

BROOKLYN, CONNECTICUT

ZONING REGULATIONS



PLANNING & ZONING COMMISSION

EFFECTIVE JANUARY 11, 2024

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1. INTRODUCTION

1.A. AUTHORITY

The Planning and Zoning Commission of the Town of Brooklyn, Connecticut, in accordance with the provisions of Chapter 124 of the Connecticut General statutes (CGS Section 8-1 et seq.), as amended, has adopted and established the following Zoning Regulations for the Town of Brooklyn, Connecticut.

1.B. PURPOSES

1.B.1. STATUTORY PURPOSES

1. In accordance with CGS Section 8-2, these Regulations are adopted to:
 - a. protect the public health, safety, convenience and property values;
 - b. lessen congestion in the streets;
 - c. secure safety from fire, panic, flood and other dangers;
 - d. promote health and the general welfare;
 - e. provide adequate light and air;
 - f. prevent the overcrowding of land;
 - g. avoid undue concentration of population; and
 - h. facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.
2. These Regulations are adopted to help implement the Plan of Conservation and Development adopted in accordance with CGS Section 8-23.

1.C. ZONES AND BOUNDARIES

1.C.1. ZONING MAP

1. In order to accomplish the purposes of these Regulations, the Town is divided into zones as shown on the most current Zoning Map adopted by the Commission.
2. The Zoning Map and subsequent revisions thereto are hereby declared to be a part of these Regulations.

1.C.2. INTERPRETATION OF ZONE BOUNDARIES

1. The zone boundaries shall be as shown on the most current Zoning Map adopted by the Commission.
2. Unless otherwise indicated, the zone boundaries are property lines, street lines, street lines extended, waterways, or lines drawn approximately parallel to street lines, and at distances therefrom determined by scaling the Zoning Map.
3. In cases of any uncertainty as to the location of zones or zone boundaries, the Planning and Zoning Commission shall determine the location.

1.D. APPLICATION OF REGULATIONS

1.D.1. PROHIBITED IF NOT PERMITTED

1. Any use or activity within a zone which is not clearly permitted by these Regulations shall be deemed to be prohibited within such zone.
2. While uses not listed are prohibited, the Commission recognizes that it is not always possible to list every conceivable use that might be considered appropriate in each zone. Uses not listed as a permitted use in a zone that are related or equivalent to a listed use and meet the stated intent may be permitted subject to interpretation and approval by the Planning and Zoning Commission.

1.D.2. CONFORMITY REQUIRED

1. No building, structure or land shall be used or occupied, in whole or in part, except in conformity with all applicable Sections of these Regulations.
2. No building or structure shall be built, erected, moved or altered except in conformity with all applicable Sections of these Regulations.
3. No lot shall be reduced, divided, or created such that the area, width or other dimensions of the lot or any of its required yards or required open areas shall be less than prescribed by these Regulations.
4. It shall be unlawful to alter the use of land, to commence construction or alteration of any building or structure, or to excavate 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.D.3. MINIMUM REQUIREMENT

1. In their interpretation and application, these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience and general welfare unless the context clearly indicates that the provision is intended to be a maximum limitation.

1.D.4. RELATIONSHIP TO OTHER REGULATIONS

1. These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance.
2. These Regulations are not intended to interfere with, abrogate or annul any easements, covenants or other agreement between parties.
3. Where these Regulations impose a greater restriction on the use of buildings or land or on the height of buildings or require larger yards or setbacks, 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.
4. 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.E. VALIDITY AND SEVERABILITY

If any section, part or provision of these Regulations shall be determined to be illegal or otherwise unenforceable by any court having jurisdiction with respect thereto, such determination shall have no effect upon the continued validity, effect and enforceability of the remaining portions of these Regulations which shall continue in full force and effect.

1.F. EFFECTIVE DATE

1. Zoning Regulations initially became effective in Brooklyn on May 24, 1972.
2. The effective date of subsequent revisions was determined by the Planning and Zoning Commission.
3. These Regulations were comprehensively updated in 2015-2019 and adopted with an effective date of October 15, 2019.
4. The effective date of subsequent revisions will be determined by the Planning and Zoning Commission.

A table at the back of these Regulations provides information on amendments adopted since October 15, 2019 and the sections affected thereby.

2. WORDS AND TERMS

2.A. BASIC USAGE

2.A.1. RULES AND TERMS

2. In the construction, interpretation, application, use and enforcement of these Regulations, words or terms shall be construed to carry out the purposes of these Regulations.
3. In the construction, interpretation, application, use and enforcement of these Regulations, the rules, terms, and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.
4. In the construction, interpretation, application, use and enforcement of these Regulations, words or terms not defined in this Section shall carry their customary meaning or shall be interpreted by the Commission after consulting one or more of the following:
 - a. The State Building Code, as amended.
 - b. The Connecticut General statutes, as amended.
 - c. "The Illustrated Book of Development Definitions" (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
 - d. Black's Law Dictionary.
 - e. A comprehensive general dictionary.

2.A.2. BASIC RULES

In the construction, interpretation, application, use and enforcement of these Regulations, the following rules shall apply:

1. Words used in the singular include the plural, and the plural the singular.
2. Words used in the present tense include the future tense.
3. Words which are specifically masculine or feminine shall be interpreted as interchangeable.
4. The word "shall" is mandatory and not discretionary.
5. The word "may" is permissive and not obligatory.
6. Any official, agency, commission, board or department identified in these Regulations is that of the Town of Brooklyn, unless otherwise specified.
7. Unless otherwise specified, all distances shall be measured horizontally.

2.A.3. COMMON TERMS

In the construction, interpretation, application, use and enforcement of these Regulations, commonly used terms shall be interpreted as follows unless the natural construction of the wording indicated otherwise:

1. The phrase "these Regulations" refers to the entire Zoning Regulations of the Town of Brooklyn.
2. The word "Section" refers to a Section of these Regulations (all paragraphs starting with the same numbers), unless otherwise specified.
3. The word "premise" or "premises" includes land and any buildings or structures thereon.
4. The word "building" includes the word "structure", and any part thereof.
5. The word "lot" includes the words "plot" and "parcel".
6. The phrase "used for" includes the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for", and vice versa.
7. The word "built" includes the words "erected", "constructed", "reconstructed", "altered", or "enlarged".
8. The word "person" or "applicant" includes any individual, firm, partnership, corporation, association, organization or other legal entity.
9. The words "zone", "zoning district", and "district" have the same meaning.

2.B. DEFINITIONS

ABUT – To physically touch or border upon or to share a common property line. For the purposes of these Regulations, properties across a public street shall be considered to abut.

ACCESS STRIP - A parcel of land that is designed and maintained to provide ingress and egress to a parcel of land, such as a rear lot, from a public road for vehicular use, including emergency vehicles.

ACCESSORY - See *“Principal versus Accessory”*.

ACCESSORY APARTMENT - See *“Dwelling-Related Terms”*.

ACRE - An area of 43,560 square feet.

ACTIVE ADULT COMMUNITY - 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 - See *“Day Care Related Terms”*.

Adult-Related Terms

ADULT-RELATED USE - Any commercial operation or exhibition where a significant or substantial portion of the stock in trade, marketing, labelling or any other activity involves:

- the actual or simulated performance of specified sexual activities, as defined in these Regulations;
- the exposure of specified anatomical areas, as defined in these regulations;
- the removal of clothing or appearing unclothed; and/or
- pantomime, modeling or similar personal service offered to a customer.

This definition shall include but not be limited to adult-oriented motion pictures, live performance, display, or dance as well as the display and/or sale of adult-themed books, movies, or paraphernalia.

SPECIFIED ANATOMICAL AREAS:

- (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 - 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.

