

**THE TOWN OF BROOKLYN, CONNECTICUT
ZONING REGULATIONS**

**EFFECTIVE 10/9/16
ORIGINAL ADOPTION 5/24/72**

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06/07/89	12/19/89	04/04/90	06/04/90	05/21/91	03/18/92
05/20/92	08/21/92	04/24/94	11/16/94	12/06/95	05/20/97
08/05/98	10/04/00	11/07/01	08/07/02	05/07/03	02/02/05
09/21/05	02/01/06	05/17/06	09/29/06	10/30/06	02/07/07
11/14/07	12/05/07	03/06/08	07/02/08	04/01/10	06/03/10
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The list of revisions and dates of acceptance are on file in the Office of the Town Clerk.
Please see Appendix for revisions from 2013 to present.

3rd Edition	05/13/1976
4th Edition	07/21/1985
5th Edition	06/01/1988
6th Edition	02/01/1990
7th Edition	08/01/1990
8th Edition	06/29/1992
9th Edition	01/04/1993
10th Edition	05/04/1994
11th Edition	05/20/1997
12th Edition	08/05/1998
13th Edition	10/26/1998
14th Edition	03/23/1999
15th Edition	10/04/2000

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3rd Printing	12/26/1980
4th Printing	03/17/1982
5th Printing	07/25/1987
6th Printing	09/10/1987
7th Printing	01/24/1996
8th Printing	10/28/1998
9th Printing	03/24/1999
10th Printing	10/04/2000

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

ARTICLE 6A - ADAPTIVE REUSE OF AN AGRICULTURAL BUILDING

ARTICLE 6B - LIMITED BUSINESS ENTERPRISES

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 R10 and R30 Zones
- 10.3 - Signs Permitted in RA Zone
- 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 - Sign Permitted in the Industrial Zone
- 10.8 - General Sign Standards
- 10.9 - Sign Permits

- 10.10 - Nonconforming Signs
- 10.11 - Obsolete Signs

ARTICLE 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 - CONSERVATION SUBDIVISION REGULATIONS

- 15.1 - Purpose
- 15.2 - General Requirements
- 15.3 - Applicability/Procedure
- 15.4 - Preliminary Design Review
- 15.5 - Dimensional Requirements
- 15.6 - Standards
- 15.7 - Density Bonuses
- 15.8 - Road Requirements

ARTICLE 16 - VENDOR PERMITS

- 16.1 - Intent
- 16.2 - Itinerant Vendors
- 16.3 - Seasonal Vendors
- 16.4 - Farmers Markets

ARTICLE 17 - ZONING BOARD OF APPEALS

- 17.1- Establishment
- 17.2- Appeals
- 17.3- Variance
- 17.4- Other Statutory Duties
- 17.5- Other Duties
- 17.6- Procedures

ARTICLE 18 - ADMINISTRATION AND ENFORCEMENT

- 18.1 - Enforcement
- 18.2 - Penalties
- 18.3 - Appeals
- 18.4 - Regulation requirements
- 18.5 - Changes in regulations or boundaries after adoption

ARTICLE 19 - MISCELLANEOUS

- 19.1 - Collection Centers
- 19.2 - Accessory Buildings
- 19.3 - Fences

ARTICLE 20 - EVENT FACILITY

- 20.1 - Intent
- 20.2 - Permitted Zones
- 20.3 - Application Requirements
- 20.4 - Standards
- 20.5 - Approval
- 20.6 - Renewal

ARTICLE 21 - VALIDITY

APPENDIX - List of Regulation changes starting 2013

**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.

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.

ACRE means an area of 43,560 square feet.

ACTIVE ADULT COMMUNITY: means a residential development the occupancy of which is limited, as permitted by state and federal fair housing laws, to those aged 55 and over.

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

ADULT DAY CARE CENTER a facility providing care for the elderly and/or functionally impaired adults in a protective setting without overnight accommodations. (7/6/11)

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.

AUTOMOBILE SALES the use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers or recreational vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use. (7/6/11)

AUTOMOTIVE SERVICE STATION any building, land area, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. (7/6/11)

BANK means an Institution where money is deposited, kept, lent or exchanged.

BANQUET HALL a building used for the gathering of groups of persons for specific functions including the consumption of food and beverages. Full kitchen facilities may be provided on the premises. (7/6/11)

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.

BUSINESS SERVICES: means services intended more for, but not necessarily for the professional business community rather than the general public. Included in this group are employment agencies and personnel services, computer service companies, accounting and bookkeeping services, advertising agencies, architectural, engineering and other scientific or online services, lawyer and notary services, management consulting services, phone centers, virtual or online health services and business support services not elsewhere classified.

CATERER'S ESTABLISHMENT an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out. (7/6/11)

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;

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.

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;

CRAFTSPERSON means a person who practices or is highly skilled in a craft; an artisan. A Craftsperson use may include sales of craft items created by the craftsperson.

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

COMMERCIAL AGRICULTURE means any agricultural use, as defined by these regulations, for which agricultural goods and/or services are prepared or rendered for profit. A Commercial Agriculture use exists when the operator qualifies to file a Form 1040 Schedule F - Profit or Loss from Farming with the Internal Revenue Service.

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.

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.

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

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

DEVELOPED AREA means the portion of a lot within which a house, garage, shed and other structures, swimming pools, driveways, parking areas, outside storage areas, septic system, septic reserve area, water supply well, utility lines, lawn areas and other site improvements are to be located.

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.

DRIVEWAY A privately owned right-of-way providing vehicle access from a public right-of-way to a residence, business or any other use of a property.

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:

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

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.

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

RESIDENCE means one or more dwelling units for permanent occupancy.

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

EDUCATION CENTER means any use, exclusive of a private school or a municipal facility, which is intended for the education and/or instruction of children and/or adults.

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.

EVENTS FACILITY: Means a location, building, site or structure which is:

(1) rented, paid for use by payment, recompense, remuneration, exchange of services or by charging a fee to access the facility in the form of an admission charge, parking charge or other monetary exchange as a commercial enterprise;

(2) a place for the purpose of accommodating a group of diners, patrons, guests, or other attendees for functions such as banquets, wedding receptions, parties, entertainment, performances and/or similar gatherings; and where such event is a Secondary Use of the

location, building, site or structure as defined in Article 2 of the Town of Brooklyn, Connecticut, Zoning Regulations.

(3) The above definition of an Event Facility specifically excludes facilities located in restaurants and/or hotels, or fairgrounds.

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.

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 curb service.

FINANCIAL OFFICE means the premises of a bank, trust company, finance company, Mortgage Company or Investment Company.

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

FLOATING ZONE means 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.

FLORIST means a retail store where flowers and plants or either in singular are sold or offered for sale to the public and such use may include the incidental raising and arranging of flowers and plants for sale in the store.

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.

GREENHOUSE means a building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

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.

INDOOR SPORTS AND RECREATION means any sports or recreational use conducted within an enclosed building.

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.

LAUNDROMAT means an establishment that provides washing and drying, or dry cleaning machines on the premises for rental use to the general public.

LICENSED HEALTH SERVICE means an establishment primarily engaged in furnishing licensed medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

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.

LIMITED BUSINESS ENTERPRISES: Uses that qualify as a Limited Business Enterprises include: Adult Day Care Center,
Art Studio/ Art Gallery (including sales),
Antique Sales/Showroom,
Craftsperson,
Offices, Business or Administrative, and
Professional Office.

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:

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.

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.)

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.

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 setback line, whichever is greater.

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

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)

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.

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.

MILL STRUCTURE means the following structures that currently exist in the Town of Brooklyn: Map 47 Lot 46 Account Number 00295500.

MINOR MODIFICATION means any alteration to a building or property that:

- (a) does not affect the existing size, form, style, ornamentation or appearance of the existing structure(s);
- (b) does not reduce the effectiveness, quality or quantity of the existing landscaping, screening or buffering of the site;
- (c) does not impact the number of parking spaces or vehicular circulation; or
- (d) does not significantly alter drainage patterns.

The determination of whether or not a proposed activity is a Minor Modification shall be made by the Zoning Enforcement Officer (ZEO) who may consult with the Planning and Zoning Commission Chairman. By way of example, a Minor Modification may include, but is not limited to, minor exterior building changes, minor landscaping changes, minor rearrangement of lighting fixtures, siting and screening of trash disposal and mechanical facilities, fences, and slight alterations of finished grading contours. If the ZEO deems it appropriate after consulting with the Chairman, additionally, they may seek a ruling from the Commission as to whether or not a proposed activity is a Minor Modification.

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.

MUNICIPAL FACILITIES means any building or use carried out by the Town of Brooklyn or its duly authorized agent such as public utilities; refuse disposal areas, schools, highway garage, town hall, town office building and other similar uses.

MUSEUM means a building or buildings used, or to be used, for the preservation of a collection of paintings and or other works of art and/or objects of natural history, and /or of mechanical, scientific and or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.

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 means 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.

OFFICES, BUSINESS OR ADMINISTRATIVE means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business or brokerage, labor or fraternal organization, and may include the administrative offices of a non-profit or charitable organization but not such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

PARKING SPACE means an off-street space 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 driveways 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 means 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.

PRINT SHOP means a retail establishment that provides duplicating services such as using photocopy, blueprint, and digital equipment, including collating of booklets and reports.

PRIVATE SCHOOL means any building or group of buildings, including dormitories, the use of which meets state requirements for elementary, secondary, or higher education and which secures the major part of its funding from any non-governmental agency and is accredited by the Connecticut Commission on Independent Schools, (CIS) of the New England Schools and Colleges Association, or by any successor organization to these Associations adopting substantially similar accreditation standards. (Adopted 2/6/13 Effective 2/23/13)

PROFESSIONAL OFFICE means the office of a member of a licensed profession maintained for the conduct of that profession.

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.

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 STORE means a building where goods, wares merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.

