1. The Variance Application process allows that the Zoning Board of Appeals (Board) may vary the application of these Regulations, in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice would be done and the public safety and welfare secured.
2. A Variance Application shall be submitted for any proposal to vary the application of the Zoning Regulations with regard to any parcel(s) of land or part thereof.

B. Submission

1. A Variance Application shall be submitted to the Land Use Department and shall include a completed application form and the appropriate fee.
2. Such application shall be accompanied by all materials prescribed in Appendix 1 of these Regulations for a Variance Application.
3. The Board shall require the filing of a survey prepared by a licensed land surveyor when the variance is dimensional in nature, or such survey is integral to the understanding of the application.
4. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on such an earlier application, as provided by CGS Section 8-6.
5. If a Variance Application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45 inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Variance Application is filed with the Board.

C. Procedures

1. The date of receipt of the Variance Application shall be determined in accordance with Section 8.11 (B).
2. The Board shall hold a public hearing on the Variance Application and:
 - a. Shall cause a legal notice to be published in accordance with Section 8.11 (E).
 - b. Shall require that the applicant give notice to property owners in accordance with Section 8.11 (E).

- c. At such hearing, any party may appear in person or may be represented by an agent or attorney.
- 3. All required notices and referrals by the Board and/or applicant shall be completed as provided by Section 8.11(E).
- 4. An incomplete Variance Application may be denied in accordance with Section 8.11(C).
- 5. The Board shall process the Variance Application within the period of time permitted under CGS Section 8-7d, as described in Section 8.11(D) of these Regulations.
- 6. The applicant may, at any time prior to action by the Board, withdraw such Variance application.

D. Decision Considerations

- 1. Before granting a variance, the Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
 - a. Solely with respect to the parcel of land that is the subject of the application.
 - b. Owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.
- 2. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
 - a. In harmony with the general purpose and intent of these Regulations.
 - b. With due consideration for conserving the public health, safety, convenience, welfare, and property values.
 - c. So that substantial justice shall be done and the public safety and welfare secured.
- 3. The concurring vote of four members of the Board shall be necessary to approve a Variance application.
- 4. No use variance shall be granted where a dimensional variance would relieve the exceptional difficult or unusual hardship.
- 5. No use variance for a business use or an industrial use shall be granted in a Residential zone.
- 6. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

E. Board Action

1. Whenever the Board grants or denies a Variance Application, the Board shall state upon the record:

- a. The reason for its decision
- b. The Regulation which is varied in the decision
- c. A specific description of the exceptional difficulty or unusual hardship upon which its decision is based

2. Notice of the decision of the Board shall be sent by certified mail to the applicant within 15 days after such decision has been rendered. Such notice shall:

- a. State the name of the owner of record.
- b. Contain a description of the premises to which it relates.
- c. State the nature of the hardship claimed.
- d. Specify the nature of such variance including the Regulation which is varied in its application.

3. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Brookfield within 15 days after such decision has been rendered.

- a. In any case in which such notice is not published within such 15-day period, the applicant may provide for the publication of such notice within 10 days thereafter.
- b. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town in accordance with the provisions of CGS Section 8-3d.

4. A variance shall only authorize the particular activity specified in the Board's approval.

8.8 Certificate of Location Approval Application

A. Purpose

1. In accordance with CGS Section 14-54, an application for a Certificate of Location Approval shall be submitted to the Zoning Board of Appeals by any person who desires to obtain a license for dealing in or repairing motor vehicles in Brookfield, except that this requirement shall not apply to:

- a. A transfer of ownership of a vehicle to a spouse, child, sibling, or parent of a licensee;
- b. A transfer of ownership of a vehicle to or from a corporation in which a spouse, child, sibling, or parent of a licensee has a controlling interest; or,
- c. A change in ownership involving the withdrawal of one or more partners from a partnership.

2. In accordance with CGS Section 14-321, an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS Section 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:

- a. In the case of a renewal of a license by the holder of the license;
- b. To the transfer of the last issued license from one person to another, provided no more than one year has elapsed since the expiration of such license; or,
- c. In the case of the addition or discontinuance of pumps.

B. Submission

1. An application for a Certificate of Location Approval shall be submitted to the Land Use Department and include a complete Application for Automobile Dealer's or Repairer's License (DMV form K-7) and the appropriate fee.

2. Such application shall be accompanied by all additional information and certifications required by the Connecticut Department of Motor Vehicles publication "Procedure for Obtaining a Connecticut Automotive Dealer's or Repairer's License" (DMV form K-36) and Appendix 1 of these Regulations for a Certificate of Location Approval Application.

C. Procedures

1. In reviewing a Certificate of Location Approval application, the Board and Commission, as applicable, act as agents of the State of Connecticut, and the notice provisions of CGS Section 8-1 et seq. shall not apply.

2. The Board or Commission, as applicable, may hold a public hearing on the Certificate of Location Approval application, and if such hearing is to be held:

a. Shall cause a legal notice to be published in accordance with the requirements of Section 8.11 (E).

b. May require that the applicant give notice to nearby property owners in accordance with the requirements of Section 8.11 (E).

3. The Commission, in reviewing a Certificate of Location Approval application, may consider such application simultaneously with an application for site plan and/or special permit approval and may consolidate the public hearings for such applications.

4. Whenever it grants or denies a Certificate of Location Approval application, the Board or Commission, as applicable, shall state upon its records the reason for its decision.

5. Notice of the decision of the Board or Commission, as applicable, shall be sent by certified mail to the applicant within 15 days after such decision has been rendered. Such notice shall state the name of the owner of record, contain a description of the premises to which it relates, and state the reason why the application was approved or disapproved.

D. Approval Considerations

As an agent of the State of Connecticut, the Board and Commission serve solely to determine whether a Certificate of Location Approval should be issued based on such considerations as:

1. Whether the use is permitted in the zoning district

2. The suitability of the location in view of traffic, intersecting streets, width of highway, effect on the travelling public, and other considerations

3. The relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses, or other public gathering places

4. Whether the proposed use of the location would imperil the safety and welfare of the public

5. Whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof

6. Whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application

8.9 Floodplain District Development Permit Application

A. Purpose and Applicability

1. A Development Permit provides for review by the Commission of proposed building sites located within flood-prone areas to determine whether building sites will be reasonably safe from flooding.
2. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established under Section 5.5.

B. Submission

1. A Development Permit application shall be submitted to the Land Use Department and shall include a completed application form and the appropriate fee.
2. Such application shall be accompanied by detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements of Appendix 1 of these Regulations.