Agriculture-Related Terms

AGRICULTURE - As provided in CGS 1-1(q), the words “agriculture” and “farming” shall include :

- (1) The cultivation of the soil, dairying, forestry, or the raising or harvesting of any agricultural or horticultural commodity; including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish;
- (2) The operation, management, conservation, improvement or maintenance of a farm or its buildings, tools and equipment;; or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations;
- (3) The production or harvesting of maple sugar or maple syrup or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes;
- (4) The handling, planting drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

AGRICULTURE, COMMERCIAL - An agricultural use where:

- (1) agricultural goods and/or services are prepared or rendered for sale or profit, and
- (2) the operator qualifies to file a Form 1040 Schedule F - Profit or Loss from Farming with the Internal Revenue Service.

AGRICULTURE, NON-COMMERCIAL - An agricultural use other than a commercial agricultural use.

AQUACULTURE – The farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands.

FARM – Farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. *See “Principal versus Accessory”.*

Alteration-Related Terms

ALTERATION – Any change, addition, or modification with regard to a use, building, structure, or parcel.

ALTERATION, INCIDENTAL–

- (1) Exterior modifications to a building or structure that are primarily cosmetic;
- (2) Rearrangement of interior partitions provided the changes are not structural in nature; or
- (3) Changes in utility service or mechanical / electrical equipment.

ALTERATION, STRUCTURAL–

- (1) Any enlargement or reduction to a structure whether horizontally or vertically;
- (2) Any change or rearrangement in the structural parts including any change to supporting members of a structure, such as bearing walls, columns, beams, or girders; or
- (3) The moving from one location or position to another on a lot.

MINOR MODIFICATION –Any alteration to a building or property that is determined by the Zoning Enforcement Officer (ZEO), who may consult with the Commission Chairman or the entire Commission, to:

- (1) not affect the existing size, form, style, ornamentation or appearance of the existing or proposed structure(s) including, but not limited to, minor exterior building changes;
- (2) not reduce the effectiveness, quality or quantity of the existing landscaping, screening or buffering of the site including, but not limited to, minor landscaping changes;
- (3) not impact the number of parking spaces or vehicular circulation;
- (4) not significantly alter drainage patterns including, but not limited to, slight alterations of finished grading contours; and
- (5) not significantly alter other key elements of the proposed development including, but not limited to, installation of fences, minor rearrangement of lighting fixtures, siting and screening of trash disposal and mechanical facilities, or similar appurtenances.

ANTENNA – A device used to receive or transmit electromagnetic waves including, but not limited to, whip, panel, and dish antennas.

ARTERIAL ROAD – State highways including Route 6, Route 169, and Route 205.

ART STUDIO / GALLERY – A place for the display of paintings, sculptures and decorative art, including as an incidental use thereof the sale and creation of such art.

Automotive-Related Terms

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.

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.

GAS STATION – Any building, land area, or portion thereof, used for the retail dispensing or sales of vehicular fuels; which may include, as an accessory use, retail sales of convenience items.

BANK – An institution where money is deposited, kept, lent or exchanged and intended to be open to the general public.

BANQUET HALL - See *"Food Service Related Terms"*.

BED & BREAKFAST - See *"Lodging-Related Terms"*.

BOARD -- The Zoning Board of Appeals of the Town of Brooklyn, Connecticut.

BOARD OF APPEALS - The Zoning Board of Appeals of the Town of Brooklyn, Connecticut.

BOARDING HOUSE - See *"Lodging-Related Terms"*.

BUFFER STRIP – A landscaped area, which may include a wall or other structure, provided for the purpose of protecting adjoining properties from noise, glare, dust, and unsightly conditions.

BUILDABLE LAND - For the purposes of planning a Conservation subdivision, the area of the parcel after subtracting any areas designated as wetlands, watercourses, slopes of 25% or greater, areas within the 100-year flood boundary, and areas encumbered by any rights-of-way or easements.

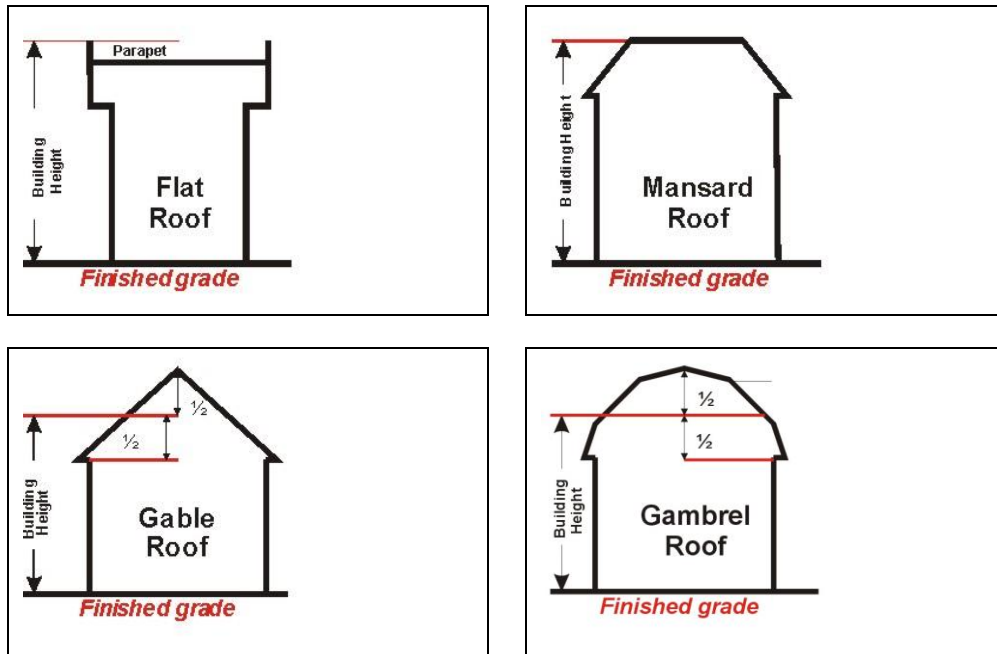
BUILDING - A structure, whether temporary or permanent, having a roof supported by columns or walls used or intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, tangible personal property or other materials.

BUILDING, ACCESSORY - See *"Principal vs Accessory"*.

BUILDING, PRINCIPAL - See *"Principal vs Accessory"*.

BUILDING COVERAGE - See *"Coverage-Related Terms"*.

BUILDING HEIGHT - The vertical distance measured from the average level of the finished 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.



CANNABIS RETAILER - A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.

CATERER'S ESTABLISHMENT - See "Food Service Related Terms".

CGS - The General Statutes of the State of Connecticut, as amended.

CHICKEN – A type of domesticated fowl (*Gallus gallus domesticus*).

CHILD DAY CARE SERVICES - See "Day Care Related Terms".

CHILD DAY CARE CENTER - See "Day Care Related Terms".

COMMERCIAL AGRICULTURE - See "Agriculture Related Terms".

COMMERCIAL USE - Those uses where goods and/or services are prepared or rendered for sale.

2.B

WORDS AND TERMS

DEFINITIONS

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

COMMERCIAL VEHICLE - Any vehicle or equipment regularly used to carry, deliver, handle or move goods in the conduct of a business, commerce, profession or trade, and which has three or more of the following characteristics:

1. Has a gross vehicle weight rating (GVWR) of nine thousand (9,000) pounds or more;
2. Exceeds seven (7) feet in height from the base of the vehicle to the top;
3. Exceeds twenty (20) feet in length;
4. Has more than two (2) axles;
5. Has more than four (4) tires in contact with the ground;
6. Used, designed and built to carry more the eight (8) passengers;
7. Designed to sell food or merchandise from the vehicle or trailer itself;
8. Banners, signs, logos, advertising or markings identifying the owner or registrant, a trade, business, service or commodity;
9. Has modifications such as but not limited to platform rack, ladder rack, or mechanical equipment such as a hoist used to facilitate the carrying of goods or equipment;
10. Commercial plate or registration.