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

ROUTINE MAINTENANCE means activities that typically occur on a periodic basis in order to keep a property in good condition, specifically excluding repairs that: (a) change the floor area, height, or footprint of a building; (b) change a roof line or roof type; or (c) add or remove parts of the building envelope. By way of example, Routine Maintenance includes, but is not limited to, painting, shingling, and siding.

SECONDARY USE: Means an intentional, non-incident, alternative use of a location, buildings, site or structure. This definition excludes events that are considered by the Commission to be an Accessory Use, as defined by Article 2 of the Town of Brooklyn, Connecticut, Zoning Regulations, and which are customarily incidental to the primary use. By way of example, customarily incidental use include, but are not limited to, private fundraisers, family events, yard sales and non-commercial social gatherings.

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.

SELF-STORAGE FACILITY A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

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 or any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes a primary purpose in itself.

PORTABLE SIGN means a sign which stands with self-supporting elements, which is not illuminated, and is not permanently affixed to the ground. Portable signs may be used to communicate a specific message or information (e.g., lunch menus, special sales, promotional events) that is not found in a business' permanent signage.

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.

TEMPORARY SIGN means a sign that: (1) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or (2) is intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days. If a sign display is permanent but the message displayed is

subject to periodic changes, that sign shall not be regarded as temporary.

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.

WINDOW SIGN means a sign affixed to or visible through a window of a building.

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 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.

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.

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

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.

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.

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 RECONSTRUCTION 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.

THEATRE means a building or part of a building which is used for the commercial showing of films or presentations of live entertainment. (7/6/11)

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.

VEHICLE means a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include cars of electric or steam railways running only upon rails.

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

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.

ZEO means the Zoning Enforcement Officer.

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

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	I-1	PRR
Minimum Frontage	75'	110'	150'	60	**	**	100'	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 3.3.3.2 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

3.4.4.3 - SITE PLAN REVIEW: The following uses are permitted subject to Site Plan Review, as described in Article 4.

- Family Day Care Homes
- Collection Centers
- Churches

Enterprises in the Home
Bed & Breakfast
Conservation Subdivision

3.4.4.4 - SPECIAL PERMIT: Following uses require Special Permit approval in accordance with Article 5:

Private Schools (Adopted 2/6/13, Effective 2/23/13)
Gravel Banks
Adaptive Re-use of an Agricultural Building (in accordance with Article 6A)
Limited Business Enterprises (in accordance with Article 6B)
Home Enterprise

3.4.5 - VCD Village Center District:

3.4.5.1 - Intent: The intent of this zone is to protect the distinctive character, landscape, and historic structures in view from public roadways within the Brooklyn Village Center District (VCD), including the Town Green National Register Historic District, in accordance with CT General Statutes Sec. 8-2j Village Districts. The Commission shall consider the design, placement, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. These regulations shall encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic value, distinctive character and landscape of the district.

3.4.5.2 - Applicability:

3.4.5.2.1 - All new construction, substantial reconstruction, and rehabilitation of properties in the VCD and any changes of use or new uses not exempted below shall require Commission approval as specified in this section.

3.4.5.2.2 - A Zoning Permit, issued by the ZEO, is required for a change of use when no or Minor Modifications to the site or structure are proposed, when such proposed use is permitted in the zone, and when such proposed use is substantially similar to the previous use or deemed to have less neighborhood impact than a previously permitted use.

3.4.5.2.3 - A Zoning Permit, issued by the ZEO, is required for Routine Maintenance and Minor Modifications within view from any public roadway. Such Routine Maintenance or Minor Modification shall be consistent with Sec. 3.4.5.6 VCD Design Standards as well as all other applicable requirements of this section.

3.4.5.2.4 - A Zoning Permit, issued by the ZEO, is required for any new construction, any addition, alteration or other structural or site plan modification within the VCD when the entirety of such work is not within view from any public roadway. In issuing a Zoning Permit for such work, the ZEO shall utilize the dimensional requirements, but not the design standards of this section. This section does not pertain to any change of use which is regulated by 3.4.5.2.1.

3.4.5.2.5 - A Zoning Permit, issued by the ZEO, is required for a sign when such sign is consistent with Sec. 3.4.5.6 VCD Design Standards and in conformance with Article 10.4 (Signs Permitted in the Village Center District) of these Regulations.

3.4.5.3 - Permitted Uses: The following uses are permitted by **Site Plan Review** in accordance with Article 1.3 (Basic Requirements) and Article 4 (Site Plan Requirements and Procedures) of these regulations and in conformance with the general design standards and other requirements of the VCD.

Single-family Dwelling with or without an accessory apartment
Duplex Dwellings

Non-commercial Agricultural Uses
Home Business (in accordance with Article 6)
Bed & Breakfast
Family Day Care Home
Group Day Care Home
Office, Business or Administrative
Professional Office
Financial Office
Services, Personal
Business Services
Licensed Health Service
Museum
Art Studio/Gallery
Craftsperson
Caterer's Establishment
Florist
Greenhouse
Community Center
Education Center

3.4.5.4 - Special Permit Uses: The following uses are permitted by **Special Permit** in accordance with Article 1.3 (Basic Requirements) and Article 4 (Site Plan Requirements and Procedures) and Article 5 (Special Permit Requirements) of these regulations and with the general design standards and other requirements of the VCD.

Elderly Housing Development (in accordance with Article 8)
Convalescent Home, Rest Home, or Nursing Home
Active Adult Community
Multi-Family Dwelling (in accordance with Article 7 and, additionally, shall contain no more than 3 dwellings per structure)
Child Day Care Center
Adult Day Care Center
Home Enterprise (in accordance with Article 6)
Mixed Occupancy Uses (not more than 2 dwelling units above first floor business)
Bank
Retail Use (maximum gross floor area of 2,000 square feet)
Automotive Service Station
Restaurant (except fast food and drive in restaurants)
Church
Funeral Parlor
Health club
Commercial Agriculture
Indoor Sports and Recreation

3.4.5.5 - Procedure:

3.4.5.5.1 - The ZEO may request all relevant information from a landowner or applicant as deemed reasonably necessary to make an initial determination as to which section of this Regulation is applicable to the proposed activity. In reviewing the proposed activity the ZEO may consult the Planning and Zoning Commission Chair, Local or State Historical Commission or consulting architect. Any proposed activity that is not deemed to be otherwise exempt in accordance with these regulations shall proceed through Site Plan review in accordance with Article 4 (Site Plan Requirements and Procedures) or Special Permit review in accordance with Article 5 (Special Permit Requirements) of these regulations and with the general design standards and other requirements of the VCD, all in accordance with said determination.

3.4.5.5.2 - Prior to the formal submission of a Site Plan or Special Permit application, the applicant is encouraged to schedule an informal discussion with the Commission to present a conceptual plan of the proposed activity. Any such informal, pre-application discussion with the Commission shall not constitute a decision by the Commission nor be part of the formal application process and shall be non-binding on the Commission.

3.4.5.5.3 - All applications for new construction or substantial reconstruction within the district and in view from public roadways 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 the "VCD Architectural Consultant" for such application. 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 may be considered by the Commission in making its decision. The applicant shall be afforded the opportunity to review and comment upon any such report and to offer additional information to the Commission in response to said report.

3.4.5.5.4 - 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 and may be considered by the Commission in making its decision. The applicant shall be afforded the opportunity to review and comment upon any such report and to offer additional information to the Commission in response to said report.

3.4.5.5.5 - 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.

3.4.5.5.6- 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.

3.4.5.5.7- Substantial construction shall be complete and/or the approved use shall commence within two years of the date of the Commission's approval. Failure to complete the work and/or commence the use within the specified time frame may be cause for the revocation of the approval.

3.4.5.6 - VCD Design Standards:

3.4.5.6.1 - All proposed work concerning the exterior of structures and sites in view from public roadways that are identified as "contributing" in the Town Green National Register Historic District Study 1982 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.

3.4.5.6.2 - All proposed work concerning the exterior of structures and sites in view from public roadways shall be consistent with the distinctive characteristics of the district identified in the Plan of Conservation and Development.

3.4.5.6.3- All proposed work concerning the exterior of structures and sites in view from public roadways shall relate 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 work.

3.4.5.6.4 - Spaces, structures and related site improvements within view from public roadways shall be designed to be compatible with the elements of the village district in and around the proposed building or modification.

3.4.5.6.5 - The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting shall be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.

3.4.5.6.6 - The removal or disruption of historic, traditional or significant structures, stonewalls and stone rows, or architectural elements shall be discouraged and minimized.

3.4.5.6.7 - Any development in the village district shall be designed to achieve the following compatibility objectives:

- (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, stonewalls, 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, proportion, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

3.4.5.6.8- The repair or reconstruction of stone walls is encouraged and, where required, shall be of similar material and style. The removal, demolition or alteration of stone walls within the VCD shall not be permitted unless the applicant has demonstrated to the satisfaction of the Zoning Enforcement Officer or the Planning and Zoning Commission (whichever is the permitting entity) that such removal, demolition, or alteration is necessary for the continued use of the property.

3.4.5.6.9 - Commercial development shall not result in projected large volumes of traffic (more than 350 vehicles per day) or projected continuous customer turnover (more than 35 vehicles per hour on average) nor operate for the public after the hours of 11:00 p.m. nor prior to 6:00 a.m. With the exception of banks, no drive-through service windows shall be permitted.

3.4.5.6.10 -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.

3.4.5.6.11 - 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.

3.4.5.6.12 - 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.

3.4.5.6.13 - A maximum outside display area of 100 square feet is permitted during posted hours of operation upon approval of Site Plan application. Any increase above the 100 square feet requires application and approval of a Special Permit.

3.4.5.6.14 - Trailers used for business, office and storage purposes shall not be permitted in this zone unless it is in connection with a 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.

3.4.5.6.15 - Lighting: Exterior lighting of the building and site shall be directed downward and designed so that light is not directed off-site or upwards. 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.

3.4.5.6.16 - No variance of the standards and the restrictions contained in this section 3.4.5.6 or the minimal dimensional requirements provided in the following section 3.4.5.7 or the parking requirements provided in section 3.4.5.8 shall be permitted to be granted by the Zoning Board of Appeals.

