

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Miscellaneous Provisions - § 242-308A-C

§ 242-308. Miscellaneous provisions.

A. Height limitations:

No building shall exceed the height limitations for the respective district, except that spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, tanks, television receiving antennas and similar features occupying an aggregate of not more than ten percent (10%) of the building area and not used for human occupancy may be erected to a reasonable and necessary height as determined by the Commission.

B. Setback from a body of water or a stream:

For any proposed construction not subject to Inland Wetlands Regulations², no building shall be constructed nor shall any land be filled within twenty-five feet (25') from the mean shore line of any body of water or stream, except with the approval of the Zoning Commission, giving consideration to any effect of the proposed building or other operation on the flow of such body of water or stream and on possible flooding. This subsection shall not apply to Candlewood Lake nor to Lake Lillinonah. *[amended 8/28/78]*

C. Temporary permit for carnivals, etc.: *[amended 7/16/87, 10/31/06]*

- (1) Nothing in these regulations shall prevent a church, school, civic association, social club, volunteer fire department or other nonprofit organization located in the Town of Brookfield from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not to exceed seven (7) consecutive days and the profits of which are for the sole benefit of such organization or its civic, religious or philanthropic purposes. The Commission may issue a permit to any of the above-named organizations located in the Town of Brookfield to hold an event as described and limited in the preceding sentence upon other premises than those of such organization.
- (2) The Commission may grant a permit to conduct an event, sale or promotion on the commercial/industrial property of an applicant for a period not to exceed fifteen (15) consecutive days, once annually. Such event(s) may be temporarily housed within a tent, which may not be located closer than twenty feet (20') to a property line. In the event that a tent is placed within an area dedicated to parking, a corresponding area for parking must be temporarily provided elsewhere. Provisions must also be made for adequate traffic control at the location.

² Editor's Note: See Ch. 220 Wetlands and Watercourses.

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D. Tag sales and auctions:

The following uses are permitted in any zoning district, subject to the obtaining of a permit:

All tag sales and auctions or sales of used articles and equipment commonly found in the home, provided that the sale is conducted or authorized by the owner-occupant of the premises wherein the sale is conducted, and provided that a permit is obtained from the Zoning Commission. A tag sale permit shall be valid for a fifteen-day period and may be issued by the Commission when it has found that adequate provision has been made for parking and avoiding traffic congestion. No more than one (1) permit may be issued within a ninety-day (90) period to the same applicant and/or for the same location. Any sign used to advertise such sale must conform to the Sign Regulations of the Town of Brookfield, and must be removed after such sale. Said sign must have a copy of the tag sale permit attached thereon.

E. Obstruction at street intersections or walkways: *[amended 3/5.03]*

(1) Streets:

No fence, wall, hedge, shrubbery or other obstruction to vision in excess of three feet (3') in height, as measured above the adjacent street grade, shall be placed or allowed to grow at street intersections within the area formed by a line joining points on each front lot line twenty feet (20') from the intersection of the tangents of such streets.

(2) Walkways/Sidewalks:

Any designated walkway or sidewalk shall be a minimum of four feet (4') in width and shall be unobstructed by product display or other items located to the exterior of a building.

F. Liquor outlets:

No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used as an outlet for the sale of intoxicating liquors under a package store permit issued by the Liquor Control Commission if any part of such premises is situated on any part of a lot having a frontage on either side of a public street within two thousand feet (2,000'), as measured along the center line of such street and the center line of any intersecting street, of any lot or plot having a frontage of such street of any intersecting street and used as an outlet for the sale of intoxicating liquors under a package store permit issued by the Liquor Control Commission.