Commercial Vehicles used on a farm for activities associated with that farm are exempt from the definition of Commercial Vehicle.

The following types of vehicles when regularly used to carry, deliver, handle or move goods in the conduct of business, commerce, profession or trade shall be considered commercial vehicles - step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers for commercial purposes.

The following types of equipment shall also be considered commercial vehicles - earth moving equipment, cement mixers trenching and pipe laying equipment and other similar type of contractors/ construction/ site work equipment.

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

COMMUNITY CENTER – 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.

CONTAINER – Any portable device in which a material is stored, transported, treated, disposed of or otherwise handled. Containers used on a farm for activities associated with that farm are exempt from the definition of containers.

CONTRACTOR'S YARD – A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor including associated office uses and excluding on-site sales.

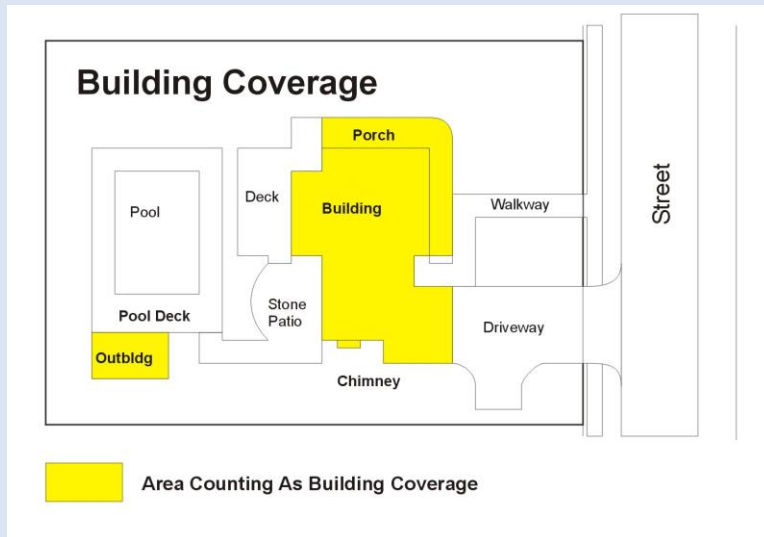
CONSERVATION SUBDIVISION - See *"Subdivision-Related Terms"*.

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

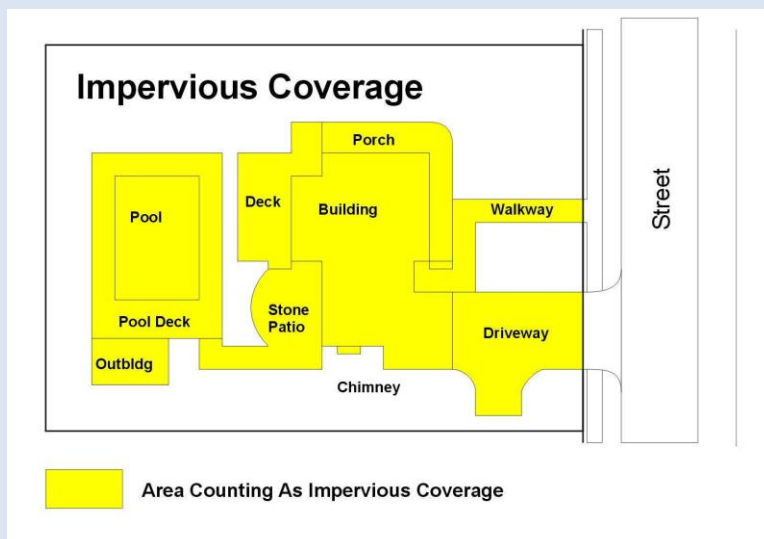
CONVENTIONAL SUBDIVISION: - See *"Subdivision-Related Terms"*.

Coverage-Related Terms

BUILDING COVERAGE - The percentage which the aggregate area of the footprints of all buildings on a lot bears to the lot area. In the following graphic, the yellow areas (“buildings”) would be tabulated to compute building coverage.



IMPERVIOUS COVERAGE - The percentage which the aggregate area of all impervious surfaces on a lot bears to the lot area. In the following graphic, the yellow areas would be tabulated to compute impervious coverage.



CRAFTSPERSON - A person who practices or is highly skilled in a craft; an artisan.

CUSTOMARY - See *"Principal versus Accessory"*.

Day Care-Related Terms

DAY CARE - A program of supplementary care or instruction provided, generally for remuneration, to people outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week (i.e., without overnight accommodations).

CHILD DAY CARE – Day care services provided to children.

ADULT DAY CARE - Day care services provided to the elderly and/or functionally impaired adults.

FAMILY DAY CARE HOME - A private family home caring for not more than six people, including the provider's own relatives, where such people 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 - A facility that offers or provides day care to not less than seven nor more than twelve related or unrelated people on a regular basis for a part of the twenty-four hours in one or more days in the week.

DAY CARE CENTER - A facility that offers or provides day care to more than twelve related or unrelated people outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in a week.

DEEP – Connecticut Department of Energy and Environmental Protection.

DEVELOPMENT - Any construction or grading activities to improved or unimproved real estate.

DEVELOPMENT RESTRICTION - 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 - In relation to erosion and sediment control, an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DONATION BIN - Any enclosed container or receptacle held out to the public for the donation of goods and the temporary secure storage of donated goods.

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

DUPLEX - See *"Dwelling Related Terms"*.

Dwelling-Related Terms

DWELLING - A building or portion thereof used for residential occupancy; but not including hotels, boarding houses, or rooming houses. Manufactured homes with the narrowest dimension of twenty-two feet or more are considered to be a dwelling.

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

SINGLE FAMILY DWELLING - A single building occupied by one family, but excluding trailers, mobile homes, or temporary structures.

DUPLEX BUILDING - A single building containing independent dwelling units for two (2) families, living independently of each other.

MULTI-FAMILY BUILDING – A single building 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 (not including bed & breakfasts, hotels, motels, and tourist homes).

MULTI-FAMILY DEVELOPMENT - A residential development (other than one multi-family building) consisting of three (3) or more dwelling units on one parcel of land.

ACCESSORY APARTMENT – A single dwelling unit accessory to a single family dwelling, occupying an existing detached garage or customary accessory building, but excluding trailers, mobile homes, or temporary structures.

ELDERLY HOUSING DEVELOPMENT – As provided in the Fair Housing Act and the "Housing for Older Persons" exemption thereto, housing facilities and housing communities intended for, and solely occupied by persons 62 years of age or older.

EDUCATION CENTER - 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 - See *"Dwelling Related Terms"*.

EROSION - The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice or gravity.

2.B

WORDS AND TERMS

DEFINITIONS

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

EVENTS FACILITY - 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 (as defined in Section 2.B of these Regulations) of the location, building, site or structure.
- (3) The above definition of an Event Facility specifically excludes adult-related uses and facilities located in restaurants and/or hotels, or fairgrounds.

EXCAVATION - The severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil or any other earth material.

EXCAVATION OPERATIONS - Any operations involving:

- excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products in the Town of Brooklyn.
- transportation of earth products from excavating, grading, filling or removal operations across private property located in Brooklyn, regardless of whether the operation itself is within Brooklyn or in an adjacent town.

FAMILY - 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.

FAMILY DAY CARE HOME - - See *"Day Care Related Terms"*.

FARM - See *"Agriculture Related Terms"*.

FAST FOOD RESTAURANT - See *"Food Service Related Terms"*.