3.4.5.7 - Dimensional Standards:

3.4.5.7.1 - **Minimum Lot Area.** The minimum lot area shall be thirty-thousand (30,000) square feet, or the area of the existing lot of record, whichever is smaller.

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

3.4.5.7.3 - Lot Dimensional Requirements:

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

3.4.5.7.3.2 - **Front Yard:** The minimum front yard shall be 10 feet from the front lot line.

3.4.5.7.3.2.1 - To ensure adequate visibility at intersections, a corner lot shall require a front yard on each public roadway of 15 feet.

3.4.5.7.3.3 - **Side Yard:** Two side yards shall be required not less than 8 feet in minimum width each. This requirement shall not apply to corner lots.

3.4.5.7.3.4 - **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.

3.4.5.7.4 - Maximum Building Dimensions:

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

3.4.5.7.4.2 - **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.

3.4.5.7.4.3 - **Maximum Building Size:** Individual buildings shall not exceed 5,000 square feet of gross floor area.

3.4.5.8 - Parking Requirements:

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

3.4.5.8.2 - 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.

3.4.5.8.3 - 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).

3.4.5.8.4 - 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, brick, compacted stone dust or materials which imitate these design elements are strongly encouraged.

3.4.5.8.5 - **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:

3.4.5.8.5.1 - A written agreement shall be submitted with the application, 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 instrument shall be filed on the land records at the time of the filing of the approval as required in 3.4.5.5.6 above.

3.4.5.8.5.2 - 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.

3.4.5.9 - Utilities, Solid Waste, and Recyclable Materials:

3.4.5.9.1 - Utilities shall be placed underground whenever practicable. The Commission may require that utilities be placed underground for new construction or Special Permit uses, except for good cause shown by the applicant.

3.4.5.9.2 - 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 (either by fencing, by vegetation or both) which screening 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

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:

Motor Vehicle Repair

Light Industry

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: It is the purpose of this district to provide for those commercial uses which will accommodate the broad range of retail shopping, service and office space that will economically enhance the community while maintaining the sense of community and character of the Town of Brooklyn as outlined in the Town's Plan of Conservation and Development.

The Town of Brooklyn has developed the Planned Commercial, Route 6 Corridor Design Guidelines to assist prospective developers with the design of their projects. Developers/Applicants are urged to review the Guidelines prior to any discussion with Staff or the Commission.

3.4.8.2 - Uses: Allowed by Special Permit: The following uses are allowed by special permit in accordance with Article 5 and further requiring site plan approval in accordance with Article 4:

Retail Store
Professional Office
Office, Business or Administrative
Licensed Health Service
Business Services
Personal Services
Banks
Financial Office
Banquet Hall
Caterer's Establishment
Hotels and Motels
Restaurants
Fast Food Restaurant
Health Clubs
Florists
Greenhouse
Child Day Care Services
Community Center
Automobile Sales
Automotive Service Station
Theatre
Mixed Occupancy Uses

3.4.8.3 - Limited outdoor display of merchandise for Retail Stores may be permitted as part of a Site Plan or Special Permit approval provided;

3.4.8.3.1 - Outdoor display of merchandise shall be located on the site of a permitted Retail Store

3.4.8.3.2 - The display of merchandise shall not obstruct the use of any sidewalk, parking area, driveway, or fire lane;

3.4.8.3.3 - Items displayed are safe and stable with no risk of overturning due to wind or contact.

3.4.8.3.4 - Display shall be representative of merchandise that is regularly sold as part of the business.

3.4.8.3.5 - Items shall be displayed appropriately. Cardboard boxes and folding tables are not permitted as display racks.

3.4.8.3.6 - For premises containing multiple establishments, the display of merchandise shall not interfere with the business activities of other establishments on the premises

3.4.8.3.7 - A Site Plan or scale drawing that identifies the location and limits of the display area.

3.4.8.4- Waiver of Special Permit Requirement: The Special Permit requirement may be waived for additions to existing structures and new structures as indicated below. However, a Site Plan approval in accordance with Article 4 is required.

3.4.8.4.1-An addition to a existing commercial structure, for a use listed in Section 3.4.8.2, which is 500 square feet or less in total ground floor area.

3.4.8.4.2-A new structure for commercial use listed in Section 3.4.8.2 which is 500 square feet or less in total ground floor area.

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

3.4.8.6 - Dimensional Requirements

3.4.8.6.1 - Front yard:

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

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

3.4.8.6.2 - Rear yard - 20' minimum

3.4.8.6.3 - Side Yard - 20' minimum

3.4.8.6.4 - Lot Size -30,000 sq. ft. minimum

3.4.8.6.5 - Lot Frontage -100' minimum

3.4.8.6.6 - 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.

3.4.8.6.7 - Lot Coverage with impervious surfaces: 65% impervious cover

3.4.8.7 - 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 10%.

3.4.8.8 - 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.

3.4.8.9 - Architectural/Design Review

3.4.8.9.1 - Prior to submitting a formal application for a zoning permit or special permit, the applicant is encouraged to review the Planned Commercial, Route 6 Corridor Design Guidelines prepare a conceptual plan of the proposed project or use, and to discuss the proposal with the Town planner/Agent and/or the Planning & Zoning Commission.

3.4.8.9.2 - The purpose of this informal evaluation is to aid the applicant in the interpretation and applicability of regulations, and to save the applicant from any loss of time, effort and unnecessary expense. Additionally, this process serves to gain the most desirable and compatible site and structure design for the Town of Brooklyn in line with the Planned Commercial, Route 6 Design Guidelines. However, each applicant should understand that any comments made by the Zoning Enforcement Officer or Commission members during such preliminary discussions are not binding, and that the Zoning Enforcement Officer and the Commission may reconsider and reevaluate any formal application on the basis of information

available at the time of such application and the decision thereon.

3.4.8.9.3 - 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

3.4.8.9.4 - When 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 in accordance with Town of Brooklyn Land Use Fee Ordinance. (Date of approval 9/21/05)

3.4.8.9.5 - Consultant review shall include, but not be limited to the following:

- a) 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);
- b) the adequacy of measures to screen mechanical equipment from public view (whether roof-, building-, or ground-mounted);
- c) the adequacy of measures to screen dumpster and other refuse/recycling containers/areas;
- d) the effectiveness of landscape buffer treatments, including plant materials/size at installation, fencing, walls, berms or other elements;
- e) 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;
- f) 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;
- g) material composition, geometry, and location of proposed pedestrian sidewalks and walkways through vehicular circulation areas;
- h) dimensions, style, height, color, location, lighting function, safety and material characteristics of all proposed signage.
- i) Any questions or concerns raised by the commission.

Approved: 7/6/11

Effective: 7/23/11

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

3.4.9.7- MILL MIXED USE DEVELOPMENT DISTRICT

3.4.9.7.1 - INTENT: 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. to encourage the development of flexible space for small and emerging businesses.

3.4.9.7.2 - General Requirements.

1. All uses shall be served by public water and sewer. The applicant shall submit a written report on the adequacy of the public sewer and water supply system of each proposed building lot and/or use prepared by a Professional Engineer licensed to practice in the State of Connecticut;
2. 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 such as playgrounds, trails and a minimum number of access points on existing roads.
3. Property shall, at the time application for MMUDD designation is made, have a **Mill Structure** located on site. Properties designated as MMUDD shall be sub-dividable.
4. The commission may, at its discretion, hire a third party consultant to aid the Commission in its review. Fees charged will be borne by the applicant.

3.4.9.7.3 - Uses Permitted by Special Permit.

Single-family Dwellings
Duplex Dwellings
Multi-Family Dwellings
Accessory Uses
Offices, business or administrative
Professional Office
Personal Services
Banks
Financial Office
Restaurants (except fast food and drive in restaurants)
Licensed Health Services
Day Care Center
Health Clubs
Business Services
Museum
Retail stores (when all merchandise is totally enclosed within a building)
Florists
Group Day Care Home
Family Day Care Home
Laundromat
Light Industry
Print Shop

1. Residential uses are restricted to Active Adult Community. The applicant shall supply the Commission with its Declaration of a Planned Community in Compliance with the Connecticut Common Interest Ownership Act, as may be amended from time to time, when submitting its application.
2. Subject to compliance with all federal, state and local laws, regulations, standards and requirements, applicants may be permitted to create mixed use opportunities within the same structure or related structures, provided that such mixed uses conform to the compatibility and performance standards of section 3.4.9.7.6 of these Regulations.

3.4.9.7.4. - Performance and Compatibility Standards.

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 not negatively impact the general neighborhood.
2. 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.

3. 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.

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.

Noise, Odor and Dust 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. Heat and glare generated from manufacturing shall be confined to the building structure.
3. Odor, dust, and fumes shall be effectively confined to the premises or so disposed of in accordance with state and federal regulations.
4. The Commission at its discretion may limit the hours of operation of any commercial or industrial use.
5. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration. 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.

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 directed downward and 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.

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. An Active Adult Community shall fully comply with the provisions of the United States Fair Housing Act, as amended, and Connecticut State Statutes Section 46a-64b, as amended as it pertains to "Housing for older persons." This included compliance with any and all rules promulgated by the United States Department of Housing and Urban Development, which govern the implementations of such act.
3. Permanent Occupancy of any Unit is restricted to:
 - a. any person of the age of 55 year or over, and any person approved by the Declarant or the Board, in accordance with the provisions set forth below in this Section ("Age Qualified Person");
 - b. a husband, wife or companion, over the age of 18 years, residing with the Age Qualified Person;
 - c. children residing with the Age Qualified Person or residing with the husband, wife or

companion of the Age Qualified Person, provided the children are over the age of 18 years;

- d. an individual, over the age of 18 years, residing with and providing physical or economic support to the Age Qualified Person; or
- e. any person who was permitted to and did occupy a Unit with an Age Qualified Person may continue to occupy the Unit after the death of Age Qualified Person.