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Miscellaneous Provisions
Swimming Pools - § 242-308G

G. Swimming pools *[amended 6/6/77, 4/3/78]*

Residential swimming pools of the following types -- in-ground, aboveground and semi-in-ground – shall be permitted in any zoning district, provided that:

- (1) All of the applicable regulations of the State of Connecticut Building Code and any amendment thereto are complied with.
- (2) The following yard requirements are met:

ZONING DISTRICTS

Measurements in Feet

	R-7	R-40	R60	R-80	R-100	IGC 80/40	RC-41	RS40
Center of Road	45	65	65	75	75	75/100	75	75
Side yard	10	20	20	30	30	20/30	20	20
Rear yard	10	20	20	30	30	30/30	30	30

NOTE: Side and rear yards are measured from the property line. Front yard shall be measured from the center line of the traveled portion of the road.

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Miscellaneous Provisions
Emergency Structures - § 242-308H

H. Emergency Structures, Equipment and Devices:

(1) Purpose:

It is the purpose of this section to acknowledge the need to take extraordinary action in emergency situations affecting public health, safety and welfare. Such situations may be caused by such severe natural or man-made occurrences as: flood, water diversion, wind storm, fire, earth slides or erosion, hazardous material spills, water contamination, pollution of air, soil or water, extended power failure and the like.

(2) Site Plan Modification:

In such situations, the Commission, in regular or special session, may grant site plan modifications to erect temporary structures which will house equipment and devices, the purpose of which is to immediately protect public health, safety and welfare. For such time as the Commission deems appropriate, a permit may be issued for such temporary construction and may reduce standard yard, setback, coverage and other requirements when, in its sole determination, the Commission finds that the proposed temporary project is:

- (a) In reaction to a true emergency situation
- (b) Located in the least disruptive operational area of the property
- (c) Will cause the least impact upon neighboring properties
- (d) Contains sound deadening or muffling features
- (e) Constructed in such a way as to minimize visual impact
- (f) Constructed in such a way as to minimize any diminution of standard zoning requirements
- (g) The only practical alternative to mitigate the risk to public health and safety.

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Miscellaneous Provisions - § 242-308I-J

I. Fences:

- (1) Fences under six feet (6') or less in height may be constructed in any zoning district without Zoning Approval. Fences over six feet (6') in height require Zoning Approval prior to construction and a Certificate of Zoning Compliance after construction. A site plan sketch is required with the application for fences six feet (6') in height or over for approval to document that the fence will be located within the boundaries of the subject lot. *[amended eff. 6/29/05, rev. 1/16/07]*
- (2) Fences constructed in such a manner as to inhibit visibility through the fence (e.g., lattice, slats, panels, boards, etc.) shall not exceed eight feet (8') in height. All other fence types shall not exceed twelve (12') in height. *[amended eff. 6/29/05, rev. 1/16/07]*
- (3) If a fence has a "finished" side, (i.e., the side opposite from the horizontal supports to which it is applied), this side must face to the exterior of the lot. Fences may be either a full or partial visual barrier. Their material and color shall be in harmony with the surrounding area and dwellings as determined by the Zoning Enforcement Officer.
- (4) Fences shall be constructed in such a manner and of such materials as to prevent injury to those coming in contact with said fencing. Barbed wire, razor wire, or other similar types of fencing are specifically prohibited in all Residential zones.
- (5) Suitable "animal" fencing may be employed in conjunction with the regulations concerning "noncommercial livestock and poultry" when specifically approved by the Zoning Enforcement Officer.
- (6) Fences shall be kept in good repair or replaced when they become prone to collapse or visual deterioration. Fences shall not be placed in such a manner as to inhibit lines of sight or otherwise effect traffic safety. *[added 11/20/97]*

J. Temporary Living Quarters:

When a residential dwelling is rendered uninhabitable by virtue of fire, flood, disease, accident, natural catastrophe or other acts of God, the Commission upon a thorough review of the circumstances involved, may issue a letter permit allowing the use of a mobile home, trailer or other temporary type of living quarters on the affected site for such time period and in such location as the Commission deems appropriate. *[added 8/26/99]*

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K. Fees:

Any fees associated with permits required under the foregoing Miscellaneous Provisions shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. [8/23/01]