

THE TOWN OF BROOKLYN, CONNECTICUT

ZONING REGULATIONS

ORIGINAL ADOPTION

5/24/72

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INDEX OF ARTICLES

ARTICLE 1 - GENERAL

- 1.1 - Purpose
- 1.2 - Interpretation
- 1.3 - Basic Requirements
- 1.4 - Zone Boundaries
- 1.5 - Publication of Decision
- 1.6 - Appeals

ARTICLE 2 - DEFINITIONS

- 2.1 - Applicability

ARTICLE 3 - DISTRICT REGULATIONS

- 3.1 - Establishment of District
- 3.2 - Dimensional Requirements
- 3.3 - Lot Area Regulations
- 3.4 - Use Regulations
 - 3.4.1 - General
 - 3.4.2 - R10 Residential Zone
 - 3.4.3 - R30 Residential Zone
 - 3.4.4 - RA Residential-Agricultural Zone
 - 3.4.5 - VCD Village Center District
 - 3.4.6 - NC Neighborhood Commercial Zone
 - 3.4.7 - RB Restricted Business Zone
 - 3.4.8 - Planned Commercial Zone
 - 3.4.9 - I-1 Industrial Zone
 - 3.4.9.7 Mill Mixed Use
 - 3.4.10 - Planned Recreational Residential Development District
- 3.5 - Exceptions to Height, Area and Use Requirements
- 3.6 - On-Site Parking Requirements
- 3.7 - Access

ARTICLE 4 - SITE PLAN REQUIREMENTS AND PROCEDURES

- 4.1 - Background and Purposes
- 4.2 - Applicability
- 4.3 - Site Plan Objectives
- 4.4 - Application Procedure
- 4.5 - Site Plan Requirements

ARTICLE 5 - SPECIAL PERMIT REQUIREMENTS

- 5.1 - General
- 5.2 - Purpose
- 5.3 - Uses requiring special permits

- 5.4 - Application
- 5.5 - Procedure
- 5.6 - Approval
- 5.7 - Standards
- 5.8 - Environmental Impact Statement
- 5.9 - Performance Bond
- 5.10 - Notification

ARTICLE 6 - ENTERPRISES IN THE HOME

- 6.1 - General
- 6.2 - Home Office
- 6.3 - Home Business
- 6.4 - Home Enterprise
- 6.A - Adaptive Reuse of an Agricultural Building

ARTICLE 7 - MULTI-FAMILY DWELLING

- 7.1 - General
- 7.2 - Requirements

ARTICLE 8 - ELDERLY HOUSING

- 8.1 - Intent
- 8.2 - Standards
- 8.3 - Accessory Uses
- 8.4 - Density
- 8.5 - Design Standards

ARTICLE 9 - WIRELESS COMMUNICATIONS

- 9.1 - Intent
- 9.2 - Siting Preferences
- 9.3 - Standards
- 9.4 - Permitted Uses
- 9.5 - Use by Special Permit
- 9.6 - Site Plan Requirements
- 9.7 - Ancillary Buildings
- 9.8 - Abandonment

ARTICLE 10 - SIGNS

- 10.1 - Signs permitted in all zones
- 10.2 - Signs permitted in Residential Zones
- 10.3 - Signs Permitted in Residential Agricultural, Business and Industrial Zones
- 10.4 - Signs Permitted in the Village Center District (VCD)
- 10.5 - Signs Permitted in Neighborhood Commercial Zone and Restricted Business Zone
- 10.6 - Signs Permitted in Planned Commercial Zone
- 10.7 - Requirements for Signs
- 10.8 - Sign Permits
- 10.9 - General Commercial Sign Standards

- 10.10 - Recommended Guidelines for Commercial Signs
- 10.11 - Nonconforming Signs
- 10.12 - Obsolete Signs

SECTION 11 - LANDSCAPE REGULATIONS

- 11.1 - Intent
- 11.2 - Applicability
- 11.3 - Specific Goals
- 11.4 - General Requirements
- 11.5 - Parking Areas
- 11.6 - Screening and Buffering Area Standards

ARTICLE 12 - ENVIRONMENTAL CONCERNS

- 12.1 - Soil Erosion and Sediment Control
- 12.2 - Noise and Vibration

ARTICLE 13 - GRAVEL BANKS

- 13.1 - Intent
- 13.2 - Permitted Zones
- 13.3 - Permit Process
- 13.4 - Performance Bond
- 13.5 - General Conditions
- 13.6 - Safety
- 13.7 - Renewal of Permits
- 13.8 - Revocation of Permits
- 13.9 - Change of Ownership

ARTICLE 14 - NON-CONFORMING BUILDINGS AND USES

- 14.1 - Intent
- 14.2 - Calamity
- 14.3 - Replacement

ARTICLE 15.0 CONSERVATION SUBDIVISION DESIGN

- 15.1 - Intent
- 15.2 - Findings
- 15.3 - Purpose
- 15.4 - Definitions
- 15.5 - General Eligibility Requirements: Conservation Subdivision
- 15.6 - Application Procedure
- 15.7 - Standards and Controls
- 15.8 - Density Bonuses
- 15.9 - Open Space and Development Restriction
- 15.10 - 15.10 - Protection of Surrounding Areas
- 15.11 - Development Requirements/Evaluation Criteria
- 15.12 - Considerations for Approval
- 15.13 - Waivers of Special Circumstance

ARTICLE 16 - ZONING BOARD OF APPEALS

- 16.1 - Establishment
- 16.2 - Appeals
- 16.3 - Variance
- 16.4 - Other Statutory Duties
- 16.5 - Other Duties
- 16.6 - Procedures

ARTICLE 17 - ADMINISTRATION AND ENFORCEMENT

- 17.1 - Enforcement
- 17.2 - Penalties
- 17.3 - Appeals
- 17.4 - Regulation requirements
- 17.5 - Changes in regulations or boundaries after adoption

ARTICLE 18 - MISCELLANEOUS

- 18.1 - Collection Centers
- 18.2 - Accessory Buildings
- 18.3 - Fences

ARTICLE 19 - VALIDITY

**TOWN OF BROOKLYN, CONNECTICUT
ZONING REGULATIONS**

ARTICLE 1 - GENERAL

1.1 - Purpose: These regulations are adopted under the authority of the zoning law of the State of Connecticut for the purpose of promoting, in accordance with the Plan of Conservation and Development, the health, safety, morals and general welfare of the community; for the purpose of lessening congestion in the streets; of providing adequate light and air; of preventing the overcrowding of land and avoiding undue concentration of population; of facilitating adequate transportation, water, sewerage, schools, parks, and other public requirements; of conserving the value of buildings and encouraging the most appropriate use of land throughout the town with reasonable consideration for the character of the area and its peculiar suitability for particular uses. The Zoning Map and subsequent revisions thereto are hereby declared to be a part of these regulations. The original map and subsequent revisions are filed in the office of the Town Clerk.

1.2 - Interpretation: In their interpretation and application these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of buildings or land or on the height of buildings or require larger yards, courts, or other open spaces or a greater percentage of lot not to be built upon, or impose other higher standards than are imposed by any law, ordinance, regulation, or private agreement, these regulations shall control. When any law, ordinance, regulation, or private agreement imposes greater restrictions than are required by these regulations, such greater restrictions shall not be diminished by these regulations.

1.3 - Basic Requirements:

1.3.1 - It shall be unlawful to commence construction or alteration of any building or excavation for any building or structure or use until the application and plans therefore have been approved by the Zoning Enforcement Officer, and a building permit issued by the Building Official.

1.3.2 - No building or structure shall be erected or structurally altered, moved, nor shall any building, structure or land be used except in conformity with these regulations and the permitted uses herein prescribed for the zone in which such building, structure or land is located.

1.3.3 - No lot may be developed where percolation tests do not conform to minimum requirements of the Public Health Code, State of Connecticut.

1.3.4 - A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

1.3.5 - Any development in the Town of Brooklyn shall meet the requirements of the Inland-Wetlands Regulations.

1.4 - Zone Boundaries: The boundaries of zones are established as shown on the zoning map. Unless otherwise indicated, the boundaries are either property lines, street lines, street lines extended, waterways, or lines drawn approximately parallel to street lines, and at distances therefrom determined by scaling the zone map. In cases of uncertainty, the Town Planning and

Zoning Commission shall determine the location of the boundary.

1.5 - Publication of Decision: A decision by the Planning and Zoning Commission or by the Zoning Board of Appeals must be published within 15 days of that decision in a newspaper having significant local circulation.

1.6 - Appeals: A decision by the Planning and Zoning Commission or by the Zoning Board of Appeals may be appealed to Superior Court. However, such appeal must be made within the 15-day period following publication of this decision.

ARTICLE 2 - DEFINITIONS

2.1 - Applicability: The following definitions shall apply throughout these Regulations:

ACCESS STRIP means a parcel of land fifty (50) feet in width that is designed and maintained to provide unobstructed ingress and egress from a public road for vehicular use including emergency vehicles.

ACRE means an area of 43,560 square feet.

ACTIVE RECREATION: leisure-time activities, usually of a formal nature and often preformed with others, requiring equipment and taking place at prescribed places, sites or fields.

ACCESSORY BUILDING or USE means that which is subordinate and customarily incidental to the main building and use on a lot. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes.

ADULT ENTERTAINMENT means any exhibition which has as a significant or substantial portion the actual or simulated performance of specified sexual activities or the exposure of specified anatomical areas by the removal of clothing, appearing unclothed, pantomime, modeling or similar personal service offered to a customer; such exhibition shall include but not be limited to adult-oriented motion pictures, live performance, display, or dance.

AGRICULTURAL USE means:

The cultivation of soil, dairying, forestry, or the raising or harvesting of any agricultural or horticultural commodity;

The operation, management, conservation, improvement or maintenance of a farm or its buildings, tools and equipment;

The construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming operations;

The production or harvesting of maple sugar or maple syrup;

The harvesting of mushrooms;

The hatching of poultry;

The farming of the waters for protein food;

When incidental to ordinary farming operations:

The handling, drying, packing, packaging, processing, freezing, grading, storing, or direct sale any agricultural or horticultural commodity;

The production or harvesting of any agricultural commodity, including lumber;

The salvaging of timber or cleared land or brush or other debris left by a storm.

ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel, and dish antennas.

ART GALLERY means a place for the display of paintings, sculptures and decorative art, including as an incidental use thereof the sale and creation of such art.

BED & BREAKFAST means a dwelling, part of which is occupied by the owner of the dwelling as his/her/their permanent residence, in which lodging and meals are offer or provided for compensation to one to twelve persons for limited periods of time not exceeding 30 consecutive days.

BOARDING or ROOMING HOUSE means an establishment for five or more persons located in a residential structure that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provisions for cooking in any of the rooms occupied by paying residents. Permanent occupancy is more than 30 consecutive days.

BUFFER STRIP means an area separating use districts either planted or defined by a wall or other structure as required by these regulations for the purpose of protecting adjoining properties from noise, glare, dust, and unsightly conditions.

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA means the ground area enclosed by the walls of the building, together with the area of all covered porches and other roofed portions.

BUILDING HEIGHT means the vertical distance measured from the average level of the ground along all walls of the building to the highest point of the roof, for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs; and to the highest point of any other type of roof. Chimneys, spires, masts, elevator penthouses, tanks, and similar projections shall not be included in the height, provided that any such projections shall not have an aggregate area greater than twenty-five (25) per cent of the roof area.

CERTIFICATION means a signed, written approval by the Brooklyn Planning and Zoning Commission or its agent that a use complies with the applicable requirements of these regulations.

CHILD DAY CARE SERVICES means:

CHILD DAY CARE CENTER that offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in a week;

GROUP DAY CARE HOME that offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week;

FAMILY DAY CARE HOME that consists of a private family home 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. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted.

COLLECTION CENTER means an area where recyclable materials are collected for shipment.

COMMERCIAL USE means those uses where goods and/or services are prepared or rendered for profit.

COMMISSION means the Planning and Zoning Commission of the Town of Brooklyn.

COMMUNITY CENTER means a place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to serve the community.

CONSERVATION SUBDIVISION: means a development, as defined by Section-18 of the Connecticut General Statutes, in which the dimensions that would otherwise be required for lots under the Brooklyn Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the intent as described in Section 15.0 of these regulations.

CONVENTIONAL SUBDIVISION: means a parcel of land which is subdivided and designed in accordance with the provisions of the Brooklyn Zoning and Subdivision Regulations.

CONVALESCENT HOME, REST HOME, or NURSING HOME means a dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

COURT means an open, unoccupied space bounded on two (2) or more sides by exterior building walls and lot lines.

DEVELOPMENT means any construction or grading activities to improved or unimproved real estate.

DEVELOPMENT RESTRICTIONS: means a restriction which perpetually prohibits further development or use inconsistent with or inimical to the enhancement preservation and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems or preserves such areas predominantly in their natural scenic or open condition; but which do not involve any significant alteration of development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area.

DISTURBED AREA means an area where the ground cover is destroyed or removed leaving the

land subject to accelerated erosion.

DWELLING means a building or portion thereof designed exclusively for residential occupancy; including one-family, two-family, and multiple dwellings, but not including hotels, boarding houses, or rooming houses. Manufactured homes with the narrowest dimension less than twenty-two feet are not considered to be a dwelling. Characteristics of dwellings are:

DWELLING UNIT means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EFFICIENCY UNIT means a compact dwelling unit consisting of a bathroom, kitchen and a combined living room and bedroom.

RESIDENCE means one or more dwelling units for permanent occupancy.

DUPLEX RESIDENCE means a building designed as a dwelling for two (2) families, living independently of each other.

SINGLE-FAMILY RESIDENCE means a one-family dwelling unit, including any building, trailer, or other structure, occupied by a single family.

MULTI-FAMILY DWELLING means a building or part thereof containing three (3) or more dwelling units, and includes apartments, row houses, town houses, and all other family dwellings of similar character where apartments or suites are occupied and used as separate, complete housekeeping units. Shall also be defined as more than 2 duplex units on one parcel of land. All multifamily dwellings shall comply with the requirements of Article 5 Special Permit and Article 7 Multifamily Dwelling of these regulations. Not included in this category are bed & breakfasts, hotels, motels, motor courts, and tourist homes.

Approved May 2, 2007
Effective May 26, 2007

ELDERLY HOUSING DEVELOPMENT means that it is intended solely to serve the needs of elderly persons.

ELDERLY PERSON means persons defined by the Connecticut Department of Economic and Community Development as elderly.

EROSION means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

FAMILY means any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house, or hotel or dormitory.

FARM means dairies, nurseries, orchards, ranges, greenhouses, farm buildings and accessory buildings thereto, other structures used primarily for agricultural or horticultural commodities, and when incidental to ordinary farming operations, structures for the sale of agricultural or horticultural commodities.

FIRST LOT: The first house site within a Conservation subdivision which is adjacent to an existing town road

FLOATING ZONE: a zoning district that is not pre-mapped on the Town Zoning Map. It "floats" above the zoning map and is dropped or "mapped" on the zoning map upon compliance with standards and the application process provided for in these regulations.

GRADING means any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

GROSS FLOOR AREA – for the purpose of off street parking and loading regulations and standards, "floor area" in the case of office uses, service uses, retail trade uses, and culture, entertainment and recreational uses, shall mean the gross floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise. "Floor area" shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities, residence, or for required stairways or elevators.

Adopted - October 4, 2006
Effective - October 30 2006

HALFWAY HOUSE means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

HARDSHIP as recognized by the law means that a property cannot be used in a manner permitted in the zone in which that property is located due to its unique shape, topography, or other inherent condition. Being too small or too narrow is not a legal hardship unless it restricts the property from being put to a reasonable permitted use. A hardship must be unique to the property, in that it is a characteristic that is not exhibited by other properties in the area or in the zone, and one that makes it appropriate for special treatment. A hardship must not be merely financial, which is personal and not inherent in the property itself, nor is the personal hardship

of the owner, such as age or family condition, a legal hardship. A hardship must not have been created by the owner or the predecessor in title, such as by dividing a parcel to create lots which cannot support the desired use; by creating a topographic condition by excavation, fill, or other measures which render the property unusable for its highest use without a variance; or by building a structure which, for whatever reason, violates a current zoning regulation.

HEALTH CLUBS means a Connecticut-licensed health club as defined in the Connecticut General Statutes, including any business enterprise offering facilities for the preservation, maintenance, encouragement or development of physical fitness or well being in return for the payment of a fee entitling the buyer to the use of such facilities.

HOTEL or **MOTEL** means a building designed as a temporary abiding place for more than twelve (12) persons, or one providing six (6) or more sleeping rooms in which lodging is provided for compensation with or without meals.

IMPERVIOUS SURFACE means a surface that has been compacted or covered with any material that substantially reduces or prevents the infiltration of storm water. It includes most conventionally surfaced streets, roofs, sidewalks, parking lots, driveways, and other similar features.

INDUSTRIAL PARK means an area of ten (10) or more acres in which one or more industries form a unit and for which a plan of site development is required.

INSPECTION means the periodic review of measures shown on the accepted plan.

JUNKYARD means any junkyard, or motor vehicle junkyard (as defined in the General Statutes of the State of Connecticut). The term includes any place of storage or deposit, whether in connection with a business or not, of three or more motor vehicles which are not registered for legal use on the public highways and also includes any place of storage or deposit of used parts of motor vehicles, old metals, iron, glass paper, cordage or other solid waste materials which on any lot have an aggregate bulk area of five (5) cubic yards or more.

LIGHT INDUSTRY means a use engaged in the manufacture, predominantly from prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

LOT means an area of land with definite boundaries identified by recorded deed or plan, used or set aside and available for use as the site of one or more buildings and not divided by a public thoroughfare, stream, or private road serving or intending to serve other lots. The characteristics of lots are:

FRONT LOT LINE means the property line(s) bounding the lot nearest to and most parallel to the road.

FRONT YARD means a non-buildable space extending across the full width of the lot, measured from the front lot line. The front yard is not necessarily associated with the front of any building or structure.

REAR LOT LINE means the property line(s) most parallel to the front lot line.

REAR YARD means a non-buildable space extending across the full width of the lot, measured from the rear lot line. (See Accessory Buildings for exceptions)

SIDE LOT LINE means the property line(s) most perpendicular to the front/rear lot lines.

SIDE YARD means a non-buildable space measured from the side lot line and extending from the front yard to the rear yard. (See Accessory Buildings for exceptions)

CORNER LOT means a lot situated at the intersection of and fronting on two (2) or more streets. By definition, a corner lot has two front yards, two rear yards, and no side yards.

THROUGH LOT means a lot having frontage on two (2) non-intersecting public roads. By definition, a through lot has two front yards, two side yards, and no rear yard.

CUL-DE-SAC LOT means a lot off a cul-de-sac without the minimum frontage required for the respective zone. (The Public Improvement Specifications Ordinance provides detail of a typical cul-de-sac.)

INTERIOR LOT means a lot served by a fifty (50) foot access strip and not having the minimum frontage required for the respective zone

LOT DEPTH means the mean distance from the front lot line to the rear lot line, measured in the general direction of the side lot lines.

LOT FRONTAGE means the distance between the side lot lines measured either along the front lot line or along the building set-back line, whichever is greater.

LOT WIDTH means the distance between the side lot lines measured at the front lot line.

MERCHANDISE means goods, objects or items sold at retail stores, expressly excluding any goods, object or item regulated by the Connecticut Department of Motor Vehicles.

MIXED OCCUPANCY means use in a Business Zone where a business is located on the ground floor and not more than two (2) dwelling units are located above the ground floor.

NONCONFORMING BUILDING OR USE means any building or use legally existing at the time of the adoption of these regulations that does not conform with the regulations of the zone in which it is situated.

NORMAL LOT SIZE: means the lot size, expressed in acres or square ft., normally applicable to the zoning district in which the proposed Open Space Subdivision is located.

OPEN SPACE: an area of land that is valued for natural processes and wildlife, for agricultural and

forest production, for passive recreation, and/or for providing other public benefits.

PARKING SPACE means an off-street space of at least nine (9) feet by eighteen (18) feet available for the parking of one motor vehicle (except for Handicapped parking which is mandated by the State Building Code which governs the size), exclusive of passageways and drive ways appurtenant and giving access thereto, and having direct access thereto, and having direct access to a street.

PARTY WALL means any wall dividing two (2) or more properties, owned by the respective owners.

PASSIVE RECREATION: activities that involve activities such as walking, running, hiking, and if specifically designated, bicycling, horseback riding or fishing.

PRINCIPAL BUILDING means a building in which the main or primary use of the premises occurs.

REHABILITATION means the act of bringing property back into a state of sound structural and useful condition in work of such scope that a building permit is required.

RESIDENTIAL USES means one or more dwelling units for permanent occupancy.

RESTAURANT means a commercial establishment that serves food and beverages primarily to persons seated within the building. This specifically excludes fast food restaurants.

FAST FOOD RESTAURANT means any commercial establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen dessert, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive through service facility or offers curbside service.

RESTRICTED OPEN SPACE means land within a Conservation Subdivision which is subject to a Development Restriction and permanently set aside for public or private use and will not be developed. Adopted 10/02/07 Effective 10/29/07

RESUBDIVISION means a change in a map of an approved or recorded subdivision if such change:

- Affects any street layout shown on such map, or
- Affects any area reserved thereon for public uses, or
- Diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

RETAIL BUILDING means a building in which more than 30% of the floor area is used for retail sales and display.

RETAIL USE means the sale or display of merchandise for direct consumption or use by the purchaser.

ROUTINE MAINTENANCE means that work required on a recurring basis in order to keep a property in proper condition; routine maintenance includes but is not limited to painting, shingling, and siding.

SEDIMENT means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SERVICES, PERSONAL means services related to personal hygiene and beauty care, including those activities licensed by the State of Connecticut under Definitions of "Hairdressing and Cosmetology, Massage Therapy, and Barbers". These uses include hair salons, barber shops, nail salons, day spas, and therapeutic massage studios.

SIGN means any inscribed board or space serving for advertisement or information, located out of doors or visible from out of doors.

FREE STANDING SIGN means any sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any buildings or structure.

WALL SIGN means a sign painted on the outside of a building, or attached to, and erected parallel to the face of a building supported throughout its length by such building.

SIGN AREA means the entire surface of a sign, including areas not lettered. For wall signs painted on the surface of the building exterior, it includes the area within the outer extent of the lettering.

SOIL means any unconsolidated mineral or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SPECIFIED SEXUAL ACTIVITIES means human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, or sodomy; and fondling or erotic touching of human genitals, pubic region, buttocks, or breasts.

SPECIFIED ANATOMICAL AREAS means: 1) human genitals, pubic region, buttocks, female breasts, or 2) male genitals in a discernibly turgid state even if completely opaquely covered.

STREET LINE means the line dividing the street and the lot.

STRUCTURE means anything constructed or erected, including a building which has a permanent location on the ground, or anything attached to something having a permanent location on the ground, but excluding fences, flagpoles, ornamental walls under five (5) feet, mailboxes, and patios. Satellite Dishes, antenna towers, and solar collectors are considered to be structures. **STRUCTURAL ALTERATION** means any change in or addition to the structure or supporting members of a building, such as bearing walls, columns, beams, or girders.

SUBDIVISION means the division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the commission, for the purpose, whether immediate or future, of sale or building development expressly, excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

SUBSTANTIAL RE-CONSTRUCTION is building or construction which is considerable in importance, value, degree, amount or extent relating to the replacement of pre-existing structures or parts thereof of such scope that a building permit is required.

TOTAL AREA: means the total area of the proposed Conservation Subdivision expressed in acres.

UNBUILDABLE AREA: means the area, expressed in acres, within the proposed Conservation Subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, existing and proposed streets and highways, easements and rights of way (R.O.W.) for vehicular access and utilities and slopes of 25% or greater. For purposes of this subsection, easements and rights of way of an undefined width shall be deemed to be twenty-five (25) feet in width. Those areas of high water table and shallow depth to bedrock measured under natural conditions as defined under the State Health code and the Northeast District Department of Health, shall not be included as buildable area.

USE means any purpose for which buildings or other structures or land may be occupied.

VARIANCE means a modification to the terms of these Regulations that may be granted by the Board of Appeals in an individual case where, owing to special conditions, literal enforcement would result in exceptional difficulty or unusual hardship.

WIRELESS TELECOMMUNICATIONS FACILITY means the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

WIRELESS TELECOMMUNICATION SERVICES means services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio, and paging.

WATERCOURSE means a natural or man-made channel through which water flows, either constantly or occasionally.

ZONE means a region or area set off as distinct from surrounding or adjoining parts.

ZEO means the Zoning Enforcement Officer.

ARTICLE 3 - DISTRICT REGULATIONS:

3.1 - Establishment of District: The Town of Brooklyn is divided into the following zoning districts:

R-10 Residential Zone

R-30 Residential Zone

RA Residential - Agricultural Zone

VCD Village Center District

NC Neighborhood Commercial Zone

RB Restricted Business

PC Planned Commercial Zone

I-1 Industrial Zone

PRR Planned Recreation/Residential Zone

3.2 - Dimensional Requirements: The following dimensions are the minimum footage requirements in all of the above zones.