C. Procedures

1. The date of receipt for the Development Permit application shall be determined in accordance with Section 8.11(B).
2. All required notices and referrals by the Commission and/or applicant shall be completed as provided by Section 8.11(E).
3. An incomplete Development Permit application may be denied in accordance with Section 8.11(C).
4. All projects on parcels contained wholly or in part in the Floodplain District, as defined in Section 5.5, shall be submitted by the applicant for a permit to the Inland Wetlands Commission not later than the day such Development Permit application is filed with the Zoning Commission, if required by law.
5. The Zoning Commission shall not render a decision on such application and site plan until a report has been submitted by the Inland Wetlands Commission. This information, along with a copy of the Inland Wetlands permit and all other data as prescribed by Section 5.5, shall become a criterion to be considered in the approval or disapproval of the application and shall be made part of the applicant's site plan approval file.

D. Approval Considerations

In reviewing any Development Permit under this Section, the Commission shall consider:

1. Whether proposed building sites will be reasonably safe from flooding

2. The conformance of all new construction and improvements proposed within a flood-prone area with the permit requirements of Section 5.5
3. Whether all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required
4. When BFE data has not been provided in accordance with Section 5.5, the Commission shall obtain, review, and reasonably utilize any BFE and floodway data available from a federal, state, or other source in order to administer the standards of Section 5.5.

E. Commission Action

1. The Commission shall render a decision on such application within the period of time specified in Section 8.11(D).
2. Whenever the Commission acts upon a Development Permit application, it shall state upon the record the reasons for its decision.
3. The final decision of the Commission shall be in permit form addressed to the applicant and dated and signed by the Chairman of the Zoning Commission.

8.10 Brookfield Aquifer Protection District Review

A. Purpose and Applicability

1. The Brookfield Aquifer Protection District (APD) provides for review by the Commission of proposed uses located within aquifer areas to determine that existing or potential water supply sources are protected from potential contamination.
2. Additional review under the Brookfield Aquifer Protection District Regulations in Section 5.3 is required for any use permitted by Special Permit on any land within the boundaries of the Brookfield APD delineated on a map on file in the offices of the Commission which shows both primary and secondary recharge areas of the designated aquifer and is entitled "Aquifer Protection District, Town of Brookfield effective January 1, 2000" and that are not serviced by a public water company (e.g. Aquarion, etc.).

B. Submission

In addition to that required by other sections of these Regulations, the following data is required for all applications for Special Permit involving areas within the Brookfield APD:

1. Complete description of the type, size, and intended content of a storage tank and transfer piping, as well as a listing of all other potentially toxic or hazardous materials to be used or stored on the premises
2. Evidence of approval by the cognizant regulatory agency for disposal systems or any wastewater treatment systems over 1,500 gallons per day capacity
3. Analysis certifying compliance with Subsection D(3) of this Section completed by a technically qualified expert acceptable to the Commission
4. Distance to the nearest public or private drinking water supply and nearest watercourses
5. Availability of public sewer and proposed hookup location
6. Location, size, and capacity of septic tank, sewage lift station, force mains, and grease traps
7. Expected types and amounts of discharge to sewers and to ground and surface water
8. Provision for stormwater runoff controls, which must minimize suspended solids and maximize groundwater recharge, including a detailed drainage plan showing the location and points of discharge for building, roof, and floor drains and dry wells and drainage pipes, whether pervious or impervious
9. Location and description of outside storage areas and materials to be stored

C. Procedures

1. The additional information required in Subsection B above shall be submitted at the time the Special Permit application is filed in accordance with Section 8.5.
2. Incomplete information, as required by the Section, may be cause for the Commission to deny a Special Permit application in accordance with Section 8.11(C).

D. Approval Considerations

1. In making a determination under Section 8.5(F), the Commission shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality that would result if the control measures fail.
2. The Commission shall solicit the opinion of the Health Department, Town Engineer, Inland Wetlands Commission, and the Planning Commission concerning any application involving the Brookfield APD
3. Approval shall not be granted until the Commission determines that the groundwater quality of the site resulting from proposed on-site operations will not fall below federal or state standards for drinking water quality or if existing groundwater quality is already below those standards that on-site operations will result in no further deterioration.
4. The applicant shall submit a report from a licensed engineer setting forth any risk or threat to water quality or the underlying aquifer from the site development, site improvements, or on-site operations proposed in the application and procedures and steps to prevent any risk or threat.
5. The Commission hereby delegates to the ZEO the following authority: When the application concerns itself with a tenant fit-up where the exterior of the building, the parking lot, and appurtenant facilities, such as drainage, lighting, and utilities, are not being materially or substantially modified or changed from a previously approved Special Permit for the site, the ZEO shall review the application, and he/she may grant a Zoning Permit for the permitted use only.

8.11 Procedural Requirements for Applications

A. Application Submittal Requirements

1. Applications to the Commission and applications or appeals to the Zoning Board of Appeals shall be submitted to the Land Use Department.
2. When an application involves activity regulated by Section 5.5, the Floodplain District, a floodplain development permit application shall be submitted concurrently with any application to the Commission and prior to any application or appeal to the Board.
3. When an application involves activity regulated by the Inland Wetlands and Watercourses Commission (IWWC), an application to the IWWC shall be submitted prior to or concurrently with any application to the Board or Commission, or application or appeal to the Board.
4. Applications and appeals shall be submitted on forms obtained from the Land Use Department for the respective type of application being submitted.
5. Applications shall be accompanied by the appropriate fee(s), except that the Commission and the Town shall be exempt from application fees.
6. Applications shall be submitted with any supporting plans, materials, and other information required by these Regulations and the Appendix 1.
7. Applications shall be signed by the applicant and the owner of the property, where applicable.

B. Receipt of Application

1. The date of receipt of an application to the Board or Commission shall be the day of the next regularly scheduled meeting of the Board or Commission immediately following the day of submission of the application to the Land Use Department, or 35 days after the day of submission, whichever is sooner.
2. Upon receipt, the Board or Commission shall schedule a public hearing, if applicable, within the prescribed time periods described in Section 8.11 (D).

C. Incomplete Applications

1. Each application shall be reviewed by Land Use Department staff to determine whether the application is substantially complete.
2. An application shall not be considered substantially complete until all of the information required by these Regulations and any additional information required by the Board or Commission has been received by the Board or Commission at a regular or special meeting.
3. An incomplete application may be received by the Board or Commission and denied for lack of information or required fee.

D. Statutory Time Frames, Public Hearings and Decisions

1. In any case where a public hearing relative to an application, request, or appeal is required by statute or these Regulations or scheduled by the Commission or the Board, such hearing shall be scheduled in accordance with the following guidelines, in accordance with CGS Section 8-7d. In the case of any conflict between these Regulations and statutory time frames, the state Statutes shall govern.

a. A public hearing shall commence within 65 days after receipt by the Commission or Board of the associated application or request and shall be completed within 35 days after such hearing commences.

b. All decisions on applications, requests, or appeals considered during a public hearing shall be rendered no later than 65 days after the completion of such hearing.

c. The petitioner or applicant may consent to one or more extensions of any statutory period provided the total extension of all such periods shall not be for longer than 65 days.

d. The petitioner or applicant may withdraw any application, request, or appeal at any time prior to the rendering of a decision by the Commission or Board.

