



# Brookfield Comprehensive Zoning Revision

## Zoning Commission Workshop

December 5, 2017

# Agenda

- Why
- Process thus far
- Draft regulations
- Revisions from last meeting
- Next Steps

# Why Revise Zoning?

- Improve ease of using regulations
- Promote economic development
- Ensure regulations are in line with community vision and plan
- Eliminate conflicts and modernize code for contemporary uses and development techniques



*Excerpt from Town of Mansfield Permitting Guide*

# Process

- Ad Hoc Committee – Planning, Zoning, Zoning Board of Appeals, Board of Selectmen, Land Use Department Staff – overseeing project with consultant assistance
- Regular committee meetings, focus group sessions, public input

Task	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Issues I.D./ Reg Review & Analysis	■	■									
Revisions Approach		■	■	■							
Technical Writing			■	■	■	■	■	■	■	■	
Draft Regulations									■	■	■

# Issues Identified

- Need to better organize and structure to make the regulations easy to use for both the public and regulators
- Large number of variances granted on undersized residential parcels
- Overuse of special permit process negatively affects economic development efforts and burdens Commission
- Application review and permitting process cumbersome and confusing
- Sustainable development and quality design should be encouraged
- Issues with specific uses, definitions, and standards such as parking, signs, building height, etc.



# Map Changes

- New R-15 Zone
  - Reduce need for variances on existing residential lots
- Reorganization of commercial and industrial zones
  - Clarify intents and purposes
  - Facilitate implementation of permitting uses by site plan application
- Removal of IHZs
  - Existing regulations did not comply with Statutes
  - No guarantee of gaining units that would help qualify for a moratorium on affordable housing
- Expansion of TCD west to include Laurel Hill
  - Enable greater potential for walkable, Town Center development
  - Includes an overlay so that properties in the expanded TCD area may develop multi-family and/or planned age-restricted without a commercial component



# Text Organization

- Article 1 – Introduction
- Article 2 – Definitions
- Article 3 – Residential Districts and Uses
- Article 4 – Commercial and Industrial Districts
- Article 5 – Special Districts
- Article 6 – General Standards
- Article 7 – Miscellaneous Provisions
- Article 8 – Procedures
- Article 9 – Administration and Enforcement

# Articles 1 & 2: Introduction & Definitions

- Organized definitions
- Removed regulations from within definitions
- Removed phrases no longer used in text
- Added phrases where appropriate

## 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



# Article 3: Residential

- New R-15
- New agriculture and animals standards
- Consolidate single-family conversion and affordable accessory apartment into accessory apartments
- New multi-family development

## 3.5 Area and Dimensional Requirements

	R-100	R-80	R-60	R-40	R-15	R-7
Minimum Lot Area* (square feet)	100,000	80,000	60,000	40,000	15,000	7,000
Minimum Lot Width (square feet)	200	200	150	150	100	50
Minimum Side Yards (feet)	50	50	30	30	15	10
Minimum Rear Yard (feet)	50	50	30	30	15	10
Minimum Setback from Street Center Line (feet)	75	75	65	65	50	45
Maximum Building Height (feet)	30	30	30	30	30	30
Maximum Building Coverage (%)	10	10	10	10	20	25
Maximum Impervious Coverage (%)	30	30	40	40	50	65

\*Minimum Lot Area excludes wetlands, watercourses, slopes in excess of 25\*, 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.

# Article 4: Commercial & Industrial

- Gateways – attractive mixed use districts flanking TCD
- Commercial districts with scale and intensity differences
- Industrial district – true industrial zone
- Industrial park – mimic Bethel regs for Berkshire Corporate Park