	R-10	R-30	RA	VCD	NC	RB	PC	1-1	PRR
Minimum Frontage	75'	110'	150'	60	**	**	**	200'	*****
Minimum Front Yard	35'	50'	50'	*10	20'	20'	***	20'	*****
Minimum Side Yard	15'	30'	40'	*8	**	15'	****	20'	*****
Minimum Rear yard	15'	50'	50'	10	20'	15'	20'	20'	*****
Maximum Height	35'	35'	35'	35	35'	35'	40'	35'	40'

- * See Village Center District Dimensional Standards for exceptions.
- ** No specific requirement, but subject to criteria of Site Plan Approval
- *** 30 feet if no parking between building and street, 45 feet if parking between building and street.
- **** 1 or 2 story buildings - 30 feet maximum; 3 story buildings - 40 feet maximum
- **** A party wall may be used where separate parcels are developed jointly, or business uses are added to an existing building with no side yard. Also side yard requirements may be waived if access is provided to rear yard sufficient for use by fire trucks and equipment
- ***** See Planned recreation/Residential Zone for details

3.3 - Lot Area Regulations:

3.3.1 - Minimum area of buildable land required in R-30 and RA zones: A portion of each lot in a R-30 and RA zone shall have a contiguous buildable area of thirty-thousand (30,000) square feet unless municipal water is available and used. A lot where an engineered septic system is required by the Northeast District Department of Health (NDDH) shall have a minimum contiguous build able area of forty-five thousand (45,000) square feet unless municipal water is available and used. The build able area shall in the shape of a polygon with no

interior angle greater than one-hundred-eighty (180) degrees, shall contain no wetland soils, flood plain soils or areas within the 100-year flood boundary, nor contain rights of way or easements, nor contain areas with slope equal to or greater than 25%. All wetlands outside of the build able area shall be identified and marked by a soil scientist approved by the commission and wetland boundaries identified on the plan. All construction shall take place within the buildable area. (2/8/2003)

3.3.2 - Residential Use: Any lot used for residential purposes as a single-family or duplex dwelling must contain a minimum of ten-thousand (10,000) square feet in an R-10 Zone, thirty-thousand (30,000) square feet in an R-30 Zone and ninety thousand (90,000) square feet in an RA Zone. (Effective Date 12/19/05)

3.3.2.1 - The minimum lot area for all permitted uses in the R10, R30, and RA Zones may be reduced by twenty-five (25) per cent (except multi-unit dwellings) provided municipal sewers are available and used and an application is submitted to the Zoning Enforcement Officer and it can be demonstrated that the following conditions will be met: (3/8/2003)

3.3.2.1.1 - Site Plan: A site plan shall be provided, stamped with the seal of a certified land surveyor or professional engineer, registered in the State of Connecticut, showing location and size of property, location of buildings, facilities, sidewalks, and restricted areas, number of units proposed, and all necessary and statistical data to show that all regulations have been met.

3.3.2.1.2 - A parking plan shall be provided, indicating at least two (2) accessible off-street automobile parking spaces per dwelling unit. Each space shall be nine (9) feet by eighteen (18) feet in addition to necessary circulation space. No parking shall be allowed in the required side yards.

3.3.2.2 - Minimum Space Requirements shall be six-hundred (600) square feet per dwelling unit. In computing minimum space requirements, public hallways and stairways shall be excluded and interior wall-to-wall measurements shall be used.

3.3.3- Business Use

3.3.3.1 - In a NC or RB Zone, no minimum area is required on lots used solely for business purposes, except that they must conform to the Connecticut State Health Code requirements, or other restrictions imposed by Connecticut State Law, Brooklyn Town Ordinance, or these Regulations.

3.3.3.3 - In a PC Zone the minimum lot size shall be one (1) acre.

3.3.3.2.1 - A lot that is less than one (1) acre in size may be used if the lot was legally in existence at the time of adoption of these regulations and not in common ownership with adjacent lots.

3.3.4 - Industrial Use: A lot in an Industrial Zone shall contain a minimum of two (2) acres.

3.3.4.1 - Additions of less than two (2) acres may be approved where adjacent to an existing lot of at least two (2) acres.

3.3.5 - Mixed Occupancy Use: A lot in a business zone used as a mixed occupancy shall conform to the dimensional and lot requirements of the R10 Zone. Sufficient parking shall

be provided to comply with the parking regulations of the business involved, plus two (2) parking spaces for each apartment allowed.

3.3.6 - Planned Recreation/Residential Use:

3.3.6.1 - The minimum lot size for a Planned Recreation/Residential Zone shall be one-hundred (100) contiguous acres located within the Town of Brooklyn, which shall be owned by one person or single legal entity such as, but not limited to, a partnership, a limited liability company or corporation.

3.3.6.2 - No building or structure shall be closer than one hundred (100) feet from existing Town roads and fifty (50) feet from any proposed private or public road.

3.3.6.3 - No building or structure shall be closer than two-hundred feet from existing residentially zoned or existing commercial or industrial zoned property unless it can be demonstrated, to the satisfaction of the Commission that a closer separation is appropriate. In No case shall the separation distance be less than fifty (50) feet.

3.3.6.4 - No land used for active recreation, exclusive of buildings, shall be located within twenty-five (25) feet of adjoining property lines, except for golf course tees, fairways and greens.

3.4 - Use Regulations:

3.4.1 - General: Permitted uses in the several Zones are listed in the description of a specific Zone, and all other uses are prohibited, except as stated herein. However, it is recognized that it is not possible to list every conceivable use that might be considered in a given zone. Uses not included in a specific Zone that are related or equivalent to a listed use and meet the stated intent shall be permitted subject to interpretation and approval by the Planning and Zoning Commission.

3.4.1.1 - Municipal facilities for the Town of Brooklyn are permitted in all zones, subject to site plan review.

3.4.1.2 - The use of a Mobile Home as a dwelling shall not be permitted in any zone.

3.4.2 - R10 Residential Zone:

3.4.2.1 - INTENT: This zone is intended to be primarily for relatively high density residential uses in established neighborhoods, with minimum lot size of 10,000 square feet. It is intended that this zone be served by public water and sewer.

3.4.2.2 - PERMITTED USES: The uses permitted in this zone are Single-family Dwellings, Duplex Dwellings, Multi-Family Dwellings, Accessory Uses, Home Office, Family Day Care Homes, and Collection Centers.

3.4.2.3 - ANIMALS: No animals are allowed in this zone other than dogs, cats, or household pets kept within the home.

3.4.3 - R30 Residential Zone:

3.4.3.1 - INTENT: This zone is intended to be primarily for medium density residential uses in established neighborhoods and in new development, with minimum lot size of 30,000 square feet, except in areas served by water and sewer.

3.4.3.2 - PERMITTED USES: The uses permitted in this zone are Single-family Dwellings, Duplex Dwellings, Multi-Family Dwellings, Accessory Uses, Home Office, Family Day Care Homes, and Collection Centers.

3.4.3.3 - ANIMALS: No animals are allowed in this zone other than dogs, cats, or household pets kept within the home.

3.4.4 - RA Residential - Agricultural Zone:

3.4.4.1 - INTENT: This zone is intended to be primarily for agricultural uses and for low density residential uses with a minimum lot size of 90,000 square feet (Effective Date 12/19/05)

3.4.4.2 - PERMITTED USES: The uses permitted in this zone are Agricultural, Residential (Single-family and Duplex Dwellings), Accessory Uses, Family Day Care Homes, Collection Centers, Churches, Enterprises in the Home, Public Schools, and Bed & Breakfast.

3.4.4.2.1 - Limited business enterprises that are located along State Highways may be allowed by special permit.

3.4.4.2.2 - Gravel Banks may be allowed by special permit.

3.4.4.3 - SITE PLAN REVIEW: All uses other than Agricultural or Residential (Single-family and Duplex Dwellings) are subject to Site Plan Review, as described in Article 4.

3.4.5 - VCD Village Center District:

3.4.5.1 - INTENT: The intent of this zone is to ensure the future character of the Town of Brooklyn Village Center District (VCD) not as a place "frozen in time," but as an active place where people live, visit and work. To accomplish this, the Commission, in accordance with Public Act 98-116, An Act Establishing Village Districts, will consider the design, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. The Village Center District includes the Brooklyn Green Historic District, as designated by the Department of Interior (9/23/82) and described in documentation held in the Town Clerk's Office. The conversion and preservation of existing buildings and sights in a way that maintains the historic, natural and community character of the area shall be strongly encouraged.

3.4.5.2 - PERMITTED USES: Residential, Municipal and Commercial uses, and Enterprises in the Home as described in Article 6, are permitted by Special Permit in accordance with Article 1.3 (Basic Requirements) and Article 5 (Special Permit Requirements) of these Regulations and with the general design standards and other regulations stated herein for the VCD.

3.4.5.2.1 - Trailers used for business, office and storage purposes shall not be permitted in this zone unless it is in connection with a Town permitted construction operation. In such instance the trailer may be placed for such purposes for a period of time not to exceed the duration of the construction project.

3.4.5.3 - MULTI-FAMILY DWELLINGS: Multi-family dwellings, with the exception of Elderly Housing as governed under Article 8 of these Regulations, shall, in addition to the requirements set forth in Article 7 of these Regulations, contain no more than three dwellings per structure.

3.4.5.4 - ACTIVITIES NOT PERMITTED: The following activities shall not be permitted in a VCD: Gravel banks, Halfway Houses (as defined in these Regulations), or Concrete, Asphalt or similar Construction Fabrication Facilities.

3.4.5.5 - PERMIT: A zoning permit may be issued by the Zoning Enforcement Officer without formal review by the Commission on any single-family dwelling in the VCD for routine maintenance, or for additions, alterations or other modifications not within view of the general public from any public roadway.

3.4.5.6 - APPLICATION AND COMMISSION DETERMINATION

3.4.5.6.1 - The applicant is encouraged (but not required), prior to the formal submission of a Special Permit request, to schedule an informal discussion with the Commission to present a conceptual plan of the proposed development. Such meetings shall not constitute a decision by the Commission nor be part of the formal application process.

3.4.5.6.2 - Applications for alterations, improvements, substantial re-construction or rehabilitation of contributing properties within the Brooklyn Green Historic District and in view of public roadways shall be consistent with The Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, revised through 1990, as amended, or the distinctive characteristics of the district identified in the municipal plan of conservation and development, as they apply to the exterior of structures and/or sites and shall be subject to review and recommendation by an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners, selected, contracted and paid for by the Commission and designated as "VCD Architectural Consultant" for such application. Alternatively, the Commission may designate as the village district consultant for such application an architectural review board whose members shall include at least one architect, landscape architect, or planner who is a member of the American Institute of Certified Planners.

3.4.5.6.3 - Applications for other new construction, substantial re-construction and rehabilitation of properties in the VCD and within view of public roadways shall be subject to review and recommendation by an architect or architectural firm selected, contracted and paid for by the Commission and designated as "VCD Architectural Consultant" for such application.

3.4.5.6.4 - The VCD Architectural Consultant shall review and report to the Commission within 35 days of the official receipt of an application. Failure of the VCD Architectural Consultant to report within 35 days shall not alter or delay statutory time limits. The report of the VCD Architectural Consultant shall be entered into the record of the public hearing and be considered by the Commission in making their decision.

3.4.5.6.5 - The Commission may additionally seek the recommendation of any Town or Regional Agency or outside specialists with which it consults, including but not limited to, the regional planning agency, the municipality's historical society, the Connecticut Trust for Historic Preservation, and The University of Connecticut College of Agriculture and Natural Resources. Any report from such agency or organization shall be entered into the record of the public hearing.

3.4.5.6.6 - If the Commission grants or denies an application, it shall state upon the record the reasons for its decision. If a Commission denies an application, the reason for denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality. An approval shall become effective in accordance with subsection (b) of section 8-3c.

3.4.5.6.7 - No approval of the Commission shall be effective until a copy thereof, certified by the commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the land records of the Town of Brooklyn. The Town Clerk shall index the same in the Grantor's index under the name of the then record owner and the record owner shall pay for such recording.

3.4.5.7 - VCD General Design Standards:

3.4.5.7.1 - Any new construction, substantial re-construction or rehabilitation shall be related harmoniously to its surroundings, the terrain and to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed new construction, substantial re-construction or rehabilitation.

3.4.5.7.2 - All spaces and structures and related site improvements visible to the public from public roadways shall be designed to add to the visual amenities of the area consistent with those having a functional or visual relationship to the proposed new construction, substantial re-construction or rehabilitation.

3.4.5.7.3 - The color, size, height, location, roof treatments, building materials, landscaping and proportion of openings of any proposed new construction, substantial re-construction or rehabilitation, and whatever signs and lighting which may be proposed for such uses, shall be evaluated for compatibility with the architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed new construction, substantial re-construction or rehabilitation, and the maintenance of views, historic buildings, monuments and landscaping.

3.4.5.7.4 - The removal or disruption of historic, traditional or significant structures or architectural elements shall be minimized.

3.4.5.7.5 -- All development in the village district shall be designed to achieve the following compatibility objectives: with other uses within the immediate neighborhood of the proposed development: (1) the arrangement and orientation of any proposed building or site improvement shall be similar in the immediate neighborhood; (2) the building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district; (3) proposed streets shall be connected to the existing district road network, wherever possible; (4) open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting; (5) locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district, shall be integrated into the site design; (6) the landscape design shall complement the district's landscape patterns, and reinforce functional qualities; (7) the exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and (8) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

3.4.5.7.6 - Commercial development shall not result in large volumes of traffic (more than 350 vehicles per day) or continuous customer turnover (more than 35 vehicles per hour on average) nor operate for the public after the hours of 9:30 p.m. nor prior to 7:00 a.m. With the exception of banks, no drive-through service windows shall be permitted.

3.4.5.7.7 - The Commission may require the applicant to present a traffic survey conducted by a qualified traffic engineer evaluating the impact of the anticipated traffic on the safety and congestion of traffic flow on the public roadway, and on pedestrian use in front of the property. The Commission may require such measures as are necessary to ensure pedestrian and vehicular

safety and ease of travel, including limiting access to and from the parking area to right turns only, and requiring other measures to enhance visibility for persons exiting from the parking area and for drivers and pedestrians on the public roadways.

3.4.5.7.8 - No use shall be permitted which generates noise which is objectionable and out of harmony with the surrounding uses due to volume, intermittence, beat frequency or shrillness outside the property where it originates, as cited in Article 12.2 of these Regulations.

3.4.5.7.9 - Each application for commercial use shall include a plan detailing landscaping for those areas within public view, prepared in accordance with Article 11 of these Regulations.

3.4.5.7.10 - Signs shall be in conformance with Article 10.4 (Signs Permitted in the Village Center District) of these Regulations.

3.4.5.8 - Dimensional Standards:

3.4.5.8.1 - Minimum Lot Area. The minimum lot area shall be thirty-thousand (30,000) square feet, or the area of the existing lot, whichever is smaller. The thirty-thousand square feet minimum lot area may be reduced by either or both of the following factors: (2/8/2003)

3.4.5.8.1.1 - By 25% if municipal sewer services are available and utilized.

3.4.5.8.1.2 - By 25% if municipal water services are available and utilized.

3.4.5.8.2 - Percentage of Coverage: Not more than 80 percent of any lot area may be covered by buildings and/or impervious paving material.

3.4.5.8.3 - Lot Dimensional Requirements:

3.4.5.8.3.1 - Lot Width: Minimum lot widths shall be 60 feet at the building setback line.

3.4.5.8.3.2 - Front Yard: Except in the case of a corner lot, the minimum front yard shall not be less than the smaller of the two buildings immediately adjacent on either side of the proposed use, or 10 feet from the ultimate right-of-way of a public roadway, whichever is greater.

3.4.5.8.3.2.1 - To ensure adequate visibility at intersections, a corner lot shall require a front yard on each public roadway which is equal to the front yard of the adjacent building on each public roadway frontage, or 15 feet, whichever is greater.

3.4.5.8.3.3 - Side Yard: Two side yards shall be required that shall not be less than 16 feet in aggregate width and not less than 8 feet in minimum width each. This requirement shall not apply to corner lots.

3.4.5.8.3.4 - Rear Yard: A rear yard shall be required that shall not be less than 10 feet in depth. This requirement shall not apply to through lots.

3.4.5.8.4 - Maximum Building Dimensions

3.4.5.8.4.1 - Maximum Building Width: In no instance shall the horizontal dimension exceed 100 feet fronting a public roadway.

3.4.5.8.4.2 - Maximum Building Height: Buildings shall be no more than two stories, and shall not exceed 35' in height exclusive of spires, cupolas or similar attachments.

3.4.5.8.4.3 - Maximum Building Size: Individual buildings shall not exceed 5,000 square feet of gross floor area provided, however, that the Commission, upon application for a special permit, may permit buildings of a larger size upon satisfaction by the applicant of all of the standards for the grant of all special permits set forth in Article 5 of these regulations.

3.4.5.8.5 - Accessory Use Setback: Setbacks for accessory uses shall not be less than 8 feet. Accessory structures of 100 square feet or more shall not be allowed in the front yard.

3.4.5.9 - Parking Requirements

3.4.5.9.1 - The following requirements are in addition to the requirements set forth in Article 3.6 of these Regulations.

3.4.5.9.2 - Parking shall not be permitted in any front yard except in the case of a through lot or a corner lot, in which case the Commission, upon application for a special permit, may permit parking in any front yard upon satisfaction by the applicant of all of the standards for the grant of all special permits set forth in Article 5 of these regulations.

3.4.5.9.3 - Parking areas shall be setback from buildings by at least 8 feet, and shall be setback from property lines by at least 5 feet (except where shared parking has been approved).

3.4.5.9.4 - The use of hard-surfaced materials that provide an aesthetic alternative to bituminous concrete for parking areas is encouraged. Materials that are consistent with the historic character of the VCD, such as cobblestone or brick, or materials which imitate these, are recommended.

3.4.5.9.5 - Common or Shared Parking: The owners of two or more adjacent lots may elect to share common parking facilities. The following regulations shall apply to such parking facilities:

3.4.5.9.5.1 - An agreement shall be submitted with the application for a Special Permit, signed by all affected lot owners, accompanied by a plan showing the location of all proposed parking, parking reserve area, access ways, any easements or rights-of-way, and all buildings which will use the parking area. If approved, the appropriate legal instruments shall be filed with the Special Permit.

3.4.5.9.5.2 -The aggregate number of parking spaces required for all uses which will share the common parking area may be reduced up to a maximum of 25 percent upon application for a special permit and upon satisfaction by the applicant of all of the standards for the grant of all special permits set forth in Article 5 of these regulations

3.4.5.9.5.3 - Regardless of the number of parking spaces actually developed, a parking area to accommodate the aggregate number of required parking spaces shall be fully designed, and the area which is not to be developed set aside as "Parking Reserve Area." The area set aside as Parking Reserve Area shall be landscaped according to an approved plan.

3.4.5.10 - Lighting: All lighting shall be situated and sized so as not to result in hazardous interference on abutting properties or public roadways, nor result in beams onto public roadways or adjacent buildings. Lighting that is intermittent, flashing, rotating or moving is prohibited.

3.4.5.11 - Utilities, Solid Waste, and Recyclable Materials

3.4.5.11.1 - Utilities: New electric, telephone and television cables, and other utility wires, shall be installed underground. The Commission may waive this requirement, based on a written report by the applicant, if the applicant demonstrates to the satisfaction of the Commission that such underground installation is inappropriate or not feasible for all or part of the proposed development. In making such determination the Commission may take into account the type of service existing in the adjacent area, topographic and construction conditions, and the size of the proposed development.

3.4.5.11.2 - Solid Waste and Recyclable Storage: Solid waste and materials awaiting recycling shall be stored inside a building or structure, or within an outdoor screened area which shall not be more than six feet in height and be placed in such a manner that the stored materials are not visible from public roadways or adjacent properties.

3.4.6- NC Neighborhood Commercial Zone

3.4.6.1- Intent: This is intended for transitional areas, where it is appropriate for residential buildings to be converted to neighborhood oriented commercial use or for new structures to blend in to the character and scale of the neighborhood.

3.4.6.2 - Permitted Uses

Single Family Residential in conformance with the requirements of R-30 zone

Duplex Dwellings

Multi-Family Residential (in accordance with Article 7 of the Zoning Regulations)

Retail Uses with a maximum gross floor area of 2,000 square feet for each individual establishment. The maximum floor area for retail use may be waived by a three-quarters affirmative vote of the authorized number of regular members of the commission if the applicant can provide information verifying suitability of the parcel, supporting utilities, access roads, and suitability in the neighborhood context for the proposed retail operation. A change of tenants requires review by the Planning and Zoning Commission to insure that the original conditions still apply. (8/7/2002)

Offices, business or professional
Personal Services
Banks and financial institutions
Restaurants (except fast food and drive in restaurants)
Medical Offices
Day Care Center
Funeral Parlors
Home Industry
Mixed Occupancy Uses
Health and Membership Clubs
Child Day Care Center, Group Day Care Home, Family Day Care Home

3.4.6.3 - Bulk Requirements: All the following requirements shall apply to new buildings or additions to existing buildings. All buildings in existence at the time of the adoption of this regulation shall be considered to be in conformance with these regulations.

Maximum Building Height 35'
Maximum Building Coverage 20%
Minimum Front Yard 20'
Minimum Rear Yard 20'
Minimum Side Yard 10'
Maximum Impervious Surface Coverage 80%

3.4.6.4 - Additional Parking Requirements

3.4.6.4.1 - No parking facilities, other than an access drive, shall be permitted in the front yard.

3.4.6.4.2 - The Planning and Zoning Commission may reduce the number of spaces required, under the following circumstances.

3.4.6.4.2.1 - It is demonstrated that the total demand for parking of different uses on the site will occur at different periods of time. If shared access and parking is provided for adjacent properties, the uses on both properties may be considered in determining the feasibility of shared parking.

3.4.6.4.2.2 - The required number of spaces cannot be provided in the side and rear yards of the property without adverse impacts on the overall quality of the neighborhood.

3.4.6.4.2.3 - The shared use of a common point of access to serve more than one property shall be encouraged. A maximum building coverage of 25%, and a maximum impervious surface coverage of 85% shall be permitted for properties that share a common point of access instead of individual points of access on each parcel. Such shared access shall be secured by a mutual access easement or other appropriate legal instrument that provides for permanent shared access.

3.4.6.5 Change of Use - Change of use may require site plan review depending on the complexity and impact of the change. Staff may approve changes of use, if the request is in compliance with the zoning regulations in effect on the date the application was submitted.

Adopted - October 4, 2006

Effective October 30, 2006

3.4.7 - RB Restricted Business Zone

3.4.7.1 - Intent: This zone is intended only for uses that generate low volumes of traffic. The zones are located along State Highways that have limitations with regard to holding capacity, sight line and general safety. This zone attempts to allow commercial activity that does not overburden the road and its ability to serve through traffic.

3.4.7.2 - Permitted Uses:

Single Family Residential in conformance with the requirements of R-30 zone.

Duplex Dwellings

Multi-Family Dwellings (in accordance with Article 7 of these Regulations)

Medical Offices

Day Care Center

Health and Membership Clubs

Offices, business or professional

Personal or Business Services

Museum or Historical Site

Motor Vehicle Repair only when sanitary sewers are available

Mixed Occupancy Uses

Child Day Care Center, Group Day Care Home, Family Day Care Home

Restaurants (excluding drive-thru and fast food)

Retail uses with a maximum gross floor area of 2,000 square feet for each individual establishment for new construction. Existing structures are exempt from this requirement, but not expansions to those structures. The maximum floor area for retail may be waived by a three-quarters affirmative vote of the authorized number of regular members of the commission if the applicant can provide information verifying suitability of the parcel, supporting utilities and access roads for the proposed retail operation. A change of tenants requires review by the Planning and Zoning Commission to insure that the original conditions still apply. (8/7/02)

Uses by Special Permit:

Storage and Distribution of bulk products: landscaping products, heating oil, propane, building products on properties, by special permit.

Adopted 1/02/08
Effective 1/28/08

3.4.7.3 - Bulk Requirements: Maximum Building Coverage 20% and Maximum Impervious Surface Coverage 80%

3.4.7.4 - Additional Off-Street Parking Requirements: The shared use of a common point of access to serve more than one property shall be encouraged. A maximum building coverage of 25%, and a maximum impervious surface coverage of 85% shall be permitted for properties that share a common point of access instead of individual points of access on each parcel. Such shared access shall be secured by a mutual access easement or other appropriate legal instrument that provides for permanent shared access.

3.4.7.5 Change of Use - Change of use may require site plan review depending on the complexity and impact of the change. Staff may approve changes of use, if the request is in compliance with the zoning regulations in effect on the date the application was submitted.

Adopted - October 4, 2006
Effective October 30, 2006

3.4.8- PC Planned Commercial Zone

3.4.8.1 - Intent: This zone is intended to be the principal commercial area of the Town, for retail shopping centers and compatible uses.

3.4.8.2 - Uses: All uses within the PC zone are special permit uses, requiring special permit approval pursuant to Article 5, and further requiring site plan approval pursuant to Sections 4.5 and 4.5.7, inclusive. The following uses are allowed by special permit:

- Retail stores (when all merchandise is totally enclosed within a building)
- Medical, Professional or Business Offices
- Business Services
- Personal Services
- Banks and Financial Institutions
- Banquet and Catering Establishments
- Hotels and Motels
- Gasoline stations and automotive service
- Restaurants (including Fast Food Restaurants)
- Health and Membership Clubs
- Florists, Nurseries and Greenhouses
- Day Care Center, Group Day Care Home, Family Day Care Home
- Community Center Buildings

Automotive Sales and Rental
Gasoline Stations and Automotive Service
Theaters
Mixed Occupancy Uses

3.4.8.3 - Dimensional Requirements:

Front yard:

If no parking or driveway between building and street - 30' minimum

If parking or driveway between building and street - 45' minimum

Rear yard - 20' minimum

Side Yard - 10' minimum

Building Height:

1 or 2 story buildings - 30' maximum

3 story buildings - 40' maximum

Number of Stories - 2 maximum, however, maximum 3 stories for any part of a building greater than 200' from a property line and greater than 200' from a residential zone. By special exception, the Planning & Zoning Commission may allow 1 or 2 story buildings up to 40' in height, if the Commission determines that the proposal is otherwise in general conformity with the intent of the regulations.