2. Notwithstanding the provisions of subsection D(1) above, any Zone Change or Text Amendment application initiated by the Commission is exempt from the above statutory time lines.

3. For any case in which a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously, as a single combined hearing, or in the order the Commission or Board deems appropriate.

4. Notwithstanding the provisions of subsection (C) above, for any application for which the approval of a site plan is the only requirement to be met or remaining to be met under the Zoning Regulations for any building, use, or structure, a decision shall be rendered on such application no later than 65 days after receipt of such site plan application, subject to any extensions provided by CGS §8-7.

E. Notice Requirements

1. When a public hearing is required by these Regulations or scheduled by the Commission or the Board, the Land Use Department shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Brookfield. Such notice shall be published at least twice at intervals of not less

than two days, the first not more than 15 days nor less than ten days and the last not less than two days before the date of the hearing.

2. Personal Notice to Property Owners

a. When required by these Regulations, the applicant shall by certificate of mailing notify owners of property within 100 feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or outside Brookfield, of a pending application by mailing a notice at least 15 days prior to the first scheduled hearing.

b. At a minimum, such notice shall consist of:

- i. A description of the proposed activity
- ii. Notification of the date, time, and place of the first scheduled hearing
- iii. A copy of the application form submitted to the Commission or the Board

c. The most recent Assessor's records on file in the Brookfield Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.

d. The applicant shall certify to the Commission or Board 10 days prior to the public hearing that the required notices were mailed to all parties identified in subsection (a) above. This certification shall include the following:

- i. A copy of the complete package of information sent to affected property owners
- ii. A list of the property owners to whom the notices were sent
- iii. Proof of mailing in the form of a certificate of mailing

3. Notification to Abutting Municipalities

a. The Commission or Board shall, in accordance with CGS Section 8-7d, notify the clerk of an adjoining municipality of any application concerning any project on any site in which:

- i. Any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality.
- ii. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site.

iii. A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality.

iv. Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

b. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven days of the day of the submission of the subject application to the Land Use Department of the application, petition, request, or plan.

c. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.

d. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

4. Notification to Water Companies

a. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission or Board concerning any project on any site that is within:

i. An aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c

ii. The watershed of a water company, provided such water company or said commissioner has filed a map with the Commission or the Board and on the Brookfield land records showing boundaries of the watershed

b. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven days after the date of the day of the submission of the subject application to the Land Use Department.

c. At least 10 days prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the Land Use Department, or the Commission or Board may determine the application incomplete or require that such notice be resent prior to commencing the public hearing:

i. A copy of the complete package of information sent to the water company and Commissioner of Public Health

ii. Proof of the certified mailing

d. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

5. Notification to DEEP

a. If any portion of the property which is the subject of an application is located within a Natural Diversity Data Base Area as depicted on the most recently updated Endangered Species Maps as produced by the DEEP, the applicant shall, by regulation, notify DEEP of the pending project and provide a copy of such notification to the Commission or Board at least 10 days prior to the commencement of the public hearing.

b. A report from DEEP shall be required for any application for a zoning permit, site plan, special permit, variance application, and/or zone change request requiring DEEP notification under subsection (a) above. Any such application submitted without a DEEP report shall be considered incomplete.

6. Notification to Regional Council of Governments

a. The Commission shall give written notice to the regional council of governments when any portion of the land affected by a proposed zone change is located within, or a text amendment affects property located within, 500 feet of the boundary of another municipality.

b. Such notice shall be made by certified mail, return receipt requested.

c. Such notice shall be made not later than 30 days before the public hearing.

d. The regional council of governments may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

F. Consultation

1. On any application, the Commission may seek the advice and opinion of other officials, boards, agencies, or commissions to assist it in evaluating the application and may request such entity to submit a report to the Commission documenting any concerns such entity may have in connection with its areas of responsibility and/or expertise.

2. On any application, the Commission or Board may retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.

3. The Planning and Zoning Official may make a preliminary determination of the need for such technical assistance to be provided by non-Town personnel following a review of the application with other Town staff provided that such preliminary determination shall be subject to review by the Commission or the Board.

4. Prior to retaining an outside consultant, the Commission or the Board shall make findings that the nature and intensity of the development may have a significant impact on the Town of Brookfield and that:

a. the Town staff will not be able to complete a technical review of the application in a timely fashion, or

b. that the project is of such a nature as to require expertise not available from staff.

5. The ZEO shall estimate the cost of such services based upon information received from qualified technical experts.

6. Upon determining the need for such technical assistance, the Commission or the Board shall require that the applicant:

a. deposit funds with the Town for 150 percent of the estimated costs of any consulting review fees before review of the application by the Commission or Board, on commencement of the public hearing, if such hearing is necessary, or

b. reimburse the Town for the cost of such consulting review.

7. Upon completion of the technical review and final action by the Commission on the application, the Commission shall determine the costs incurred for the review and refund excess funds (if any) to the applicant.

8. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited unless the applicant agrees to such additional costs.

9. No application shall be approved and no building permit shall be issued if there are any outstanding fees, bills, invoices, or costs relative to the review of the application.

G. Professional Responsibility for Plans and Designs

1. Drainage: A Professional Engineer, licensed in the State of Connecticut, shall perform all drainage design, except that in order to prevent unnecessary hardship in connection with small alterations or expansions the Town Engineer may determine that professional drainage design is not required.

2. Survey: A licensed Land Surveyor shall survey all sites to a Class A-2 survey standard, except that when recommended by the Town Engineer or ZEO, the Commission may determine that a survey is not needed for small expansions or alterations.

3. Site Plan: Unless specifically allowed by the Commission, relevant design professionals shall seal all site plans involving new buildings of more than one story or any new building of more than 2,000 square feet as established in the State Statutes, as amended.

4. Landscaping: A landscape architect shall design the landscaping for all site plans involving new construction in excess of 10,000 square feet of floor area. The Commission may determine that such landscape plan is not necessary because of existing conditions associated with the site or that the proposal, as submitted, adequately addresses landscaping requirements provided in these Regulations.

8.12 Bonds

A. Bond Form

1. Where a bond is required by any Section of these Regulations, it shall be in one of the following forms, and the Commission, or its designated agent (e.g. ZEO), shall require evidence of compliance with the following standards before accepting any bond:

- a. Cash deposited with the Town
- b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC
- c. Bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC
- d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that:
 1. such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (NAIC) (or any successor office or organization) as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
 2. the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
 - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
 - iii. if and when such letter of credit shall, through the passage of time, have less than 30 days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof, and the proceeds may be retained by the Town as the bond.
- e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.