The Fair Housing Act permits housing intended for persons 55 and older provided that (1) at least 80% of the occupied units are occupied by at least one person who is 55 or older;(2) the Community publishes and adheres to policies demonstrating the intent to be age-restricted; and (3) the Community meets certain rules for verifying the age restrictions of the Community. Thus, up to 20% of the Units may be occupied by individuals, all of whom are under 55 years of age.

- 4. The proposed development shall be a "Common Interest Ownership Community" as defined in Chapter 828 of the Connecticut General Statutes.
- 5. The constituent documents of the Common Interest Ownership Community shall contain provisions requiring the Declarant, (which designation includes the Developer, or a successor in interest to the Developer or any other party holding development rights), in connection with the initial sale of Units, and the Association, as to all subsequent sale of Units, to enforce the Declaration which shall incorporate the Ownership and Occupancy Standards of the Zoning Regulations so that at all times the Common Interest Community will qualify for the 55 or over housing for older persons exemption under The Fair Housing Act. Permanent occupancy of any Unit shall not be permitted or allowed to continue if such occupancy violates the provisions of the Declaration or the Zoning Regulations or results in the loss of the Common Interest Community's 55 or over housing for older person's exemption under the Fair Housing Act. At the closing of title of each unit being sold by Declarant, the purchaser of said Unit will be required to sign a certification or declaration to be used to insure that the Common Interest Community will qualify for the exemption under The Fair Housing Act and to insure that said purchaser is in compliance with the age restrictions set forth herein. Persons may not transfer, sell, gift, lease, assign, grant, buy, rent or occupy any Unit, except for the sale of the Unit by Declarant, until such person receives the approval of the Board in accordance with the provisions of the Declaration.
- 6. Apartment and condominium units shall be permitted in existing structures, and density shall be consist of the number of units containing not less than eight-hundred (800) square feet of livable space that can be created within the existing structures based on state building and health codes. Residential density for new construction will be limited to one dwelling per 10,000 sq. ft.
- 7. For any development 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.

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 and shall not be changed by action of the ZBA. 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 and said limitation shall not be changed by action of the ZBA.
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 storm water runoff, the total area of any MMUD District that may be covered by buildings and paved surfaces shall not exceed fifty (50) percent coverage and shall not be changed by action of the ZBA. 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 and are not subject to action by the ZBA:
 - a. Residential - thirty-five (35) feet
 - b. Commercial - forty (35) feet
 - c. Industrial - thirty-five (35) 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 no more than 10 feet greater than the existing mill structures within 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 any one or more of the above are located, except for a solar collection system which may cover more than twenty-five percent (25%) of the area of the roof on which the solar collection system 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 any one or more of the above 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 telecommunication facilities, water tanks, solar collection systems, similar structures or mechanical appurtenances is affixed and generally in keeping with the character of the neighborhood in which the above 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 (10) feet above the highest point of the building or structure to which it is attached.

Outdoor Storage and Sales Display

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. No vending machines shall be allowed outside of any buildings.
- d. 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.

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
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.

Signs

Signs shall conform to the Brooklyn Zoning Regulations Article 10 and Section 10.4 Signs Permitted in the Village Center District (VCD) for each use on the site.

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 any 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. 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.

5. 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.
6. 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.)
7. 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.
8. Landscaping plans shall show all obstructions such as street lights, meters, back-flow devices, utility covers, transformers, and similar objects which may affect plant placement and installation limitations.
9. 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.
10. All exposed dirt areas shall be covered with bark or mulch or other weed control measures included as part of final landscape
11. 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.

Parking and Loading Areas

Parking shall conform to Article 3.6 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.
- 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.

3.4.9.7.7 - Applications and Permit Procedures.

- 1. 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.

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 General Requirements - Conformance with Section 3.4.7.9.6 - Performance and Compatibility Standards.
 - a. Pre- Application Concept Plan. The Commission recommends that, prior to the submission of an official application the applicant prepares and presents a conceptual plan for informal review per section 4.4.1.
 - b. Elements of Pre Application Concept Plan. The Concept Plan shall be pre-pared by an engineer, architect, or landscape architect, and shall include:
 - i. Drawings at a scale of 1" = 100'.
 - ii. 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.
 - iii. The land uses and zoning within 300 feet of the site.

- iv. Boundary description of the district within it.
- v. Names of all abutting property owners.
- vi. 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.
- vii. 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.).
- viii. Proposed building footprints and location of parking areas.
- ix. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.

2. Changes to an approved Special Permit Site Plan are to be approved by the Commission

Adopted: November 7, 2007

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

Revised date: August 4, 2010 effective August 21, 2010

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 Standards 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 form 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 ($2\frac{1}{2}$) 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) bedroom	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 accompanied 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 advisors 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 nonrenewal. 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 - Interior lots set out after October 9, 2016: Access strips shall not be located any closer than 300 feet from any other access strip located on the original parcel (i.e. the parcel in existence at the adoption of Subdivision Regulations, July 1, 1967). This 300 ft. restriction shall not apply to access strips across any street or on adjacent properties.

3.5.3.5 - 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 - 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.

3.6.1.16 - Indoor Sports and Recreation - One space per 300 square feet of gross floor area.

3.6.1.17 - Education Center - One space per 200 square feet of gross floor area.

3.6.2 - Parking Design Specifications

3.6.2.1 Parking for non-residential uses shall be paved with a hard surfaced material, except as approved by the Commission for parking areas developed for a seasonal use or home businesses, where such parking is in excess of the amount required or when determined by the Commission that the use of pervious material, such as gravel or stone dust would enhance or protect the natural environment.

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

3.6.2.5 - 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.

3.6.2.6 - 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.

3.6.2.7 - Dimensions of Parking Spaces. Parking spaces for commercial uses shall be no less than 10' x 20', except for spaces designated as "compact car parking" which shall be no less than 8' x

16'. No more than 25% of the total parking spaces shall be designated for "compact car parking". Industrial, municipal, residential and educational facility parking spaces shall contain 8' x16'.

3.6.2.8 - Parking in the rear of the building is encouraged to shield the parking from the public right-of-way. (Revised 06/03/10) Effective 6/23/10

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 unless the application has also been submitted to 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. (Effective 4/2/10)

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 thereunder. 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 nonresidential 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.

Approved September 6, 2006
Effective September 29, 2006

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

6.4.3.10 - 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.

Amended - 1/5/11; Effective - 1/26/11

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 2/7/02 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 Industry, Self-Storage Facilities, Professional Office, and shop and/or storage space for Electricians, Plumbers, Carpenters and Craftspeople's.

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 approved town 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.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 lessee, must be reviewed by the Commission and the permit revised accordingly. (02/07/02)

Amended - 1/5/11;
Effective - 1/26/11

ARTICLE 6B - LIMITED BUSINESS ENTERPRISES

6B.1 - The intent of this regulation is to provide the opportunity for limited business uses (as defined) in the RA Zone provided that such use or uses meets the criteria outlined in this section.

6B.2 - Limited Business Enterprises may be permitted in the RA Zone upon the approval of a Special Permit and attendant Site Plan Review by the Planning and Zoning Commission subject to a finding that such business meets the requirements outlined in Article 5 as well as the following additional special permit criteria that are specific to Limited Business Enterprises.

6B.2.1 - Limited Business Enterprises shall be on a lot in the RA Zone having frontage on a state highway.

6B.2.2 - Limited Business Enterprises shall be limited to a gross floor area not to exceed 2,400 s.f. per lot.

6B.2.3 - Limited Business Enterprises shall maintain the residential character of the buildings and the lot and the neighborhood, shall be developed in a manner that will minimize the conflict of such use with the surrounding residential uses and its cultural and historical heritage, and shall not negatively impact the value of surrounding residential property.

6B.2.4 - The lot shall be of such size, shape and dimension that any exterior evidence of the proposed use or uses is screened from public view in accordance with Article 11, Landscape Regulations. A buffer of 50 feet in width shall be required for any outside storage or parking associated with the use and must meet the Screening and Buffering Area Standards as contained in the Regulations.

6B.2.5 - The application shall show measures taken to minimize the impact of vehicular traffic on the surrounding neighborhood. The commission may require the applicant to provide a traffic analysis from a licensed professional engineer if, in the Commission's determination, the Limited Business Enterprise may cause a reduction in traffic safety or a reduction in the level of service in the public roadway.

6B.3 - As a condition to the Special Permit the Commission may establish limits on the hours and days of operation, lighting, 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.

6B.4 - A permit for Limited Business Enterprises shall be issued in the name of the owner of the property. A tenant of the owner may establish a Limited Business Enterprise and shall be identified by the owner of the property to the Commission. The owner of the property shall continue to be fully responsible for compliance with this regulation. If multiple Limited Business Enterprises are established on a property by Special Permit, the uses will be considered cumulatively when determining compliance with the regulations. A change in use, or a change in owner or lessee, must be reviewed by the Commission and the permit may be amended to permit the proposed new use provided all conditions of the Regulation are satisfied.

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 nonresidential 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 telecommunications 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 in all Zones do not require a permit:

10.1.1 - Real Estate Signs: Temporary real estate signs for both residential and commercial use shall not exceed 16 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 - Construction site signs: Non-illuminated, two-sided construction signs not to exceed thirty-two (32) square feet per side may be permitted on new construction sites, provided they shall be removed within seven (7) days after completion of the construction work and not more than one (1) sign shall be placed on each street frontage of the construction site.

10.1.4 - Warning and Instructional 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 - Directional Signs: 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.

10.1.6 - Political Signs for the purpose of elections or referendums are permitted not to exceed 32 Sq. Ft. These signs shall be removed within 10 days of the said election or referendum.

10.1.7 - Municipal, educational, charitable, civic, religious, temporary signs advertising events related to these causes may be erected or displayed and maintained, provided that:

- 1) The signs shall not be erected or displayed earlier than thirty (30) days prior to the event to which they pertain;
- 2) The signs shall be removed no later than one (1) week after the event;
- 3) The placement of signs shall have the consent of the property owner.
- 4) The area of these signs or bulletin boards shall not exceed thirty-two (32) square feet.