Lot Coverage with impervious surfaces:

65% maximum (includes gravel type surfaces - 5% impervious coverage bonus for consolidated lots - 5% impervious coverage bonus for access management (see Section 3.4.8.4))

Lot Size - 40,000 sq. ft. minimum

Lot Frontage - 150' minimum

Lot coverage with buildings - 50% maximum

Required buffers are in addition to required yards.

3.4.8.4 - Access Management: Where feasible, all PC developments shall employ access management measures, which reduce congestion and improve traffic and pedestrian safety (e.g., a shared access driveway). Where it can be demonstrated to the satisfaction of the Commission that access management measures have been incorporated into the site design, which have or will be served by a mutual access easement and other appropriate legal instruments, the maximum lot coverage with impervious surfaces may be increased by an additional 5%.

3.4.8.5 - Site Changes: By an affirmative three-quarters vote of the authorized number of regular members of the Commission, the Commission may waive a special permit application for modifications to an approved site plan, including but not limited to change of use, which is deemed by the Commission to be insignificant and to have negligible impacts on traffic, the neighborhood, or the environment, and the quality, aesthetics, and function of the site are maintained or improved. Site plan approval for those modifications, however, may be required pursuant to Article 4.

3.4.8.6 – Architectural/Design Review Committee: The Commission shall establish an Architectural/Design Review Committee in order to advise the Commission on an applicant's proposed site plan as it pertains to the architectural and landscape architectural features of the development.

Accordingly, the applicant's agents, specifically the architect and landscape architect, in advance of the applicant's public hearing, shall request to be placed on the committee's meeting agenda, and then shall present to the committee the proposed site's architectural and landscape architectural design, including but not limited to those features which will influence the physical appearance of the site, as viewed by the public within and external to the site. Such features to be presented are: outdoor lighting (including isometrics, fixture and pole style, characteristics and placement, adequacy for pedestrian and vehicular circulation and safety, potential for glare or excessive illumination on or off the site, and the use of lighting to enhance the building's façade); the adequacy of measures to screen mechanical equipment from public view (whether roof-, building-, or ground-mounted); the adequacy of measures to screen dumpster and other refuse/recycling containers/areas; the aesthetics and effectiveness of landscape buffer treatments, including plant materials/size at installation, fencing, walls, berms or other elements; the aesthetics and scale/form/massing/style of proposed buildings and other structures, including architectural elevations (all sides), with building-mounted signs, including the building's colors and materials; how the landscape architectural elements around the proposed building (s), parking lot (s), entrance drives, pervious surfaces, and pavement selections serve to enhance and complement the site's aesthetics and function; aesthetics, material composition, geometry, and location of proposed pedestrian sidewalks and walkways through vehicular circulation areas; aesthetics, dimensions, style, height, color, location, lighting function, safety and material characteristics of all proposed signage.

3.4.8.7 – Consultant Review: The Commission may engage consultants (e.g., Consulting Town Planner, Consulting Town Engineer, Consulting Town Landscape Architect) to review the application (s) within the PC Zone, to prepare written findings and recommendations, to prepare oral testimony for the public hearing (s), to act as the Commission's agents, to meet with the applicant and the applicant's agents prior to or during the application review process, and to function as or to advise the Architectural/Design Review Committee. If the Commission does engage consultants for any of these services for the subject application, the applicant shall be required to reimburse the Town for the costs of such consulting services. The Commission or Town shall set up a payment schedule/policy for said reimbursement payments. (Date of approval 9/21/05)

3.4.8.8 Change of Use - Change of use may require site plan review depending on the complexity and impact of the change. Staff may approve changes of use, if the request is in compliance with the zoning regulations in effect on the date the application was submitted.

Adopted - October 4, 2006
Effective October 30, 2006

3.4.9- I-1 Industrial Zone

3.4.9.1 - INTENT: This zone is intended to be the principal industrial area of the Town for enterprises that generate large volumes of traffic, congestion, and noise.

3.4.9.2 - PERMITTED USES:

Dry Cleaning, Laundry, where municipal sewers are available and used.

Light Manufacturing

Manufacturing, Processing, or Assembling of Goods

Offices, Business or Professional

Printing, Publishing, or Reproduction

Restaurants

Retail Store associated with a Permitted Business

Storage Warehouses

Wholesale Business

Gravel Banks (see Article 13).

3.4.9.3 - ADULT ENTERTAINMENT ESTABLISHMENTS: Adult Entertainment Establishments shall be permitted in an Industrial Zone. No such establishment shall be permitted within a five hundred (500) foot radius of any residential zone. Measurement of the five hundred (500) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult entertainment establishment will be situated. Such establishments shall conform to any and all applicable zoning regulations.

3.4.9.4 - LANDSCAPING AND BUFFERING: The standards of Article 11 must be met, with the following additional requirements:

3.4.9.4.1 - Landscaping: Building or structures used in this Zone shall be provided with landscaping, including grass or shrubbery or trees or a combination thereof, in the area required for setback of buildings and other structures from street lines.

3.4.9.4.2 - Buffer Strip: Where a side or rear yard adjoins a Residential Zone, a green belt of at least twenty five (25) feet in depth, landscaped with trees and shrubbery, shall be maintained.

3.4.9.5 - CONVERSION: Conversion of industrial facilities and properties may be allowed by special permit (see Article 5) for multi-function uses such as outdoor special events (e.g. antique of craft shows, musical or other performances), retail outlets as well as all uses permitted herein.

3.4.9.6 Change of Use - Change of use may require site plan review depending on the complexity and impact of the change. Staff may approve changes of use, if the request is in compliance with the zoning regulations in effect on the date the application was submitted.

Adopted - October 4, 2006

Effective October 30, 2006

ARTICLE 3.4.9.7 MILL MIXED USE DEVELOPMENT DISTRICT

3.4.9.7.1 Intent.

a. The intent of the Mill Mixed Use Development District (hereinafter referred to as MMUD District) is to provide the opportunity to fully utilize former mill structures and related properties that are part of the Town's landscape, character, and history. They are also places of economic activity and economic opportunity. Recognizing the unique and special characteristics of these mill structures the Town has established a special district to protect and maximize their potential. Specifically, this regulation is intended to:

1. Provide maximum flexibility for the development and enhancement of mill properties;
2. retain the potential for business and industrial development in specified mill locations while permitting residential development;
3. foster a greater opportunity for creative development which encourage a mix of uses (residential, commercial, and industrial) within former mill buildings;
4. to enhance business vitality, and provide employment opportunities;
5. to enhance and protect the Town tax revenues, and;
6. encourage the development of flexible space for small and emerging businesses.

3.4.9.7.2 General Requirements.

a. All uses shall be served by public water and sewer. The requirement for public water may be waived in whole or in part by the Commission if the applicant can establish, to the satisfaction of the Commission, that potable water requirements can be realized through on-site systems. A request for a waiver shall be submitted in writing by the applicant at the time application is made. The request shall detail the extent of the waiver requested and contain sufficient data for the Commission to make the findings required above. No waiver of the public water requirements shall be allowed unless the commission affirmatively determines that such waiver shall not create any liability on behalf of the Town of Brooklyn. The applicant shall submit a written report on the adequacy of the proposed alternative water supply system of each proposed building lot and/or use prepared by a Professional Engineer licensed to practice in the State of Connecticut certifying either that each lot and/or use is satisfactory for private water supply systems constructed in accordance with the standards of the State of Connecticut or specifying the location or conditions under which such systems would meet such standards. All technical work done in conjunction with the submission of such applications shall be done by a State of Connecticut Professional Engineer in accordance with the Rules and Regulations of the State Board of Professional Engineers and Land Surveyors, dated January 1, 1996, as amended. The applicant shall further re-

quest and secure documentation from the Northeast District Department of Health that they concur with the findings of the applicant's engineer.

b. All developments shall be reviewed for compatibility with the Brooklyn Plan of

Conservation and Development and be supportive of the public health, general welfare and safety of the community, including adequate provision of public facilities and a minimum number of access points on existing roads.

c. Property shall, at the time application for MMUDD designation is made, have a mill structure located on site, including but not limited to the following:

1. Tiffany Street

Properties designated as MMUDD shall be subdividable.

d. The commission may, at its discretion, hire a third party consultant, after consult with the applicant, to aid the commission in its review. Fees charged will be borne by the applicant.

3.4.9.7.3 Definitions.

a. For the purpose of these Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word Regulations means these Regulations; shall is always mandatory; may is permissive.

1. Mill Structure shall mean a structure, currently or formally used for industrial purposes, which has been abandoned, idled, or underutilized where expansion or redevelopment is complicated by real or perceived environmental contamination and/or site development costs and which offers potential for new or enhanced development.

2. "Rooming and/or Boarding House" shall mean a building or structure or part of a building or structure kept, used or advertised as or held out to be a place where sleeping accommodation is furnished to roomers whether for remuneration, compensation or not, but shall not include a hotel, hospital or nursing home.

3.4.9.7.4 Allowable Uses by Special Permit.

a. All Industrial, Commercial and Residential uses not prohibited under Section 3.4.9.7.5, subject to the performance and compatibility standards in Section 3.4.9.7.6 of this section and the application and permitting requirements of Subsection 3.4.9.7.7 are permitted by Special Permit.

b. Within the MMUD District there shall be no restriction on combining different categories of use, provided such uses conform with the compatibility and performance

standards found in Section 3.4.9.7.6, within the same building except any imposed by the State Building Code or other federal, state, or local regulations.

- c. An erosion and sedimentation control plan shall be required when the proposed development will result in a disturbed area that is cumulatively more than one-half acre in size, or when the Commission determines that special site conditions warrant such a plan.

Section 3.4.9.7.5 Prohibited Uses.

- a. Adult Entertainment uses
- b. Animal sales
- c. Animal Agriculture
- d. Automobile or truck sales
- e. Bulk storage or manufacture of materials or products¹ that could decompose by detonation
- f. Camps (day/boarding)
- g. Car Wash
- h. Equestrian Stables (unless the property has ten (10) acres or more)
- i. Cemeteries
- j. Churches
- k. Collection Centers
- l. Dog Kennels
- m. Drive-up services associated with any commercial use (other than banks)
- n. Letting Of Rooms

¹ These materials include primary explosives such as lead azide, fulminates, lead styohmate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hvdrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetvlides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, oerchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239.

- o. A facility that contains or conducts research involving Biological Safety Level-3 (or the equivalent term Risk-Group-3) classification or higher.
- p. Rendering
- q. Rooming and/or boarding House
- r. Seasonal Camping/Tents
- s. Service Stations

3.4.9.7.6. Performance and Compatibility Standards.

a. Compatibility

1. All new uses shall demonstrate, to the satisfaction of the Commission, that any such new uses (in addition to meeting the requirements of this section) are compatible with all existing uses and will negatively impact the general neighborhood.

a) Any new buildings or accessory structures shall relate harmoniously to each other with adequate light, air circulation, separation between buildings and, to the extent practicable, shall be in harmony with the existing district.

b) Buildings or structures that are listed on the National Register of Historic Places shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on the State or National Register of Historic Places.

b. Access and Traffic Impacts

1. Traffic and safety impacts to the existing and proposed roads shall be minimized.

2. Access shall be provided to the extent feasible through an existing side street or a shared driveway; curb cuts shall be limited.

3. Pedestrian and vehicular traffic shall be separated;

4. Walkways shall be provided for access to adjacent properties and between businesses.

c. Nuisance Avoidance

1. Uses shall cause no inherent and recurring generated vibration perceptible without instruments at any point between two or more uses or along a property line. Temporary construction is excluded from this restriction.

2. Smoke shall not be visible beyond a shade darker than No. 1 on the Ringleman Smoke

Chart.

3. Heat and glare generated from within a structure or use shall not be discernible from the outside of any structure.
4. Odor, dust, and fumes shall be effectively confined to the premises or so disposed as to avoid air pollution.
5. No activities involving bulk storage or manufacture of materials or products that could decompose by detonation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styhonnate, and tetracene; high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetvlides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, oerchloric acid. perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage. handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Brooklyn Planning Department, and Fire Marshal.
6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular p hone, etc, except equipment belonging to the creator of the electrical radiation.
7. No use abutting residential use shall engage in or cause very loud activities between the hours of 9 P.M. of one day and 7A.M. of the following day.
8. Non-residential uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.
9. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.

d. Lighting

1. A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights, and orientation of all luminaires and light distribution patterns is required.
2. Parking areas shall be illuminated to provide appropriate visibility and security during

hours of darkness.

3. Exterior lighting shall be architecturally integrated with the building style, material and colors.
4. Exterior lighting of the building and site shall be designed so that light is not directed off the site, including above the site and the light source is shielded from direct offsite viewing.
5. Fixture mounting height should be appropriate for the project and the setting. Use of low, bollard-type fixtures, three to four (3-4) feet in height is encouraged as pedestrian area lighting. The mounted height of fixtures in smaller parking lots or service areas should not exceed sixteen (16) feet, with lower mounting heights encouraged, particularly where adjacent to residential areas or other sensitive land uses.
6. Raised light pole bases shall be attractively designed and well-detailed to be compatible with the overall project.
7. The use of vandal resistant well lighting is encouraged for lighting monument signs.
8. All parking areas and pedestrian facilities serving non-residential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn that those facilities are open to the general public.

e. Residential Use Restriction

1. Residential uses created within the MMUD District shall have a note placed on the deed to the parcel notifying potential buyers of the probability of non-residential uses elsewhere on the district site. Such note shall state: *"This property is currently part of a Mill Mixed Use Development District which allows a variety of non-residential uses within the same district and on the same site."*
2. Residential buildings to be constructed or rehabilitated shall be designed to filter out noise and vibration through construction employing, but not limited to, such techniques as applying soundproofing material between dwelling units laterally and vertically, and between different uses; employing staggered joists and insulation.
3. Residential density will be limited to the density of the abutting residential zoning district. When two or more districts abut the MMUD District, the highest allowable density shall prevail.
4. For any development involving more than 15 residential units in total, it shall be a condition precedent that at least 15% of the total project cost shall be allocated to improvements to the existing mill structure. This minimum shall be determined by the commission based upon cost estimates submitted by a duly licensed engineer or architect. This requirement is based upon the importance - historical, cultural, economic and aesthetic, in maintaining and rehabilitating these mill structures.

This requirement may be met by either actual mill structure construction prior to the issuance of residential building permits outside of the mill structure or by surety acceptable to the town, together with an acceptable concept plan and time line for completion of mill improvements.

5. Residential uses (apartment and condominium units) shall be permitted in existing structures and shall consist of not less than eight-hundred (800) square feet of livable space.

f. Buffers, Density and Height

1. Where a MMUD District abuts a residentially zoned property, a buffer strip of seventy-five (75') feet shall be required for any new non-residential development. Such buffer shall be planted with year-round screening vegetation adequate to buffer the view from the residential zone. Preservation of existing trees and vegetation is preferred where they provide desired screening.

2. Where the MMUD District abuts a residentially zoned property, a buffer strip equal to the abutting setback requirements shall be required for any new residential development.

3. To reduce the bulk and area of buildings and pavement relative to the overall size of the development; and to provide landscaped areas for visual and sound-buffers, increased groundwater recharge and reduced stormwater runoff, the total area of any MMUD District that may be covered by buildings and paved surfaces shall not exceed fifty (50) percent. The Commission may allow by Special Permit an increase to a maximum of sixty (60) percent impervious coverage when the Commission finds that one or more of the following benefits of the development outweigh the impacts of the increased impervious coverage:

a) The use of grass/pavement block systems or similar treatment reduces storm water runoff; and/or

b) The development achieves an overall benefit to the community such as elimination of blight conditions, preservation of historic structures, closure of excessive curb cuts, provision of inter-parcel access or service roads or similar benefit.

4. Maximum Building heights shall be as follows:

a) Residential - thirty-five (35) feet

b) Commercial - forty (40) feet

c) Industrial - forty (40) feet

5. For existing mill structures:

a) Telecommunication facilities, water tanks, solar collection systems, similar structures and necessary mechanical appurtenances may be erected on an existing mill

structure to a height greater than the limit established for the MMUD District provided that no such exception shall cover at any level more than twenty-five percent (25%) of the area of the roof on which it is located, except for a solar collection system which may cover more than twenty-five percent (25%) of the area of the roof on which it is located if the architectural design and layout is compatible with that of the structure to which it is affixed and generally in keeping with the character of the neighborhood in which it is to be situated; and provided further that no such exception shall be used for residential, commercial or industrial purposes other than such as may be incidental to the permitted use(s) of the main structure.

b) Roof structures and/or roof lines may be integrated together where more than one roof line or roof style is present to which it is affixed and generally in keeping with the character of the neighborhood in which it is to be situated; and provided further that no such exception shall be used for residential, commercial or industrial purposes other than such as may be incidental to the permitted use(s) of the main structure.

6. The height limitations of these Regulations for new construction shall not apply to chimneys, gables, cupolas, spires, water towers, flag poles, transmission towers and cables, radio or television antennae or towers or telecommunication service facilities provided that the telecommunication facility, and its antenna(s) or associated equipment does not extend more than five (5) feet above the highest point of the building or structure to which it is attached.

g. Outdoor Storage and Sales Display

1. Except as specified below, outdoor storage or display of goods shall be enclosed within permanent walls or fences integrated into the design of the building.

a) Storage or display racks and goods thereon shall not exceed the height of screening walls or fences.

b) Goods shall not be displayed in landscaped areas, on exterior walls, or in parking lots.

c) The Commission, at its sole discretion, may permit the outdoor display and sale of merchandise on sidewalks if a written request accompanies the application stating the nature of the outdoor sales including: the location, duration, and types of merchandise to be sold.

d) Outdoor display areas shall be delineated on the Site Plan and/or Concept Plan and shall not impede the normal use of sidewalks or other pedestrian walkways.

e) No vending machines shall be allowed outside of any buildings.

f) All materials, supplies and equipment shall be stored in accordance with Fire Prevention Standards of the National Board of Fire underwriters and shall be screened from view from public ways and abutting properties.

h. Waste Disposal

1. Garbage or recycling dumpsters/compactors shall have doors or lids that shall remain closed when not being loaded or unloaded and shall be contained in masonry enclosures supplemented with landscaping if necessary.
2. No delivery, loading, trash removal, compaction or other similar operations shall be permitted between the hours of 8:00 p.m. and 6:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions.

i. Signs

1. Signs shall conform to the Brooklyn Zoning Regulations for each use on the site and, in addition to those requirements, the following:
 - a) All signs shall be architecturally integrated with their surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the building and are not in visual competition with other signs in the area.
 - b) Signs shall be proportionate to the dimensions of their location.
 - c) All signs shall complement their surroundings without competing with each other, shall convey their message clearly and legibly, shall be vandal-proof and weather resistant, and if illuminated, shall not be overly bright for their surroundings.
 - d) Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing.
 - e) New signs proposed for existing buildings shall provide a compatible appearance with the building signage of other tenants. With multiple signs on a single building, attempt to bring in a unifying element (such as size), even where no sign program exists.
 - f) New construction design shall anticipate signage and, where necessary, a sign program. New building design should provide logical sign areas, allowing flexibility for new users as the building is re-tenanted over time. Designs which provide for convenient and attractive replacement of signs are encouraged.
 - g) The use of roof signs shall be prohibited.
 - h) Freestanding signs shall not be greater than five (5) feet in height. Monument sign materials shall reflect the character of the use and the building the sign identifies.
 - i) Free-standing sign bases shall be made of permanent, durable materials such as concrete or brick. Bases made of texture-coated sheet metal are discouraged.
 - j) Landscaping and irrigation shall be designed around the base of freestanding signs to integrate the sign with the ground plane and screen out any low level flood lights. Irrigation shall be designed so it does not damage the sign.

k) Freestanding signs on poles which have a top-heavy appearance are discouraged.

l) Driveway directional signs shall only be used for projects where circulation is complex and traffic must proceed through the site along a specific path for service. Where the layout of the parking lot and driveways are obvious and clearly apparent to the driver entering from the street, directional signage is not appropriate. When not appropriate or needed, such signage can visually clutter the site and will be discouraged.

m) Any external spot or flood lighting shall be arranged so that the light source is screened from direct view by passersby, and so that the light is directed against the sign and does not shine into adjacent property or blind motorists and pedestrians.

j. Landscaping Requirements

1. Existing trees shall be maintained as practicable and any new trees shall be carefully selected and located where they will complement the building elevation and shall not block all retail storefront signage from view.

2. Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.

3. Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic.

4. Shrubs or trees that die shall be replaced within one growing season.

5. All new plant materials shall be sized so that the landscaping has an attractive appearance at the time of installation and a mature appearance within three years of planting.

6. All proposed shrubs except accent, color or ground cover planting shall be a minimum of 5 gallon size. Shrubs and ground cover plants shall be spaced close enough together to ensure an attractive and mature planting effect.

7. Energy conservation within structures shall be addressed by recognizing the sun exposure on the site and providing or maintaining appropriate tree species (deciduous trees on the southern exposure, coniferous and broadleaf evergreen trees along the eastern and western exposures, and evergreens along the northern exposure.)

8. Tree species, when additional trees are proposed, should be selected with root growth habits that will not cause damage to sidewalks, or such tree species should be sited away from such hardscape areas.

9. Landscaping plans shall show all obstructions such as street lights, meters, backflow devices, utility covers, transformers, and similar objects which may affect plant placement and installation limitations.

10. When constructing new landscape planting areas on surfaces which were previously covered by pavement or structures, all existing asphalt, base rock or other deleterious material shall be removed to the depth of the native soil and clean soil shall be used to backfill the planting area.

11. All exposed dirt areas shall be covered with bark or mulch or other weed control measures included as part of final landscape

12. Street tree placement shall include consideration for vehicle line of sight, entrance and exit curb cuts, street light and traffic control devices, and other site specific conditions as part of design review process.

k. Parking and Loading Areas

1. Parking shall conform to Article 2.1 and additionally shall meet the following standards:

a) Parking lots shall provide well defined routes for vehicles, delivery trucks, and pedestrians.

b) Loading areas visible from a public street or adjacent property shall be screened with masonry walls supplemented by landscaping if necessary.

c) To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking aisles, and the location and pattern of primary driveways, and to provide pedestrian walkways where appropriate.

d) Parking areas shall be screened from adjacent residential uses, streets, and walkways using trees and shrubs adapted to the region, of specimen quality conforming to the American Standard for Nursery Stock, American Standards Institute, Inc., 230 Southern Building, Washington, DC 20005, and shall be planted according to accepted horticultural standards. Berms may be used for screening along the street in conjunction with plant materials.

e) Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be submitted to reduce total required parking. A reserve area for future development shall be provided on the Site Plan.

f) The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material, groundwater supplies, and to reduce problems associated with runoff.

g) Within the Town's right-of-way all curbing shall be constructed of concrete. However, the Town Engineer may waive this requirement, when in his/her opinion the use of concrete curbing is not necessary.

I. Medical and/or Biological Research

1. In the establishment, operation, and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease Control will apply. No facility shall contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk-Group-3) classification or higher.

3.4.9.7.7 Applications and Permit Procedures.

a. Before an application is made, it is suggested that the applicant become familiar with the regulations contained in this section as well as those contained in Article 5 which addresses Special Permits and Article 4 which addresses Site Plan, and consult with the Planning and Zoning Commission and/or planning department office for other regulations to consider and for any clarifications.

b. There are two application procedures for development in the MMUD District:

1. A Concept Plan application for the entire MMUD District without a Special Permit application for specific land uses and

2. A Special Permit application for each proposed use within the MMUD District.

c. Concept Plan Application.

1. Purpose. The Concept Plan is intended to illustrate the general development plan and expected land uses without requiring the detail and expense of the Site Plan required as a part of a Special Permit submittal.

2. Exemptions.

a) The Concept Plan is not required when the Site Plan submitted with a Special Permit application includes all proposed uses and development in the entire MMUD District.

b) The Concept Plan is not required when the proposed development is restricted to an existing mill structure and development directly related to such mill structure (parking, landscaping, signs, etc....).

3. Procedure. The following procedure shall apply when an applicant seeks approval only of a Concept Plan.

a) Application. The applicant shall file with the Commission an application for Concept

Plan approval on such form as provided by the Commission and such application shall be governed by the requirements of the Connecticut General Statutes for a site plan.

b) Minimum Area. The minimum area covered by the Concept Plan shall be all land within the MMUD District.

c) Elements of Concept Plan. The Concept Plan shall be prepared by an engineer, architect, or landscape architect, and shall include:

1. Drawings at a scale of 1" = 100'.
2. Existing topography, with two (2) foot contours, to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or outcroppings), inland wetlands, watercourses and flood plain.
3. The land uses and zoning within 300 feet of the site.
4. Boundary description of the district within it.
5. Names of all abutting property owners.
6. The location of all proposed roadways, parking areas, setbacks, rail lines, easements, land use areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
7. The site shall be divided into general land use areas, identified as one or more of the specially permitted uses (e.g. retail, restaurant, office, research lab, etc.).
8. Proposed building footprints and location of parking areas.
9. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
10. A preliminary traffic analysis prepared by a professional engineer which shall include, but not be limited to the following:

a) Land use, site and study area boundaries.