B. Bond Release

Any required bond shall not be released by the Commission until:

1. the release has been requested, in writing, by the applicant,
2. the Zoning Enforcement Officer and/or Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
3. the applicant's licensed engineer or licensed surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on Mylar, that all improvements and other work are in accordance with submitted site plans.

C. Collection Costs

The applicant or provider of the bond shall be responsible for any and all costs and fees associated with collecting a bond, including without limitation attorney, bank, and other collection fees and expenditures. Any such costs and fees may be deducted from amounts released in Subsection 8.12B.

8.13 Excavation Permit

A. Applicability

An Excavation Permit application shall be submitted for any activity designated as requiring Excavation Permit approval in these Regulations.

B. Submission

1. When an Excavation Permit is sought in association with a proposed Site Plan or Special Permit application, the Excavation Permit will be considered a part of the Site Plan or Special Permit approval with no separate Excavation Permit issued. Applicants shall notify the Commission on the appropriate application forms that an Excavation Permit is required, and all additional requirements described below shall be provided.
2. When an Excavation Permit is the sole permit required or is associated with a Zoning Permit, the applicant shall submit a completed application form and the appropriate fee.
3. An Excavation Permit application shall be accompanied by detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements of Appendix 1 of these Regulations.
4. If the application is approved, the applicants (contractors or owners) shall file a bond in accordance with Section 8.13 of these Regulations.
5. No excavation shall commence until the application is approved and the bond filed with the Commission.
6. The application must be signed by the persons intending to carry out the excavation operations and by the owner of the property, if the excavation is not being carried out by the owner.
7. The Commission may waive in whole or in part the provision of certain documents provided for in this section when they are not deemed necessary for reasonable review of the application, especially when considering the documentation submitted with a related Site Plan or Special Permit application.

C. Procedures

1. The additional information required in Subsection B above shall be submitted at the time the Excavation Permit application is filed in accordance with Section 8.13.
2. Incomplete information, as required by the Section, may be cause for the Commission to deny an Excavation Permit application in accordance with Section 8.11(C).

3. For excavation activities considered to be significant in the sole judgment of the Commission, the Commission may hold a public hearing on the application in accordance with the requirements of CGS 8-7 and Section 8.11(E) of these Regulations.
4. The date of receipt for the site plan application shall be determined in accordance with Section 8.11(B).
5. The Commission shall process an Excavation Permit application associated with a Special Permit within the period of time permitted under CGS Section 8-7d, as detailed in Section 8.11(D)(1) of these Regulations. The Commission shall process an Excavation Permit associated with a Site Plan or Zoning Permit Application or as the sole application within the period of time permitted under CGS 8-7d, as detailed in Section 8.11(d)(4) of these Regulations.
6. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Approval Considerations

A permit may be granted or denied by the Commission after consideration of the public health, safety, and general welfare; the comprehensive plan of development; soil erosion; drainage; impact upon the water table; lateral support slopes and grading of abutting streets and land; effect on land values and uses in the area; damage to existing landscape; and traffic access and safety. A permit may be granted only if the Commission finds compliance with the conditions set forth in Section 6.7(D) of these Regulations.

E. Commission Action

1. The Commission shall render a decision on such application within the period of time specified in Section 8.11(D).
2. Whenever the Commission acts upon an Excavation Permit application, it shall state upon the record the reasons for its decision.
3. The final decision of the Commission shall be in permit form addressed to the applicant, dated and signed by the Chairman of the Commission. This decision shall be separate from any associated Zoning Permit, Site Plan, or Special Permit, if applicable.

Article 9 – Administration and Enforcement

A. Enforcement

In accordance with the Connecticut General Statutes, the Commission is solely responsible for enforcement of the Zoning Regulations. In carrying out these responsibilities, the Commission may employ, but shall not be limited to, use of the following techniques:

- Promulgation of required applications forms and appropriate check-lists.
- Review and approval of appropriate permits and certificates, including stipulations or conditions thereupon.
- On-site inspections.
- Investigation of complaints.
- Issuance of: letters of warning, requests for corrective action, summons for appearance before the Commission, Cease and Desist Orders.
- Revocation of permits or approval actions.
- Appropriate legal proceedings.
- Such other techniques as may be authorized by law, regulation, ordinance or statute.

B. Designation of Enforcement Agent(s)

The Commission may delegate specific administrative and enforcement activities to one or more of its membership and to the Zoning Enforcement Officer (ZEO), an individual acting as an “agent” of the Commission. The ZEO so delegated, shall have such credentials as the Commission, in its sole determination, shall deem appropriate and shall otherwise be acceptable to the Commission. The Commission shall present any such candidate(s) to the cognizant authority for appointment as required by Town Charter.

C. Enforcement Actions

The main purpose of an enforcement action is the elimination of a violation. Upon verbal or written complaint and/or inspection, the ZEO shall determine if a violation of the regulations has indeed occurred. If the ZEO determines that a violation has occurred, the ZEO is empowered to immediately take action to cure the violation. Priority action shall be taken in situations where there are overriding concerns of health and safety or where, unless immediate action is taken to halt an activity, an irreversible event may occur which is not in accordance with generally accepted zoning or good environmental practice. The ZEO shall maintain a chronological record of all complaints and subsequent enforcement action and shall prepare summary violation reports for Commission meetings.

1. Issuance of an order

When the ZEO has determined that a violation exists, he/she shall issue a written order to the responsible party to:

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- a. cease and desist in all illegal activity,
- b. perform corrective action to comply with the regulation.

2. Compliance/Show Cause Hearing/Appeal

After receiving an order, the individual receiving the order may either:

- a. comply with the order, or
- b. schedule an informal hearing before the Commission at the next regularly scheduled meeting to show cause why a CITATION should not be issued. If the action of the ZEO is upheld by the commission, the individual in violation shall promptly comply with the compliance order.

3. Issuance of a citation

If an Order is not complied with within the prescribed time period, the Commission may direct the ZEO to issue a citation and impose such fines as are provided for by Town Ordinance (Zoning Violation Penalty Ordinance). The ZEO may NOT initiate this action without the prior consent and direction of the Zoning Commission. The Commission shall insure that the file of the violation is current, accurate and complete prior to directing this action by the ZEO. If the violation continues unabated, despite timely payment of fines, a subsequent Citation or Citations may be issued. Any person who has received a Cease and Desist Order within ten (10) days after receipt of the Order, schedule an informal hearing before the Zoning Commission to show cause why a CITATION should not be issued.

4. Notice of citation

After the expiration of the ten day period, but within one year, as stated in the Citation, the ZEO shall send a notice which restates the rights and appeal period, all of which are cited in the Citation itself.

5. Payment of Fines

Payment of fines normally closes the Citation matter.