The Following Signs Require a Permit

10.2 – Signs Permitted in R10 and R30 Zones:

10.2.1 -One sign advertising a permitted home office, provided that such sign shall not exceed four (4) square feet.

10.3 – Signs Permitted in the RA Zone:

10.3.1 -One sign advertising a permitted home office, provided that such sign shall not exceed four (4) square feet.

10.3.2 - Signs advertising a permitted home business or home enterprise, provided that the total area of such signs shall not exceed six (6) square feet and may include **One free-standing sign**, permanently secured to the ground per lot. Such sign shall not extend higher than seven (7) feet above ground level at its highest point, and shall not be within the public right of way or less than 10 feet from the edge of the roadway. Signs shall not obstruct roadway sightlines or interfere with pedestrian or vehicular traffic. The sign shall not contain moving components. Only exterior lighting may be used to illuminate the sign. Such illumination shall use only soft white 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.

10.3.3 - Signs advertising a permitted business in conformance with **ARTICLE 6A – ADAPTIVE RE-USE OF AN AGRICULTURAL BUILDING** shall not exceed six (6) square feet in total sign area and may include **One freestanding sign**, permanently secured to the ground per lot. Such sign shall not extend higher than seven (7) feet above ground level at its highest point, and shall not be within the public right of way or less than 10 feet from the edge of the roadway. Signs shall not obstruct roadway sightlines or interfere with pedestrian or vehicular traffic. The sign shall not contain moving components. Only exterior lighting may be used to illuminate the sign. Such illumination shall use only soft white 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 – Signs Permitted in the Village Center District (VCD):

No signs shall be attached to a structure or building, erected or hung unless and until the issuance of a Sign Permit by the ZEO.

Any proposed sign application shall include information to demonstrate to the ZEO that the design elements of the proposed sign shall be constructed of wood, stone or materials that simulate wood or stone in appearance, and that the proposed sign shall maintain the aesthetic character of the neighborhood, including the nature and intensity of any proposed method of external or internal illumination of the sign

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

seven (7) feet above ground level at its highest point, and shall not be within the public right of way or less than 10 feet from the edge of the roadway. Signs shall not obstruct roadway sightlines or interfere with pedestrian or vehicular traffic. The sign shall not contain moving components. Only exterior lighting may be used to illuminate the sign. Such illumination shall use only soft white 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 business is permitted **one hanging sign** no larger than four (4) square feet in sign area. Hanging signs shall be connected to the structure and protrude perpendicularly from the front of the business. No portion of any such sign shall interfere with pedestrian or vehicular traffic. 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 up to a maximum size of 32 ft.

10.4.4 - **In the VCD, one (1) Portable, 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 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 five (5) feet in height. Such sign shall not be illuminated and be situated so as to avoid obstruction of roadway sightlines. If a sign is placed in a location that is determined by the ZEO to compromise safe movement of vehicular or pedestrian traffic, the ZEO 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 circumstance 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.

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

10.5.1.1 - Freestanding signs shall not exceed twenty (20) square feet in sign area or ten (10) feet in height. Such signs shall not be located within the public right of way or less than 10 feet from the edge of the roadway. 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 - Hanging signs shall not exceed eight (8) square feet in sign area. Such signs shall

protrude perpendicularly from the front of the building. No portion of the signs 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 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 - (1) Temporary sign with a maximum size of eight (8) square feet shall be permitted within the Restricted Business Zone per Business on the lot. A permit for a temporary sign shall be valid for no more than thirty (30) days unless approved by town staff. The sign must be removed at the expiration of the permit period.

10.6 - Signs Permitted in Planned Commercial Zone:

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 (25) 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. The Commission may approve the alternate use of the (10 square feet) allotted each establishment on a lot upon review of a Site Plan. The alternate use shall be otherwise in conformance with these regulations as a freestanding or wall sign. Maximum height for alternate sign shall be 10 feet. The ZEO may order the removal of any sign placed in a location that is determined to compromise safe movement of vehicular or pedestrian traffic.

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.

10.6.2.1 - Where the applicant can demonstrate to the satisfaction of Town Staff that the design of the structure(s) are not suitable for a wall sign, a roof sign may be permitted to replace all or a portion of the wall sign permitted in section 10.6.2. No roof sign including any illuminating devices, shall project higher than the peak of the roof upon which it is located. The aggregate area of wall and roof signs shall not exceed one (1) square foot for every foot in length of such building wall. Roof signs shall run parallel to the wall they are located above.

Approved: 6/8/11
Effective 6/25/11

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 - One (1) **Portable** sign is permitted per business, up to a maximum of three (3) per lot. The primary purpose of such a sign is to identify special products and sales, not to serve as 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 or 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 ZEO to compromise safe movement of vehicular or pedestrian traffic, the ZEO 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 circumstance may be permitted.

Adopted - October 4, 2006
Effective October 30, 2006

10.6.5 - (1) **Temporary** sign with a maximum size of eight (8) square feet shall be permitted per Business on the lot. A permit for a temporary sign shall be valid for no more than thirty (30) days. The sign must be removed at the expiration of the permit period.

10.7 - Signs permitted in the Industrial Zone

10.7.1 - One permanent, freestanding sign shall be permitted for each lot.

10.7.1.1 - The maximum height of the sign shall be ten (10) feet.

10.7.1.2 - The maximum area of each 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.

10.7.1.3 - Sign shall not be located within the public right of way or less than 10 feet from the edge of the roadway.

10.7.2 - 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.

10.7.3 - 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.

10.8 General Sign Standards:

The following standards shall apply to all signs.

10.8.1 - Suitable, durable materials shall be used for all signs, including **Portable** and **Temporary** signs, and all signs shall be firmly supported and maintained in good condition.

10.8.2 - Signs, associated plantings or lighting shall be located so as not to obscure sightlines or otherwise cause danger to vehicular or pedestrian traffic.

10.8.3 - 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

10.8.4 - All signs shall comply with the Connecticut State Building Code.

10.8.5 - Neon signs or similar illuminated advertisement shall not diminish or detract in any way from the effectiveness of any traffic or similar safety or warning device.

10.8.6 - Signs shall not be located in or project over any street right-of-way, except an approved DOT sign.

10.8.7 - Signs or advertising devices shall not be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.

10.8.8 - 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.

10.8.9 - Signs may be illuminated by direct or indirect lighting, but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No flood or spot lights shall be mounted higher than twenty-five (25) feet above ground level.

10.8.9.1 -Illuminated signs or lighting devices shall not cause a glare or reflection off the

property that may constitute a traffic hazard or nuisance.

10.8.10- Signs shall not be located in such a manner as to reduce the sight line vehicles entering or exiting the roadway.

10.8.11 - Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes a primary purpose in itself, shall be considered a freestanding sign and, as such, be subject to the provisions regarding freestanding signs in the district in which such vehicle is located.

10.8.12 - All signs shall conform to the Building Code of the State of Connecticut.

10.8.13- All signs other than those specifically authorized by the provisions of these regulations are prohibited.

10.8.14 - Signs erected or maintained in the window of a building visible from any public or private street or highway, shall not occupy more than thirty percent (30%) of the window surface unless authorized by the Commission.

10.9 - Sign Permits

Signs shall not be erected, hung or displayed without first obtaining a sign permit, other than those permitted in SECTION 10.1

10.9.1 - Written application for a sign permit shall be made on forms prescribed and provided by the ZEO, and shall contain the following information:

10.9.1.1 - The name, address and telephone number of the applicant.

10.9.1.2 - The location of the building, structure or land on which the sign is to be attached, erected or hung.

10.9.1.3- A scale drawing of the proposed sign, its location and proposed illumination, if any. The ZEO may require the location be staked in the field for inspection prior to issuance of a permit.

10.9.1.4 - A landscaping plan for the area around the proposed sign, as described in ARTICLE 11 SECTION 11.4.8.

10.9.1.5 - A full description of materials and lighting to be used in the construction of the proposed sign.

10.9.1.6 - Signed consent of the owner of the sign location property if the applicant is not the owner of the building, structure or land.

10.9.2 - Application shall be made for a sign permit whenever significant alteration or replacement of a sign is proposed.

10.9.3 - If any sign is constructed out of compliance with these regulations or in nonconformity or a filed permit, or if the sign has been erected without the permit, the ZEO 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.

10.10 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 illegally nonconforming.

10.11 Obsolete Signs:

Signs for an abandoned or discontinued business shall not 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
Amended August 1, 2012; Effective August 18, 2012

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.

12.1.3.2.8 - 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.

12.1.5.3 - 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 by special permit granted in accordance with the provisions of Article 5. (8/7/02)

Amended- 1/5/11

Effective 1/26/11

13.3 - Permit Process: 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 Special Permit for such operation.

13.3.1 - Application for a permit shall contain a Site Plan in conformance with section 4.5 , Soil Erosion and Sediment Control Plan in conformance with Article 12, Excavation Plan and Restoration Plan and narrative including at the minimum the following information.

1. General description of the proposed excavation, phasing and time line for completion.
2. The maximum area of disturbance with existing contours and proposed final grades at 2' intervals
3. Maximum depth of excavation, depth to water table and location of required test pits
4. the volume in cubic yards of material to be removed during the ensuing year
5. The location of all public highways within two-hundred (200) feet of the property line and traffic patterns within the site.
6. Average and maximum number of anticipated trips per day
7. Location of fueling pad, truck storage or vehicle and equipment repair area.
8. Location of processing equipment and amount of processing per year/month
9. Location and maximum height of stockpiles
10. Archeological review/DEP Permit (If required)
11. Restoration Plan depicting how the area is to be restored including provisions for groundcover, including topsoil, reforestation and/or seeding.

13.3.2- The commission shall approve or disapprove issuance of a permit within sixty-five (65) days of the close of the Public Hearing. (8/7/02)

Amended - 1/5/11

Effective - 1/26/11

13.3.3 - 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 provided the Town and State fees are paid. The Town fee and schedule is established by ordinance.

13.3.3.1 - 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, rock 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.