FLOOR AREA – Except as may be otherwise specified in these Regulations, the sum of the gross horizontal areas of all floors contained within a structure, measured from the exterior face of outside walls or from the centerline of a common wall separating two structures. The calculation of floor area shall not include areas which are located below grade with two-thirds or more of the clear height below the average finished grade at the walls of the structure.

Food Service-Related Terms

BANQUET HALL - Premises, which may or may not contain kitchen facilities, used for the gathering of groups of persons for specific functions including the consumption of food and beverages.

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.

RESTAURANT - A commercial establishment that serves food and beverages.

SIT-DOWN RESTAURANT - A restaurant that primarily serves persons seated within the building. This specifically excludes fast food restaurants.

FAST FOOD RESTAURANT - Any restaurant or other 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 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.

GALLERY - - See "Art Studio / Gallery".

GAS STATION - - See "Automotive-Related Terms".

GENERAL STATUTES - The General Statutes of the State of Connecticut, as amended.

GLAMPING - - See "Glamping-Related Terms".

Glamping-Related Terms

GLAMPING - Glamping describes luxury camping in unique and well-designed lodging structures located in areas that offer outdoor camping experiences with amenities such as beds, electricity, heat/ac, indoor plumbing, or food and beverage service usually not used when camping traditionally.

GLAMPING SITE - A site or small unit of land not less than 1,250 square feet and not more than 2,500 square feet that consists of one (1) and up to three (3) Glamping Units. Glamping Sites must be associated with and within an approved Glamp-ground.

GLAMPING UNIT - A lodging structure designed to be occupied for transient and recreational lodging. Such structures may include, but are not limited to, safari tents, yurts, and teepees. Such Glamping Units may not exceed 600 square feet and must be part of the Glamp-ground operation and located on approved Glamping Sites. Glamping Units, like hotels, are not included in the definition of a dwelling, as defined in these Regulations.

GLAMP-GROUNDS - An area or facility consisting of two or more Glamping Units, with customary and incidental accessory uses.

GLAMP-GROUNDS, ACCESSORY USES - Customary and incidental uses to Glamp-grounds include, but are not limited to, food and beverage service, events, retreats, classes, passive and active recreation and related facilities, bath houses, maintenance facilities, and staff accommodations.

GOLF COURSE - Areas of land laid out for golf, excluding miniature golf or executive golf, with:

- a series of nine (9) or eighteen (18) holes each including a tee, a fairway, and a putting green and which may include roughs and other natural and artificial playing hazards;
- practice greens, driving ranges, and related accessory uses such as a pro shop, snack bar, etc..

GRADING - Any excavation, stripping, cutting, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, which results in a change of contour or elevation.

"GRANDFATHERED" - - See *"Non-conforming Terms"*.

GREENHOUSE - 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.

GROUP DAY CARE HOME - - See *"Day Care Related Terms"*.

HALFWAY HOUSE - 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

HARDSHIP - As recognized by the law:

- (1) When 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.
- (2) Being too small or too narrow is not a legal hardship unless it restricts the property from being put to a reasonable permitted use.
- (3) 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.
- (4) 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.
- (5) 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 - A Connecticut licensed health club as defined in CGS Section 21a-216, 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 - See *"Lodging-Related Terms"*.

HYBRID RETAILER - A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

IMPERVIOUS COVERAGE - See *"Coverage-Related Terms"*.

IMPERVIOUS SURFACE - 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.

INCIDENTAL - See *"Principal versus Accessory"*.

INCIDENTAL ALTERATION - See *"Alteration-Related Terms"*.

INDOOR SPORTS AND RECREATION - Any sports or recreational use conducted within an enclosed building.

INSPECTION - The periodic review of measures shown on the accepted plan.

JUNKYARD - An area of land, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of used or discarded materials such as waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. The outdoor storage on a lot of two (2) or more wrecked or unregistered vehicles or vehicles otherwise not in a condition for legal use on public highways shall be deemed a junk yard.

KENNEL – A commercial establishment in which dogs or domesticated animals are housed, bred, boarded, trained, or sold for a fee or compensation.

KENNEL, NON-COMMERCIAL – When dogs are kept by their owners accessory to a residential use where limited breeding may occur provided that no more than two (2) kennel tags shall be utilized.

KITCHEN - A room, place or space within a structure equipped for the preparation and/or cooking of food.

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

LICENSED HEALTH SERVICE - 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 - 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.

Lodging-Related Terms

BED & BREAKFAST –An authorized accessory use to an owner-occupied dwelling in which lodging and meals are offered or provided for compensation by the owner(s) for up to twelve persons for limited periods of time not exceeding 30 consecutive days.

HOTEL / MOTEL –A building used as a temporary lodging place for more than twelve (12) persons or providing six (6) or more sleeping rooms in which lodging is provided for compensation with or without meals.

BOARDING HOUSE / ROOMING HOUSE - An establishment for five or more persons located in an owner-occupied dwelling that:

- (1) provides lodging with or without meals,
- (2) is only available for permanent occupancy (more than 30 consecutive days), and
- (3) which makes no provisions for cooking in any of the rooms occupied by paying residents.

Lot

LOT - 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 or private road serving or intending to serve other lots.

Lot Lines (see also “Yards and Setbacks”)

FRONT LOT LINE - A property line separating a lot from a street or, in the case of a rear lot, the property line that the accessway to the street leads from.

SIDE LOT LINE - Any property line other than a front lot line or a rear lot line.

REAR LOT LINE – The lot line most opposite a front lot line except as follows:

- A corner lot shall only have a rear lot line if it has more than four lot lines in which case the rear lot line shall be the lot line most opposite the shortest front lot line.
- A through lot shall not have a rear lot line.
- A pie-shaped lot shall not have a rear lot line.

Lot Measurements

LOT AREA – The area within the property lines.

LOT FRONTAGE – 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 – The distance between the side lot lines measured at the front lot line.

Lot Types

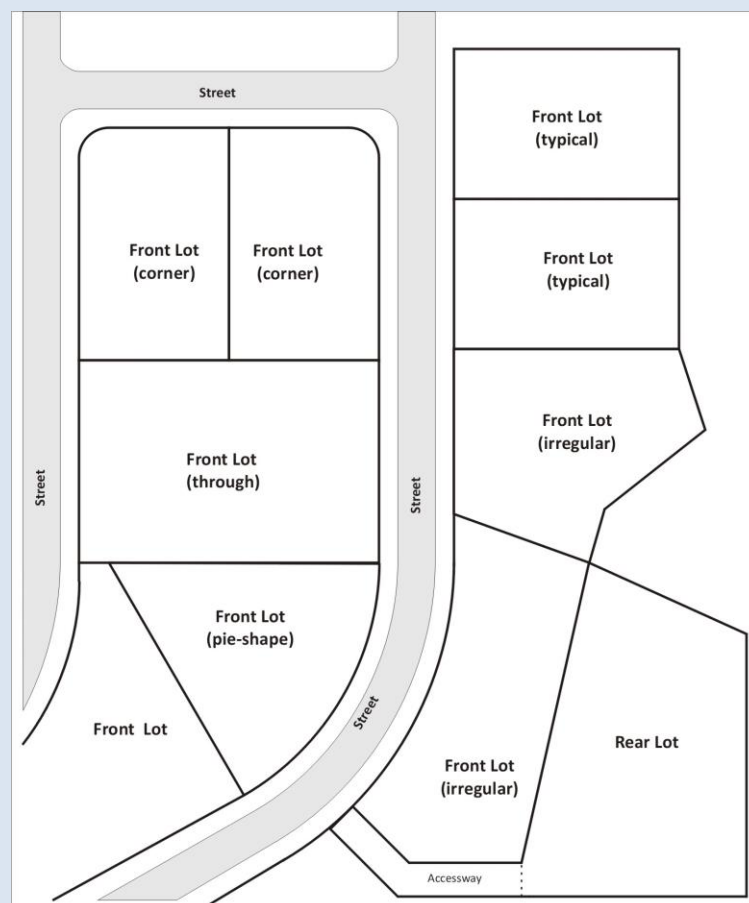
FRONT LOT - A lot fronting on a street. A front lot typically has one front yard, one rear yard, and other yards are side yards.