- a. If the Respondent fails to pay or file an appeal within the required time frame the following action shall be taken:
 - i. The ZEO shall certify that:
 - The Respondent has failed to pay the fine or file an appeal;
 - That as a consequence of the failure to respond, the Respondent is deemed to have admitted liability for the violation(s) pursuant to CGS §7-152c(d);
 - The total amount of fines accrued as of the date of the certification;

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- A copy of the Citation and Notice of Citation Form if applicable, are true and exact copies and are attached to the certification.
- ii. The Zoning Enforcement Officer shall provide the certification and attachments to the cognizant Hearing Officer.
 - iii. The cognizant Hearing Officer, upon receipt of the ZEO's certification shall:
 - a. Render a "Decision and Notice of Assessment Without Hearing"
 - b. Send the above decision form to the Respondent by first class mail and a copy to the ZEO
 - c. If the amount of the assessment is not paid within 30 days of the mailing of the decision notice, and no petition is filed pursuant to CGS §7-152c(g), then after 30 days (but within one year of the mailing) the cognizant Hearing Officer shall file a "certified" copy of "Decision and Notice of Assessment" with the Clerk of the Danbury Superior Court together with the appropriate filing fee.
 - iv. The Clerk of the Superior Court thereafter shall enter judgment in accordance with the "Decision and Notice of Assessment" in the amount stated therein, plus \$8.00 in Court costs in favor of the Town of Brookfield.
- b. If the Respondent files an appeal, the following action shall be taken:
- i. The ZEO or other Brookfield Town Official shall:
 - a. Give written notice of the date, time and place of a hearing on the appeal, which shall be a date more than 15 days, but not more than 30 days from the date of the notice.
 - b. File a certified copy of the Citation and Notice of Citation, if applicable, with the cognizant Hearing Officer.
 - ii. The cognizant Hearing Officer shall:
 - a. Conduct a hearing and review in accordance CGS §7-152c(e);
 - b. Render a decision at the end of the hearing in the form of "Decision and Notice of Assessment After Hearing";
 - c. If the assessment is not paid on the date of the hearing, the Hearing Officer shall follow the procedure in CGS §7-152c(f) and as set forth above in subparagraph (a)[3].

6. Legal Proceedings

Any matter which is not resolved using the above procedures, may be referred to Commission Counsel for appropriate legal proceedings. Payment of attorney fees

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for any subsequent legal action shall be the responsibility of the Respondent Defendant, if allowed by law.

Appendix 1: Application Requirements

1.1 Purpose

Appendix 1 provides a complete listing of materials to be submitted with any application to the Commission or Board.

1.2 Preliminary Concept Plan and Pre-Application Review

Any preliminary concept plan submitted under the provisions of Section 8.1 should include the following materials. Any omissions in materials submitted with a preliminary concept plan may hinder staff and/or the Commission's ability to accurately advise the applicant of concerns, conditions, or requirements relevant to any subsequent application. With the exception of item A. *Completed Application Form*, 9 copies of all items for review shall be provided unless otherwise noted.

- A. Completed application form
- B. A statement describing the intended use(s) and the nature, size, and extent of proposed use(s)
- C. Concept Plans (X copies) illustrating:
 - a. Existing conditions including general topography, existing major features (including wetlands, watercourses, floodplains, and adjacent buildings), and property boundaries
 - b. Proposed improvements such as the location of proposed buildings or structures, parking areas, drives, and other major alterations
 - c. Proposed infrastructure strategies, including water, sewerage, and drainage
- D. Additional information as may be relevant or desirable for the Commission to make a reasonable review of the conceptual development

1.3 Zoning Permit

Any zoning permit application submitted under the provisions of Section 8.2 shall include the following materials. With the exception of items A and B, 3 copies of all items for review shall be provided unless otherwise noted.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. A narrative statement describing the proposed project, including the intended use(s) and sufficient data on the nature, size, and extent of proposed uses for the ZEO or their designee to determine compliance with these Regulations
- D. Property identification – copy of the Assessor's card and property deed
- E. Applicable Zoning Section # for the approval being sought
- F. Property survey meeting standards for a Class A-2 survey

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- G. Site or plot plans at an acceptable scale incorporating a Class A-2 survey of the premises or parcel of land, stamped with an embossed seal and signed by a professional land surveyor and/or professional engineers/landscape architect showing the following information, as applicable:
- a. The name of the proposed project, developer, and landowner of record
 - b. Zoning classification of the parcel to be built upon or used
 - c. Names of abutting property owners
 - d. North arrow, scale, and date of preparation
 - e. The actual dimensions of the parcel to be built upon or used
 - f. The location of the parcel in relation to public and/or private streets, accessways, and abutting lots
 - g. Locations, dimensions, and types of all existing buildings, structures, and signs
 - i. If deemed necessary by the ZEO to determine compliance with these Regulations, setback distances from the front, side, and rear lot lines
 - h. Proposed location, dimensions, and types of any new buildings, additions, signs, or structures to be built, with proposed setback distances from the front, side, and rear lot lines
 - i. Current and proposed:
 - i. Total building floor area
 - ii. Percent building coverage
 - iii. Percent impervious coverage
 - iv. Current and proposed total disturbed area
 - v. Current and proposed building heights
 - j. The general topography of the site and any proposed area alterations, including areas to be cleared, excavated, filled, or graded
 - k. Wetlands and watercourses as delineated by a professional certified or licensed soil scientist
 - l. Flood hazard zones as delineated by the FIRM and published by FEMA
 - m. The location of any conservation and preservation restrictions, including open space
 - n. Existing and proposed roadways, drives, walkways, malls, paths, curbing, entranceways and exits from and to town and state roads
 - o. Current and proposed location and dimensions of loading, storage, refuse collection, exterior machinery, and equipment
 - p. Current and proposed septic systems, wells, and utility connections
 - q. A parking plan showing the number, dimensions, and location of existing and any proposed parking spaces, demonstrating how needs will be met (for proposed change in or expansion of use)

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- r. Location, description, and dimensions of all current and proposed signs
 - s. Location and dimensions of all current and proposed walls and fences, including a description of the type
 - t. Technical data sufficient to demonstrate compliance with performance standards and design criteria as set forth in Section 6 of these Regulations
 - u. For proposals in excess of 80,000 square feet in area, the site plan shall bear the seal of a registered professional engineer licensed to practice in the State of Connecticut.
 - v. The ZEO may waive documentation determined not necessary for the review of such zoning permit, if such waiver is requested, in writing, by the applicant.
- H. An Erosion and Sediment Control Plan in accordance with the requirements of Section 6.6, if applicable.
- I. A written copy of any approval, and any conditions associated with such approval, required by any other applicable local, state, or federal department, bureau, or agency, including but not limited to:
- a. Zoning Board of Appeals variance
 - b. Well/Septic Health Permit and/or Public Water/Sewer Approval
 - c. Driveway Permit
 - d. Inland Wetlands Permit
 - e. Floodplain Permit
 - f. Aquifer Protection Permit
 - g. Town Engineer Approval of Drainage/Sewer Plans
 - h. Connecticut DOT Permit
 - i. OSTA Approval
 - j. Connecticut DEEP Permit
 - k. Army Corp of Engineers Permit
 - l. Planning and Zoning Commission Approval
 - m. Sediment and Erosion Control Plan Certification
 - n. Historic District Certificate of Appropriateness