13.3.4 - Each permit issued by the Commission dated prior to 1/26/11, shall continue in effect, and shall be governed by the Regulations that were in place when the permit was issued. Renewal of permits shall be in accordance with section 13.7 and conform to Article 13 as amended.

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 to be determined by the Town Engineer/delegate.

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 5 feet to ground water and 6 feet to ledge. Approval of the creation of a pond or water body requires separate vote of the Commission.

13.5.1.1 - Multiple test pits shall be required to determine the groundwater elevation on the site.

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 for all zones except Residential. All residential zones shall have a (100) foot setback.

13.5.2.1 - The commission may waive the requirements for a twenty foot (20)' or residential (100)' foot 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 or residential (100)' foot 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 shall be restricted to 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.

13.5.5 - No fixed or portable machinery shall be erected or maintained within (200) feet of any property or street line and not less than (500) feet from any residence.

13.5.6 - Measures to the satisfaction of the Commission, shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered for offsite transport; suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles.

13.5.6.1 - The processing activity shall not generate cause or allow continuous noise measurements in excess of noise levels as follows at the property line:

INDUSTRIAL	COMMERCIAL	RESIDENTIAL
(C)	(B)	(A)
62dba	62dba	55dba

These standards may be exceeded (to the appropriate Department of Environmental Protection (DEP) standard) when adjacent uses are considered by the Commission. Testing per the DEP standard may be required for any change to equipment and/or complaints about change in decibels.

13.5.6.2 - Any access road within the area of operations shall have a dustless surface which is to be maintained at all times.

13.5.7 - Screening, sifting, washing, crushing, trucking or other forms of processing shall be conducted upon the premises between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, Saturdays 7:00 a.m. and 12:00 p.m. There shall be no operational activities on Sundays and the following holidays: Christmas, New Years Day, Memorial Day, Fourth of July, Labor Day, and Thanksgiving Day, except by special permission of the Commission.

13.5.8 - Locations for access roads, stockpiles and equipment storage shall be selected to minimize effects to surrounding properties.

13.5.9 - Connecticut's "Guidelines for Soil Erosion and Sedimentation Control" as amended shall be followed.

13.5.10 - At no time shall more than five acres be left in an unrestored condition, unless expressly authorized by the Commission due to special circumstances such as topography, weather or unique site conditions.

13.5.11 - Topsoil stripped from the site shall be stockpiled on the premises and shall not be sold or removed from the premises without prior Commission approval. Upon completion of site work within each approved project phase, the site shall be restored in accordance with the approved erosion and sedimentation control plan and in a manner compatible with anticipated future uses.

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 as well as the following;

Contours as of original permit approval and as of date of survey (updated to present) stamped by a licensed Land surveyor

Amount of material originally approved to be removed and removed to date, by an annual accounting for each 12 Month period of the permit.

Date the permit will next expire if not renewed

Amount of bond that has been filed

13.7.1 - The plans 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.

13.7.2 - Permit Renewals may require the review of the bond amount for Erosion and Sediment Control and Restoration Plan.

13.7.3 - 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

13.8 - 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 Zoning Enforcement Officer of such change.

Amended - 1/5/11

Effective - 1/26/11

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 - CONSERVATION SUBDIVISION REGULATIONS

15.1 - Purpose: The purpose of this regulation is to provide a Conservation method for development of land which permits a reduction in lot sizes without a significant increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allowing greater flexibility and creativity in the design and layout of residential and/or development in order to:

15.1.1 - Protect the existing rural appearance and character of the Town of Brooklyn in accordance with the Town's Plan of Conservation and Development;

15.1.2- Minimize alteration of or damage to the natural, historic and scenic resources;

15.1.3 - Avoid adverse impacts of new development on the value of existing homes and reduce sprawl;

15.1.4 - Promote development that is compatible with existing neighborhoods;

15.1.5 - Preserve open spaces, large unfragmented forests, wildlife habitat and other undeveloped open land particularly along Town roads;

15.1.6- Establish buffers for adjacent land uses such as agriculture and fragile ecosystems;

15.1.7 - Reduce public costs for the maintenance of roads and other public infrastructure;

15.1.8 - Protect water resources by reducing the amount of impervious surfaces, volume of runoff, and pollutant loads to streams and other water resources; and

15.1.9 - Conserve energy resources.

15.2 - General Requirements: Conservation Subdivisions:

15.2.1 - Shall only be permitted in the RA zone.

15.2.2 - Shall lead to the creation of five (5) or more lots.

15.2.3 - Shall be used only for detached single-family dwellings and permitted accessory uses.

15.2.4 - Shall require a minimum of forty (40) percent Open Space set aside.

15.2.5 - Density shall not exceed the number of lots that could be attained within a Conventional Subdivision unless a Density Bonus is granted in accordance with **Section 15.7**.

15.2.6 - Home enterprises and home businesses are not permitted in Conservation Subdivisions. Home offices are allowed as a matter of right per **Section 6.2** with the exception that there shall be no non-resident employees.

15.3 - Applicability/Procedure: Subdivision of land that meets the criteria listed in **Section 15.2.1 - 15.2.3** shall be made according to the design; either Conservation or Conventional Subdivision that best promotes enhances and assists in the accomplishments of the objectives listed in **Section 15.1**.

15.3.1- Prior to submission of a Preliminary Plan, an applicant is strongly encouraged to review with the Town Planner or other authorized agent any proposal for a Conservation Subdivision.

15.3.2- Prior to formal Subdivision application, any landowner/developer, whose property/proposed development or Subdivision Application meets the requirements listed in **Section 15.2.1 -15.2.3** shall file a Preliminary Design for a Conservation Subdivision for review by the Commission.

15.3.3- The Preliminary Design shall follow the requirements set forth in **Section 15.4**.

15.3.4- The Commission shall make a determination of the suitability of the Preliminary Design for a Conservation Subdivision based on the information provided in the Preliminary Plans and the objectives listed in **Section 15.2**.

15.3.5- Formal Application for Conservation Subdivision shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Regulations for the Subdivision of Land, and the Conservation Subdivision requirements contained herein.

15.4 - Preliminary Design Review:

15.4.1- Informal Review of Preliminary Plans The purpose of the informal review of preliminary plans is to provide guidance to the applicant and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. The applicant shall submit preliminary plans for informal review, however, neither the applicant nor the Commission shall be bound by any statement made during such informal review, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission response like the request itself are preliminary and subject to further refinement. After review, the Commission shall, provide informal, suggestions to the applicant regarding the overall layout and design of the proposed subdivision, and a determination whether to proceed with an application under this Section or to adhere to the Conventional Subdivision requirements of the applicable Sections of the Brooklyn Subdivision Regulations.

15.4.2 - Preliminary Plans: Land Owners/Developers are required to submit two concept plans for the proposed subdivision. One of which shall depict how the parcel could be developed as a Conventional Subdivision (Yield Plan) consisting of lot and street layouts conforming to the Brooklyn Zoning and Subdivision Regulations governing Conventional Subdivision lots, and the Town of Brooklyn's Public Improvement Specifications, and another which shall depict how the parcel could be developed as a Conservation Subdivision.

Although such Plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be permitted in a Conventional Subdivision layout. Plans shall include the following elements as well as identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to;

- a) At Least a Class-D Survey
- b) North arrow
- c) Scale 1"= 100'
- d) Location map (1" = 1000')
- e) Name of Applicant
- f) Name of Subdivision
- g) Date of Plan and plan number or identification
- h) Existing Streets
- i) Proposed streets, or private drives
- j) Proposed lot lines
- k) Proposed Open Space, including a narrative description of the characteristics of the proposed open space
- l) Topographic contours, at a contour interval of no more than more than ten (10)feet;
- m) Slopes greater than 25%
- n) Inland wetlands and watercourses in areas of the property not being proposed for development (on either the Conventional Plan or the Conservation Subdivision Plan) may be depicted as they appear on various sources of other mapping, inland wetlands and watercourses in areas of proposed development shall be delineated by a Professional Soil Scientist;
- o) Existing zoning on adjacent properties
- p) Preliminary septic field and well location
- q) 100-year floodplains (Flood Zones A, as shown on FEMA maps); and easements and rights-of-way affecting the parcel.

15.4.3- The Commission shall require that the Preliminary Plans include a "Property Survey" prepared in accordance to the Standards for "Surveys and Maps in the State of Connecticut", as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996, and as may be amended.

15.4.4- On lots that would not be served by public sewage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

Nothing herein shall be construed to prevent an applicant from presenting plans and documentation in greater detail and containing more information to the Commission, its staff or other public agencies or officials.

15.5 - Dimensional Requirements: A Conservation Subdivision may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements:

15.5.1 - Lot Area: Each lot shall contain at least 30,000 square feet of buildable area, exclusive of wetlands, ledge, and slopes in excess of 25% and must be able to support a septic system and well approved by the local health authority or serviced by public sewer and water.

15.5.2 - Frontage: The frontage of each lot for a building site created in a Conservation Subdivision shall not be less than 100 feet on a private or public road, or, on a cul-de-sac, not less than 100 feet at the building line.

15.5.3 - Setbacks: All structures shall be set back a minimum of thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines, provided, however, that with respect to lot lines which abut land outside the Conservation Subdivision, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.

15.5.4 - Interior Lots: Are permitted within Conservation Subdivisions provided;

15.5.4.1 - Access strips shall not be located any closer than 300 feet from any other access strip located on the original parcel (i.e. the parcel in existence at the adoption of Subdivision Regulations, July 1, 1967). This 300 ft. restriction shall not apply to access strips across any street or on adjacent properties.

15.5.4.2 - Access strips have a maximum length of 400 feet.

15.5.4.3- 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 or private way.

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

15.5.5 - Restrictions Against Further Development: No Conservation Subdivision may be further subdivided. A notation to that effect shall be made on the Final Plan as to be endorsed by the Commission and recorded with the Town Clerk. In addition, a perpetual restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation Subdivision. Such restriction shall provide that no lot in the Conservation Subdivision may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Commission shall prescribe and may contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.