CORNER LOT - A front lot situated at the intersection of and fronting on two (2) or more streets. A corner lot typically has two front yards, two rear yards, and no side yards.

CUL-DE-SAC LOT - A front lot fronting on the end of a cul-de-sac without the minimum frontage required for the respective zone.

REAR LOT - A lot not having the minimum frontage required for the respective zone and served by an access strip.

THROUGH LOT – A front lot having frontage on two (2) non-intersecting public roads. A through lot typically has two front yards, two side yards, and no rear yard.



2.B

WORDS AND TERMS

DEFINITIONS

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

MANUFACTURED HOME – Factory-built structures that are used for residential purposes, meet State and Federal requirements, and are 22 feet wide or more when installed. *See “Trailer Related Terms” and “Mobile Home”.*

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

MICRO-CULTIVATOR - A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection or any designee of the commissioner.

MINOR MODIFICATION – *See “Alteration-Related Terms”.*

MIXED OCCUPANCY – A building in a Business Zone where a business is located on the ground floor and at least one (1) dwelling unit is located above the ground floor.

MIXED USE – A property where a business or businesses are located in one or more buildings and dwelling units are located in one or more other buildings.

MOBILE HOME - *See “Trailer Related Terms” and “Manufactured Home”.*

MOTEL– *See “Lodging-Related Terms”.*

MUNICIPAL FACILITIES - 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.

MULTI-FAMILY - *See “Dwelling Related Terms”.*

MUSEUM - 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.

Non-conforming Terms

NON-CONFORMING – A situation where a use, structure or lot does not conform with the regulations for the zone in which it is situated.

LEGAL NON-CONFORMING – A situation where a use, structure or lot was legally existing as of May 24, 1972 or any pertinent amendments hereto and became non-conforming as a result of such adoption.

ILLEGAL NON-CONFORMING – A situation where a non-conforming use, structure or lot is not a legal conforming use, structure or lot.

“GRANDFATHERED” –See “Legal Non-conforming” in “Non-conforming Terms”.

NON-CONFORMING BUILDING OR STRUCTURE - A building or structure that does not conform to the dimensional or locational or other applicable provisions of these Regulations, but which was legally existing at the effective date of original adoption of these Regulations (May 24, 1972) or of any pertinent amendment hereto.

NON-CONFORMING LOT - A parcel of land which does not conform to the acreage, dimensional or yard provisions of these Regulations but which was legally existing, in separate ownership from any other contiguous lot, at the effective date of original adoption of these Regulations (May 24, 1972) or of any pertinent amendment hereto.

NON-CONFORMING USE - A use of land, building or structure that does not conform to the applicable use provisions of these Regulations but which was legally existing at the effective date of original adoption of these Regulations (May 24, 1972) or of any pertinent amendment hereto. Any use which is permitted by Special Permit in a zone under the provisions of these Regulations shall not be deemed a non-conforming use in such zone.

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OFFICES, BUSINESS OR ADMINISTRATIVE - 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 or the offices of a licensed professional or financial offices but not such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

OPEN SPACE - An area of land that is valued for natural processes and wildlife, for agricultural and forest production, for passive recreation, and/or for providing other public benefits.

ORIGINAL PARCEL -. A parcel of land in existence as of July 1, 1967, the date of adoption of subdivision regulations in Brooklyn.

PARKING SPACE - 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 - Any wall dividing two (2) or more properties, owned by the respective owners.

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

PERSONAL SERVICES - 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.

PLACE OF WORSHIP - A structure used primarily for the conduct of religious services.

PREMISES - A lot together with any structures thereon.

Principal versus Accessory

PRINCIPAL – That which is most important. The main or primary condition.

ACCESSORY - That which is subordinate to the principal condition.

PRINCIPAL BUILDING –

- (1) The primary or predominant building or structure on a property, or
- (2) A building in which is conducted the primary or predominant use on the piece or parcel of land or on a contiguous parcel of land under the same ownership.
- (3) Buildings or structures connected by roofs or breezeways shall be considered part of the principal building. *See also "Accessory Building".*

ACCESSORY BUILDING – A building which is subordinate and customarily incidental to the principal building and use on the piece or parcel of land or on a contiguous parcel of land under the same ownership.

ACCESSORY STRUCTURE – A structure, the size and use of which is subordinate and customarily incidental to the principal structure and/or use on the piece or parcel of land or on a contiguous parcel of land under the same ownership. For purposes of these Regulations, a swimming pool is considered to be an accessory structure.

**Principal Building
(Dwelling)**



**Accessory Building
(Detached Garage)**



(continued on next page)

Principal versus Accessory

(continued from preceding page)

PRINCIPAL USE - The primary or predominant use or activity of a lot, building, structure, or property. *See also "Accessory Use"*. The following factors shall be considered when determining whether agriculture is a principal use of property:

- (1) Total land area in agricultural use.
- (2) Percent of land area in agricultural use.
- (3) Whether a Schedule F is filed with the Internal Revenue Service.
- (4) Whether the property is enrolled in the PA-490 program.
- (5) The assessed value of the agricultural use compared to the total assessed value of the property.

ACCESSORY USE - A use or activity on a property which is subordinate and customarily incidental to a principal use or activity on the same property or on a contiguous lot under the same ownership with the principal use. *See also "Principal Use"*.

SECONDARY USE - An intentional, non-incidental, alternative use of a location, buildings, site or structure. This definition excludes events that are considered by the Commission to be an accessory use and which are customarily incidental to the primary use. *See also "Principal Use" and "Accessory Use"*.

**Principal Use
(Residential)**



**Accessory Use
(Passenger Vehicle Parking)**



CUSTOMARY – Something commonly practiced, used, or observed such that it is considered conventional and typical rather than unusual.

INCIDENTAL - Something likely to ensue as a minor consequence of another activity or something that happens as a minor part or result of something else.

SUBORDINATE – Something inferior, smaller, fewer, and of less importance or impact or something placed in or occupying a lower class, rank, or position.

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

PRIVATE SCHOOL - 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.

REHABILITATION - 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 - See *"Dwelling Related Terms"*.

RESTAURANT - See *"Food Service Related Terms"*.

RESUBDIVISION - See *"Subdivision-Related Terms"*.

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

RETAIL STORE - 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 - The sale or display of merchandise for direct consumption or use by the purchaser.

ROOMING HOUSE - See *"Lodging-Related Terms"*.

ROUTINE MAINTENANCE - Activities that typically occur on a periodic basis in order to keep a property in good condition such as, but not limited to, painting, shingling, and siding, but specifically excluding repairs that:

- (1) change the floor area, height, or footprint of a building;
- (2) change a roof line or roof type; or
- (3) add or remove parts of the building envelope.

SECONDARY USE: - See *"Principal versus Accessory"*.

SEDIMENT - 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.

SETBACK - See *"Yards versus Setbacks"*.

SF – Square foot or square feet.

Sign-Related Terms

SIGN - An illustration or display of any kind, attached or erected in any manner, which is used or intended for recognized advertising purposes and/or displayed in such a way as to be in view of the general public,. The term sign shall include a sign erected inside a building which is visible and/or legible from a public street.

FREE STANDING SIGN –

- (1) 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
- (2) Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs becomes a primary purpose in itself and is no longer incidental to the vehicle's primary purpose.

PORTABLE SIGN –

- (1) A sign which stands with self-supporting elements, which is not illuminated, and is not permanently affixed to the ground.
- (2) 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.