## 4.2 Permitted Uses

### A. Permitted Uses Table

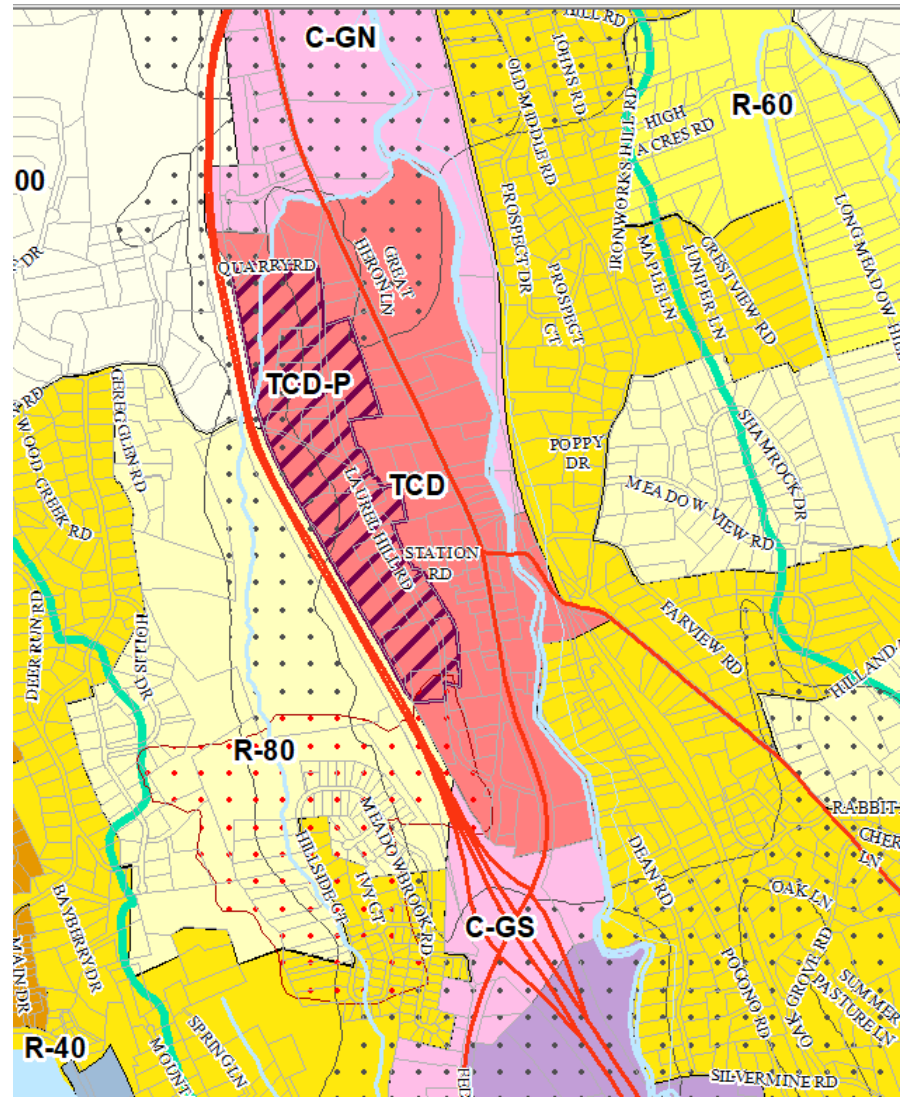
P = Zoning Permit S = Site Plan SP = Special Permit

Table of Permitted Commercial and Industrial Uses

	CG-N	CG-S	C-1	C-2	MC	I-1	IP	TCD
<b>1. Occupancy of Existing Space</b>								
a. Modifications to existing sites or buildings where: - the existing number of trees, shrubs, or parking spaces 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 increased by more than 10% of existing; and, - buildings or structures as initially constructed are not enlarged by more than 2,500 square feet or 25%, whichever is less.	P	P	P	P	S	P	P	S
b. Modifications to existing sites or buildings where: - the existing number of trees, shrubs or parking spaces is reduced; - erosion and sedimentation controls are required; - conditions will occur which affect traffic safety; - existing outdoor lighting fixtures are modified; - the number of parking spaces are increased by more than 10% of existing; and, - buildings or structures as initially constructed are enlarged by more than 2,500 square feet or 25%, whichever is less.	S	S	S	S	SP	S	S	SP
<b>2. Community Services</b>								
a. Community service facility	S	S	S	S	SP	SP	SP	S
<b>3. Institutional Uses</b>								
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	S	S	S	S	S	S	SP	S

# Article 5: Special Districts

- Add TCD Perimeter overlay
- Clarify distinction between Brookfield Aquifer regs and DEEP APA regs
- Sunset on Rental Housing Opportunity Workforce Zone



# Article 6: General Standards

- Modifications to parking, signage, landscaping and lighting standards for best practices
- New stormwater management standards (not just in aquifer areas)
- Modified design/architectural standards for commercial and industrial uses