15.6 - Standards: In reviewing an Application for a Conservation Subdivision, the Commission shall consider the extent to which the Application meets the purposes of a Conservation Subdivision by satisfying the following standards:

15.6.1 - The developed areas, roads, storm drains, sewage disposal systems, and utilities shall work with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space and shall, to the extent appropriate, use low impact development techniques.

15.6.2 - The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.

15.6.3 - Natural and historic features of the land, as determined by the Commission with recommendations from the Conservation Commission, shall be protected.

15.6.4 - The plans demonstrates that the impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.

15.6.5 - The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized. Combined driveways on private drives are encouraged to reduce the number of cuts.

15.6.6 - Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within a Conservation Subdivision.

15.6.7 - The design shall minimize the size of proposed Developed Areas.

15.6.8 - The balance of the land not contained in the building lots shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be preserved in perpetuity by one of the following means:

15.6.8.1 - creation of a Conservation Easement in favor of the Town of Brooklyn;

15.6.8.2 - creation of a Conservation Easement in favor of the Town of Brooklyn reserving specific agricultural rights and uses by the Town, as approved by the Commission;

15.6.8.3 conveyance of fee simple ownership to a Tax Exempt Organization approved by the Commission;

15.6.8.4 - creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;

15.6.8.5 - conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area; or

15.6.8.6 - any other method deemed appropriate by the Commission which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

15.6.9 - Where Open Space is required by the Commission, the land to be dedicated to meet Town requirements may include wetlands or watercourses as defined in the Connecticut General Statutes, and slopes over twenty five (25) percent, but the Commission has the right to require that the percentage of the dedicated land within these wetland, watercourse and steep slope categories is not greater than the percentage of wetlands, watercourses and slopes over twenty five (25) percent within the property to be subdivided and, as applicable, within previous subdivision sections where dedications were not made.

For example, consider a tract to be subdivided with 40% of the land to be divided consisting of wetlands, watercourses and slopes over 25 percent, and 60% of the land to be subdivided without these limitations. The Commission shall have the right to require 60 % of Open Space without any limitations and to allow 40% of the Open Space to include wetlands, watercourses or slopes over 25%.

15.7 - Density Bonuses: The maximum number of building lots may, subject to Commission approval, be increased in only one of the following ways:

15.7.1 - 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 Article. 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 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 of these regulations.

15.7.2 - 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 of these regulations.

15.8 - Road Requirements

15.8.1 - Proposed Public roads are to be constructed in accordance with Public Improvement Specifications for the Town of Brooklyn.

15.8.2 -Private Roads created within a Conservation Subdivision shall be privately owned and maintained by a Homeowner's Association, and are to remain private in perpetuity in a form acceptable to the Commission, which shall, at the Commission's discretion, be subject to review by the Town Counsel prior to filing of approved plan.

15.8.2.1 - A note shall be placed on the final Conservation Subdivision plan, and in the deed to the property stating: *"This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The Town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."*

15.8.3 - Appropriate Certificates of Incorporation, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision shall be provided.

15.8.4 - Appropriate easements shall be provided for travel, utilities, snow storage, maintenance, storm water drainage and to accommodate any hammerhead turnaround and associated snow shelf. All private roads shall be identified on the subdivision plans.

15.8.5 - A right-of-way of 50' shall be required.

15.8.6 - Private Roads shall not exceed 12% grade

15.8.7 - Private roads shall not serve as a connecting road between two public streets.

15.8.8 - All private roads shall be paved with 3" bituminous concrete (1 ½" Class I and 1 ½" Class II) to a minimum width of eighteen 18 feet. Final design is site specific and subject to the recommendation of the Town Engineer.

15.8.8.1 - Construction of the road base shall conform to the construction standards listed in the Town of Brooklyn Public Improvement Specifications.

15.8.9 - Curbing and formal closed drainage systems are to be held to a minimum, except as provided below.

15.8.9.1 - Curbing shall be required: where a road is in a cut situation with surrounding land pitching toward the road; at a low point in the road with catch basins to collect storm water runoff; and where a closed drainage system is required.

15.8.9.2 - Curbing is not required; where the land generally has flat slopes; where the road is in a fill situation and sheet flow away from the road is advantageous; and where no closed drainage system is required.

15.8.9.3 - A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design. The cross slope from center crown to gutter shall be no less than 3/8" /foot.

15.8.10- All dead end private roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet. If a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.

15.8.11 - Location of private roads: Where at all possible, a buffer shall be maintained between the Town right-of-way and the subdivision houses to screen the development from the Town

road in order to maintain the appearance of a single family residential driveway, rather than a multi-lot subdivision. A buffer of 100'consisting of mixed deciduous and/or evergreen trees is desired.

Approved - 6/3/10 Effective -
6/23/10 Amended - 1/5/11
Effective 1/26/11

ARTICLE 16 - Vendor Permits

16.1 - Intent: The following regulations regarding the establishment and continuance of Itinerant and Seasonal Vendor Permits are intended to promote public safety, protect property values and control the use of land by permitted vendors in the Town of Brooklyn.

16.2 - Itinerant Vendors: may be permitted by the ZEO within the PC and RB zones in accordance with 16.2.1 and 16.2.2 of this Article and written permission of the property owner.

16.2.1 - General Conditions:

16.2.1.1 - Products shall be dispensed or displayed from a mobile trailer, van, table, or tent designed for the product, which occupies an area no greater than 120 square feet and is no higher than 10 ft.

16.2.1.2 - All products or equipment shall be removed daily.

16.2.1.3 - Hours of operation shall be between sunrise and sunset.

16.2.1.4 - Connection to any utilities, lighting of any type, emission of any sound or distracting displays is prohibited.

16.2.1.5 - Sales of food and beverages require a permit from Northeast District Department of Health.

16.2.1.6 - All permits are to be assessable for inspection during operating hours.

16.2.1.7 - An Itinerant Vendor shall be allowed one A frame sign (2 ft. x 3 ft.), placed so traffic and pedestrian safety are not affected.

16.2.2 - Application Requirements: An application for a Zoning Permit for an Itinerant Vendor shall include:

16.2.2.1 Complete Vendor Permit application form including signature of property owner.

16.2.2.2 Zoning Permit fee.

16.2.2.3 Sketch plan of the property to scale showing vendor location, traffic flow and all other uses.

16.2.2.4 All permits are for 7 days.

16.3 - Seasonal Vendors: shall be permitted by Special Permit within the PC and RB zones in accordance with Article 4, Article 5 and 16.3.1 and 16.3.2 of this Article.

16.3.1 - General Conditions:

16.3.1.1 - Products shall be dispensed or displayed from a temp structure, trailer, van, or tent occupying no greater than 250 square feet with a height proportional to size.

16.3.1.2 - Temporary structures shall adhere to State and local building codes.

16.3.1.3 - Sales of food and beverages require a permit from Northeast District Department of Health.

16.3.1.4 - Minimum of eight dedicated parking spaces are required.

16.3.1.5 - Signs are limited to one sign of 8 square feet or a two sided sign no to exceed 16 ft. total for each bordering road. Signs must be supported (for safety). A sketch of the sign showing size and location are required.

16.3.1.6 - No sound or light emitting beyond property boundaries is permitted.

16.3.2 - Application Requirements: An application for a Seasonal Vendor Permit shall be in accordance with Article 5 Special Permits and Article 4 Site Plan Review, plus the following requirements.

16.3.2.1 - The site plan must show vehicle entrances and exits, traffic flow, customer facilities (i.e. Waiting areas for window service, benches, tables, waste containers etc) location of signs and any proposed lighting fixtures.

16.3.2.2 The site plan must include a landscaping plan showing permanent and seasonal plantings improving the aesthetics of the total site.

16.3.2.3 - Approval of the site plan as to pedestrian and traffic safety by a Resident Trooper.

16.3.3 - Renewal of Permits: Seasonal Vendor Permits are for 120 days with one 30 day extension issued by the ZEO based on compliance with the original approval and zoning permit fee.

16.4 Farmer's Market - Seasonal outdoor farmers' markets shall be permitted by the ZEO on a temporary basis on property located in the PC zone, on Town owned property, or on an active farm enterprise, provided:

16.4.1 - Items on display and offered for sale shall be limited to agricultural produce and goods.

16.4.2 - A minimum of one (1) off street parking space shall be provided for every one

hundred (100) square feet of vendor display area.

16.4.2.1 - A simple sketch plan shall be submitted showing the location of vendor display areas and parking.

16.4.3 - Permits shall be good for one year

Approved: 5/19/11 Effective: 6/09/11

ARTICLE 17 - ZONING BOARD OF APPEALS

17.1 - Establishment: There shall be a Zoning Board of Appeals established in accordance with General Statutes and Special Acts authorizing such Board.

17.2 - 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

17.3 - 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.

17.3.1 - 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.

17.3.2 - 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.

17.3.3 - 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.

17.3.4 - 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.

17.3.5 - The burden is on the applicant to demonstrate that the requirements for a variance have been met.

17.4 - 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:

17.4.1 - Gasoline stations or bulk oil storage facilities.

17.4.2 - Motor vehicle service or repair shops.

17.4.3 - New and used car dealerships including motorcycles and any other self-propelled vehicles used for transportation on public roads.

17.4.4 - Motor vehicle storage facilities.

17.5 - 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.

17.6 - Procedures:

17.6.1 - The Board shall held 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.

17.6.2 - 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.

17.6.3 - 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.

17.6.3.2 - 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.

17.6.4 - 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.

17.6.5 - 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.

17.6.5.1 - 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.

17.6.6 - 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.

17.6.7 - 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.

17.6.8 - The Board shall adopt such other procedures as may be necessary to carry out the provisions of this Section.

ARTICLE 18 - ADMINISTRATION AND ENFORCEMENT

18.1 - Enforcement: A Zoning Enforcement Officer shall be appointed by the Planning and Zoning Commission. The ZEO and the Planning and Zoning Commission 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; Amended 8-07-2013, Effective 8-29-2013.