TEMPORARY SIGN - A sign that is:

- (1) 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) intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days.
- (3) 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 - A sign painted on the outside of a building or attached to the wall of a building and supported throughout its length by such building.

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

SIGN AREA –

- (1) The entire surface of a sign, including areas not lettered.
- (2) For wall signs painted on the surface of the building exterior, it includes the area within the outer extent of the lettering.

SINGLE SERVICE SALON - A personal services establishment with no more than one sink and one hair cutting chair, intended to serve a single customer at a time, located within a residence as an accessory use. A single service salon is considered a home office for the purposes of Sec. 6.A.2.

SIMILAR USE - A use which the Commission shall find to be similar to a permitted use.

SINGLE-FAMILY DWELLING - See "*Dwelling Related Terms*".

SITE PLAN - A type of map or drawing prepared to demonstrate conformance of buildings, structures or uses of land with standards set forth in these Regulations. See *Section 9.C of these Regulations*.

SITE PLAN REVIEW - A type of application whereby the Planning and Zoning Commission reviews buildings, structures or uses of land for conformance with standards set forth in these Regulations. *See Section 9.C of these Regulations.*

SIT-DOWN RESTAURANT - *See "Food Service Related Terms".*

SOIL - Any unconsolidated mineral or organic material of any origin.

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

SOLAR ENERGY SYSTEM, ROOF-MOUNTED - A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports and covered parking structures also fall under this distinction.

SOLAR ENERGY SYSTEM, SMALL - An accessory solar energy collection system that is interconnected to the local utility electrical grid on the customer's side of the electric meter, generates electricity for direct consumption on the subject property to offset electricity purchased from the local electric distribution company, and performs in accordance with current state net-metering laws.

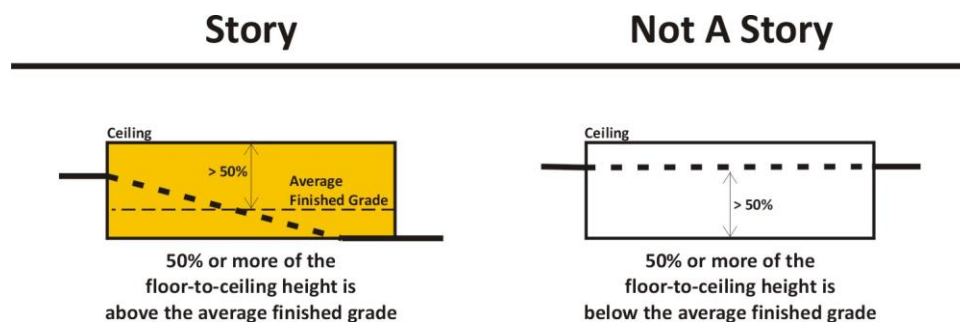
SPECIAL PERMIT - A type of approval authorized by the Connecticut General statutes whereby certain classes or kinds of buildings, structures or uses of land may be permitted by the Planning and Zoning Commission subject to standards set forth in these Regulations and to conditions necessary to protect the public health, safety, convenience and property values. *See Section 9.D of these Regulations.*

SPECIFIED ANATOMICAL AREAS - *See "Adult- Related Terms".*

SPECIFIED SEXUAL ACTIVITIES - *See "Adult- Related Terms".*

STATE - The State of Connecticut.

STORY - That portion of the building which is between the surface of a floor and the surface of the next floor above or, in the absence of a floor above, the ceiling above. A portion of a building located partially below grade and where 50 percent or more of the floor-to-ceiling height of that portion of the building is below the average finished grade at the walls of the structure shall not be considered a story.



STREET - A road, highway, lane, avenue, boulevard, or any other public or private way, or a way opened to the public or private use, which provides a principal means of access to a lot. "Street" shall be deemed to include the entire width of the right-of-way but shall not include private driveways and private rights-of-way.

STREET LINE - The line dividing the street and the lot.

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STRUCTURAL ALTERATION - See *"Alteration-Related Terms"*.

STRUCTURE - 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, emergency generators, decks, swimming pools, and solar energy systems are considered to be structures and shall comply with setbacks and other dimensional requirements, as excepted.

Subdivision-Related Terms

SUBDIVISION – As defined in CGS Section 8-18.

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.

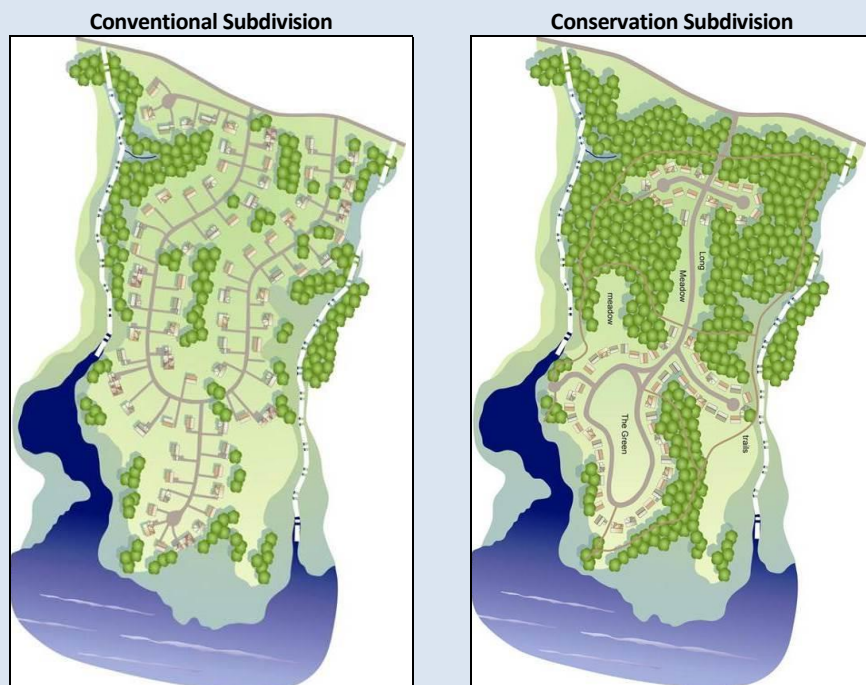
CONSERVATION SUBDIVISION – A development of residential lots laid out primarily on the basis of site characteristics where important resources are preserved for open space, recreation, wildlife habitat, agriculture, or other purposes including the preservation of historic features or community character.

CONVENTIONAL SUBDIVISION – A development of residential lots laid out primarily on the basis of strict dimensional standards such as lot area and/or frontage and where the provision of open space or conservation areas is typically a secondary consideration.

RESUBDIVISION – As defined in CGS Section 8-18.

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

- *affects any street layout shown on such map,*
- *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.*



2.B

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DEFINITIONS

BROOKLYN ZONING REGULATIONS

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SUBORDINATE - See *"Principal versus Accessory"*.

SUBSTANTIAL RECONSTRUCTION - 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.

THEATER - A building or part of a building which is used for the commercial showing of films or presentations of live entertainment but specifically excluding any adult-related uses.

TOPSOIL - Earth materials, including loam, which are arable and constitute the surface layer of earth material.

TOWN - The Town of Brooklyn, Connecticut.

TOWN CLERK - The Town Clerk of the Town of Brooklyn, Connecticut.

Trailer-Related Terms

TRAILER – A non-motorized structure built, designed, intended, or configured to be towed or hauled by another vehicle.

ANIMAL TRAILER – A trailer designed, intended, or used for carrying horses, livestock, or similar animals.

BOAT TRAILER – A trailer designed, intended, or used for carrying one or more boats.

CAMPING TRAILER – A trailer designed, intended, or used for recreational camping on an occasional basis.

CONSTRUCTION TRAILER – A trailer on a construction site which is designed, intended, or used as temporary office space, storage space, or both.