1.4 Certificate of Zoning Compliance

Any certificate of zoning compliance application submitted under the provisions of Section 8.3 shall include the following materials.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. A paper copy of an as-built property survey meeting standards for a Class A-2 survey similar in content and scale to the approved plan, if applicable, and indicating the exact locations of all construction

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- D. An electronic copy in *AutoCAD* format (or other format acceptable to the Town Engineer) of the as-built property survey
- E. Other relevant site plans and plot plans
- F. Sufficient data on the nature, size, and extent of proposed uses for the ZEO to determine compliance with these Regulations
- G. Any other information determined required to confirm compliance with all conditions of approval, if applicable.

1.5 Site Plan

Any site plan application submitted under the provisions of Section 8.3 shall include the following materials. With the exception of items A and B, 14 copies of all items for review shall be provided unless otherwise noted.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. A narrative statement describing the proposed project, including the following items:
 - a. A narrative description of the intended use(s) and sufficient data on the nature, size, and extent of proposed uses to determine compliance with these Regulations
 - b. Provisions made for water supply, sewage disposal, solid and liquid waste disposal, drainage, and other utilities
 - c. The basis for determining the parking and loading requirements for the use
 - d. An estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours
- D. Property survey meeting standards for a Class A-2 survey
- E. Copies of draft deeds or easements for any road widening, access, driveways, drainage, conservation, utilities, or other easements, restrictions, or covenants proposed
- F. Site or plot plans (X copies) drawn to scale and displaying the following information, as applicable:
 - a. The name of the proposed project, developer, and landowner of record
 - b. Zoning classification of the parcel to be built upon or used
 - c. Names of abutting property owners
 - d. North arrow, scale, and date of preparation
 - e. The actual dimensions of the parcel to be built upon or used
 - f. The location of the parcel in relation to public and/or private streets, accessways, and abutting lots
 - g. Locations, dimensions, and types of all existing buildings, structures, and signs

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- i. If deemed necessary by the ZEO to determine compliance with these Regulations, exact existing setback distances from the front, side, and rear lot lines
- h. Proposed location, dimensions, and types of any new buildings, additions, signs, or structures to be built, with proposed setback distances from the front, side, and rear lot lines
- i. Current and proposed:
 - i. Total building floor area
 - ii. Percent building coverage
 - iii. Percent impervious coverage
 - iv. Current and proposed total disturbed area
 - v. Current and proposed building heights
- j. Existing and proposed topographical contours at intervals of two feet or less and proposed area alterations, including areas to be cleared, excavated, filled, or graded; and other unusual features
- k. Wetlands and watercourses as delineated by the professional licensed or certified soil scientist
- l. Flood hazard zones as delineated by the FIRM and published by FEMA
- m. Identification of areas listed in the Connecticut DEEP Natural Diversity Data Base
- n. Existing trees and shrubs to be retained and proposed trees and shrubs to be located in the project, including type, common name, height, and caliper. Location of existing trees greater than 12" caliber shall be identified.
- o. The location of any conservation and preservation restrictions
- p. Existing and proposed roadways, drives, walkways, malls, paths, curbing, entranceways and exits from and to town and state roads
- q. Location and dimensions of loading, storage, refuse collection, exterior machinery, and equipment
- r. A parking plan showing the number, dimensions, and location of existing and any proposed parking spaces, demonstrating how needs will be met (for proposed change in or expansion of an existing use)
- s. Locations and amount of open space, with type and use described
- t. Location, dimensions, description, and capacity of all proposed utilities and their structures, including water supply, sewage disposal, electricity, gas and drainage, including the location and dimensions of catch basins, manholes, conduits, and grade and elevation of same. Such utilities shall be constructed underground unless otherwise permitted by the Commission and shall be in accordance with the standards contained in Technical Standards – Section 6.

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- i. If septic sewage disposal is proposed, the location and results of soil test pits and percolation tests, accompanied by design computations certified by a professional licensed engineer
 - u. Location, description, and dimensions of all signs in accordance with the Brookfield Sign Regulations as provided in Section 6.2
 - v. Location and dimensions of walls and fences, including a description of the type
 - w. Technical data sufficient to demonstrate compliance with performance standards and design criteria as set forth in Section 6 of these Regulations
 - x. For site plans in excess of 80,000 square feet in area, the site plan shall bear the seal of a registered professional engineer licensed to practice in the State of Connecticut.
 - y. Project start and completion dates, schedule of major construction milestones, sequence or phasing of construction as indicated by supplementary boundary markings
- G. Architectural Plans
 - a. Where applicable, X copies of architectural plans at acceptable scale prepared by a professional architect, including:
 - i. Building elevations
 - ii. Identification of texture, color, and type of building materials
 - iii. Façade and fenestration details
 - iv. Roofscape details
 - v. Wall and screening details
 - vi. Identification of lighting fixtures, including illumination and intensity data regarding outdoor lighting
- H. An Erosion and Sediment Control Plan in accordance with the requirements of Section 6.6
- I. A stormwater management study, if required under Section 6.8, and/or written certification by a professional licensed engineer that the proposed stormwater management system has been designed in accordance with the DEEP 2004 *Stormwater Quality Manual* and complies with the standards of Section 6.8.
- J. A written copy of all approvals, and any conditions associated with such approval, required by any other applicable local, state, or federal department, bureau, or agency, including but not limited to:
 - a. Zoning Board of Appeals variance
 - b. Well/Septic Health Permit and/or Public Water/Sewer Approval
 - c. Driveway Permit
 - d. Inland Wetlands Permit
 - e. Floodplain Permit
 - f. Aquifer Protection Permit

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- g. Town Engineer Approval of Drainage/Sewer Plans
- h. Connecticut DOT Permit
- i. OSTA Approval
- j. Connecticut DEEP Permit
- k. Army Corp of Engineers Permit
- l. Planning and Zoning Commission Approval
- m. Sediment and Erosion Control Plan Certification
- n. Historic District Certificate of Appropriateness
- K. Evidence of notification of the Site Plan application as may be required by Section 8.11 (E), and, if applicable, to the holders of any easements or restrictions on the property that is the subject of the Site Plan application.