- b) Existing and proposed site uses.
 - c) Existing and proposed roadways and intersections.
 - d) Existing and proposed roadways and intersection capacities and volumes.
 - e) Trip generation and design hour volumes
 - f) Trip distribution.
 - g) Trip assignments.
 - h) Existing and projected traffic volumes
 - i) Levels of service of all affected intersections for the design hour.
 - j) Future traffic impact analysis
 - 1) Short term horizon - one year after occupancy.
 - 2) Long-term horizon - 20-years after occupancy.
11. A preliminary stormwater discharge plan, prepared by a professional engineer, which shall include as a minimum the following:
- a. A map showing project location, description of the property, acreage, topography, identification of major drainage ways involved, proposed type of development, identification of wetlands based on soils map and a reference to any flood hazard area delineation study applicable to the site.
 - b. A map of the tributary drainage basin determining the location and magnitude of flows from upstream of the site based on current development or zoning, whichever provides the highest runoff volumes.
 - c. A conceptual drainage plan showing how intercepted and on-site flows will be received and transported.
 - d. Designated points of discharge from the site, accompanied by a general analysis of how existing downstream facilities will handle this discharge.
 - e. Proposed rights-of-way required for drainage easements and detention areas.
 - f. Storm water storage volume required.

g. Location of storage areas.

12. Narrative and illustrative elevations of design elements explaining how various design elements (landscaping, architecture, signage, street design, etc....) contribute to a unified appearance that is harmonious both internally and with surrounding properties in terms of scale, materials and color.

13. A table indicating the following:

- a. areas of the site for each proposed land use;
- b. the amount of building floor area proposed for each land use;
- c. number of parking and loading spaces for each land use;
- d. wetland areas, flood plain areas, area of ledge or outcroppings;
- e. overall lot coverage;
- f. and, building height(s).

14. Limits of phases where development is proposed in phases.

15. Such other relevant information as the applicant may wish to submit or the Commission may request.

4. Required Findings. In approving a Concept Plan, the Commission shall find:

- a. the application and Concept Plan are complete;
- b. that the proposed location of the land use areas on the site avoids placement of incompatible uses adjacent to one another;
- c. that the transition between the different proposed uses is suitable and that adequate buffering is provided;
- d. that the proposed land uses and development pattern satisfy the purpose and intent of the regulation as set forth in Section 1 and the standards and requirements of Sections 5 through 6.

d. **MMUD District Special Permit Application**

1. A Special Permit application in conformance with Article 5, which includes submission

of a Site Plan as outlined in Section 4, is required for each proposed use. The Special Permit application is also subject to the following requirements:

a. **Concept Plan.** If no Concept Plan has been approved for an MMUD district, and the Site Plan does not include proposed development for the entire MMUD District, or the proposed development is not restricted to an existing mill structure and development directly related to such mill structure (parking, landscaping, signs, etc....) a Concept Plan must be submitted with the Special Permit application(s) for a proposed use or uses. The Commission shall act on the Concept Plan prior to acting on the Special Permit application(s).

b. **Traffic Report.** Report prepared by a professional traffic engineer stating that traffic conditions as described in the approved Concept Plan traffic report have not changed or, if they have, in what way.

c. A tabular statement of zoning conformance with respect to each land use type contained on the Concept Plan.

d. In addition to the criteria for special permit approval the requirements and findings of this section must be met.

e. Conformance with Section 6, Performance and Compatibility Standards.

2. **Changes to Special Permit Site Plan.** Changes to an approved Special Permit Site Plan are to be approved by the Commission or its designee.

3. **Change in uses within mill structures** is also permitted for situations where a use has already been approved in accordance with these regulations upon review and approval by the Planning and Development Office, when such use does not change the compatibility of such new use with those existing within the mill structure and the change in use does not result in an expansion of space greater than twenty-five (25) percent or ten-thousand (10,000) square feet, whichever is greater.

a. The Planning and Development Office, at their discretion, may forward any such request to the Commission for review.

b. The Planning and Development Office may require such information, as it deems appropriate to evaluate any such application, including those listed in subsection c of this section

c. The Director of the Planning Office shall make a report of any decisions made under this section to the Commission at the next Regular Meeting of the Commission following such decision.

3.4.9.6.8 Invalidity

These MMUDD Regulations are designed to form a cohesive and integrated response to the problem of rehabilitation and re-use of existing mill structures. Therefore the partial illegality or invalidity of any portion of these regulations shall result in the invalidity of the entire MMUDD Regulations. At the point at which applications under the MMUDD regulations have been filed with the commission, have been certified to be substantially complete with all attendant submittals, and have been received/accepted by the Planning and Zoning Commission, the applications are protected and exempted from any actions or decisions that may result from this invalidity section.

Adopted: November 7, 2007

Effective Date: December 3, 2007 at 12:01 AM

3.4.10 Planned Recreation Residential Development District

3.4.10.1 Intent: The purpose of this Article is to allow flexibility in development to : a) allow recreational uses while preserving open spaces; b) encourage more creative and efficient site planning that will reduce site disturbance and the amount of infrastructure necessary; promote design flexibility in a residential development while permitting multiple principal residential buildings on a single parcel of land in order to provide for housing.

Any of the uses herein set forth may be permitted by Special Permit based upon the terms and conditions herein set forth.

3.4.10.2 Pre -Application Procedure

All applicants shall submit a preliminary site development plan to the Commission for the purpose of presenting a preliminary design of the proposed development to the community at an early stage in the design process and to incorporate the applicable comments and suggestions into the overall design.

At minimum, the preliminary site development plan shall include enough detail to comply with the requirements of these regulations and to clearly present the proposal. This preliminary plan shall be submitted with five (5) copies of the plans and a description of the proposed uses and plans.

3.4.10.3 Application Fee

An application fee shall be paid in accordance with the zoning regulations of the Town of Brooklyn.

3.4.10.4 General Statement

A general statement shall be submitted describing the following:

- a. The specific types of proposed uses on the site:
- b. The methods by which site utilities will be provided:
- c. The proposed timetable for the development, including a description of phasing:
- d. The open space resources of the site, and the amount of open space to be retained and the method for preservation, if any :
- e. The pattern/method of ownership and maintenance of any interior roadways, public/private facilities, the sewerage disposal system(s), the water supply(s), and other common elements:
- f. An approximation of the gross acreage of the development and the percentage of lot coverage of buildings, open space, roads and parking:
- g. A statement outlining how the application is in compliance with the Brooklyn Plan of Development

3.4.10.5 Site Plan

Any application for a Planned Recreation Residential Development District shall provide the Commission with conceptual information pertaining to site plans including general location of boundaries, a north arrow, existing topography no greater than 5' contours, general location of wetlands as taken from SCS Publications, location of structures, roadways, access locations, utilities, approximate permits of recreation or athletic areas, approximate area of wetlands locations, buffers, walking trails

3.4.10.6 General Standards and requirements in a Planned Recreation Residential Development District

3.4.10.6.1 Access Circulation

- a. Access shall be to at least one(1) Town through-road or State highway, which has adequate capacity for the traffic generated and does not create safety hazards. Such road(s) shall be classified as an arterial or collector road in the most recent Plan of Conservation and Development. Vehicular access (streets & driveways) shall be a minimum of fifty (50) feet from an adjoining property line under separate ownership, unless the road is already in existence.
- b. Proper access ways and circulation shall be designed for emergency vehicles, fuel trucks,

refuse collection, and snow removal equipment to operate in a safe and efficient manner. Such access ways are not to serve as car storage areas.

c. The Commission may require the proposed street system to have multiple connections to an existing through-road, or two or more through-roads or State Highways in order to provide a safe and efficient circulation system.

d. All interior streets and public streets shall be deemed private roads and the Town of Brooklyn shall have no responsibility for construction(in compliance with the Town of Brooklyn Highway Stands and Specifications). The right of way requirements and road width requirements may be waived if the streets are considered by the Commission to be of local use only for the site. In no case shall the paved portion be less than twenty (20) feet in width

e. All interior streets, public and private shall be maintained by the applicant.

3.4.10.6.2 Site Utilities

3.4.10.6.2.1 Underground Utilities

All development shall provide underground utilities in both public and private extensions of said utilities. All developments shall provide proper design and construction of cable, electrical, and phone lines, natural gas, community septic systems, sanitary sewers, and storm water management system

3.4.10.6.2.2 Sewer Disposal

If the proposed sewage disposal system meets the capacity requirements of a system regulated by the Connecticut Department of Health, then said system shall meet the current requirements of Section 19-13-B103 of the Connecticut Department of Health as amended

3.4.10.6.3 Water Supply

The applicant shall meet all applicable laws, rules and regulations pertaining to a proper potable water system

3.4.10.6.4 Site Design

The design of any Planned Recreation Residential Development District shall utilize best management practices for all the elements of the development including but not limited to: sewage disposal, water supply, storm water management, building design and efficiencies, road design and landscaping. All parking areas shall be in compliance with the Brooklyn Zoning

Regulations and the State Traffic Commission Regulations as may be applicable. Impervious surfaces shall be limited and the use of "grid" areas are encouraged. All traffic controls that are necessary shall be provided by the applicant at its expense.

3.4.10.6.5 Site Preservation and Landscaping

The application shall include a landscape plan prepared by a State of Connecticut Licensed Landscape Architect or a Licensed Professional Engineer. The characteristics of the site are to be incorporated into the design to take advantage of topographic features, provide buffering of adjoining land uses and retain the prominent natural landscape and environmental features of the property through:

Minimizing soil removal and tree removal;

Design grading to blend with the natural terrain and avoid creating steep slopes;

Treating disturbed surfaces to encourage plant growth and soil stabilization by providing the necessary topsoil and planting of the appropriate native species of trees, shrubs, and grasses;

Preserving the significant natural features of the site such as stone walls, rock outcrops and wetlands;

Preserving natural walking trails and buffers.

3.4.10.6.6 Minimum Road Frontage

No property proposed for a Planned recreation Residential Development District shall have less than fifty (50) feet frontage on an accepted, improved town road or State Highway.

3.4.10.6.7 Setback requirements

No building or structure shall be closer than one hundred (100) feet from existing town roads and fifty (50) feet from any proposed private or public road.

No building or structure shall be closer than fifty (50) feet from existing residentially zoned property and no closer than one hundred (100) feet from existing commercial or industrial zoned property. The commission may require additional setback and/or natural screening not to exceed and additional fifty (50) feet from existing developed properties.

No land used for active recreation shall be located within fifty (50) feet of adjoining property lines, except for golf course greens, tees, roughs and fairways.

The Commission may waive the requirements of this section in its discretion.

3.4.10.6.8 Minimum Lot Size and Ownership

The minimum lot size is one hundred (100) contiguous acres within the Town of Brooklyn which shall be owned by one person or one single legal entity such as, but not limited to , a partnership, a limited liability company or corporation.

3.4.10.6.9 Building Height

The building height shall not exceed forty (40) feet as measured from the sill plate to the highest point of the roof or the average height between the eaves and the ridge for a gable, hip or gambrel; roof. For buildings that have more than one roof line, height requirements shall be measured to the highest roof. Chimneys and decorative features may extend an additional three (30) feet. The Commission may waive the requirements of this section in its discretion.

3.4.10.6.10 Building Separation

There shall be at least twenty (20) feet between buildings containing one to three (1-3) residential units and thirty (30) feet between buildings containing more than three (3) residential units. The distances between residential buildings shall not be applicable to internal commercial buildings.

3.4.10.6.11 Refuse collection

Waste Collection areas shall not be located within seventy-five (75) feet of any adjoining properties and not within twenty-five (25) of any dwelling units within the development. Adequate screening utilizing fencing and plantings shall be incorporated into the design of each waste collection area which shall not be visible from any street.

3.4.10.7 Architectural Design

The architectural design, scale and mass of the buildings and other structures, including the exterior building material, color, roofline, and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood to preserve property values and to preserve the appearance and character of the community. Preferred building materials should be brick, stone or narrow-width siding, or the like. Roofing surfaces shall be of the architectural design. Building mounted lighting shall utilize shielding to prevent glare off-site, and shall be of a style and character, which is in harmony with the character of the Town.

Roof top mechanical systems shall be discouraged, however if utilized the full perimeter and height shall be fully screened from all sides. Any ground mounted mechanical systems shall be screened from view from private or public streets.

No housing unit or accessory structure shall have more than two habitable stories except the Commission may approve a building with two and a half (2 ½) stories if the natural grade is suitable and the lowest level has access directly to grade without stairs or ramps. Further, the uppermost floor shall have access either from ground level or from an interior stair arrangement, which will not require occupants of the uppermost story to traverse more than one story to gain access at grade level.

3.4.10.8 Open space & Recreation Area

Open space is land not used for the construction of dwellings, buildings for supporting facilities, parking, vehicular circulation, or areas within twenty-five (25) feet from the exterior of dwellings, businesses or commercial units. There shall be a minimum of twenty-five (25%) percent open space.

Open space land may be utilized for water supply and sewage disposal including any building or structures not to exceed 400 square feet required for their operation.

3.4.10.9 Planned Residential Recreation Development

Planned Residential Recreation Development shall include residential units with commercial or non-commercial recreation facilities that may be private, semi - private or public; equestrian centers, golf courses, nature centers, tennis centers, or swimming clubs.

The minimum land areas per unit, which land areas shall not be subdivided, are as follows:

One (1) bed room	20,000 square feet
Two (2) bedroom	30,000 square feet
Three (3) or four (4) bedrooms	40,000 square feet

Project density shall not exceed one (1) unit per two (2) acres;

The maximum lot coverage shall not exceed fifty (50%) percent;

The number of bedrooms per unit shall not exceed four (4);

There shall not be more than three (3) units per building;

The minimum floor area is as follows:

One (1) bedroom unit	800 square feet
Two (2) bedroom unit	1,000 square feet
Three (3) bedroom unit	1,250 square feet
Four (4) bedroom unit	1,500 square feet

In a PRRD the Commission may permit up to seventy (70%) percent of the required open space to be utilized for active recreation use.

Additionally, the Commission at its sole discretion, may permit active recreation use on open space; and beyond the above noted limits, when an application depicts an open space land area designation greater than that required for the particular development. The additional amount of active recreation use shall not be greater than an area equivalent to the additional open space land designation.

3.4.10.10 Open Space/Recreation Areas

Open space areas with approval of the Commission may be used for, or a part of, the following commercial or non-commercial recreation uses: Tennis centers, swim clubs, golf courses, equestrian complexes or nature centers. Open space areas including walk trails may be used by the general public subject to reasonable regulations by the owner so as not to interfere with the use of the premises by residents, customers, business invites and their guests.

The following uses may be permitted in a Special Development Planned Recreation Residential Development District:

- a. 18 hole golf courses and associated clubhouses, pro shops, restaurants, liquor sales; banquet and special event facilities for up to 750 persons, and overnight accommodations;
- b. Gravel bank excavation on a limited basis to prepare land for development for any of the above listed uses. Removal of gravel, sand, loam, or other fill shall follow permitting procedures and conditions stipulated in Article 13 of the Brooklyn Zoning Regulations. Remediation may be phased in accordance with a special development zone master plan and shall be deemed adequate to sustain the use or uses proposed for the property;
- c. Ice skating rinks and associated limited food concessions;
- d. Cross country skiing, downhill skiing, snowboarding, snow shoeing, and associated facilities, retail sales and rentals;
- e. Swimming facilities
- f. Baseball facilities, including batting cages;
- g. Dwelling units, secondary to the predominant use;
- h. Campgrounds and associated retail sales and rentals;
- i. Indoor Recreation facilities;
- j. Outdoor ball field;
- k. Fitness/Wellness Centers;
- l. Spas and salons;

Golf Course: Areas of land laid out for golf with a series of nine (9) or eighteen (18) holes each including a tee, fairway roughs, practice greens, driving ranges, and putting greens and natural and artificial playing hazards. Eighteen (18) hole (or greater) golf courses.

Equestrian Complex: Areas of land laid out to feature horseback riding as a private and/or public facility. Areas can be designated as paddock areas, pasture; and, training grounds, competition grounds, and bridle trails. The applicant implement reasonable manure management such that there should be no runoff. Reasonable manure management may include on site composting.

Nature Centers: Areas of land laid out with a commitment to preserve or protect natural resources. Includes areas used for environmental education activities, trails open to the public; exhibits of local flora and fauna, and wildlife attraction areas.

Swimming Club: Area of land laid out, used for outdoor and/or indoor swimming pools.

Tennis Center: Areas of land laid out for the use of outdoor and/or indoor tennis courts.

Any use not specifically permitted herein, shall be prohibited. All types of race tracks involving motorized vehicles are specifically prohibited.

3.4.10.11 Supporting Facilities

Supporting facilities may contain non-residential buildings for uses that include commercial entities.

- a. 18 hole golf courses and associated clubhouses, pro shops, restaurants, liquor sales; banquet and special event facilities for up to 750 persons, and overnight accommodations;
- b. Gravel bank excavation on a limited basis to prepare land for development for any of the above listed uses. Removal of gravel, sand, loam, or other fill shall follow permitting procedures and conditions stipulated in Article 13 of the Brooklyn Zoning Regulations. Remediation may be phased in accordance with a special development zone master plan and shall be deemed adequate to sustain the use or uses proposed for the property;
- c. Ice skating rinks and associated limited food concessions;
- d. Cross country skiing, downhill skiing, snowboarding, snow shoeing, and associated facilities, retail sales and rentals;
- e. Swimming facilities;
- f. Baseball facilities, including batting cages;
- g. Dwelling units, secondary to the predominant use;
- h. Campgrounds and associated retail sales and rentals;
- i. Indoor Recreation facilities;
- j. Outdoor ball field;
- k. Fitness/Wellness Centers;
- l. Spas and salons;

Golf Course: Includes storage and equipment buildings, pro-shops, gift shops, clubhouse and restaurants.

Equestrian Complex: Includes riding rings, stables, storage and equipment buildings, tack shop, gift shops, clubhouse and restaurants.

Nature Centers: Educational buildings, museums, libraries, gift shop, bookstore, storage and equipment buildings, and restaurants.

Tennis Center: Includes storage and equipment buildings, pro-shops, gift shops and clubhouse.

Swimming Club: Includes storage and equipment buildings, clubhouse.

3.4.10.12 Public Hearings and Action

The Commission shall act in accordance with such time frames as are designated in the Brooklyn Zoning Regulations and in accordance with the applicable provisions of the Connecticut General Statute 8-7. In the event of conflict between the procedure set forth in these regulations and the Connecticut General Statutes, the latter shall prevail.

3.4.10.13 Approval

Upon approval of a Planned Recreation Residential Development District, the Commission shall provide notice to the applicant and the public, as provided by the Connecticut General Statutes, and shall cause the approved Planned Recreation Residential Development District to be noted on the official zoning map of the Town of Brooklyn by outlining the boundaries of the land affected thereby and indicating the approval date.

The applicant shall, within ninety (90) days of approval of any Planned Recreation Residential Development District, record notice thereof in the Brooklyn land records under the name of the record owner of the land affected thereby, giving legal description of the land, and giving specific reference to approved plan(s) and map(s) and further, the applicant shall record in the Brooklyn Land Records a copy of the approved plan(s) and map (s), endorsed by the signature of the Commission's chairperson or secretary. The applicant may request from the Commission up to two (2) ninety (90) day extensions of the filing period noted above.

3.4.10.14 Conformance to Recorded Documents

The land described shall be used and developed only in accordance with the recorded documents.

3.4.10.15 Amendment of Approved Planned Recreation Residential Development District

An application to alter or extend an approved Planned Recreation Residential Development District shall specify the nature of the planned alterations and/or extensions and shall be accom-

panied by a scale plan of the alterations and extensions in the same detail as is required for an initial application. Such application shall be processed in the same manner as a new application under this Article, unless the Commission determines otherwise.

3.4.10.16 Sequence of Construction

All construction under this District shall be constructed as per the master plan in the following sequence:

First - Infrastructure of Recreation facilities;

Second - Recreation facilities;

Third - Infrastructure of residential facilities;

Fourth - Residential facilities;

Fifth - Recreation facilities secondary to residential facilities;

All sequencing of construction shall require that the applicant complete a sufficient recreational portion of the project prior to the commencement of residential construction to ensure to the Commission's satisfaction that the overall intent of the Planned Recreation Residential Development District regulations be met and that both the overall project and the particular phase contain substantial open space and/or recreational facilities prior to the commencement of residential construction.

3.4.10.17 Commencement and Completion of Construction

For any Planned Recreation Residential Development District approved, the construction of any buildings or structures, or the establishment of any use, shall be complete within five (5) years of the effective date of such approval. The applicant may request up to two (2) one (1) year extensions from the Commission, in no case shall completion extend past seven (7) years from the original effective approval date. Any such approval not commenced or completed within the above time frame shall become void and the Commission may call the bond to complete the incomplete work. The Commission shall file a notice on the Land Records stating the approval has been voided for all incomplete work.

3.4.10.18 Performance Bond

The Commission shall require prior to the commencement of any construction in connection with an approved Planned Recreation Residential Development District that the applicant post a bond with surety in an amount satisfactory to the Commission, Town Counsel or its professional advi-

sors to ensure conformance with all proposed public infrastructure as depicted on the final Site Development Plan, including construction of streets and parking areas, landscaping, lighting, drainage, water supply, septic disposal, sidewalks, and all underground utilities. The applicant shall submit an itemized cost breakdown for said public infrastructure improvements to the Town Staff for review and approval to determine the final bond amount. The final bond amount as determined by Town Staff shall include a five (5%) percent contingency. If the project is proposed in phases, the Commission shall permit each phase to be bonded separately. No applicant may commence construction of any phase until a bond has been posted for such phase.

The bond form may either be cash, certified bank check, bond from a bonding company, an irrevocable letter of credit from a Town approved banking institution, or an assigned joint account passbook from a licensed financial institution. The Commission shall not release more than ninety (90%) percent of the original bond amount until all work is complete. All bonds shall be for a one (1) year period and any irrevocable letter of credit shall contain a ninety (90) day notice of non-renewal. The applicant may request an extension of the bonding period from the Commission not to exceed a period past seven (7) years from the original date of approval.

3.4.10.19 Maintenance Bond

The Commission shall require the applicant to post a bond for a period not to exceed one (1) year from the date of completion of all public infrastructure depending on the time of year such improvements have been installed.

3.4.10.20 Certificate of Occupancy

No Certificate of Occupancy shall be issued until the application of the binder coat of asphalt, complete utility installation and installation of recreation facilities have been completed for that phase of construction. Additionally, the applicant is to submit three (3) sets of the As-Built Plan. In those cases where seasonal conditions prevent compliance with the provisions of the approval before the building is complete, the Zoning Enforcement Office may authorize issuance of Certificate of Occupancy after the submission of an As-Built Plan showing all site improvements complete to date. All bonded incomplete work shall be complete within a time frame that does not exceed one (1) year from construction and a final As-Built Plan submitted to the Commission for approval prior to release of the performance bond for public improvements. Failure to complete the incomplete work within the specified time frame may result in the calling of the bond and may be cause for revocation of the Planned Recreation Residential Development District.

3.5 - Exceptions to Height, Area and Use requirements

3.5.1 - Yard Exceptions

3.5.1.1 - Where a single lot exists adjacent to a lot with non-conforming setback, the required setback may be reduced as a Special Exception granted by the Planning and Zoning Commission. The Commission, in approving a Special Exception, may stipulate such restrictions as appear to the Commission to be reasonable, and shall base its decision on the protection of the rights of adjacent property owners, property values, the environment of the area as a whole, the public health, safety, or welfare, and better overall neighborhood conformity.

3.5.1.2 - Where two (2) or more adjacent lots exist in single ownership on or after the effective date of these regulations, one or more of which lots is non-conforming, such lots shall be joined in such a manner as to provide maximum possible conformity.

3.5.1.3 - Steps, terraces, fences, walls, and similar structures may be erected in required side yards.

3.5.2 - Height Exceptions: The height provisions of these regulations shall not apply to the erection of churches, belfries and towers designed exclusively for ornamental purposes, flagstaffs, chimneys, silos, water tanks, or similar structures.

3.5.3 - Use of Interior Lots:

3.5.3.1 - For lots in existence as of January 1, 1975, no building to be used in whole or in part as a dwelling shall be erected on an interior lot unless there is provided for such lot an unobstructed right of access at least twenty (20) feet wide to a public highway adequate to accommodate fire apparatus and/or other emergency equipment.

3.5.3.1.1 - The lot line from which the right of access leads shall be considered the front lot line of such lot.

3.5.3.1.2 - Such lot shall conform to all other requirements prescribed for the zone in which it is located, except that such lot must be at least as large as the minimum area requirement.

3.5.3.1.3 - No more than one (1) dwelling unit shall be permitted on such lot.

3.5.3.2 - Interior lots set out after August 25, 1987 must have a minimum of three-hundred (300) feet separating all fifty (50) foot entrances to interior lots. No more than two (2) dwelling units shall be permitted on such lot, with ownership of the right of way resting with the owner of the lot furthest from the public highway.

3.5.3.3 - Interior lots set out after May 2, 1990 must have a minimum of three-hundred (300) feet separating all entrances or access strips to interior lots on the same side of the street.

3.5.3.3.1 - No more than three (3) interior lots may be accessed by any one access strip with the ownership of the access strip resting with the lot farthest from the public highway.

3.5.3.3.2 - The access strip shall be encumbered by an easement if another interior lot exists, granting access to such lot.

3.5.3.4 - The interior lots shall have a minimum lot width equal to or greater than the minimum frontage required for the respective zone.

3.5.4 - Cul-De-Sac Lots: Any lot defined as a cul-de-sac lot shall have a minimum frontage of fifty (50) feet and a minimum lot width equal to or greater than the minimum frontage required for the respective zone.

3.6 - On Site Parking Requirements

3.6.1 - Minimum Requirements:

3.6.1.1 - Retail uses including shopping centers - one parking space per 200 square feet of gross floor area.