COMMERCIAL TRAILER – A trailer used for commercial purposes including but not limited to a trailer used in a tractor-trailer configuration.

EMERGENCY TRAILER – A trailer authorized for use for temporary housing whenever a dwelling unit has been involuntarily destroyed so as to become uninhabitable by one or more of the following - fire, flood, tornado, hurricane, wind storm, lightening, earthquake, vandalism, or other catastrophe.

MOBILE HOME – A trailer used for residential purposes which is less than 22 feet wide. See *"Manufactured Home"*.

UTILITY TRAILER – A trailer designed, intended, or used for carrying brush, motorcycles, snowmobiles, and similar activities accessory to a residential use.

USE – The purpose or activity for which buildings or other structures or land is occupied or may be occupied.

USE, ACCESSORY - See *“Principal vs Accessory”*.

USE, PRINCIPAL - See *“Principal vs Accessory”*.

USE, TEMPORARY - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE - 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 - 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 - As defined in CGS Section 22a-38.

“Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, ...

Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation ...

WETLAND - As defined in CGS Section 22a-38.

“Wetlands” means land, including submerged land, ... which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture ...

WIRELESS TELECOMMUNICATION FACILITY - The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

WIRELESS TELECOMMUNICATION SERVICES - 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.

Yards Versus Setbacks

YARD - The area between the principal structure and a lot line.

FRONT YARD - The area between the principal structure and a front lot line.

REAR YARD - The area between the principal structure and a rear lot line.

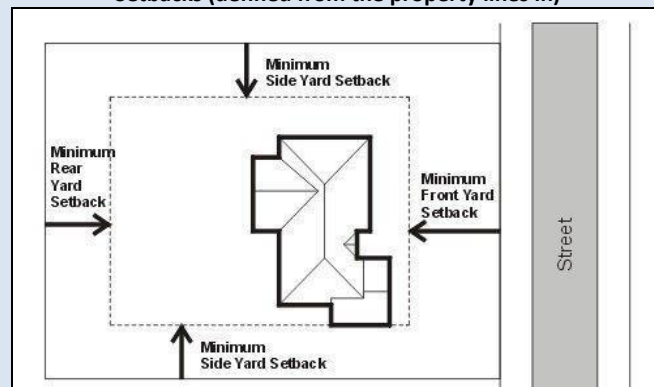
SIDE YARD - The area between the principal structure and a side lot line.

FRONT YARD SETBACK - The minimum required distance for a building or structure to be set back from a front lot line.

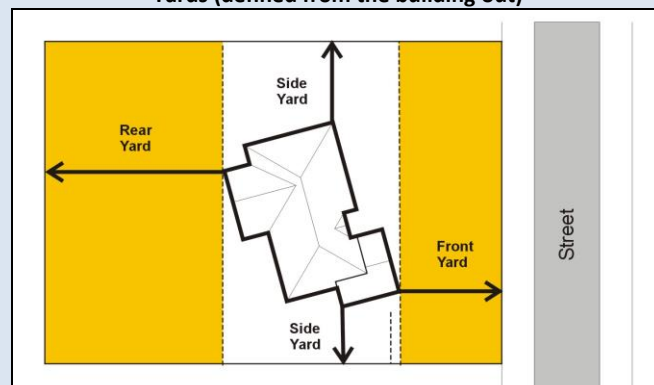
REAR YARD SETBACK - The minimum required distance for a building or structure to be set back from a rear lot line.

SIDE YARD SETBACK - The minimum required distance for a building or structure to be set back from a side lot line.

Setbacks (defined from the property lines in)



Yards (defined from the building out)



DEFINITIONS

ZEO - The Zoning Enforcement Officer.

ZONE - An area of Brooklyn set off as distinct from surrounding or adjoining parts and established by the provisions of these Regulations.

3. RESIDENTIAL ZONES

3.A. R-10 RESIDENTIAL ZONE

3.A.1. PURPOSE

The R-10 Residential Zone is intended primarily for established neighborhoods with relatively high density residential uses, generally served by public water and sewer.

3.A.2. PERMITTED PRINCIPAL USES

3.A.2.1. AGRICULTURAL-RELATED USES	
1. Not permitted.	
3.A.2.2. RESIDENTIAL-RELATED USES	
1. One (1) single family dwelling per lot.	Zoning Permit (Staff)
2. One duplex building per lot.	Zoning Permit (Staff)
3. Multi-family development in accordance with Section 6.E.	Special Permit (PZC)
4. Elderly Housing Development in accordance with Section 6.F.	Special Permit (PZC)
3.A.2.3. INSTITUTIONAL-RELATED USES	
1. Municipal facilities of the Town of Brooklyn.	Site Plan Review (PZC)
2. Place of worship when located on an arterial road.	Special Permit (PZC)
3.A.2.4. OTHER USES	
1. Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)

3.A.3. PERMITTED ACCESSORY USES

3.A.3.1. GENERAL ACCESSORY USES	
1. Accessory uses that are customary, subordinate, and incidental to a principal use permitted by Section 3.A.2.	No Permit Required
2. Keeping of dogs, cats, or domestic household pets of the type normally kept within the home.	No Permit Required
3. Keeping of up to six (6) chickens in accordance with Section 6.Q.	No Permit Required
4. Removable Farm Stands in accordance with Sec. 6.L.5.	No Permit Required
3.A.3.2. ACCESSORY PARKING AND STORAGE	
1. Off-street parking facilities for the use of the occupants of the premises and their guests.	No Permit Required
2. Parking of one commercial vehicle used by the occupants of the premises or their guests. (Semi-trailers and tractor trailers or their components are not permitted.)	No Permit Required
3. Parking of two commercial vehicles provided any such vehicle is parked in a side yard or a rear yard and is visually shielded from the street and from adjacent property. (Semi-trailers and tractor trailers or their components are not permitted.)	Zoning Permit (Staff)
4. Storage of registered recreational vehicles, boat trailers, camping trailers, animal trailers, and utility trailers in a side yard or a rear yard.	No Permit Required
3.A.3.3. ACCESSORY RESIDENTIAL USES	
1. An accessory apartment in accordance with Section 6.C.	Special Permit (PZC)
3.A.3.4. ACCESSORY BUSINESS USES	
1. Home office in accordance with Section 6.A.2.	No Permit Required
2. Family Day Care Home conducted by resident occupants only.	No Permit Required
3. Group Day Care Home conducted by resident occupants only.	Zoning Permit (Staff)
4. Day care center accessory to an established institutional use such as a place of worship.	Special Permit (PZC)
3.A.3.5. OTHER ACCESSORY USES	
1. Not permitted.	

3.A

RESIDENTIAL ZONES R-10 RESIDENTIAL ZONE

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

3.A.4. PERMITTED ACCESSORY STRUCTURES

3.A.4.1. GENERAL ACCESSORY STRUCTURES		
1.	Accessory structures that are customary, subordinate, and incidental to a principal use permitted by Section 3.A.2.	Zoning Permit (Staff)
2.	Detached garage, workshop, garden house, tool house, or similar structure accessory to a dwelling if such structure is not subordinate in size to the dwelling.	Special Permit (PZC)
3.A.4.2. ACCESSORY ENERGY FACILITIES		
1.	Small solar energy systems mounted flush to a roof in accordance with Section 6.N.	No Permit Required
2.	Small solar energy systems installed other than flush to a roof in accordance with Section 6.N.	Site Plan Review (PZC)
3.A.4.3. ACCESSORY RECREATION FACILITIES		
1.	Swimming pool, tennis court, or similar recreational structure accessory to a dwelling provided that any lighting shall be in accordance with Section 7.G.	Zoning Permit (Staff)
3.A.4.4. OTHER ACCESSORY STRUCTURES		
1.	Use of a construction trailer during construction for an office or storage (but not as a residence) for a period of time not to exceed the duration of the construction project.	No Permit Required
2.	Use of an emergency trailer as defined in these Regulations as a residence in accordance with Section 6.H.	Zoning Permit (Staff)
3.	Temporary Storage – One (1) temporary storage structure of up to 8'x8'x16' for a period of up to 60 days total in any twelve-month period provided that such structure shall not be located in a required yard setback.	No Permit Required