18.1.1 - 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.

18.2 - Penalties: Zoning violations may be issued a citation in accordance with Section 20-2 of the Brooklyn Town Code.

18.3 - Appeals: Appeals from action of the Zoning Enforcement Officer may be made to the Zoning Board of Appeals as specified in State Statutes.

18.4 - 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.

18.4.1 - 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.

18.5 - Changes in regulations or boundaries after adoption:

18.5.1 - The provisions of Section 16.4 shall apply to all changes and amendments.

18.5.2 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

18.5.2.1 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

18.5.3 -The commission shall state in its records the reason any change is made.

18.5.4 - 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.

18.5.4.1 - All petitions shall be considered at a Public Hearing.

18.5.4.2 - The commission shall adopt or deny the petitioned changes within sixty-five (65) days after the close of the Public Hearing.

18.5.4.2.1 - 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.

18.5.4.3 - 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.

18.5.5 - 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.

18.5.5.1 - 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.

18.5.6 - 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 19 - MISCELLANEOUS

19.1 - 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:

19.1.1 - The collection area shall be enclosed in a building or other suitable structure, enclosure, or container, to be approved by the ZEO/Commission.

19.1.2 - Unloading areas for a minimum of two (2) vehicles shall be provided off the highway with suitable entrances and exits between highway and site.

19.1.3 - The applicant shall provide the ZEO/Commission with written approval from both the Town Fire Marshal and the Town Building Inspector.

19.1.4 - Failure to maintain the area in a neat and safe manner shall be cause for the immediate revoking of the permit.

19.1.5 - There shall be no charge for the permit.

19.1.6 - The permit must be renewed annually.

19.2 - 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. In the case of a corner lot fronting two streets, the line shall be drawn from one rear lot line across the rear most portion of the dwelling to the opposite front lot line, but at no time shall either front yard be encroached upon (See Figure A below). In the case of a lot fronted by three or more streets, an accessory building may be placed within ten (10) feet of the property line of the adjacent lot, but at no time shall any front yard be encroached upon (See Figure B below). Otherwise, no accessory building may be located within any required setbacks.

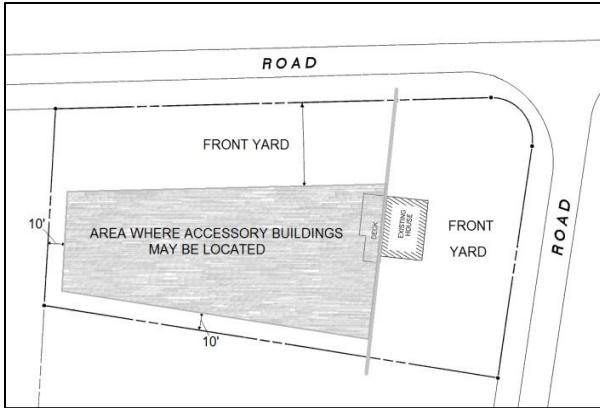


Figure A

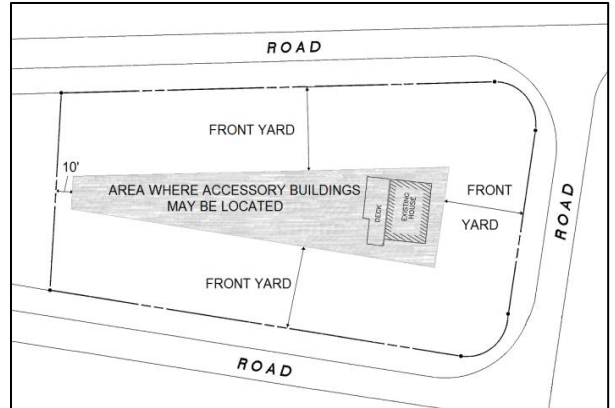


Figure B

19.2.1 - Swimming Pools: For purposes of these Regulations, a swimming pool is considered to be an accessory building.

19.3 - Fences: No fence shall be placed so as to create a sight hazard for vehicles entering or exiting any road or highway.

ARTICLE 20 - Event Facility (Adopted 2/6/13 Effective 2/23/13)

20.1 - Intent: The following regulations are intended to provide for the Special Permitting of an Event Facility as defined in Article 2 of the Town of Brooklyn, Connecticut, Zoning Regulations, while protecting and conserving the neighborhood character, public safety and property values of the surrounding area, and the Town of Brooklyn.

20.2 - Permitted Zones: An Event Facility is permitted within all Zones by Special Permit in accordance with Article 5 and the conditions and standards within Section 20.3.

20.3 - Application Requirements: Applications for an Event Facility Special Permit shall include a Site Plan, meeting the requirements set forth in Section 4.5, such requirements are also referred to in Section 5.4, and shall include the following additional information:

1. a general description of the Secondary Use and the proposed events to be held;
2. the total number of events that are anticipated to be held for the future twelve (12) months; and
3. the maximum occupancy of any building(s), and/or temporary structure(s), including but not limited to, tents, to be used for the event as determined by the Building Inspector and/or Fire Marshal.

20.4 - Standards: Applications for an Events Facility shall conform to:

1. the Special Permit Standards set forth in Section 5.7;
2. any applicable requirements of the respective Zone in which the event facility is located;
3. the following minimum requirements:
 - a. the Event Facility is a Secondary Use to the location, building, site or structure as defined in Article 2 of the Town of Brooklyn, Connecticut, Zoning Regulations;
 - b. any temporary structure is more than two hundred (200) feet from any property line; and
 - c. any one event does not last for more than three (3) consecutive days, unless specifically authorized by the Commission;
4. the following parking requirements:
 - a. all parking shall be contained at the Event Facility;
 - b. at a minimum, there must be one parking space for every four (4) persons based on the maximum occupancy for the location, building, site or structure as determined by

the Fire Marshal, plus an additional one (1) parking space for every two (2) employees.

5. Reasonable requirements necessary to preserve and protect neighborhood character, public safety and property values of the surrounding area.
6. All health standards, including securing all required health district permits and approvals and compliance, if necessary, with the Mass Gathering Statute 19a-435, et seq.

20.5 - Approval: In accordance with Section 5.6.1 the Commission may condition approval on appropriate safeguards to conserve public health, safety, convenience, welfare, and property values in the neighborhood. Such conditions may include, but are not limited to:

1. the max. number of Events held per month or per year;
2. the types of Events;
3. the hours of operation of the Events;
4. the maximum number of persons attending the Event; and
5. any other factor the Commission determines reasonably necessary to protect and conserve public health, safety, convenience, welfare, and property values in the neighborhood based on the characteristics of the event facility and planned events.

20.6. - Renewal of Permits: Permits shall be valid for the term of one (1) year from date of issuance, The ZEO may renew an Event Facility permit with insignificant modifications that do not expand or alter the original Special Permit as issued. Applications for renewal of any permit shall provide the same information as described 20.3 required for a new permit;

20.6.1 - Restrictions on Renewal: The ZEO shall not grant a renewal of a permit if, in his opinion, additional safeguards or modifications, as experience may indicate, should be considered by the Commission; The ZEO, in his discretion, may require an application for renewal be submitted to the Commission.

20.6.2 - Upon referral from the ZEO, the Commission may renew or decline to renew a Special Permit, without a public hearing, and any renewal granted may include additional safe-guards or modifications as experience may indicate.

ARTICLE 21 - VALIDITY: The validity of any section or provision of these Regulations shall not invalidate any other section or provision thereof.

XXX

APPENDIX - List of Regulation Changes Starting in 2013

<u>Approved</u>	<u>Effective</u>	<u>Application</u>	<u>Revised Section</u>
2/6/13	2/23/13		Art. 2 Definitions- "Events Facility" and "Secondary Use" added; Art. 20- Event Facility added as a Special Permit use in all zones.
2/6/13	2/23/13		Art. 2 Definitions- "Private School" and "Municipal Facilities" added; Sec. 3.4.4 revised to allow private schools by Special Permit in the RA Zone.
8/7/13	8/29/13	ZRC13-001	Art. 18 Administration and Enforcement- remove section on zoning penalties.
11/6/13	11/24/13	ZRC13-003	Sec. 19.2 Miscellaneous- provisions for accessory buildings expanded to include multi-frontage lots.
12/4/13	12/25/13	ZRC13-002	Zoning Map Change- Map 47, Lots 57-58, from R-10 to MMUDD.
4/2/14	4/15/14	ZRC 14-001	Art.3.4.7.2 RB Restricted Business Zone Permitted Uses- delete "Motor Vehicle Repair only when sanitary sewers are available" as a permitted use, add "Motor Vehicle Repair" and "Light Industry" as a use allowed by Special Permit.
3/4/15	3/28/15	ZRC 14-003	Art. 2 Definitions- Replace definitions of "Routine Maintenance" and "Craftsperson", Add definitions of "Minor Modification", "Commercial Agriculture", "Education Center", and "Indoor Sports and Recreation"; Sec. 3.4.5- Total rewrite of Village Center District; Sec. 3.6.1.16-17- Add parking requirements for Indoor Sports and Recreation and Education Center; Sec. 10.4- Change to allow the approval of signs in the VCD by the ZEO.
5/6/15	6/1/15	ZRC 15-001	Art. 2 Definitions- "Limited Business Enterprise" added; Sec. 3.4.4.4- revise for better clarity; Sec. 6B- Add new section concerning standards for Limited Business Enterprises.
6/3/15	6/27/15	ZRC 15-003	Zoning Map Change- Map 41, Lot 19, 0.84 acres, from PC to R-10.
3/15/16	4/11/16	ZC 16-001	Zoning Map Change- Map 24, Lot 158, 25± acres, from RA to VCD.
9/7/16	10/9/16	ZC 16-002	Zoning Map Change- Map 33, Lot 19, 13.5± acres, from RA to R-30.
9/7/16	10/9/16	ZRC 16-002	Sections 3.5.3.4, 15.5.4.1; Modify regulations concerning separating distance for access ways to interior lots.