3.6.1.2 - Offices, (except medical offices) personal services, banks and financial institutions - one parking space per 200 square feet of gross floor area.

3.6.1.3. - Restaurants except fast food - one space per three seats.

3.6.1.4 - Fast Food Restaurants - one space for each 100 square feet of gross floor area. With a drive through facility, 11 stacking spaces are required for the drive in window, plus five additional spaces for the ordering station.

3.6.1.5 - Medical Offices - one parking space per 150 square feet of gross floor area.

3.6.1.6 - Hotels and motels - one space for each guest room; plus one space per each employee; plus additional space as required for accessory uses, such as a restaurant.

3.6.1.7 - Theaters - one space per four seats plus one space per two employees.

3.6.1.8 - Health or Membership Club - one space per 150 square feet of gross floor area.

3.6.1.9 - Automotive Service and Gasoline Stations - two spaces per repair bay.

3.6.1.10 - Community Centers - one space per four design capacity.

3.6.1.11 - Day Care Centers - one space per employee plus one space per 10 children.

3.6.1.12 - Residential - Two spaces per dwelling unit.

3.6.1.13 - Industrial Facilities - One and one half (1 1/2) spaces for each two (2) employees on any one (1) shift. One (1) loading space twelve (12) feet by fifty (50) feet by fourteen (14) feet high for every ten thousand (10,000) square feet of gross floor area. Loading space is permitted in all yards, in addition to the required parking spaces.

3.6.1.14 - Outdoor Special Events - One (1) space for every two-hundred (200) square feet of seating space and or display area.

3.6.1.15 - Adult Entertainment Establishments - One space per 1.5 persons (Maximum Occupancy) as determined by the Town of Brooklyn Fire Marshal.

3.6.2 - Parking Design Specifications

3.6.2.1 - Parking for non-residential uses shall be paved with a hard surfaced material.

3.6.2.2 - All parking areas shall be graded and drained in a manner necessary so as not to increase the rate or quantity of storm water being discharged on other properties or public right-of-way; without a drainage easement obtained from the abutting landowner.

3.6.2.3 - There shall be a maximum of one point of ingress for vehicles and one point of egress for vehicles to the parking lots for each street.

3.6.2.4 - The minimum size of parking spaces and aisles shall be consistent with the Design Standards for Off-Street Parking.

3.6.2.5 - Parking for the handicapped shall be in accordance with the requirements of the State Basic Building Code, as amended.

3.6.2.6 - The Planning and Zoning Commission may permit the construction of fewer parking spaces than would be required by these Regulations, at its discretion; if it is demonstrated by a parking study that fewer spaces will be required by the development, and sufficient land is reserved on site to provide the total required parking. The Planning and Zoning Commission may order the parking lot completed, at a future time, if at a public hearing, they determine that the amount of parking provided is insufficient.

3.6.2.7 - Off street loading and unloading facilities shall be provided in accordance with the needs of the proposed use. No loading facilities shall be permitted in the front yard. All loading shall be screened from view from other properties or the public right-of-way by the use of building design, fencing or landscaping.

3.7- Access: Any lot designated as a building lot shall have legal and physical access in the form of a privately owned driveway provided to the public highway, such public highway being parallel to the front lot line.

3.7.1 - No private driveway shall serve more than three (3) lots.

3.7.2 - No private driveway shall exceed a grade of 12%.

ARTICLE 4 - SITE PLAN REQUIREMENTS AND PROCEDURES

4.1 - Background and Purposes - The Site Plan review process is intended to assure that all aspects of business, commercial and residential development (other than single-family and duplex) as well as other specialized uses comply with the standards and specifications of these Regulations and that adequate provision is made for vehicle and pedestrian access and circulation, parking, landscaping, buffering, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

4.2 - Applicability - Site Plan approval from the Planning and Zoning Commission shall be obtained prior to the establishment, expansion, or change of any use of land and/or structure used for all non-residential purposes, and all residential purposes other than single family and two family residences. Agricultural uses in the Residential-Agricultural zone are exempt from Site Plan Requirements and Procedures.

4.3 - Site Plan Objectives - In reviewing and acting on a Site Plan application, the Commission shall take into consideration the health, safety, convenience and property values of the public in general and the immediate neighborhood in particular, and may require such modifications of the plans as it shall deem necessary to ensure the accomplishment of the following general objectives:

4.3.1 - That the proposed site plan shall be in general conformance with the Plan of Development, including the provision and adequacy of public improvements. However, the Plan of Development shall not take precedence over specific provisions of the Zoning Regulation.

4.3.2 - That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

4.3.3 - That adequate off-street parking and loading spaces are provided to prevent on-street and off-street traffic congestion; that all parking spaces, maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to specific use radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary to adequately protect life and property; and that provision is made for safe pedestrian movement by avoidance of vehicular conflict within and adjacent to the property by the installation of sidewalks and other appropriate means.

4.3.4 - That all proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

4.3.5 - That the general landscaping of the site complies with the purpose and intent of these Regulations; that existing trees are preserved to the maximum extent possible; and that

parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

4.3.6 - That lighting of the site shall be adequate at ground level for protection and safety of the public in regard to pedestrian and vehicular circulation.

4.3.7 - That glare from the installation of outdoor lights of illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.

4.3.8 - That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water, or land pollution.

4.3.9 - That the rate and quantity of storm water being discharged onto adjacent properties is not to be increased without drainage easements obtained from abutting landowner.

4.3.10 - That in planning the layout on the site, and design of structures, consideration is given to energy conservation.

4.3.11 - That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, watercourses, and large rock outcroppings and will attempt to preserve public scenic views or historically significant buildings or sites.

4.4 - Application Procedure

4.4.1 - The Commission recommends that, prior to the submission of an official application for site plan approval, that applicant prepare and present a conceptual plan to the Commission for informal review. The preparation of a conceptual plan is recommended to facilitate general consideration of factors and problems affecting development of the land before the applicant proceeds with the official application required for formal consideration by the Commission. If a conceptual plan is presented prior to the submission of a formal application, the applicant may make any alteration or changes recommended by the Commission more readily and economically. Neither the conceptual plan nor its informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for site plan approval as contemplated under the provisions of the General Statutes.

4.4.2 - Application for Site Plan Approval shall be made to the Planning and Zoning Commission on a form prescribed by the Commission at least 15 days prior to a regularly scheduled meeting of the Commission, and will not be accepted without the application having been approved by the Inland Wetlands Commission. The day of receipt of the application shall be the day of the next scheduled meeting of the Planning and Zoning Commission after these conditions have been met. The application shall be accompanied by plans, elevations, and all other data necessary to show the detail of the proposed use of land or buildings, as outlined in Section 4.5 herein. Five copies of the application and supporting information shall be submitted.

4.4.2.1 - If the Planning and Zoning Commission finds that certain information requested in Section 4.5 is not necessary for the Commission's review of the project they may waive the submission of that information by a three-quarters affirmative vote of the authorized number of regular members of the Commission. All requests for waiver shall be in writing, indicating why the applicant believes that the application can be reviewed completely by the Commission without the information to be waived. (8/7/02)

4.4.2.2 - When an application is presented for a change in use of land/or structure, and the requested change is considered by the Zoning Enforcement Officer not to be a material change from the present use, the provisions of Section 4.5 will not apply except as needed to define the proposed use. (8/7/02)

4.4.3 - The Planning and Zoning Commission shall act to approve, reject, or approve with conditions, within 65 days of the close of the Public Hearing. The time limit for a decision may be extended for up to two 65-day periods, upon written request and by mutual consent of the applicant and the Commission. (8/7/02)

4.4.4 - Before approval is granted by the Planning and Zoning Commission under this section, the applicant may be required to post a bond with the Town in an amount approved by the Commission as sufficient to guarantee conformity with provisions of the permit issued there-under. Said bond shall be submitted at a time prior to the issuance of a zoning permit.

4.4.4.1 - Upon written request for a Certificate of Compliance the site shall be inspected by appropriate Town officials to determine if all the conditions of approval have been met and if all required site improvements have been completed for the issuance of a Certificate of Compliance and the release of the bond.

4.4.5 - All work in connection with such plan shall be completed within five years after the approval of the plan. The certificate of approval for such plan shall state the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in automatic expiration of approval of such site plan. "Work" for the purposes of this subsection means all physical improvements required by the approved plan. The Planning and Zoning Commission, upon finding good cause for non-completion, may extend the date of completion for an additional period not to exceed 10 years in aggregate from the date of original approval.

4.4.6 - Application for amendments or modifications to an approved Site Plan shall be made in the same manner as the original application. The Town zoning Official may approve minor modification.

4.4.7 - All conditions and improvements shown on an approved Site Plan shall remain with the property, as long as the use indicated on the approved Site Plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

4.4.8 - The approved site plan shall not be considered in effect until a copy of the approved site plan, signed by the Chairman of Planning and Zoning Commission and is filed with the Town Clerk.

4.5 - Site Plan Requirements: For all uses requiring Site Plan Approval, a Site Plan application shall include five sets of the following information maps and plans:

4.5.1 - All applications shall include a substantially accurate survey of the property and improvements prepared by a land surveyor registered in the State of Connecticut. (8/7/02)

4.5.2 - All plans shall be prepared, signed and sealed by a Connecticut registered engineer, architect, registered land surveyor or landscape architect whichever is appropriate. All plans shall be prepared at a minimum scale of one inch equals 40 feet. The following data will be included:

4.5.2.1 - Date, North arrow, and numerical and graphical scale on each map.

4.5.2.2 - A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the Zoning Regulations.

4.5.2.3 - Location Map: A map at a scale of one inch equals 1,000 feet shall be submitted showing the subject property and all property and streets within 1,000 feet of any part of the subject property.

4.5.2.4 - Easements: Location, width, and purpose of all existing and proposed easements and rights-of-way on the property and written approval of the easement holder when work is proposed in or affecting the easement.

4.5.2.5 - Proposed Buildings and Uses:

4.5.2.5.1 - Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, underground structures, and walls.

4.5.2.5.2 - Location of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters.

4.5.2.5.3 - Building elevation or preliminary drawings showing the general type of building proposed for construction and the gross floor area of proposed buildings and uses.

4.5.2.6 - Parking, Loading and Circulation:

4.5.2.6.1 - Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.

4.5.2.6.2 - Location, arrangement, and dimensions of loading and unloading areas.

4.5.2.6.3 - Location and dimensions of pedestrian walkways, entrances, and exits.

4.5.2.7.1 - Location, size, height, orientation and plans of all signs.

4.5.2.7.2 - Location, size, height, orientation and design of any outdoor lighting.

4.5.2.8 - Utilities: Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and refuse collection areas, as well as other underground and above ground utilities.

4.5.2.8.1 - All public utilities shall be placed under ground. This requirement may be waived if engineering data substantiates that underground placement of utilities is impractical.

4.5.2.9 - Storm drainage calculations that identify the rate and quantity of discharge shall be provided.

4.5.2.10 - A topographic map shall illustrate the existing and proposed conditions of the property including existing and proposed contours with intervals of two feet and location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the wetlands boundary, wetland buffer areas, and the flood hazard area.

4.5.2.11 - An Open Space and Landscaping Plan shall illustrate the existing and proposed landscape development of the property, including location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed.

4.5.3 - The following information shall be provided by a qualified professional, as appropriate:

4.5.3.1 - Name, addresses and telephone number of the applicant, the owner of record as listed in the Town's land records, and the person responsible for preparing the application. If the applicant is not the owner of record, the owner of record shall also sign the application.

4.5.3.2 - A written description of the proposed use or uses.

4.5.3.3 - An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

4.5.3.4 - Neighborhood Context: The Applicant shall provide a statement that describes the visual context of the street(s) on which the proposed project fronts. The statement will describe significant natural and built features in the immediate vicinity of the proposed project to include common landscape elements, walls, fences, architectural style of structures, common use of materials and any other materials or treatment which contributes to the visual appearance of the neighborhood. The applicant may submit photographs or graphics to illustrate how the proposed project fits into its immediate visual surroundings.

4.5.3.5 - Staging Plan Map: In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development of the entire property shall be submitted at the same scale as the Site Plan.

4.5.4 - Hazardous Materials and Wastes: The applicant shall identify any hazardous materials or wastes to be associated with the proposed occupancy and use of a non-residential property. Hazardous materials are defined as any material included in EPA's list of priority pollutants, or Section 3001 of the Resource Conservation and Recovery Act, or Connecticut's Hazardous Waste Regulations, whichever is in effect. If these materials or wastes are to be present then the applicant shall present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that these substances will not pollute or degrade the natural resources, environment or ecology of the Town of Brooklyn. At least, the following information shall be presented in satisfaction of this section:

4.5.4.1 - The amount and composition of any hazardous material that will be handled, stored, generated, treated or disposed of on the property.

4.5.4.2 - Provisions for treatment, storage and/or disposal of any hazardous materials.

4.5.4.3 - Distance to nearest natural resource.

4.5.4.4 - Whether or not public sewer is available or proposed at the location.

4.5.4.5 - Septic tank location, size and capacity, and/or sewage lift stations, force mains and grease traps.

4.5.4.6 - Expected types and amount of discharge to sewers, to the ground, and to surface water.

4.5.4.7 - Provisions for storm water runoff controls which will minimize suspended solids.

4.5.4.8 - Location of loading and unloading docks.

4.5.4.9 - Provision for containment of any spills.

4.5.4.10 - Location and description of outside storage areas and types of materials to be stored.

4.5.4.11 - Written comments by appropriate officials, including but not limited to the Town's Fire Marshall, Building Official and Town Engineer that the applicants proposed method of handling and storing hazardous materials and wastes appears safe and reasonable from the viewpoint of their office.

4.5.5 - Evidence of submission, and review of plans to other State and Local regulatory agencies including but not limited to the following permits: Inland Wetlands permits, Department of Transportation encroachment permit and/or State Traffic Commission permit, Department of Environmental Protection water diversion permit, floodway encroachment permit, Discharge Permit, Water Pollution Control Authority, permission for sewer connection. Such evidence shall include a copy of application materials and comments from the review agency if available.

4.5.6 - Prior to approval the Commission may accept review and written comments by the Brooklyn Conservation Commission. (5/7/2003)

4.5.7 - All applications for Site Plan Approval shall be accompanied by a fee, in accordance with the Ordinance Establishing Individual Cost Based Fees for Municipal Land Use Applications of the Town of Brooklyn, to cover the costs of administration.

4.5.8 Consultant Review: The Commission may engage consultants including but not limited to, Consulting Town Planner, Consulting Town Engineer, or Consulting Town Landscape Architect to review the application(s), to prepare written findings and recommendations, to prepare oral testimony for the public hearing(s), to act as the commission's agents, to meet with the applicant and the applicant's agents prior to or during the application review process, and to function as or to advise the Architectural/Design Review Committee. If the Commission does engage consultants for any of these services for the subject application, the applicant shall be required to reimburse the Town for the costs of such consulting services. The Town shall set up a payment schedule/policy for said reimbursement payments.

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ARTICLE 5 - SPECIAL PERMIT REQUIREMENTS

5.1 - General: In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve a special permit in a district where such uses are listed. All requirements of this section are in addition to other requirements applicable to the district in which the special permit is to be located.

5.2 - Purpose: Uses permitted as special permit uses subject to the approval of the commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special permit uses that may be permitted in a district are unusual cases that, under favorable circumstances, will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.

5.3 - Uses requiring special permits: In addition to those special permit uses listed under Article 5 of these regulations, and any special permit use listed or identified in any other section of these regulations, and any use meeting any of the following thresholds will require a special permit: (Date of approval 9/21/05)

<u>LAND USE</u>	<u>THRESHOLD</u> (building area in sq feet)
Industrial	40,000
Office	10,000
Restaurant, Fast Food & Retail	1,000
Retail	1,500

5.4 - Application: An application for a special permit shall be submitted in writing to the Commission and shall be accompanied by a Site plan, in accordance with the provisions Section 4.5.

5.4.1 - If the Commission finds that certain information requested in Section 4.5 is not necessary for the Commission's review of the project they may waive the submission of that information by a three-quarters affirmative vote of the authorized number of regular members of the Commission. All requests for waiver shall be in writing, indicating why the applicant believes that the application can be reviewed completely by the Commission without the information to be waived. (8/7/02)

5.5 - Procedure: The Commission shall hold a public hearing on the application and shall decide thereon, giving notice of its decision as required by the provisions of Section 8-3c of the General Statutes.

5.5.1 - The applicant may consent in writing to an extension of the time for public hearing and action on the application.

5.6 - Approval: After the public hearing the Commission may approve a special permit if it finds that the proposed use and the proposed buildings and structures will conform to the Zoning Regulations and the standards herein specified.

5.6.1 - Special permits may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare, and property values in the neighborhood.

5.7 - Standards: The proposed use and the proposed buildings and structures shall conform to the following standards:

5.7.1 - The location, type, character and extent of the use and any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.

5.7.2 - The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community. To this end, the site plan shall include architectural design data, identification of texture, color and type of building materials to be used.

5.7.3 - In addition to the requirements of Article 3, the lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property.

5.7.4 - For all site plans involving 25 or more parking spaces, a drive-thru window (s), and/or any uses projected to generate more than 200 vehicle trips per day, a traffic impact analysis report, prepared by a Connecticut-licensed professional engineer specializing in traffic studies, shall be submitted with the application. Said traffic report shall include: (Date of approval 9/21/05)

- Background traffic volumes
- Projections of traffic volumes due to development and distribution of same on roadway system
- Analysis of background & projected traffic volumes and impacts on adjacent roadway network
- Analysis if historical accident record
- Sight line analyses for all driveways
- Traffic analysis to include AM and PM peak hours and daily volumes
- Sites having significant truck traffic (greater than 5% of total site-generated traffic) will require analysis to determine impacts on the roadway system
- Other items that may need to be addressed include: vehicle noise impacts on neighbors; headlight impacts; internal circulation of site; and any other traffic related concerns as may apply to the site

5.7.5 - Off-street parking and loading spaces shall be of adequate size for the particular use and shall be screened from abutting residential use and meet requirements of Article 3.6 of these regulations.

5.8 - Environmental Impact Statement: If the scale or nature of the development warrants, the Commission may require, by a majority vote of the members of the commission present and voting, the applicant to provide additional environmental information for the purpose of compiling a complete environmental impact analysis. (8/7/02)

5.8.1 - If an environmental impact statement is required, the Commission shall hold a public hearing In order to ensure complete consideration of the impact of a proposed development, to present the findings of the environmental impact analysis, and to receive public comment thereon.

5.8.2 -The environmental impact statement shall address at least the following:

5.8.2.1 -The likely impact of the proposed development on the characteristics of the surrounding neighborhood addressing such issues as congestion on public streets, harmony with surrounding development and effect on property values, and overall neighborhood stability.

5.8.2.2 - Consistency of the proposed development with the objectives of the Plan of Conservation and Development.

5.8.2.3 The extent to which any environmental features on the site may be disturbed and what measures will be taken to mitigate these impacts. Consideration shall be given to steep slopes, (including erosion control), wetlands, drainage ways and vegetation and any other land feature considered to be significant.

5.8.2.4 -The impact of the proposed development on the water, sanitary sewer and storm drainage systems of the Town, and an indication of improvements that may be necessitated by the project.

5.8.2.5 - Analysis of vehicular and pedestrian traffic impact on the street system and proposed methods of handling situations where the street system is found to be inadequate.

5.8.2.6 - Analysis of the affect the proposed project will have on various town services such as police, fire, schools, and recreation.

5.8.2.7 - Adverse impacts that cannot be avoided:

5.8.2.7.1 - Alternatives to the proposed action.

5.8.2.7.2 - Mitigation proposed for adverse impacts.

5.9 - Performance Bond: Upon the approval of any application for special permit, the applicant shall post any performance bonds required by the Commission in form and amount satisfactory to it, as surety for the compliance with all conditions and safeguards imposed by the Commission and providing that, in case of default, the Commission may promptly take any and all steps necessary to guarantee the compliance with said approval and enforcement of these regulations.

5.10 - Notification: Any application involving a public hearing:

5.10.1 - Will require the petitioner, at the petitioner's own expense, to send notice of the same at least 15 days prior to the date of the public hearing,- via certificate of mailing to all owners of record of any abutting properties as well as to owners of record of those properties that lie opposite the parcel across any street or thoroughfare.

5.10.1.1 - On the day of the public hearing, a copy of the) shall be presented to the Commission to show compliance. An honest effort to reach the owner of record at their last known address will be accepted with postal regulations governing. The property owner shall be the owner indicated on the property tax map or on the last completed grand list as of the date such notice is mailed)

Approved September 6, 2006
Effective September 29, 2006

5.10.2 - Will require that the property be placarded with a sign of three (3) feet by four (4) feet minimum, set back no more than ten (10) feet from the front lot line or on the front face of any building or structure that is closer to the front lot line.

5.10.2.1 - The sign shall be visible to the public and composed of letters with minimum height of four (4) inches.

5.10.2.2 - The message shall read: "A public hearing dealing with these premises is to be held in the Brooklyn Community Center at (time) on (day), (month, day, year), dealing with an application for (.....)".

5.10.2.2.1 - The wording of the required sign may be changed at the discretion of the Planning and Zoning Commission to suit the circumstances involved.

5.10.2.3 - The sign shall be in place at least fifteen (15) days prior to the public hearing and be removed by the day following the public hearing.

5.11 Consultant Review: The Commission may engage consultants including but not limited to, Consulting Town Planner, Consulting Town Engineer, or Consulting Town Landscape Architect) to review the application(s), to prepare written findings and recommendations, to prepare oral testimony for the public hearing(s), to act as the commission's agents, to meet with the applicant and the applicant's agents prior to or during the application review process, and to function as or to advise the Architectural/Design Review Committee. If the

Commission does engage consultants for any of these services for the subject application, the applicant shall be required to reimburse the Town for the costs of such consulting services. The Town shall set up a payment schedule/policy for said reimbursement payments.

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ARTICLE 6 - ENTERPRISES IN THE HOME

6.1 - General: Enterprises in the Home are those commercial uses traditionally not permitted in residential zones. In general these are activities carried out for financial gain that are home based, but that do not materially change the residential nature of the neighborhood in which they are permitted. Three categories of permitted uses are established, each having an increasing impact upon the residential neighborhood and each with increasing standards and criteria. The categories are Home Office, Home Business and Home Enterprise. The uses can include but are not limited to professional offices, independent contractors, artisans and craftsman, dressmakers and tailors. Uses not permitted in this classification include but are not limited to barber shops, beauty shops, pet grooming shops, dancing schools, karate schools, restaurants, printing shops, employment agencies, radio stations, automotive repair services and retail establishments.

6.2 - Home Office: The intent of this regulation is to recognize that the resident of a dwelling in a residential zone has a right to conduct an office (or a similar use) where such use has no external evidence that alters the residential character of the dwelling, lot or neighborhood.

6.2.1 - A Home Office is permitted as a matter of right, with no permit required.

6.2.2 - To be considered a home office, the use must meet the following standards and criteria:

6.2.2.1- There shall be no change in the exterior of the residence; no outside display or storage of materials, goods, supplies or equipment; nor is there any exterior visible evidence of home office use.

6.2.2.2 - Only 2 employees other than family members residing in the dwelling shall be employed in the Home Office use.

6.2.2.3 -The Home Office use shall be confined to structures that are clearly incidental to the use of a property for a residence.

6.2.2.4 - No business shall be conducted from the Home Office except by mail or electronic medium.

6.2.2.5 - There shall be no traffic, noise, or electrical interference associated with the Home Office use that exceeds that normally associated with a residence.

6.2.2.6 - There shall be no hazardous, flammable or combustible liquids, materials and/or wastes located, stored, used, or displayed in association with uses as a Home Office other than that normally associated with a residence.

6.2.2.7 - There shall not be more than one commercially registered motor vehicle associated with the Home Office parked and/or located on the premises at any one time. Such motor vehicle shall only be of a type requiring a Class 3 License as defined by the Connecticut Department of Motor Vehicles.

6.3 - Home Business: The intent of this regulation for a Home Business is to provide the opportunity for the owner or the resident of a home to use the property for limited business purposes, subject to criteria designed to maintain the residential character of the lot and the neighborhood, to minimize the conflict of such use with surrounding residential uses, and to protect residential property values.

6.3.1 - A Home Business shall be allowed in the Residential-Agricultural Zone and in the Village Center District by issuance of a Home Business Permit. The Commission will authorize the issuance of a Home Business Permit when it has been determined that the proposed use meets the requirements of the herein described standards and criteria by the process of Site Plan Review. The requirements of Article 4 must be met before the Commission can approve an application for a Home Business Permit.

6.3.2 - A Home Business permit must be renewed yearly on or before the anniversary date of the issuance of the initial permit. The Commission (or its Agent) will authorize the renewal of the permit when it determines that the requirements of this regulation continue to be met.

6.3.3- The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for the Home Business Permit:

6.3.3.1- Proposed property for a home business use shall have a minimum lot area of 40,000 square feet.

6.3.3.2- The Home Business use shall be clearly secondary to the residential use of the property, and shall not change the residential appearance of the lot or the residential character of the neighborhood.

6.3.3.3 - The Home Business use may occupy an accessory building providing that the location and appearance of the accessory building is consistent with the residential character of the lot and of the neighborhood.

6.3.3.4 - The Home Business shall not utilize more than 50% of the floor area of the primary residence.

6.3.3.4.1 - For an accessory building constructed after the adoption of the regulation, the home business shall not utilize more than an area equal to 50% of the floor area of the primary residence.