Table 6.2 Parking Space Requirements continued

Type of Use	Required Spaces	Per Unit of Measurement	Notes
<b>8. Offices</b>			
a. Banks and financial institutions	1	250SF GBA	
b. Medical and dental offices	1	250SF GBA	
c. Professional and business offices	1	300SF GBA	
Plus	1	Company vehicle	
<b>9. Food and Beverage Establishments</b>			
a. Sit-Down Restaurant, Fast Food Restaurant, Limited Service Restaurant	1	per 100SF of public floor area	
Plus	1	per 200SF of non-public area	
b. Catering establishment where food is prepared for delivery and consumption off the premises	1	300SF GBA	
<b>10. Industrial</b>			
a. General industrial, publishing, or research facilities	1	1,000SF GBA	
Plus	1	300SF gross office area	
Plus	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	2,000SF GBA	
Plus	1	300SF gross office area	
Plus	1	Company vehicle	
d. Wholesale	1	500SF GBA	

# Article 7: Miscellaneous Provisions

- Modified telecommunications towers to clarify jurisdiction
- Added outdoor wood-burning furnace standards
- Some other provisions located elsewhere in regs, e.g. swimming pools addressed in Article 3

## 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 rulemaking 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



# Article 8: Procedures

- Consolidated permit procedures
- New language clarifying zoning, site plan and special permit procedures
- New language clarifying Commission's criteria in rendering decisions

2. Plan of Conservation and Development - Alignment 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 which enhance the character and environment of the area.

4. Neighborhood Compatibility - Whether the proposed use will have a detrimental effect on neighboring properties and residences or the development of the district.

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 be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the 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.



# Article 9: Administration and Enforcement

- Largely unmodified language
- Designate ZEO to enforce
- Enumerate techniques of enforcement procedures

## **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.

# Appendix 1: Application Requirements

- Consolidated application details for ease of modifying in future
- Additional appendix will establish fees – ease of modification

## 1.6 Special Permit

Any special permit application submitted under the provisions of Section 8.3 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.

- Completed Application Form
- Correct Application Fee (see Land Use Fee Schedule)
- 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.
- Proof of notification of abutting property owners and any other parties required in accordance with Section 8.11 (E).
- A statement describing the following:
  - The proposed use or uses in detail
  - Compliance with the criteria identified for Special Permits under Section 8.5(E).
- 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:
  - Existing and projected traffic volumes (average daily traffic, peak A.M. and P.M.) and peak hour traffic generation
  - Past and present roadway conditions including location and number of accidents
  - Existing roadway capacity and volume and capacity ratios
  - Proposed sight lines
  - Location of existing and proposed curb cuts, traffic lights and intersections at the development site and within three hundred (300) feet from the development site
  - 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
  - The patterns of vehicular circulation in relation to the adjoining street system
  - Adequacy of:
    - Right of way and travel way

# Appendix 2: TCD Design Manual

- Unchanged

# Appendix 3: Fees

- Still needs to be addressed

# Changes from Last Meeting

<b>MAP</b>	Small revision to I-zone to include whole parcels
<b>Article 1</b>	Added new nonconformities section (Section 1.6)
<b>Article 2</b>	Removed general retail definition Defined how to measure fence height Removed 20% threshold for adult oriented business Defined apartment
<b>Article 3</b>	Changed accessory apartment size requirements to measure of overall building footprint; no other changes due to lack of consensus Poultry - limited to 12 for 1st acre and 6 for each additional 1/2 acre (Section 3.8) Revised front yard measurements from street centerline to front lot line Added group day care regulations (Section 3.18)
<b>Article 4</b>	Changed subsection 1. of Permitted Use Table (Section 4.2)
<b>Article 5</b>	No significant changes
<b>Article 6</b>	Added compact car regs (Section 6.1) Corrected note in retail parking space requirements Table 6.2 Added window sign regs and seasonal farmer's market signs, reformatted permitted signs table (Section 6.2) Removed noise standards and referred to Town noise ordinance (Section 6.7 (D)) Added neighborhood anti-blight from current regs (Section 6.12)
<b>Article 7</b>	Prohibited Firing ranges from all zones (was just residential), left firearm plan requirements in place (unknown whether any currently exist)
<b>Article 8</b>	Incorporated several legal review comments
<b>Article 9</b>	Added from current regs

# What's Next?

- Input from design professionals
- Additional revisions based on public input, Commission, Committee and legal reviews
- Draft ready to refer to planning Commission and WestCOG, set public hearing date