1.6 Special Permit

Any special permit application submitted under the provisions of Section 8.5 shall include the following materials. With the exception of items A and B, 14 copies of all items for review shall be provided unless otherwise noted.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. A previously approved site plan filed with the Town of Brookfield Town Clerk or an application submitted for approval of a site plan in conjunction with the application for a special permit
- D. Property survey meeting standards for a Class A-2 survey.
- E. Proof of notification of the Special Permit application of abutting property owners and any other parties required in accordance with Section 8.11 (E)
- F. A statement describing the following:
 - a. The proposed use or uses in detail
 - b. Compliance with the criteria identified for Special Permits under Section 8.5(E)
- G. For any proposed development meeting the criteria set forth in Section 6.1 or which, in the Commission's judgment, could generate high levels of traffic, exacerbate existing traffic conditions, or create a traffic safety issue, the applicant shall provide a traffic impact analysis, in accordance with the Institute of Transportation Engineers' requirements for traffic impact studies. Such analysis shall evaluate traffic generated by a proposed development and its probable impact on existing roads and intersections in the area in accordance with Section 6.1 and shall include the following:
 - a. Existing and projected traffic volumes (average daily traffic, peak a.m. and p.m.) and peak-hour traffic generation
 - b. Past and present roadway conditions including location and number of accidents
 - c. Existing roadway capacity and volume and capacity ratios

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- d. Proposed sight lines
- e. Location of existing and proposed curb cuts, traffic lights, and intersections at the development site and within 300 feet from the development site
- f. Traffic impact of proposed development, including but not limited to the effect of the proposed development on traffic conditions on abutting streets and any nearby intersections that would have 100 or more vehicle trips in a peak hour
- g. The patterns of vehicular circulation in relation to the adjoining street system
- h. Adequacy of:
 - i. Right-of-way and travel way
 - ii. Traffic signalization, traffic channelization, left-turn lanes, and roadway widths of adjoining streets
 - iii. Vehicular stacking lanes and/or distances
 - iv. Pedestrian drop-off areas
 - v. Other traffic or transportation facilities to accommodate the proposed development
- i. Recommendations for safe pedestrian, bicycle, and vehicular circulation
- j. Where applicable, the applicant shall include the written recommendations of the CT DOT, the Brookfield Police Commission, and the Commission's engineer
- k. Whether a significant traffic impact will occur as identified under Section 6.1
- H. If a multifamily development, 14 copies of a report documenting:
 - a. The number of units proposed and breakdown of dwelling unit types
 - b. The density of the proposed development in dwelling units per gross acre
 - c. Anticipated number of persons and school-age children per unit and for the development as a whole
 - d. Projected dwelling-unit floor areas
 - e. A draft of any proposed or required covenants and restrictions
- I. Phasing and Construction Schedule
 - a. A narrative describing construction stages
 - b. A statement describing the proposed staging if the development is to be constructed over a period of years
- J. Any other information which in the Commission's judgment will assist in evaluating the proposal
- K. Evidence of notification of the Special Permit application as may be required by Section 8.11 (E), and, if applicable, to the holders of any easements or

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restrictions on the property that is the subject of the Special Permit application.

1.7 Text Amendment

Any text amendment application submitted under the provisions of Section 8.6 shall include the following materials. With the exception of items A and B, 30 copies of all items for review shall be provided unless otherwise noted.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. The proposed text amendment identifying all sections to be added, removed, or modified by reference to appropriate Article, section, subsection, and paragraph numbers, with the precise wording of existing and proposed text, with deletions and additions clearly marked
- D. A narrative statement describing:
 - a. The reasons for the proposed text amendment
 - b. The effects of the proposed text amendment on the general health, safety, and welfare of the Town of Brookfield
 - c. How the proposed text amendment is consistent with the existing Plan of Conservation and Development
- E. Proof of notification of any parties required in accordance with Section 8.11(E)
- F. A copy of the proposed Regulation shall be filed by the applicant at the office of the Town Clerk for public inspection at least ten days before the public hearing, as required by CGS §8-3.

1.8 Zone Change

Any zone change application submitted under the provisions of Section 8.6 shall include the following materials. With the exception of items A and B, 30 copies of all items for review shall be provided unless otherwise noted.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. A map at an appropriate scale showing:
 - a. The property or properties to be rezoned indicating the existing zoning district designation, the proposed boundary line(s), and the proposed zoning district designation
 - b. A key map showing the location of the property in relation to surrounding areas
 - c. Properties within 500 feet in all directions of the property or properties to be rezoned, and the names and addresses of the owners of such parcels as indicated on the most recent Grand List
- D. A narrative statement describing:
 - a. The reasons for the proposed zone change

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- b. The effects of the proposed zone change on the general health, safety, and welfare of the Town of Brookfield
 - c. How the proposed zone change is consistent with the existing Plan of Conservation and Development
- E. A simple metes and bounds description defining in writing the boundaries of the proposed zoning map change
- F. Proof of notification of abutting property owners and any other parties required in accordance with Section 8.11(E)
- G. A copy of the proposed zone change, and all support documentation, shall be filed by the applicant at the office of the Town Clerk for public inspection at least ten days before the public hearing, as required by CGS §8-3.

1.9 Certificate of Location Approval Application

Any certificate of location approval application submitted under the provisions of Section 8.8 shall include the following materials. With the exception of items A, B, and C, X copies of all items for review shall be provided unless otherwise noted.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. Completed Connecticut Department of Motor Vehicles Form K-7
- D. A narrative describing the nature of the proposed automobile dealer or repairer business, including the type(s) of vehicles to be sold or repaired under the license, and estimated number of employees
- E. Site drawings meeting the requirements of Connecticut Department of Motor Vehicles Form K-93

1.10 Floodplain District Development Permit

Any floodplain district development permit application submitted under the provisions of Section 8.9 shall include the following materials. With the exception of items A and B, X copies of all items for review shall be provided unless otherwise noted. A floodplain district development permit application submitted simultaneously with a site plan or special permit application for the same project may provide item D (Site or Plot Plans) below in place of similar required site or plot plans under Section 1.5 of this Appendix, provided that such plans contain all information required for a complete site plan or special permit application.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. Property survey meeting standards for a Class A-2 survey
- D. Site or plot plans (X copies) drawn to scale and displaying the following information, as applicable:
 - a. The name of the proposed project, developer, and landowner of record
 - b. Zoning classification of the plot to be built upon or used