6.3.3.4.2 - For an existing accessory building, not more than 50% of the floor area of the accessory building or an area equal to 50% of the floor area of the primary residence, whichever is larger, may be utilized by the home business.

6.3.3.5 - The Home Business use shall not employ more than two persons other than resident family members.

6.3.3.6 - The appearance of the lot and of the structures on the lot shall not be altered in a manner that would cause the residence to differ from its residential character by the use of materials, construction, lighting, and signs, or by the emission of sounds, vibrations, or electrical interference.

6.3.3.7 - There shall be no exterior storage of goods, supplies, or materials associated with the Home Business.

6.3.3.8 - There shall be no hazardous materials stored, used, or displayed in association with use as a Home Business other than that normally associated with a residence.

6.3.3.9 - On-site parking shall be provided to accommodate the parking needs of the home business in accordance with Article 3.6 of these Regulations.

6.3.3.10 - Buffers shall be provided in accordance with Article 11, Landscape Regulations, of these Regulations.

6.3.3.11 - Not more than three (3) commercially registered motor vehicles associated with the home business shall be parked and/or located on the premises at any one time. Such motor vehicles shall be of the type requiring a Class 2 License as defined by the Connecticut Department of Motor Vehicles.

6.4 - Home Enterprise: The intent of this regulation for a Home Enterprise is to provide the opportunity for the owner or the resident of a home to use the property for limited business purposes when the use exceeds one or more of the limitations for use as a Home Office or Home Business. However, such use must maintain the residential character of the lot and the neighborhood, minimize the conflict of such use with the surrounding residential uses, and protect residential property values.

6.4.2 - Use as a Home Enterprise may be permitted by Special Permit, in a Residential-Agricultural Zone and in the Village Center District, in accordance with the requirements of Article 5 of these regulations.

6.4.3 - The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for the Home Enterprise Permit:

6.4.3.1 - The Home Enterprise use shall be clearly secondary to the residential use of the premises, and shall not materially change the residential appearance of the dwelling, lot or neighborhood.

6.4.3.2 - The Home Enterprise use may occupy an accessory building providing that the location and appearance of the accessory building is consistent with the residential character of the lot and of the neighborhood.

6.4.3.3 - The Home Enterprise shall not utilize more than 50% of the floor area of the primary residence.

6.4.3.3.1 - For an accessory building constructed after the adoption of this regulation, the home enterprise shall not utilize more than an area equal to 100% of the floor area of the primary residence.

6.4.3.3.2 - For an existing accessory building, 100% of the floor area of the accessory building may be utilized by the home enterprise.

6.4.3.4 - The appearance of the lot and of the structures on the lot shall not be altered in a manner that would cause the residence to differ from its residential character by the use of materials, construction, lighting, or signs, nor by the emission of sounds, vibrations, or electrical interference.

6.4.3.5 - The proposed site shall have direct access to a State Highway or an existing collector road, shall have an area equal to or greater than three acres, and shall have frontage equal to or greater than one-hundred and fifty (150) feet.

6.4.3.5.1 - The lot shall be of such size shape and dimension that any exterior evidence of the proposed use is screened from public view in accordance with Article 11, Landscape Regulations. However, a buffer of 50 feet shall be required for any outside storage or parking associated with the Home Enterprise use and must meet the Screening and Buffering Area Standards rather than the listed 20 feet.

6.4.3.6 - The application shall show measures taken to minimize the impact of vehicular traffic on the surrounding neighborhood.

6.4.3.7 - As a condition to the Special Permit, the Commission may establish limits on the permit pertaining to hours of operation, number and type of vehicles, outside storage, and other such considerations as may be necessary to minimize the impact of the proposed activity on the surrounding residential areas.

6.4.3.8 - The Home Enterprise use shall not employ more than five (5) persons other than resident family members.

6.4.3.9 - Not more than five (5) commercially registered motor vehicles associated with the home enterprise shall be parked and/or located on the premises at any one time.

6.4.3.10 - The only retail sales permitted will be of items manufactured on the premises.

6.4.3.11 - The permit for a Home Enterprise shall be issued to the owner or the resident of the property, who may choose to lease out space on the property. However, the uses will be considered cumulatively when determining compliance with the regulations. Changes in types of home enterprise uses must be reviewed by the Commission and the permit revised accordingly.

ARTICLE 6A - ADAPTIVE RE-USE OF AN AGRICULTURAL BUILDING

6A.1 - The intent of this regulation is to provide the opportunity for the owner of an agricultural building existing on the date of adoption of this regulation to use that property for limited business purposes while maintaining the residential character of the lot and the neighborhood, minimizing the conflict of such use with the surrounding residential uses, and protecting residential property values.

6A.2 - Permitted uses shall be light manufacturing, self-storage facilities, health and membership clubs, and shop and/or storage space for tradespersons.

6A.3 - Adaptive re-use of an agricultural building in existence on the date of adoption of these regulations may be permitted by Special Permit and attendant Site Plan Review, in accordance with the requirements of Article 5 of these regulations.

6A.4 - The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for such use:

6A.4.1 - The proposed site shall have direct access to a State Highway or an existing collector road, shall have an area equal to or greater than three acres, and shall have frontage equal to or greater than one-hundred and fifty (150) feet.

6A.4.2 - The lot shall be of such size shape and dimension that any exterior evidence of the proposed use is screened from public view in accordance with Article 11, Landscape Regulations. However, a buffer of 50 feet shall be required for any outside storage or parking associated with the use and must meet the Screening and Buffering Area Standards.

6A.4.3 - The application shall show measures taken to minimize the impact of vehicular traffic on the surrounding neighborhood.

6A.4.4 - Not more than five (5) commercially registered motor vehicles associated with the use shall be parked and/or located on the premises at any one time.

6A.5 - As a condition to the Special Permit the Commission may establish limits on the hours of operation, number and type of vehicles, outside storage, and such other conditions as may be necessary to minimize the impact of the proposed activity on the surrounding residential areas.

6A.6 - The permit for adaptive re-use of an agricultural building shall be issued to the owner of the property, who may choose to lease out space on the property. The owner of the property will bear full responsibility for compliance with this regulation. The uses will be considered cumulatively when determining compliance with the regulations. A change in use, or a change in owner or leaser, must be reviewed by the Commission and the permit revised accordingly. (02/07/02)

ARTICLE 7 - MULTI-FAMILY DWELLING

7.1 - General: Before a permit for a Multi-Family Dwelling can be issued, site plan approval and Special Permit approval from the Planning and Zoning Commission must be obtained in accordance with the requirements and procedures of Article 4 and Article 5 of these Regulations.

Approved May 2, 2007

Effective May 26, 2007

7.2 - Requirements: The following requirements shall be met by the applicant:

7.2.1 - The minimum area required for a multi-family dwelling development shall be five (5) acres, in which no structure shall contain more than twelve (12) dwelling units.

7.2.2 - The minimum density per dwelling unit shall be:

Ten-thousand (10,000) square feet where there are no public sewers or public water facilities.

Eight-thousand (8,000) square feet where there are either public sewer or public water facilities available and used.

Five-thousand (5,000) square feet where there are both public sewers and public water facilities available and used.

7.2.3 - Maximum heights for all buildings shall be the lesser of two (2) stories or thirty-five (35) feet.

7.2.4 - Required yards (entire site):

Front Yard - Fifty (50) feet.

Side Yard - Fifty (50) feet.

Rear Yard - Fifty (50) feet.

7.2.5 - Minimum Horizontal Distance Between Two (2) Buildings on One Lot:

Seventy-five (75) feet between walls of which each contains one or more windows.

Twenty-five (25) feet between walls of which none or only one contains one or more windows.

7.2.6 - All parking areas, including access drives, shall be at least twenty-five (25) feet from a building used for dwelling purposes, unless covered parking is provided under or adjacent to dwelling units.

7.2.7 - All interior access drives shall be paved.

7.2.7.1 - All proposed streets that are intended to be accepted by the Town, shall be constructed in accordance with Section V of the Subdivision regulations.

7.2.8 - Minimum space requirements for dwelling units:

7.2.8.1 - Types of units:

Efficiency Unit	450 square ft.
One-bedroom Unit	600 square ft.
Two-bedroom Unit	800 square ft.
Three-bedroom Unit	950 square ft.

7.2.8.2 - In computing minimum space requirements, public hallways and stairways shall be excluded and interior wall-to-wall measurements shall be used.

7.2.8.3 - The number of efficiency units for each development shall not exceed twenty (20) per cent of the total number of dwelling units.

7.2.8.4 - No living quarters shall be below the finished grade of the ground adjoining such structure, nor above the second story.

7.2.8.5 - Play Space or other open space for recreation shall be provided in one or more locations within a multi-family dwelling group at a rate of one-hundred-fifty (150) square feet per dwelling unit.

7.2.8.5.1 - Such a space may be counted as part of the required yard space, along any of the borders of the development, except that area that is considered required front yard space.

7.2.8.6 - Each property line, except street line, shall be paralleled by a buffer strip at least fifteen (15) feet wide, planted with a mixture of evergreens and deciduous plants and trees, which shall be maintained in order to protect the adjacent property and the neighborhood in general from detriment.

7.2.8.6.1 - Such strips may be included in the required side yards. Existing wooded areas may be considered as buffer strips.

ARTICLE 8 - ELDERLY HOUSING

8.1 - Intent: The following regulations shall apply to all proposals for elderly housing in Brooklyn. The intent of this regulation is to provide housing alternatives for elderly persons, to provide the opportunity for elderly persons to live in a planned community specifically designed to meet their special needs, and to locate housing for the elderly to provide safe and convenient access to services, while at the same time to ensure that the design development is compatible with surrounding land uses and the character of the area, and that land development remains consistent with the adopted Plan of Conservation and Development for the Town of Brooklyn.

8.2 - Standards: A parcel of land shall be considered for Elderly Housing if it meets the following standards:

8.2.1 - The parcel shall be located in the VCD, R30, R10, RB, or NC zone.

8.2.2 - The parcel shall be served by public water and public sewer facilities approved by relevant state and local agencies as of the date of application.

8.2.3 - The parcel shall have at least fifty (50) feet of frontage on an accepted and maintained public street.

8.2.4 - The application information and requirements Article 5, Special Permit Requirements, must be met.

8.3 - Accessory Uses: The accessory uses permitted on a parcel used for Elderly Housing shall be those permitted in the zone in which the land is located, and recreational and/or community facilities associated with the proposed development.

8.4 - Density: The maximum number of dwelling units per acre will be based on one (1) unit per two-thousand five hundred (2500) square feet. The density allotment for Elderly Housing is conditioned upon the requirement that the property is maintained and conveyed by deeds containing covenants or restrictions that such dwelling units be rented, sold or otherwise conveyed for the exclusive use by elderly residents for at least ninety-nine (99) years after the initial occupation of the proposed development.

8.5 - Design Standards:

8.5.1 - No building shall extend within less than fifty (50) feet of any state highway line, fifty (50) feet of any other existing street line, fifteen (15) from any other existing property line, or as required in the underlying zone, whichever is more restrictive.

8.5.2 - Buildings shall be situated in a safe, efficient, and harmonious grouping that clusters buildings, creates well-designed open spaces, and avoids overcrowding.

8.5.3 - The distance between two buildings shall be no less than forty (40) feet.

8.5.4 - No exterior facade of any such building shall exceed forty (40) feet in length without an offset.

8.5.5 - All dwellings within a neighborhood or phase shall be of a single consistent architectural style to harmonize with the landscape and with each other, using materials and architectural features that are traditional in the Town of Brooklyn.

8.5.6 - No building shall exceed thirty-five (35) feet in height.

8.5.7 - Off-Street parking requirements shall be met according to the standards of Article 3.6 of these regulations.

8.5.8 - Recreation and open space shall be provided for Elderly Housing at a rate of one hundred and fifty (150) square feet per dwelling unit.

8.5.8.1 - Such a space may be counted as part of the required yard space, along any of the borders of the development, except that area that is considered required front yard space.

8.5.8.2 - No more than fifty percent (50%) of the area proposed for recreation and open space shall consist of wetland soils.

8.5.9 - Landscaping of the site proposed for development shall be provided for according to the standards of Article 11, Landscape Regulations.

8.5.10 - The maximum impervious surface coverage for an Elderly Housing development shall not exceed eighty (80) percent.

8.5.11 - Solid waste receptacles shall be provided on-site, and shall be screened from view from any public street and abutting properties. Provisions shall be made for the collection of recyclable materials.

8.5.12 - Building clusters shall be externally identified. Exterior unit identification (or directories) also shall be provided at driveway intersections, and shall be externally lighted.

8.5.13 - All parking areas and walkways shall be suitably illuminated. Additionally, the requirements of Article 4.5.2.7 shall be met.

ARTICLE 9 - WIRELESS COMMUNICATIONS

NOTICE: This Article of these Regulations has been invalidated because of the State's decision that such action will be performed by the Connecticut Siting Council. Therefore, this decision relieves this Commission of action upon an application relating to Wireless Communications.

However, the provisions of this Article may be used to guide the Commission when a request has been made for an informal review by the Commission of any pending application. (8/7/02)

9.1 - Intent: The intent of this regulation is to provide for the location of wireless communication towers, antennas and facilities while protecting neighborhoods and minimizing adverse visual and operational effects through careful design, siting and screening consistent with the provisions of the 1995 Telecommunications Act. This section of the Zoning Regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions. Other specific wireless telecommunication purposes are as follows:

9.1.1 -To encourage use of nonresidential buildings and structures, such as water storage tanks.

9.1.2 -To encourage joint use of new or existing towers and facilities.

9.1.3 -To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers.

9.1.4 -To accommodate the need for wireless communication towers and antennas while regulating their location and number.

9.1.5 -To protect historic and residential areas from potential adverse impacts of wireless communication facilities.

9.1.6 - To encourage suitable design measures to minimize adverse visual effects of wireless communication facilities.

9.1.7 -To reduce the number of towers and/or antennas needed in the future.

9.2 - Siting Preferences: The general order of preference for alternative facility locations shall range from 9.2.1, as the most preferred, to 9.2.5, the least preferred. However, lower power PCS can require more antennas for coverage and clustering may not necessarily provide seamless coverage.

9.2.1 - On existing structures such as nonresidential buildings or facades, water towers or tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain elevators, and silos.

9.2.2 - On existing or approved towers.

9.2.3 - On new towers located on property occupied by one or more existing towers.

9.2.4 - On new towers located in commercial or industrial zones.

9.2.5 - On new towers located in residential zones.

9.3 - Standards: The wireless telecommunication facility standards enumerated below shall be followed:

9.3.1 - The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.

9.3.2 - A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.

9.3.2.1 - More than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower.

9.3.3 - A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located.

9.3.4 - A telecommunication facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.

9.3.5 - All towers in residential zones shall be a monopole design unless otherwise modified and approved by the Commission.

9.3.5.1 - The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or other suitable art form/sculpture as determined by the Commission.

9.3.6 - Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.

9.3.7 - No lights or illumination shall be permitted unless required by the FAA. No signs or advertising shall be permitted on any tower or antenna, except that "no trespassing", "warning", and ownership signs are permitted no higher than seven (7) feet from ground level.

9.3.8 - The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire, and ambulance companies

9.3.8.1 - The Commission may require the use of Section 16-50aa of the Connecticut General Statutes to promote tower sharing.

9.3.9 - A proposed tower shall be designed and constructed to all applicable standards of the American National Standards institutes, as amended.

9.4 - Permitted Uses: The following uses generally pose a minimum adverse visual effect and shall be deemed permitted uses in all zoning districts subject to the standards in these Regulations:

9.4.1 - Wireless telecommunication facilities where the antenna is mounted on the rooftop or facade of a non-residential building, provided the following standards are met:

9.4.1.1 - No change is made to the height of the building.

9.4.1.2 - Panel antennas shall not exceed sixty inches in height by twenty-four inches in width; whip antennas shall not exceed forty-eight inches in height; and dish antennas shall not exceed thirty-six inches in diameter.

9.4.1.3 - Equipment cabinets and sheds shall meet the requirements of these regulations.

9.4.1.4 - Facilities shall be of a material or color that matches the exterior of the building, and shall blend into the existing architecture to the extent possible.

9.4.1.5 - Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.

9.4.1.6 - Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten feet.

9.4.1.7 - Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.

9.4.1.8 - Roof mounted antennas shall not occupy more than 25 percent of the roof area in residential zones, and 50 percent in all other zones.

9.4.2 - Wireless telecommunication facilities where the antenna is mounted on existing towers, water towers or tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain elevators, and silos, provided the following standards are met:

9.4.2.1 - No change is made to the height of the structure.

9.4.2.2 - Panel antennas shall not exceed sixty inches in height by twenty-four inches in width; whip antennas shall not exceed forty-eight inches in height; and dish antennas shall not exceed thirty-six inches in diameter.

9.4.2.3 - Equipment cabinets and sheds shall meet the requirements of these regulations.

9.4.2.4 - Facilities shall be of a material or color that matches the exterior of the structure and shall blend into the existing architecture of the structure to the extent possible.

9.4.3 - Wireless telecommunication facilities where a tower is located on property occupied by one or more towers erected prior to the effective date of these regulations, provided the following standards are met:

9.4.3.1 - The height of the tower to be erected shall not exceed the height of the tallest tower on the property.

9.4.3.2 - Equipment cabinets and sheds shall meet the requirements of these regulations.

9.5 - Use by Special Permit: All other placement of wireless communication facilities shall require a special permit and must meet the following requirements:

9.5.1 - All of the plans and information required for a permitted use wireless telecommunication facility site plan required in Section 9.5 of these regulations.

9.5.2 - A view analysis showing all areas from which the tower would be visible, and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.

9.5.3 - Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant's antenna.

9.5.4 - For tall structures located within one-quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.

9.5.5 - Proximity of the tower to residential structures.
Nature of uses on adjacent and nearby properties within 1,000 feet.

9.5.6 - Surrounding topography within 1 000 feet at contour intervals not exceeding ten feet.

9.5.7 - Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

9.6 - Site Plan Requirements: All applications to develop a wireless telecommunications facility as a permitted use or special permit shall meet the site plan requirements of these regulations. The following information shall be submitted for each application, where applicable. The Commission may require independent engineering or technical review of submitted materials at the applicant's expense.

9.6.1 - A map indicating the service area of the proposed wireless telecommunications site, the extent of the applicant's existing and planned coverage within the Town of Brooklyn, and the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site.

9.6.2 - A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.

9.6.3 - A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

9.6.4 - Details of all proposed antenna and mounting equipment including size and color.

9.6.5 - Elevations of all proposed shielding and details of material including color.

9.6.6 - An elevation of all proposed equipment buildings, boxes or cabinets.

9.6.7 - Details of all proposed fencing, including color.

9.6.8 - Tower base elevation and height of tower.

9.6.9 - A design drawing which shall include cross section and elevation of all proposed towers and a description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas.

9.6.9.1 - The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.

9.6.10 - A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.

9.6.11 - All proposed landscaping, if appropriate, with a list of plant materials.

9.6.12 - Proposed access to the site.

9.6.13 - Detailed analysis of alternative sites, structures access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 9.2 of these regulations.

9.6.14 - Detailed propagation and antenna separation analysis relative to tower height.

9.6.15 - Detailed analysis of tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers.

9.6.16 - Assessment of design characteristics and architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.

9.6.17 - If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.

9.6.18 - Consideration of future use or reuse of the site, with provisions for facility removal and site restoration.

9.7 - Ancillary Buildings: All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:

9.7.1 - Each building shall not contain more than five hundred (500) square feet of gross floor area nor be more than eight feet in height.

9.7.2 - Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.

9.7.3 - If located on the roof of a building, each ancillary building shall be designed to blend with the color and design of the building to the extent possible.

9.7.4 - All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and be landscaped according to the landscaping requirements of Article 11 of these Regulations.

9.8 - Abandonment: The facility owner at their expense shall remove a wireless telecommunication facility not in use for 12 consecutive months. This removal shall occur within 90 days of the end of such 12-month period. The Commission may require a bond or other surety satisfactory to the Town of Brooklyn to guarantee removal, which shall be reviewed and renewed every two years. If there are two or more users of a single tower this provision shall not become effective until all users cease utilizing the tower.

ARTICLE 10 - SIGNS

10.1 - Signs Permitted in All Zones:

The following signs are permitted in all districts:

10.1.1 - Real Estate Signs: Temporary real estate signs not exceeding (1) RESIDENTIAL BEING 16 square feet, (2) COMMERCIAL BEING 32 square feet in area, advertising the sale, lease or rental of the property on which the sign is located and limited to one (1) such sign for each street frontage of a lot, parcel or tract.

10.1.2 - Project Identity Signs: A sign or notice to be erected by a private agency such as a railroad, public utility or radio or television transmitter, solely for the direction, information or protection of the public on a temporary or permanent basis. The area of these signs shall not exceed twenty-four (24) square feet.

10.1.3 - Civic and Religious and Landmark Signs: Signs or bulletins boards customarily incidental to places of worship, libraries, colleges, other educational institutions, philanthropic and religious institutions, hospitals, nursing homes, sanitarium, membership of clubs and camps, social clubs, and other civic organizations. The area of these signs or bulletin boards shall not exceed thirty-two (32) square feet, and be free standing on the premises of such organizations.

10.1.4 - Warning and Directional Signs: Signs such as "No Trespassing", "Private Road", "One Way", etc., and directional signs, not to exceed two (2) square feet in sign area.

10.1.5 - Upon appropriate application, **Public Service signs** may be granted a special exception to these regulations by the Planning and Zoning Commission.

10.1.6 - Political signs only for the purpose of elections or referendums are permitted. These signs must be removed within 10 days of the said election or referendum.

10.2 - Signs Permitted in Residential Zones:

10.2.1 - One sign advertising a permitted home office business or home enterprise, provided that such sign shall not exceed four (4) square feet in the sign area.

10.3 - Signs Permitted in Residential Agricultural, Business and Industrial Zones:

10.3.1 - All Signs Permitted in 10.2, See above.

10.3.2 - The intent of this section is to allow signs that provide the means of representing directions to hard-to-find businesses from locations other than the premises of the establishment referred to on the sign. The purpose is to offer directions to the location of goods

or services and not to provide detailed information. The sign is not to exceed four (4) square feet in area and not extending higher than ten (10) feet above ground level at its highest point, set back at least ten (10) feet from the public right-of-way.

10.4 - Signs Permitted in the Village Center District (VCD):

The only signs permitted in the VCD are those covered in this section of the zoning regulations. No signs shall be attached to a structure or building, erected or hung without:

- 1) Applying for a Sign Permit with the Land Use Officer.
- 2) Receiving approval from the Planning and Zoning Commission for conformance with these regulations. Signs shall be constructed of wood, stone or materials that simulate wood or stone in appearance, and shall employ historical paint colors.

10.4.1 - One freestanding sign, permanently secured to the ground, shall be allowed per lot. Such sign shall not exceed twelve (12) square feet in sign area, shall not extend higher than eight (8) feet above ground level at its highest point, and shall not be less than ten (10) feet from a public roadway. The sign shall not contain moving or illumination elements or components. Only exterior lighting may be used to illuminate the sign. Such illumination shall use only soft white, incandescent light no greater than 150 watts, of constant intensity, and shall be downwardly directed and contained on the premises, the sole purpose being to make a sign visible in the dark.

10.4.2 - Each VCD business is permitted one hanging sign no larger than four (4) square feet in sign area. Hanging signs shall protrude perpendicularly from the front of the business. No portion of any such sign shall protrude into, or be permitted to a public right-of-way. In the case of a business that faces more than one public roadway or entrance, one additional sign for each such circumstance may be permitted.

10.4.3 - Wall signs shall be permitted. Wall signs shall be parallel to the face of the building (roofs and overhangs not included), and no part thereof (including any illuminating devices) shall protrude more than 12 inches beyond the face of the building nor be higher than the wall upon which it is located. The aggregate area of any wall sign shall not exceed one (1) square foot for every foot in length of such building upon which it is attached.

10.4.4 - In the VCD, one (1) temporary, movable A-frame sign is permitted per business, up to a maximum of three (3) per lot in the VCD Zone. The primary purpose of such sign is to identify special products and sales, not to serve as a primary business identification sign. The total sign area for each sign shall not exceed twelve (12) square feet, each side, and shall be a maximum of four (4) feet in height. Such sign shall not be illuminated and must be situated so as to avoid obstruction of roadway sightlines. If a sign is placed in a location that is determined by the Land Use Officer to compromise safe movement of vehicular or pedestrian traffic, the Land Use Officer may, at his discretion, direct the business owner to remove the sign. In the case of a structure that faces more than one public road

way or entrance, one additional sign for each such circumstances may be permitted
Adopted - October 4, 2006
Effective October 30, 2006

10.5 Signs Permitted in the Neighborhood Commercial Zone and Restricted Business Zone:

The following requirements shall apply to all signs located in the Neighborhood Commercial and Restricted Business zones. The only signs permitted are those indicated below. No sign shall be attached to a building or structure, erected or hung without;

- 1) Applying for a SIGN Permit from the Land Use Officer and submitting plans as specified in Section 10.8 of these regulations.

10.5.1 - One freestanding sign for each lot or one hanging sign for each business parcel shall be permitted.

10.5.1.1 - No freestanding sign shall exceed twenty (20) square feet in sign area or ten (10) feet in height. Such sign shall be set located a minimum of ten (10) feet from the public right-of-way. Where more than one business is located on the same lot the cumulative area of a free standing sign shall not exceed thirty two (32) feet.

10.5.1.2 - No hanging sign shall exceed eight (8) square feet in sign area. Such sign shall protrude perpendicularly from the front of the building. No portion of the sign shall be permitted over any public right-of-way.

