

TOWN OF BROOKFIELD  
ZONING REGULATIONS

Apartment Units within Single Family Dwellings - § 242-405A-B

§ 242-405. Apartment Units within single-family dwellings [amended 8/2/76, 11/20/97, 11/12/98]

A. General:

The following regulations apply to all zoning districts:

The Zoning Commission, upon the receipt of an application fee of twenty-five dollars (\$25.00), may issue a special permit, providing public notice and conducting a public hearing, as provided in the General Statutes of Connecticut, Title 8, Chapter 124, §8-3c, to allow the incorporation of one (1) apartment unit within an existing or a proposed newly constructed single-family dwelling unit.

Either the apartment unit or the single-family dwelling unit shall be occupied by an elderly person, as defined in §242-202, or by a person(s) declared to be disabled according to definition provided by the Social Security Administration. Apartment units used for any other purposes are prohibited.

Conversion of an existing outbuilding, where in the opinion of the Commission it is not feasible to connect the outbuilding to the main house, will be allowed, subject to the provisions of this section. Whether the "apartment unit" is within an existing dwelling or a proposed newly constructed dwelling or within an existing outbuilding, there shall be only one (1) "apartment unit" allowed per lot.

B. Standards and safeguards:

(1) Occupancy and conversion requirements: [amended eff. 6/9/04]

No single-family dwelling unit shall qualify under these regulations unless such unit shall have been on the Assessor's list on October 1, 1975, or a dwelling constructed after October 1, 1975, for which a building permit for a single-family dwelling was issued. The dwelling in question shall be owner-occupied during the duration of the special permit. There shall be no subletting by either of the parties named in the special permit. There shall be at least one (1) head-of-household or spouse in either unit classified as elderly/disabled as defined by this chapter. In the event an elderly or disabled person wishes to remain in the apartment after a change in residence ownership where the owner is not in residence, the permit immediately lapses. A new application shall be submitted to allow non-owner residency and continuation of residence of the current elderly or disabled resident. Approval or disapproval will be at the sole discretion of the Zoning Commission. When the elderly or disabled person ceases to be an occupant of the apartment, the permit

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Apartment Units within Single Family Dwellings - § 242-405B-C**

shall immediately lapse and any new proposed occupant or owner shall be required to conform to the regulations.

(2) **Signatures:**

All applications for a special permit under these regulations shall contain the signatures of the owner(s) and proposed occupants(s).

(3) **Floor area:**

An apartment unit shall contain not less than four hundred eighty (480) square feet nor more than seven hundred fifty (750) square feet. *[amended eff. 11/12/98]*

(4) **Parking:**

All parking shall be on the premises.

(5) **Interior and exterior modifications:**

Site plan and layout for exterior and interior modifications, showing all proposed changes, shall be approved by the Zoning Commission, the Building Inspector, the Health Department and the Fire Department. Approval shall be based on health, safety and welfare, compatibility with the surrounding neighborhood and the preservation of natural topographical features.

**C. Definition of terms:**

(1) **Apartment unit:**

Notwithstanding the definition contained in §242-202, for the purposes of this section of this chapter, an "apartment unit" shall refer to separate dwelling unit within a single-family house which shall contain not less than four hundred eighty (480) square feet not more than seven hundred fifty (750) square feet. The apartment unit shall include independent living quarters, kitchen or kitchen area a lavatory containing a bath and/or shower as well as a toilet. *[amended eff. 11/12/98]*

- (2) Notwithstanding the definition contained in Subsection 242-202, for the purpose of this section of this chapter, an "apartment unit" shall refer to a separate dwelling unit within a single-family house or an outbuilding with a definite accessory use to the main building, or an outbuilding constructed for the purpose of creating a separate dwelling unit. *[amended eff. 11/22/96]*

TOWN OF BROOKFIELD  
ZONING REGULATIONS

Apartment Units within Single Family Dwellings - § 242-405D-G

D. Certificate of status:

A certificate in the form of an affidavit shall be presented to the Zoning Commission at the time of application and each year thereafter as to the ownership and elderly/disabled occupancy of the particular dwelling unit as a requirement of the continuance of the special permit.

E. Zoning Certificate of Compliance:

Upon the completion of the requirements of the special permit and before the contemplated use of the premises shall begin, a Zoning Certificate of Compliance shall be required. Said certificate shall be issued only after all conditions of the special permit have been met.

F. Permit Renewal:

Single family conversion permits are issued for an **initial period of one (1) year** with a provision to renew the permit annually thereafter upon presentation of information by the permit holder certifying that the occupancy provisions remain valid. A Certificate of Status, as called for in paragraph D above, shall be submitted by the permit holder prior to the expiration date of the permit. If the status of either the occupant or owner changes, the permit holder must file a new Certificate of Status within thirty (30) days of the effective date of the change. Failure to provide such certificates when required shall cause the permit to lapse. A lapsed permit may only be reinstated by the Zoning Enforcement Officer, without a public hearing, when a properly executed Certificate of Status is accepted by him/her. *[added 11/20/97]*

- G. The Commission may require as a condition of approval that the owners record a deed restriction upon the property in a form approved by the Town Attorney setting forth the restrictions contained in these Regulations and any conditions of approval. Any such Deed Restriction shall provide that the Municipality may recover its reasonable fees and expenses in enforcing the terms of any Deed Restriction. *[eff 8/22/03]*

TOWN OF BROOKFIELD  
ZONING REGULATIONS

This page intentionally left blank