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- c. Names of abutting property owners
- d. North arrow, scale, and date of preparation
- e. The actual dimensions of the plot to be built upon or used
- f. The location of the plot in relation to public and/or private streets, accessways, and abutting lots
- g. Locations, dimensions, and types of all existing buildings, structures, and signs
 - i. If deemed necessary by the ZEO to determine compliance with these Regulations, exact existing setback distances from the front, side, and rear lot lines
- h. Proposed location, dimensions, and types of any new buildings, additions, signs, or structures to be built, with proposed setback distances from the front, side, and rear lot lines
- i. Current and proposed:
 - i. Total building floor area
 - ii. Percent building coverage
 - iii. Percent impervious coverage
 - iv. Current and proposed total disturbed area
 - v. Current and proposed building heights
- j. Existing and proposed topographical contours at intervals of two feet or less, and proposed area alterations, including areas to be cleared, excavated, filled, or graded; and other unusual features
- k. Wetlands and watercourses as delineated by the Brookfield Inland Wetland Commission
- l. Flood hazard zones as delineated by the FIRM and published by FEMA
- m. Identification of areas listed in the Connecticut DEEP Natural Diversity Data Base
- n. Existing trees and shrubs to be retained and proposed trees and shrubs to be located in the project, including type, common name, height, and caliper. Location of existing trees greater than 12" caliber shall be identified.
- o. Existing and proposed roadways, drives, walkways, malls, paths, curbing, entranceways and exits from and to town and state roads. The layouts of such drives and interior roadways shall use Town of Brookfield road specifications and § 234-22J and § 234-24 through 234-29 of the Brookfield Subdivision Regulations (see Brookfield Code § 234) as a design guide.
- p. Location and dimensions of loading, storage, refuse collection, exterior machinery, and equipment
- q. A parking plan showing the number, dimensions, and location of existing and any proposed parking spaces, demonstrating how needs will be met (for proposed change in or expansion of use)

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- r. Locations and amount of open space, with type and use described
- s. Location, dimensions, description, and capacity of all proposed utilities and their structures, including water supply, sewage disposal, electricity, gas, and drainage, including the location and dimensions of catch basins, manholes, conduits and grade and elevation of same. Such utilities shall be constructed underground unless otherwise permitted by the Commission and shall be in accordance with the standards contained in Technical Standards – Section 6.
 - i. If septic sewage disposal is proposed, the location and results of soil test pits and percolation tests, accompanied by design computations certified by a professional engineer
- t. Location, description, and dimensions of all signs in accordance with the Brookfield Sign Regulations as provided in Section 6.2.
- u. Location and dimensions of walls and fences, including a description of the type
- v. Technical data sufficient to demonstrate compliance with performance standards and design criteria as set forth in Section 6 of these Regulations
- w. For site plans in excess of 80,000 square feet in area, the site plan shall bear the seal of a registered professional engineer licensed to practice in the State of Connecticut.
- x. Project start and completion dates, schedule of major construction milestones, sequence or phasing of construction as indicated by supplementary boundary markings
- y. The location, dimensions, and type of all existing and proposed buildings and structures, including the elevation in relation to mean sea level of the lowest floor, including basement, of all buildings and structures
- z. The elevation in relation to mean sea level to which any building or structure is to be floodproofed
- E. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.5.
- F. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development

1.11 Excavation Permit

Any excavation permit application submitted under the provisions of Section 8.13 shall include the following materials. With the exception of items A and B, X copies of all items for review shall be provided unless otherwise noted. An excavation permit application submitted simultaneously with a site plan or special permit application for the same project may provide item C (Site or Plot Plans) below in place of similar

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required site or plot plans under Section 1.5 of this Appendix, provided that such plans contain all information required for a complete site plan or special permit application.

- A. Completed application form
- B. Correct application fee (see Land Use Fee Schedule)
- C. Property survey meeting standards for a Class A-2 survey
- D. A map drawn to scale by an engineer or surveyor registered to practice in the State of Connecticut showing the following:
 - a. The property on which the excavation is to be made
 - b. The location of all buildings on the property
 - c. Adjacent roads and the location of proposed access roads to proposed excavations
 - d. At the option of the Commission, existing and proposed contours in the area to be excavated and in the surrounding area within 20 feet of the excavation, shown on a map drawn to scale containing not more than 100 feet to the inch and with contour lines at intervals of not more than five feet
 - e. Adjacent property ownership within 100 feet indicated
 - f. Existing and proposed drainage on the premises, if any, including the proposed level and area of any impounded water
 - g. The location and design of structural and nonstructural sediment control measures, such as diversions, waterways, grade stabilization structures, debris basins, check dams, water breaks, silt fences, and the like; and the location of temporary and permanent erosion control measures
- E. A written statement with the following information:
 - a. The approximate starting and completion dates, number and types of trucks, machines to be used and hours of operation
 - b. The kind and amount of material to be excavated
 - c. The safety precautions that are to be taken
 - d. The purpose of the excavation or removal
 - e. The types and number of buildings to be erected
 - f. The sequence of operations, including time periods for major development phases, temporary and permanent sediment control measures to be employed, specifications for temporary and permanent vegetative and structural stabilization, and general information relating to the implementation and maintenance of the sediment control measures, including the name of the individual responsible for implementing the plan
 - g. Details regarding any revegetation at the conclusion of the project or at the conclusion of such phases of the project as the Commission may require

Appendix 2: TCD Design Guidelines

Existing Design Guidelines and Standards, Incentive Housing Zone & Town Center District
(eff. July 5, 2019) to be appended. *[amended eff. 2019-July-5]*

Appendix 3: Fee Schedule

Appendix 4: Revisions

Revision List, as of **2019-April-19**

| Section # | Title | Effective Date | Page(s) |
|-----------|---|----------------|---------|
| 2.2 | Definitions – Building, Accessory | 2019-Apr-19 | 25 |
| 3.4 C.1 | Permitted by Zoning Permit – Accessory Structures | | 53 |
| 3.4 D.1 | Permitted by Special Permit – Accessory Structures | | 53 |
| Various | Typographic corrections for Appendix references and IP reference (which should have been CP). | | various |

Revision List, as of **2019-July-5**

| Section # | Title | Effective Date | Page(s) |
|-----------|--|----------------|---------|
| 5.1 O | Road Right-of-Way Improvements - added | 2019-Jul-5 | 97 |
| App 2 | Housekeeping; references to reg section #s | | various |
| App 2 | 4.10.1 Standards - amended | | 16 |
| App 2 | 4.10.6 Standards – added | | 16 |
| App 2 | TCD Sidewalk and Amenity Specifications – new reference from Appendix 2. | | all |

Revision List, as of **2020-April-27**

| Section # | Title | Effective Date | Page(s) |
|-----------|---|----------------|---------|
| 3.4 A.3.b | Removed the word 'required' pertaining to Front Yard | 2020-Apr-27 | 50 |
| 3.16 D.3 | Required Accessory Building needs to be at least 7 years old. | | 74 |
| 3.16 D.6 | 2 parking spaces required for Apartment | | 74 |
| 3.16 D.10 | Affidavit of status required. | | 75 |
| 3.16 D.11 | Affidavit to be renewed annually, but not notarized for renewal. | | 75 |
| 3.16 D.12 | No letting of rooms when Accessory Apartment exists. | | 75 |
| 6.1 A.3.e | Commercial Parking in rear yard only. | | 119 |
| App 2 | TCD Sidewalk and Amenity Specifications – revised bullet points under heading 'DISCUSSION' | | 1 |