10.5.2 - Wall signs shall be permitted. Such sign or signs shall be parallel to the face of the building and no part thereof, including any illuminating devices, shall project more than twelve (12) inches beyond the face of the building, nor be higher than the wall upon which it is located. The aggregate area of all wall signs shall not exceed one (1) square foot for every foot in length of such building wall.

10.5.3 - Signs in these districts may be externally illuminated using soft white, recessed or enclosed downward, incandescent light, no greater than 150 watts, of constant intensity. Illumination shall be downwardly directed, the sole purpose to make the sign visible in the dark. No flashing, intermittent, pulsating or moving lights, or exposed bulbs, are permitted.

10.5.4 - In extraordinary situations where the right-of-way line for the State Highway is extremely irregular, excessive and/or deviates from a line parallel to the pavement, the minimum setback of the sign may be determined based upon the road pavement line.

10.6 - Signs Permitted in Planned Commercial Zone:

The only signs permitted in this zone are those indicated below. No sign shall be attached to a building or structure, erected, or hung without;

- 1) Applying for a permit from the Land Use Officer and submitting plans as specified in section 10.8 of these regulations
- 2) Receiving approval from the Land Use Officer for conformance with these regulations on an approved site plan.

10.6.1 - One permanent, freestanding, primary business sign shall be permitted for each lot.

10.6.1.1 - The maximum height of a freestanding sign shall be twenty-five (15) feet.

10.6.1.2 - The maximum area of each freestanding sign shall be forty (40) square feet plus ten (10) square feet for each establishment, up to a maximum size of eighty (80) square feet.

10.6.1.3 - Each freestanding sign shall be set back from the boundary line, one (1) foot for every foot of height; the minimum setback shall be ten (10) feet.

10.6.2 - Wall signs shall be permitted. Such sign or signs shall be parallel to the face of the building and no part thereof, including any illuminating devices, shall project more than twelve (12) inches beyond the face of the building, nor be higher than the wall upon which it is located. The aggregate area of all wall signs shall not exceed one (1) square foot for every foot in length of such building wall.

10.6.3 - The only illumination of signs permitted in this district is a light of constant intensity, the sole purpose of which is to make the sign visible in the dark. Sign lighting shall not present a safety hazard, and no flashing, intermittent, pulsating, or moving lights, or exposed bulbs, are permitted. Exterior lighting must be downwardly directed to minimize glare.

10.6.4 - In the Planned Commercial Zone, one (1) temporary, movable A-frame sign is permitted per business, up to a maximum of three (3) per lot in the PC Zone sign. The primary purpose of such a sign is to identify special products and sales, not to serve as a primary business identification sign. The total sign area for each sign shall not exceed twelve (12) square feet, each side, and shall be a maximum of four (4) feet in height. Such a sign shall not be illuminated and must be removed during non business hours. The sign shall not be located within the right-of-way and shall be situated so as to avoid obstruction of roadway sightlines. If a sign is placed in a location that is determined by the Land Use Officer to compromise safe movement of vehicular or pedestrian traffic, the Land Use Officer may, at his discretion, direct the business owner to remove the sign. In the case of a structure that faces more than one public roadway or entrance, one additional sign for each such circumstances may be permitted

Adopted - October 4, 2006

Effective October 30, 2006

10.7 - Requirements for Signs:

All signs other than those specifically authorized by the provisions of these regulations are prohibited.

10.7.1 - No neon sign or similar illuminated advertisement shall be such color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic or similar safety or warning device.

10.7.2 - No sign, including projecting signs, shall be located in or project over any street right-of-way, except an official sign.

10.7.3. - No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.

10.7.4. - Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing intermittent, rotating, or moving light or lights.

10.7.4.1 - In no event shall an illuminated sign or lighting device be so placed or directed in such a manner as to permit beams from that illumination to be directed upon a public street, highway, sidewalk, or adjacent premises so as to cause a glare or reflection that may constitute a traffic hazard or nuisance.

10.7.5 - No sign shall be located in such a manner as to reduce the sight line to less than five hundred (500) feet for vehicles entering from or exiting to the roadway.

10.7.6 - Portable signs other than those described in section 10.6.3, shall not be permitted. Prohibited signs include wheeled signs, signs mounted or placed upon unregistered motor vehicles, and any portable, internally illuminated, changeable copy sign.

10.7.7 - All signs shall conform to the Building Code of the State of Connecticut.

10.8 - Sign Permits

No sign shall be erected, hung or displayed without first obtaining a sign permit, other than those permitted in SECTION 10.1 through 10.3.

10.8.1 - Written application for a sign permit shall be made on forms prescribed and provided by the Land Use Officer, and shall contain the following information:

10.8.1.1 - The name, address and telephone number of the applicant.

10.8.1.2 - The location of the building, structure or land on which the sign is to be attached, erected or hung.

10.8.1.3 - A scale drawing of the proposed sign, its location and proposed illumination, if any.

10.8.1.4 - A landscaping plan for the area around the proposed sign, as described in ARTICLE

11 SECTION 11.4.8.

10.8.1.5 - A full description of materials and lighting to be used in the construction of the proposed sign.

10.8.1.6 - Signed consent of the owner of the sign location property if the applicant is not the owner of the building, structure or land.

10.8.2 - Application shall be made for a sign permit whenever significant alteration or replacement of a sign is proposed.

10.8.3 - If any sign is constructed out of compliance with these regulations or in non-conformity or a filed permit, or if the sign has been erected without the permit, the Land Use Officer shall notify the applicant of violation and or permit denial of the constructed sign, in writing. The applicant shall apply or reapply for a permit and remediate the sign within thirty (30) days of said notice.

10.9 General Commercial Sign Standards:

The following standards shall apply to all commercial signs.

10.9.1 - Suitable, durable materials shall be used for all signs, including removable and temporary signs, and all signs shall be firmly supported and maintained in good condition.

10.9.2 - No sign or associated planting shall be located so as to obscure sightlines or otherwise cause danger to vehicular or pedestrian traffic.

10.9.3 - Except for barber poles and the area of a sign devoted to displaying the time and/or temperature, no signs shall be the flashing, rotating or animated type. Time and temperature displays may not flash at intervals of less than five seconds.

10.9.4 - All signs must comply with the Connecticut State Building Code.

10.10 Nonconforming Signs:

Any sign lawfully existing or under construction on the effective date of these regulations that does not conform to one or more of the provisions of these regulations may be continued in operation and maintained as a legal nonconforming sign.

10.10.1 - Normal maintenance of a nonconforming sign, including structural and nonstructural repair and change of copy, shall be permitted.

10.10.2 - Reconstruction or replacement of the sign shall result in a nonconforming sign being illegal. Any future sign constructed on the premises shall conform to sign regulations in effect at the time of reconstruction or replacement.

10.10.3 - Any sign that was illegally nonconforming prior to amendment of these regulations and which currently does not conform to these regulations shall remain illegal.

10.11 Obsolete Signs:

No sign for an abandoned or discontinued business shall remain on the premises of such business after the business has abandoned or discontinued such that the owner does not claim or retain any interest or right to the nonconforming use. Any subsequent sign or signs constructed on the premises shall conform to currently existing regulations.

Approved May 17, 2006

Effective Date June 16, 2006

ARTICLE 11 - LANDSCAPE REGULATIONS

11.1 - Intent: The intent of these regulations is to preserve and/or improve the natural character of off-street parking areas and setback and yard areas of multi-family and non-residential developments and their adjacent areas.

11.2 - Applicability: These landscape regulations shall apply to all multi-family and non-residential development, except as otherwise noted.

11.3 - Specific Goals:

11.3.1 - To provide natural visual screening of parking areas and along property boundaries to preserve the existing visual quality of adjacent lands.

11.3.2 - To reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas.

11.3.3 - To provide natural buffers that reduce glare and noise.

11.3.4 - To moderate any adverse impacts of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural windbreaks.

11.3.5 - To enhance the overall visual quality of new development by providing a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

11.4 - General Requirements:

11.4.1 - All areas not used for structures, off street parking and loading, outside storage and vehicular and pedestrian ways, shall be suitably landscaped in accordance with these Regulations.

11.4.2 - Landscaping, trees and shrubs required by these Regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition.

11.4.2.1 - All plant material, screening fences, or walls required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.

11.4.2.2 - Any landscaping, trees and shrubs which are shown on an approved Site Plan and are not on the site in a healthy growing state for whatever reason shall be replaced by the property owner during the next planting season for the particular plant material.

11.4.2.3 - Permanent watering systems shall be encouraged.

11.4.3 - All landscaping, trees, shrubs and other planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs or other means to prevent damage from vehicles.

11.4.4 - To the extent possible, existing trees, vegetation and unique site features such as stonewalls, shall be retained and protected during construction. Existing healthy, mature trees, if properly located, shall be considered in meeting the requirements of these Regulations.

11.4.5 - Where the Commission determines that the lot size and shape or existing structures shall make it infeasible to comply with the requirements for a front landscape area, buffer area, or landscaped parking area, the Commission may accept alternative landscaping provided it shall be necessary, reasonable and in compliance with the intent of these Regulations.

11.4.6 - In cases where the edge of the pavement or sidewalk within the public right-of-way shall not coincide with the front lot line, the property owner shall plant grass and maintain the area within the public right-of-way between the front lot line and the edge of street pavement or sidewalk.

11.4.7 - All landscaping, trees and shrubs required by these regulations shall be indigenous to the region and climate, or otherwise appropriate for the site, without the excessive use of water and/or fertilizer.

11.4.8 - All areas required for landscaping shall be covered with groundcover appropriate to the site, in addition to the shrubs and trees required by this ordinance.

11.4.9 - The Planning and Zoning Commission may permit the retention of natural vegetation to fulfill the requirements of Section 11.5 and 11.6.

11.5 - Parking Areas:

11.5.1 - All parking areas located in the front yard of a non- residential use, or otherwise adjacent to a street or public right-of-way, shall be screened from view from the street or public right-of-way, by the following means.

11.5.1.1 - For parking areas containing 25 spaces or more, there shall be a landscaped buffer, with a minimum width of 15', between the front lot line and the edge of the pavement of the parking area. This area shall contain a continuous line of shrubs or hedges with a minimum height of 3' that shield the parking lot from view.

11.5.1.2 - For parking areas containing less than 25 spaces, there shall be a landscaped buffer, with a minimum width of 10' between the front lot line and the edge of pavement of the parking area. This area shall contain a continuous line of shrubs or hedges; with a minimum height of 3' that shields the parking lot from view.

11.5.1.3 - A landscaped berm, with a minimum height of 3', may be used to screen the parking area instead of the continuous line of shrubs or hedges, providing that a minimum of one shrub per 2' of street frontage be provided within the landscaped area.

11.5.1.4 - If found to be consistent with the objectives of this Regulation, the commission may permit the use of a decorative stone wall within the landscaped area to visually shield the parking area instead of a continuous line of shrubs and hedges or landscaped berm.

11.5.2 - There shall be at least one deciduous tree having a caliper of at least two and one half inches (measured four feet above the root crown) and at least eight feet in height planted for every 50 feet of street frontage, within the front yard landscaped area required in Section 11.4.

11.5.3 - At least ten (10) square feet of landscaping for each parking space shall be provided internally within the parking lot.

11.5.3.1 - This landscaping shall be located within islands within the paved area. Islands shall be required to indicate and assure safe and efficient pedestrian and vehicular circulation and to separate the major access way through the parking area from parking aisles.

11.5.3.2 - Each landscaped area shall contain a minimum of 100 square feet of area, shall have a minimum dimension of at least 8 feet, shall be planted with grass or shrubs.

11.5.3.3 - At least one deciduous tree of a species compatible with the environment of a parking lot, having a caliper of two and one half inches measured four feet above the root crown, and at least eight feet in height, shall be provided for each 100 square feet of required interior landscaping.

11.5.3.4 - No more than 15 parking spaces in a row shall be permitted without the use of a landscaped island.

11.5.4 - Internal sidewalks and pedestrian walkways shall be used in appropriate locations to provide safe pedestrian movement, and to provide separation from vehicular movement. Such sidewalks may be located within required landscaped areas.

11.6 - Screening and Buffering Area Standards: A landscaped buffer area shall be provided along and within all boundaries of a lot or parcel used for non-residential purposes abutting residentially zoned land. Such buffer area shall comply with at least the following minimum standards.

11.6.1 - Minimum width shall be 20 feet.

11.6.1.1 - Where lot size and shape or existing structures make it infeasible to comply with the minimum width required above, the commission may modify the width requirements.

11.6.2 - The buffer area shall be of evergreen planting of such type, height, spacing and arrangement as in the judgment of the commission will effectively screen the activity on the lot from the neighboring residential area.

11.6.2.1 - As a minimum, the planting shall consist of trees 6 feet in height planted at intervals of 10 feet on center.

11.6.2.2 - Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

11.6.3 - Where the existing topography and/or landscaping provide adequate screening, the commission may modify the planting and/or buffer area requirements.

ARTICLE 12 - ENVIRONMENTAL CONCERNS

12.1 - Soil Erosion and Sediment Control

12.1.1 - A single-family dwelling that is not a part of a subdivision of land shall be exempt from these Soil Erosion and Sediment Control Regulations.

12.1.2 - Activities Requiring a Soil Erosion and Sediment Control Plan: A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

12.1.3 - Soil Erosion and Sediment Control Plan: To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. The principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended; alternative principles, methods and practices may be used with prior approval of the Commission. The plan shall contain, but not be limited to:

12.1.3.1 - A narrative describing:

12.1.3.1.1 - The development.

12.1.3.1.2 - The schedule for grading and construction activities including:

12.1.3.1.2.1 - start and completion dates.

12.1.3.1.2.2 - sequence of grading and construction activities.

12.1.3.1.2.3 - sequence for installation and/or application of soil erosion and sediment control measures.

12.1.3.1.2.4 - sequence for final stabilization of the project site.

12.1.3.1.3 - The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

12.1.3.1.4 - The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

12.1.3.1.5 - The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

12.1.3.1.6 - The operation and maintenance program for proposed soil erosion, and sediment control measures and storm water management facilities.

12.1.3.2 - A site plan map with a horizontal scale of one (1) inch = forty (40) feet, to show:

12.1.3.2.1 - The location of the proposed development and adjacent properties.

12.1.3.2.2 - The existing and proposed topography including soil types, wetland, watercourses and water bodies.

12.1.3.2.3 - The existing structures on the project site, if any.

12.1.3.2.4 - The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

12.1.3.2.5 - The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.

12.1.3.2.6 - The sequence of grading and construction activities.

12.1.3.2.7 - The sequence for installation and/or application of soil erosion and sediment control measures.

12.1.3.3.8 - The sequence for final stabilization of the development site.

12.1.3.3 - Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

12.1.4 - Plans for soil erosion and sediment control shall be developed in accordance with these regulations. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

12.1.4.1 - The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

12.1.4.2 - The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff. An alternative method may be approved by the Commission.

12.1.5 - Certification

12.1.5.1 - Any plan submitted to the Commission may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan provided such review shall be completed within thirty (30) days of the receipt of such plan.

12.1.5.2 - The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review or comment.

12.1.5.2 - The Commission, upon the advice of the Town Zoning Official, Town Engineer and, when applicable, the Windham County Soil and Water Conservation District, shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these regulations, or shall deny certification when the development proposal does not comply with these regulations.

12.1.6 - Conditions Relating to Soil Erosion and Sediment Control:

12.1.6.1 - The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission.

12.1.6.2 - Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

12.1.6.3 - Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

12.1.6.4 - All control measures and facilities shall be maintained in effective condition to ensure the compliance to the certified plan.

12.1.7 - Inspection shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

12.2 - Noise & Vibration: At all times the best efforts and use of the best practices shall be employed to minimize noise and vibration emitted by operations carried out on any site. No operations shall emit or cause to be emitted any noise or vibration beyond the boundaries of the subject property in excess of permissible levels allowed in the State, as set forth in regulations of Connecticut State Agencies.

ARTICLE 13 - GRAVEL BANKS

13.1 - Intent: The following regulations regarding the establishment and continuance of gravel banks are intended to protect the public safety and property values by preventing land from becoming worthless due to the removal of topsoil, sand, gravel, or other material, and by preventing the creation of hazards due to deep holes, steep slopes, and embankments. These regulations are designed to insure that land will be usable for residential, commercial, or agricultural purposes following the removal of topsoil, sand, gravel, or other fill, and to provide for the re-establishment of ground level and protection of the area by suitable cover.

13.2 - Permitted Zones: A gravel bank or sand bank may be operated in RA and I-1 zones by special permit granted in accordance with the provisions of Article 5. (8/7/02)

13.3 - Permit Process:

13.3.1 - Any landowner proposing to remove loam, sand, gravel, or other fill from one piece of land for use elsewhere, which proposed excavation when added to any prior excavation on the same premises shall exceed one-half (1/2) acre shall, make application to the Planning and Zoning Commission for a permit for such operation.

13.3.1.1 - Each application for a permit shall contain a general description of the proposed excavation, its location on the lot of land involved, the volume in cubic yards of fill proposed to be removed during the ensuing year, location of all public highways within two-hundred (200) feet of the property line, and a plan of the land on which the proposed final grades are shown.

13.3.1.2 - The commission shall approve or disapprove issuance of a permit within sixty-five (65) days of the close of the Public Hearing. Failure of the commission to act shall be considered approval. (8/7/02)

13.3.2 - Upon approval of any such application, the filing of the plan with the Town Clerk, and performance of any requirements imposed by the commission under the authority of these regulations, the commission shall issue a permit for such excavation work.

13.3.2.1 - The permit shall be valid for the term of one (1) year from date of issuance, and shall permit the removal of an amount of loam, sand, gravel, or other fill, up to a specified volume, which shall be expressed in cubic yards, from a maximum area, which shall be expressed in acres.

13.4 - Performance Bond: For any proposed excavation involving removal of three-thousand (3,000) cubic yards, or more, of fill and/or one (1), or more acres in area per year, the commission may require the landowner and/or the excavator, as appropriate, to post a bond payable to the Town of Brooklyn, conditioned upon faithful compliance with the requirements of this regulation in an amount not to exceed one-thousand dollars (\$1,000) per acre.

13.4.1 - In determining the necessity for and the amount of any such bond, the commission shall consider the following:

13.4.1.1 - The value of said land, both in its original state and in its expected condition following excavation.

13.4.1.2 - The proximity of any proposed excavation to highways, businesses, residential areas, and watercourses.

13.4.1.3 - The probability of use for development, agricultural or open space purposes following such excavation, and the anticipated cost of reloaming and seeding or the cost of planting trees, or other ground cover, or the cost of constructing a pond and finish grading around such pond, whichever the commission may deem to be the most reasonable eventual use for said property.

13.4.2 - Any bond posted under these Regulations may be declared forfeited upon failure of performance of the condition of such bond within a period of ninety (90) days following the expiration or revocation of the permit for which such bond is posted.

13.4.3 - Upon forfeiture of bond, any outstanding permit issued to the same owner or issued for the same property, or both, as appropriate, may be immediately revoked by the commission.

13.5 - General Conditions:

13.5.1 - Final Grade shall be adequate to provide proper surface drainage of the excavated area.

13.5.2 - No excavation below highway grade shall be nearer said highway than twenty-five (25) feet, or nearer any building or other structure on any adjacent land than two-hundred (200) feet, or nearer any property line than twenty (20) feet.

13.5.2.1 - The commission may waive the requirements for a twenty foot (20)' setback from the property line when the boundary areas of two or more adjacent parcels are permitted for gravel and the owners have a written mutual agreement to waive the twenty foot (20)' setback. The commission will consider the final grades proposed for the gravel excavation areas as well as the surrounding area in deciding on a waiver request.

13.5.3 - No slope shall exceed ten per cent (10%) in the area twenty-five (25) feet to two-hundred (200) feet from a highway, and thirty per cent (30%) elsewhere. Loaming, seeding, planting of trees or other ground cover may be required, depending on the location and possible future use.

13.5.4 - The commission may allow processing of sand and gravel on the site. Processing may include screening, washing, crushing and sorting. Material processed on-site shall be:

13.5.4.1 - Material that is excavated on-site, and

13.5.4.2 - Material excavated off-site and transported to the subject site for processing provided that the annual quantities of same does not exceed that processed and mined on-site.

13.5.4.3 - In reviewing and approving an application that involves mining and processing, the commission shall consider the impacts to local traffic patterns and may require the submission of an off-site traffic routing plan and a traffic analysis.

13.6 - Safety:

13.6.1 - The commission may require the erection and maintenance of a fence bordering any sections of the property to be excavated below grade that would be considered a hazard. Before requiring a fence, the commission shall consider the following:

13.6.1.1 - Proximity of residential areas and the density of any such residential areas.

13.6.1.2 - Anticipated depth below grade for any such excavation.

13.6.1.3 - The likelihood that children will trespass on said property.

13.6.1.4 - The existence of any unusual hazards on said property, whether from the nature of the land itself or from any machinery or other structure to be located on said land.

13.6.2 - No excavation shall be left unattended while there is an overhanging bluff or other hazardous condition.

13.7 - Renewal of Permits: Applications for renewal of any permits shall provide the same information as that required for a new permit. Renewal shall be granted if there are no changes from the approved plan, all requirements have been met, and any required bonding remains in place. Approved Feb 7, 2007

13.7.1 - The plot plan filed with the original application may be revised and resubmitted for a renewal application. The revised plan shall accurately show any changes to the property itself, surrounding developments and nearby roads.

13.8 - Revocation of Permits: Any permit issued under this section may be revoked by the commission for any of the following reasons.

13.8.1 - Excavation of a volume or area in excess of that authorized under the permit.

13.8.2 - Violation of any requirement under these regulations.

13.8.3 - Misrepresentations or fraud in any application to the commission.

13.9 - Change of Ownership: Upon change of ownership of the property, the new owner shall notify the ZEO of such change.

ARTICLE 14 - NON-CONFORMING BUILDINGS AND USES

14.1 - Intent: Any building, or any use of land or a building, legally existing at the time of the adoption of these Regulations or of any amendment thereto which does not conform to the provisions of these Regulations for the use and area requirements of the Zone in which it is located, shall be designated a Non-Conforming Use.

14.1.1 - Such use may be continued, but may not be extended or expanded or changed unless changed to a conforming use.

14.1.2 - Structural alterations may be made only if such alterations do not make this use more non-conforming.

14.1.3 - Structural alterations may not exceed one-hundred and fifty (150) per cent (an increase of one half) of the cubic content of the building as existing at the time of the adoption of these Regulations.

14.2 - Calamity: Any non-conforming building, or one or more of a group of non-conforming buildings, which has been or may be damaged or destroyed by fire, flood, explosion, act of God, or the public enemy may be restored and used as before, if the restoration is commenced within six (6) months of the calamity.

14.2.1 - Structural alterations may be made only if such alterations do not make this use more non-conforming.

14.2.2 - Structural alterations may not to exceed one-hundred and fifty (150) per cent (an increase of one half) of the cubic content of the building as existing at the time of the adoption of these Regulations

14.3 - Replacement: The complete replacement of a building or mobile home on a non-conforming lot is permitted, but only if such replacement does not make this use more non-conforming.

14.3.1 - The replacement building or mobile home may not exceed one-hundred and fifty (150) per cent (an increase of one half) of the cubic content of the building or mobile home to be replaced.

14.4 - Change in Use

No non-conforming use may be changed except to a conforming use or, with the approval by the Planning and Zoning Commission of an application for a Special Permit, in accordance with Article 5 to another non-conforming use, not more objectionable, and deemed to be more conforming, provided that the area of use is not extended or enlarged.

Adopted October 4, 2006
Effective October - 30-2006

14.5 - Reversion

No part of a conforming lot, use or building may return to non-conformity once such non-conformity is abandoned or extinguished.

Adopted October 4, 2006
Effective October – 30-2006

ARTICLE 15.0 CONSERVATION SUBDIVISION DESIGN

15.1 Intent

The purpose of this Article is to (1) maintain and enhance the conservation of natural and/or scenic resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, enhance public recreation opportunities, (6) preserve historic sites, (7) promote orderly rural development (8) to preserve agricultural land classified as prime or important to agricultural production as defined by the United States Department Of Agriculture soil classification system.

These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character.

15.2 - Findings

The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of Brooklyn has resulted in:

15.2.1 the consumption of areas containing valuable recreational, agricultural, forest and other unique natural resources:

15.2.2 the construction of extensive roads and other improvements requiring maintenance by the Town of Brooklyn

15.2.3 The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographical and soil conditions: and

15.2.4 The destruction of significant historic sites, geological features, severe slopes, scenic vistas, significant stands of trees, water courses, wetlands, wildlife habitat or other areas of environmental value, natural beauty or historic interest.

15.3 - Purpose

It is the Purpose of this Article 15.0 to respond to the foregoing findings by providing an opportunity for greater flexibility in arrangement of homes, for the preservation and protection of the Town of Brooklyn's natural resources by permitting a transfer of density by way of reduction in the minimum lot size normally required in specified zones for residential development in return for the dedication of designated areas as Open Space; provided, however, that the total number of lots in such subdivision does not exceed the number otherwise permitted under these Regulations and the Brooklyn Subdivision Regulations.

15.4 Definitions

Active Recreation: means recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Conservation Subdivision: means a development, as defined by Section-18 of the Connecticut General Statutes, in which the dimensions that would otherwise be required for lots under the Brooklyn Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the intent as described in Section 15.0 of these regulations.

Conventional Subdivision: means a parcel of land which is subdivided and designed in accordance with the provisions of the Brooklyn Zoning and Subdivision Regulations.

Development Restrictions: means a restriction which perpetually prohibits further development or use inconsistent with or inimical to the enhancement preservation and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems or preserves such areas predominantly in their natural scenic or open condition; but which do not involve any significant alteration of development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area.

First Lot::

The first house site within a Conservation Subdivision which is adjacent to an existing town road

Normal Lot Size: means the lot size, expressed in acres or square ft., normally applicable to the zoning district in which the proposed Conservation Subdivision is located.

Passive Recreation: means recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

Restricted Open Space: means land within a Conservation Subdivision which is subject to a Development Restriction and permanently set aside for public or private use and will not be developed. Amendment Adopted 10/02/07 Effective 10/29/07

Total Area: means the total area of the proposed Conservation Subdivision expressed in acres.

Unbuildable Area: means the area, expressed in acres, within the proposed Conservation Subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, existing and proposed streets and highways, easements and rights of way (R.O.W.) for vehicular access and utilities and slopes of 25% or greater. For purposes of this subsection,

easements and rights of way of an undefined width shall be deemed to be twenty-five (25) feet in width. Those areas of high water table and shallow depth to bedrock measured under natural conditions as defined under the State Health code and the Northeast District Department of Health, shall not be included as buildable area.

15.5 General Eligibility Requirements: Conservation Subdivision:

15.5.1 Shall only be permitted in the RA zone.

15.5.2 Shall consist of a parcel(s) of land containing fifteen (15) or more of contiguous acres and result in a minimum of 5 lots.

15.5.3 Must, except as provided in this Article 15.0, otherwise comply with all applicable sections of these Regulations and the Brooklyn Subdivision Regulations and provisions of Federal, state and local law.

15.5.4 Must provide beneficial utilization of suitable soil and topographic conditions and protection of soils and topographic conditions not suitable for development.

15.5.5 Shall be used only for detached single-family and duplex dwellings and permitted accessory uses. All other uses shall require the Normal Lot Size and be subject to approval of the Commission in accordance with the applicable sections of these Regulations. In addition, any other use which is proposed after the approval of the Conservation Subdivision shall require an amendment to the Special Permit granted under this Article 15.0 in accordance with the applicable sections of the these Regulations.

15.5.6 Must be consistent with the intent of Planning and Zoning Commission to promote the public health, safety and welfare of the Town of Brooklyn and the Brooklyn Plan of Conservation and Development.

15.5.7 Applicant must show how a Conservation Subdivision is beneficial to the community.

15.5.8 Must provide for the dedication of open space in accordance with Section 8.0 of the Brooklyn Subdivision regulations

15.6 - Application Procedure:

1. Pre Application Conference The Commission recommends that, prior to submission of an application for a Conservation Subdivision, the applicant initiate a pre-application conference with the Commission and its staff to discuss conceptual aspects of the proposed Conservation Subdivision compared to a proposed conventional subdivision. The applicant shall prepare and present preliminary plans for informal consideration by the Commission for both concepts. The pre-application conference is recommended to permit the general consideration

of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans and documents required to accompany such application.

Following the pre-application conference, the Commission will provide informal, non-binding suggestions to the applicant as to whether to proceed with an application under Article 15.0 or to adhere to the conventional subdivision requirements of the applicable sections of the Brooklyn Subdivision Regulations.

The Applicant may submit more than one design for a Conservation Subdivision for the Commission to review.

Neither the pre-application conference, the informal consideration of preliminary plans nor the Commission's suggestions, shall be deemed to constitute any portion of the application for approval of a Conservation Subdivision.

NOTE: A Conservation Subdivision is not Mandatory for request for subdivision. It is left as an option to the developer/property owner. A pre application meeting is mandatory should the developer/owner chose to use the Conservation Subdivision option.

2. Application: An application for the approval of a Conservation Subdivision shall comply with the following:

- a. Require approval by the Commission (A) as a Special Permit and (B) as a subdivision in accordance with all applicable sections of these Regulations and the Brooklyn Subdivision Regulations.
- b. Be submitted with a proper and complete Special Permit and Subdivision application form; a check made payable to the Town of Brooklyn in the amount specified in the Fee Schedule and all required supporting information.
- c. The applicant shall use a four-step process to create a Conservation Subdivision. This process shall be demonstrated with a site plan and detailed narrative. The design process shall identify historical, cultural and natural resources, potential open space corridors, views, sensitive wildlife areas, and other areas that should not be adversely impacted by development..

Step One: Identifying Conservation Areas

Regulated Conservation Areas limited to regulatory jurisdiction such as wetland and floodplains; and Sensitive Areas including those unprotected elements of the natural landscape such as steep slopes, mature or productive forestland, potential contiguous open space or connective green belts, prime farmland, land that protects critical or threatened natural communities and species as identified by the Department of Environmental Protection, areas that have recreation value as recommended by the Parks and Recreation Department and/or the Open Space and Conservation Plan, wildlife habitats, and cultural features such as historic and archeological sites and scenic views.

Step Two: Locating House Sites

Involves locating approximate house sites on suitable soils outside the Conservation Area with the approval of the North East District Department of Health. The First lot for a house site shall be measured at a distance of 100ft from the existing Town road for which the Subdivision is proposed in order to maintain the rural character of the Town of Brooklyn.

Step Three: Aligning Streets and Driveways

Consists of tracing a logical alignment for local streets to the house sites. Streets and driveways shall follow existing topography of the parcel, where feasible to minimize cuts and fills. A street plan shall be designed which shall maintain the rural character of the Town.

Step Four: Drawing in Lot Lines

Draw in lot lines in accordance with the requirements of Article 15.7 of these regulations

- d. Said application shall be accompanied by ten (10) copies of the proposed plan setting forth the information required by this Article 15.0 and the applicable sections of these Regulations, the Brooklyn Subdivision Regulations, as well as such additional information as the Commission may require for a review of the proposed Conservation Subdivision under the applicable Articles of these Regulations or in order to reach a determination of the impact of the Open Space Subdivision on the surrounding area. Such additional information may include, but is not limited to, the following: information concerning surrounding land uses, building locations, driveways, streets, topography, water courses and wetlands, utilities and other information of a similar nature and purpose; a traffic impact study prepared by a Connecticut registered professional engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; and any reports prepared by the applicant's staff or consultants; and
- e. Said application shall be accompanied by copies of the proposed certificate of incorporation, if any, bylaws, rules and regulations of any association or corporation of the lot owner within the proposed Conservation Subdivision; copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of Open Space, including a precise statement of the proposed Development Restriction.
- f. No building permit or certificate of occupancy shall be issued by the Building Official, nor shall the Town accept any street, should the Conservation Plan, Subdivision Plan or Site Plan be changed in any way without the approval of

the Commission.

- g. Compliance with Article 4.0, Site Plan requirements of the Zoning Regulations.
- h. The Commission may require a landscape architect as part of the site plan design.
- i. Compliance with all Town Public Improvement Standards
- j. Public hearings on Special Permit and Subdivision Application shall be held concurrently

15.7 - Standards and Controls

Minimum lot area of 25,000 sq.ft. of contiguous buildable area inclusive of all set backs
(Approved: July 2,2008 Effective: July 20,2008)

- Lot frontage 100ft. Measured at the building line
- Front yard 30ft setback
- Side yard 15 ft setback
- Rear yard 25 ft. setback
- Maximum Building Height 30ft
- Maximum building coverage, 15 percent of the lot

Buildable Area:

Any lot with reduced lot area approval shall contain a minimum contiguous area of no less than 25,000 sq ft and shall comply with separating distances as specified under the State of Connecticut Public Health Code as may be amended and containing no land defined as un-buildable under Article 15.4 of these regulations.

No buildable area shall contain areas of vehicular travel easements, rights of ways, utilities, drainage easement area, restrictive cutting easements, conservation easements, and other easements for public or private facilities.

General Density Limitations:

Except as otherwise provided in these Regulations, the maximum number of units for open space subdivision shall not exceed the number resulting from dividing the total area of the parcel by the minimum lot size for a conventional subdivision in the Residential Agricultural (RA) zone as defined in the Brooklyn Zoning Regulations.

Clearing Limits:

Shall be a maximum of 15,000 Sq Ft per lot unless otherwise approved by the Commission

Parcel Road Frontage Requirements:

In the case of an Conservation Subdivision the property line for the first house shall be no

closer than 100ft from the road on which the subdivision will gain entry and/or at least 100ft from a property line of a lot which fronts the local road access.

Roads and Sidewalks:

All roads shall comply with the Town Public Improvement Standards.

Reinforced shoulders may be required to allow for off street parking, and/or to provide extra surface for emergency vehicles.

Sidewalks shall be required , where construction of new sidewalks will connect to an existing system, or where the Commission deems sidewalks would be beneficial to the health, safety and welfare of the community

Internal trail systems may also be required where applicable

Cul-de-sacs:

Cul-de-sac length shall not apply to a Conservation Subdivision

Islands in cul-de-sacs are encouraged to maintain rural character. Islands may be of a recessed nature to provide for drainage and/or emergency vehicle staging areas

Aesthetics

Buffers - Where a Conservation subdivision will be constructed with groupings of lot minimum 100ft buffer shall be required between groupings (adjacent lot lines). A grouping shall not exceed 5 lots.

Street Trees - All lots shall have minimal lot clearing. Natural vegetation shall remain along the street to create privacy for each lot. Where clearing has eliminated all vegetation, street trees, at least three (3) per each lot, shall be required. Deciduous trees shall have a minimum of 3" caliper, evergreen trees shall be a minimum of six (6) ft.

Design -

Road and lot design shall follow contours with minimal cuts and fills. An effort shall be made to protect natural and historical features, including but not limited to brooks, wetlands, stone walls, scenic vistas, etc.

Erosion and Sedimentation Control - Shall follow the 2002 CT Erosion and Sediment Control Guidelines as may be amended.

Conformance - Any lot with reduced area approved under the provisions of this Article 15 shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of other applicable sections of these Regulations and the Brooklyn Subdivision Regulations. Any such lot shall be designated on the approved Conservation Subdivision Plan which is presented for recording, except as otherwise designated in these regulations.

15.8 Density Bonuses

The maximum number of lots allowed under Article 15.7 may be increased in one of the following ways:

Open Space Maintenance Fund:

The Commission may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. The density bonus granted under this subsection shall be limited to fifteen percent (15%) of the total number of lots that would otherwise be allowed under Article 15.7 of these regulations. Any such density bonus shall be conditioned upon the provision by the owner of the parcel to be subdivided of an agreement to pay a fee into an open space maintenance fund to be established and maintained by either (1) the Town of Brooklyn or (2) the organization to be charged with the maintenance of the open space provided in the applicable subdivision plan. The amount of the fee shall be set as either described in Section 8.6, Fees in Lieu of Open Space, of the Subdivision Regulations or at a rate of \$2000.00 per lot, whichever is greater.

Open Space Dedications:

A density bonus may be granted for the provision of excess open space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required under this Chapter. The additional open space may be within the parcel to be subdivided or elsewhere within the Town of Brooklyn in accordance with Section 8 of the Subdivision Regulations, as may be amended. For each five acres of excess open space accepted by the Commission, one additional building lot shall be allowed, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Article 15.7 of these regulations. The decision whether to accept an applicant's offer to dedicate excess open space shall be at the discretion of the Commission, which shall be guided by the recommendations contained in the Town's Plan of Conservation and Development and its determination as to the value of the excess land for any of the purposes described in Article 15.1 of these regulations.

Prime and Important farmland:

Where a proposed subdivision contains soils defined as prime or important agricultural soils as defined by the USDA soil classification system, for each five acre tract preserved two additional lots shall be allowed up to 20% of the total number of lots allowed under Article 15.7 of these regulations

15.9 - Open Space and Development Restriction:

Purpose: To preserve open space in the Town of Brooklyn in order to maintain the rural character of the Town. Also to provide for and encourage a village type subdivision as an optional living environment.

1. Required Open Space:

In compensation for the reduction in the Normal Lot Size, the proposed Conservation Subdivision shall require the dedication as Open Space of a minimum of 40% of the total parcel. The maximum percentage of wetlands, watercourses and floodplains included in the minimum area of open space required shall not exceed the percent in the total parcel.

2. Use of Open Space Areas

The Commission may require a minimum of twenty-five percent (25%) but no more than fifty percent 50% of the minimum required open space for active recreation purposes. The applicant shall document the purposes for which open space areas are proposed. The required open space may only be used for the purposes stated in Article 15.1.

3. Dedication of Open Space:

Open Space shall be dedicated, by conveyance, in fee simple, to one of the following:

- a. An association or corporation composed of the owners of all lots within the Conservation Subdivision;
- b. The Town of Brooklyn
- c. The State of Connecticut
- d. A private not-for-profit conservation trust which assures the preservation and maintenance of the Open Space in perpetuity; or
- e. Such other private or governmental entity which assures the preservation and maintenance of the open space in perpetuity and is acceptable to the Commission.

The applicant shall designate in its application which of the foregoing entities are proposed to own the Open Space, but as part of the approval of such application, the Commission may modify such designation to require ownership by an entity set forth in subsection (a), (b) or (c) above. The Commission may not require ownership by an entity described in subsection (d) which shall be approved only when proposed by the applicant. Furthermore, the Commission may modify any application so as to designate Open Space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors; the ownership of any existing open space on the adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed Open Space in the future; the proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required; the potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them; the size, shape, topography, and character of the Open Space; the recommendation of the Brooklyn Plan of Conservation

and Development, the Open Space and Conservation Plan; the reports recommendations of any State or Town agencies, including but not limited to the Board of Selectman, Inland Wetlands and Watercourses Commission, the Parks and Recreation Department, the Conservation Commission, the Northeast Regional Council of Governments and the Connecticut Department of Environmental Protection.

4. Alteration of Open Space:

Any excavation, filling, re grading or alteration of Open Space; any construction or expansion of any building, structure or other improvements thereon, or any paving or surfacing of Open Space subsequent to the date of approval of the Conservation Subdivision shall require an amendment to the Special Permit under this Article 15.0 and in accordance with the applicable sections of these Regulations.

5. Evidence of Acceptance

If Open Space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Brooklyn or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space.

6. Required Provisions

Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure.

- a. The continued use of such land for the intended purposes;
- b. The continuity of proper maintenance for those portions of the Open Space requiring maintenance;
- c. When appropriate, the availability of funds required for such maintenance.
- d. Adequate insurance protection; and
- e. Recovery for loss sustained by casualty, condemnation or otherwise.

7. Boundary Lines

The boundary lines of all Open Space shall be set in the field and marked by permanent, readily-visible markers every 100ft and where such lines intersect any lot line, road or perimeter line within the proposed Conservation Subdivision and at such points as may be required by the Commission to identify the open space perimeters in the field.

8. Recording

At the time the approved Conservation Subdivision Plan is filed, the applicant shall record on the Brooklyn Land Records all legal documents required to ensure the aforesaid guarantees.

9. Right to Enforce and Inspect

A right to enforce and inspect the Development Restriction shall be conveyed to the Town of Brooklyn, the State of Connecticut or a private, not-for-profit conservation trust or corporation dedicated to conservation for preservation purposes. Any deed shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all costs it reasonably incurs, including attorney fees, in any action to enforce the Development Restriction, in which it is the prevailing party.

10. Association Requirements

If the Open Space is to be dedicated to an association or corporation of lot owners then the Commission may set additional requirements, including, but not limited to the following:

- a. Creation of the association or corporation prior to the sale of any lot;
- b. Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and

The association or corporation shall have the power to assess and collect from each lot owner a specified share of and where necessary provide reserves the costs associated with maintenance, repair, upkeep and insurance of the Open Space.

Sec 15.10 - Protection of Surrounding Areas

In reviewing the proposed Open Space Subdivision, the Commission shall additionally utilize the following criteria:

The recommendations of the Brooklyn Plan of Conservation and Development and the Open Space and Conservation Plan, as amended, relative to open space and recreation.

The suitability of areas within the proposed Conservation Subdivision for Open Space purposes in light of the topography, size, shape and character of the land to be subdivided, and its relationship to other existing or proposed areas of open space.

The maintenance, insurance and other burdens placed upon the residents of the Conservation Subdivision, and/or the Town of Brooklyn.

The increase in the burden imposed by the proposed Conservation Subdivision on existing and proposed areas of open space.

The recommendations of the Board of Selectman, the Board of Finance, the Inland Wetlands and Watercourses Commission, the Conservation Commission, the Parks and Recreation

Department, and any other public or private agencies or authorities providing comment to the Commission shall be considered.

The level of access to the areas of Open Space afforded to members of the general public shall be considered.

Sec. 15.11 - Development Requirements/ Evaluation Criteria

The application should preserve existing large trees, stone walls, and other man made features which provide character to the site and to the Town of Brooklyn.

Traffic circulation within the site, traffic load or possible circulation problems on existing streets and pedestrian safety.

Accessibility, architecture, relationship between buildings, character of the neighborhood, impact to adjacent properties.

Minimization of soil and tree removal

Avoidance of environmentally sensitive areas

Sec. 15.12 - Considerations for Approval

Commission shall find that the Conservation Subdivision is appropriate to the neighborhood having consideration for the number and proximity of single family detached dwellings; for the visible impact on the streetscape and single family neighborhoods; for the number, character and proximity of proposed conservation land to the pattern of existing open space in the area; for the proximity of other zones either more or less restrictive; and other standards provided in these regulations.

Sec. 15.13 - Waivers for Special Circumstance

A waiver of the following may be allowed with a 3/4 vote of all the commission members present.

1. If the acreage for the proposed development is less than 15 acres and the Commission has determined that the reduction will provide a benefit to the Town.
2. If the property is configured as such that the first house lot cannot be set back 100ft from an existing town road and/or 100 ft from the property line which fronts a local access road

Adopted October 4, 2006
Effective October 30, 2006

ARTICLE 16 - ZONING BOARD OF APPEALS

16.1 - Establishment: There shall be a Zoning Board of Appeals established in accordance with General Statutes and Special Acts authorizing such Board.

16.2 - Appeals: The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of these

16.3 - Variance: The Board shall determine and 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 generally affecting 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 will be done and public safety and welfare secured.

16.3.1 - The Board is prohibited from approving a variance that has the effect of permitting a use in any zone that is not permitted in that zone by these Regulations.

16.3.2 - The Board is prohibited from varying any condition or requirement set forth in these Regulations for a Special Permit or Special Exception use when such uses are only permitted in the subject zone when all conditions or requirements are satisfied.

16.3.3 - Variances are to be granted sparingly, and only to the minimum extent necessary to allow property to be used for the least intense use that is permitted in the subject zone.

16.3.4 - Variances shall only be granted where such an action would be in harmony with the purposes of these Regulations, and where the literal enforcement of these Regulations would result in unusual hardship.

16.3.5 - The burden is on the applicant to demonstrate that the requirements for a variance have been met.

16.4 - Other Statutory Duties: In accordance with General Statutes, the Board shall act on requests concerning the location, construction, relocation, conversion, reconstruction, alteration, or enlargement of any of the following:

16.4.1 - Gasoline stations or bulk oil storage facilities.

16.4.2 - Motor vehicle service or repair shops.

16.4.3 - New and used car dealerships including motorcycles and any other self-propelled vehicles used for transportation on public roads.

16.4.4 - Motor vehicle storage facilities.

16.5 - Other Duties: The Board shall act on any other applications as cited in these Regulations or in any other capacity as determined by the Connecticut General Statutes as amended.

16.6 - Procedures:

16.6.1 - The Board shall hold a public hearing on all applications and appeals within 65 days of the receipt of an application; the date of application shall be the date the application was submitted to the Brooklyn Land Use Office. A notice of such hearing shall be published as prescribed by these regulations and by General Statutes as amended.

16.6.2 - The Board shall close such hearing within 30 days after the hearing commences, and shall render its decision within 65 days after the completion of the hearing.

16.6.3 - The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from, and make such order, requirement or decision as in its opinion should be made.

16.6.3.2 - When acting on an appeal from a decision of the Zoning Enforcement Officer, the Board shall have all the powers of such Officer, but only to the extent that the Board's actions deal directly with the subject of such appeal.

16.6.4 - In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and how the granting of the variance is in harmony with the purposes of these Regulations.

16.6.5 - Any order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to insure that the granting of the application or petition shall be in harmony with the purposes of these Regulations.

16.6.5.1 - Any conditions or restrictions imposed upon the granting of any application or petition, as set forth above, shall be completed within ninety (90) days of the granting thereof, unless the Board, upon written request of the applicant, grants a single extension of ninety (90) additional days, with the total extension not to exceed one hundred eighty (180) days.

16.6.6 - Whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.

16.6.7 - Any variance or exception in the use of buildings or land which is granted by the Board shall be placed upon the Land Records of the Town of Brooklyn by recording a copy of the variance or exception with the Town Clerk.

16.6.8 - The Board shall adopt such other procedures as may be necessary to carry out the provisions of this Section.

ARTICLE 17 - ADMINISTRATION AND ENFORCEMENT

17.1 - Enforcement: A Zoning Enforcement Officer shall be appointed by the First Selectman with advisement from an ad-hoc selection committee. The ZEO under the direction of the First Selectman shall enforce these regulations and order in writing the remedying of any condition found to exist in violation of these regulations. Amended 2-7-07 Effective 3-5-07

17.1.1 - The Brooklyn Planning and Zoning Commission, the ZEO, or other official having jurisdiction, in addition to other remedies may institute an action or proceeding to prevent the erection, alteration, reconstruction or to prevent the illegal occupation of buildings or land.

17.2 - Penalties: The penalty for violation of these regulations shall be a fine of not less than ten dollars (\$10) or more than one-hundred dollars (\$100) for each day that such violation continues.

17.2.1 - if the offense is willful, the person convicted thereof shall be fined no less than one-hundred dollars (\$100), nor more than two-hundred and fifty dollars (\$250), for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues, or both.

17.3 - Appeals: Appeals from action of the Zoning Enforcement Officer may be made to the Zoning Board of Appeals as specified in State Statutes.

17.4 - Regulation requirements: - Before these regulations are effective, they must be presented at a public hearing which notice of the time and place shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in such municipality at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before such hearing.

17.4.1 - Regulations and boundaries shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing and may be published in full in a newspaper of general circulation within the Town.

17.5 - Changes in regulations or boundaries after adoption:

17.5.1 - The provisions of Section 16.4 shall apply to all changes and amendments.

17.5.2 Regulations and boundaries shall be established, changed or repealed only by a majority vote of all of the members of the Zoning Commission (of the full number of regular members of the Commission, not just those in attendance) after a Public Hearing.

Adopted 10/02/07

Effective 10/29/07

17.5.2.1 If a protest is filed at or before a hearing with the Planning and Zoning Commission, signed by the owner of twenty (20) percent or more of the area of the lots included in a proposed change or of the lots within five-hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all of the members of the Commission (of the full number of regular members Adopted 10/02/07
Effective 10/29/07

17.5.3 -The commission shall state in its records the reason any change is made.

17.5.4 - A request for changes in boundaries may be made by written petition of at least twenty (20) registered voters or property owners of the Town, with the petition carrying the requested changes. One (1) person shall sign a statement on the petition as the circulator.

17.5.4.1 - All petitions shall be considered at a Public Hearing.

17.5.4.2 - The commission shall adopt or deny the petitioned changes within sixty-five (65) days after the close of the Public Hearing.

17.5.4.2.1 - The petitioners or the signed circulator may consent to extension of the periods provided for hearings and for adoption or denial, or may withdraw the petition.

17.5.4.3 -The commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months.

17.5.5 - A fee of one-hundred dollars (\$150), be paid at the time of application, shall be charged for an individual applying to the Commission for a change in these Regulations, to cover expenses of investigation, advertisement, and hearings.

17.5.5.1 - A Public Hearing for individual requests for changes in boundaries cannot be held until affected property owners are notified of the request by certified mail. Verification of mailing shall be presented to the commission at the Public Hearing.

17.5.6 - Upon adoption by the commission, changes to these regulations shall take effect 15 days after notice of such adoption is published in a newspaper having general circulation in the Town.

ARTICLE 18 - MISCELLANEOUS

18.1 - Collection Centers: Collection Centers may be established and operated in any Zoning District by the Town of Brooklyn or any other non-profit agency. The establishment of a Collection Center is allowed only by permit to be issued by the ZEO, provided that a permit may not be issued for a Collection Center in a Residential Zone (R10, R30) without the direct approval of the Planning and Zoning Commission. The materials proposed to be collected, the structures or other facilities proposed to be used, and the nature of the development of the area shall be considered when a permit is requested, and the following conditions must be met before a permit may be issued:

18.1.1 - The collection area shall be enclosed in a building or other suitable structure, enclosure, or container, to be approved by the ZEO/Commission.

18.1.2 - Unloading areas for a minimum of two (2) vehicles shall be provided off the highway with suitable entrances and exits between highway and site.

18.1.3 - The applicant shall provide the ZEO/Commission with written approval from both the Town Fire Marshal and the Town Building Inspector.

18.1.4 - Failure to maintain the area in a neat and safe manner shall be cause for the immediate revoking of the permit.

18.1.5 - There shall be no charge for the permit.

18.1.6 - The permit must be renewed annually.

18.2 - Accessory Buildings: Accessory buildings may be located to within ten (10) feet of the property line only if they are behind a line drawn from one side lot line across the rear most portion of the dwelling to the opposite side lot line. Otherwise, no accessory building may be located within any required setbacks.

18.2.1 - Swimming Pools: For purposes of these Regulations, a swimming pool is considered to be an accessory building.

18.3 - Fences: No fence shall be placed so as to create a sight hazard for vehicles entering or exiting any road or highway.

ARTICLE 19 - VALIDITY: The validity of any section or provision of these Regulations shall not invalidate any other section or provision thereof.