3.A.5. AREA AND DIMENSIONAL STANDARDS

3.A.5.1. LOT STANDARDS

- | | |
|-------------------------|-----------|
| 1. Minimum Lot area | 10,000 SF |
| 2. Minimum Lot frontage | 75 feet |

3.A.5.2. SETBACK STANDARDS

	Principal Buildings and Structures	Accessory Buildings
1. Minimum Front Yard Setback	35 feet	35 feet
2. Minimum Side Yard Setback	15 feet	Half the height of the accessory building or 10 feet, whichever is greater
3. Minimum Rear Yard Setback	15 feet	Half the height of the accessory building or 10 feet, whichever is greater

3.A.5.3. BUILDING STANDARDS

- | | |
|----------------------------|---------|
| 1. Maximum Building Height | 35 feet |
|----------------------------|---------|

3.A.5.4. POSSIBLE EXCEPTIONS

See Section 8.A for possible exceptions to these dimensional requirements

3.B. R-30 RESIDENTIAL ZONE

3.B.1. PURPOSE

The R-30 Residential Zone is intended to be primarily for medium density residential uses in established neighborhoods and in new development.

3.B.2. PERMITTED PRINCIPAL USES

3.B.2.1. AGRICULTURAL-RELATED USES		
1.	Not permitted	
3.B.2.2. RESIDENTIAL-RELATED USES		
1.	One (1) single family dwelling per lot.	Zoning Permit (Staff)
2.	One duplex building per lot.	Zoning Permit (Staff)
3.	Multi-family development in accordance with Section 6.E.	Special Permit (PZC)
4.	Elderly Housing Development in accordance with Section 6.F.	Special Permit (PZC)
5.	A residential compound in accordance with Section 6.D	Special Permit (PZC)
3.B.2.3. INSTITUTIONAL-RELATED USES		
3.	Municipal facilities of the Town of Brooklyn.	Site Plan Review (PZC)
4.	Place of worship when located on an arterial road.	Special Permit (PZC)
3.B.2.4. OTHER USES		
2.	Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)

3.B.3. PERMITTED ACCESSORY USES

3.B.3.1. GENERAL ACCESSORY USES	
1. Accessory uses that are customary, subordinate, and incidental to a principal use permitted by Section 3.B.2.	No Permit Required
2. Keeping of dogs, cats, or domestic household pets of the type normally kept within the home.	No Permit Required
3. Keeping of up to six (6) chickens in accordance with Section 6.Q	No Permit Required
4. Keeping of bees utilizing best management practices provided the colony is registered with the State Entomologist as required by CGS Section 22-89 and no more than six (6) hives are kept.	No Permit Required
5. Removable Farm Stands in accordance with Sec. 6.L.5.	No Permit Required
3.B.3.2. ACCESSORY PARKING AND STORAGE	
1. Off-street parking facilities for the use of the occupants of the premises and their guests.	No Permit Required
2. Parking of one commercial vehicle used by the occupants of the premises or their guests. (Semi-trailers and tractor trailers or their components are not permitted.)	No Permit Required
3. Parking of two commercial vehicles provided any such vehicle is parked in a side yard or a rear yard and is visually shielded from the street and from adjacent property. (Semi-trailers and tractor trailers or their components are not permitted.)	Zoning Permit (Staff)
4. Storage of registered recreational vehicles, boat trailers, camping trailers, animal trailers, and utility trailers in a side yard or a rear yard.	No Permit Required
3.B.3.3. ACCESSORY RESIDENTIAL USES	
1. An accessory apartment in accordance with Section 6.C.	Special Permit (PZC)
3.B.3.4. ACCESSORY BUSINESS USES	
1. Home office in accordance with Section 6.A.2.	No Permit Required
2. Family Day Care Home conducted by resident occupants only.	No Permit Required
3. Group Day Care Home conducted by resident occupants only.	Zoning Permit (Staff)
4. Day Care Center accessory to an established institutional use such as a place of worship.	Special Permit (PZC)
3.B.3.5. OTHER ACCESSORY USES	
1. Not permitted	

3.B

RESIDENTIAL ZONES R-30 RESIDENTIAL ZONE

BROOKLYN ZONING REGULATIONS Effective January 11, 2024

3.B.4. PERMITTED ACCESSORY STRUCTURES

3.B.4.1. GENERAL ACCESSORY STRUCTURES		
1.	Accessory structures that are customary, subordinate, and incidental to a principal use permitted by Section 3.A.2.	Zoning Permit (Staff)
2.	Detached garage, workshop, garden house, tool house, or similar structure accessory to a dwelling if such structure is not subordinate in size to the dwelling.	Special Permit (PZC)
3.B.4.2. ACCESSORY ENERGY FACILITIES		
1.	Small solar energy systems mounted flush to a roof in accordance with Section 6.N.	No Permit Required
2.	Small solar energy systems installed other than flush to a roof in accordance with Section 6.N.	Site Plan Review (PZC)
3.B.4.3. ACCESSORY RECREATION FACILITIES		
1.	Swimming pool, tennis court, or similar recreational structure accessory to a dwelling provided that any lighting shall be in accordance with Section 7.G.	Zoning Permit (Staff)
3.B.4.4. OTHER ACCESSORY STRUCTURES		
1.	Use of a construction trailer during construction for an office or storage (but not as a residence) for a period of time not to exceed the duration of the construction project.	No Permit Required
2.	Use of an emergency trailer as defined in these Regulations as a residence in accordance with Section 6.H.	Zoning Permit (Staff)
3.	Temporary Storage – One (1) temporary storage structure of up to 8'x8'x16' for a period of up to 60 days total in any twelve-month period provided that such structure shall not be located in a required yard setback.	No Permit Required

3.B.5. AREA AND DIMENSIONAL STANDARDS

3.B.5.1. LOT STANDARDS

- | | |
|-------------------------|------------------|
| 1. Minimum Lot area | 30,000 SF |
| 2. Minimum Lot frontage | 110 feet |

3.B.5.2. SETBACK STANDARDS

	Principal Buildings and Structures	Accessory Buildings
1. Minimum Front Yard Setback	50 feet	50 feet
2. Minimum Side Yard Setback	30 feet	Half the height of the accessory building or 15 feet, whichever is greater
3. Minimum Rear Yard Setback	50 feet	Half the height of the accessory building or 15 feet, whichever is greater

3.B.5.3. BUILDING STANDARDS

- | | |
|----------------------------|----------------|
| 1. Maximum Building Height | 35 feet |
|----------------------------|----------------|

3.B.5.4. POSSIBLE EXCEPTIONS

See Section 8.A for possible exceptions to these dimensional requirements

3.C

RESIDENTIAL ZONES

RA RESIDENTIAL-AGRICULTURAL ZONE

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

3.C. RA RESIDENTIAL-AGRICULTURAL ZONE

3.C.1. PURPOSE

The RA Residential-Agricultural Zone is intended primarily for agricultural uses and for low density residential uses.

3.C.2. PERMITTED PRINCIPAL USES

3.C.2.1. AGRICULTURAL-RELATED USES		
1.	Agriculture in accordance with best management practices as promulgated by the Connecticut Department of Agriculture.	No Permit Required
2.	Removable Farm Stands in accordance with Sec. 6.L.5.	No Permit Required
3.C.2.2. RESIDENTIAL-RELATED USES		
1.	One (1) single family dwelling per lot.	Zoning Permit (Staff)
2.	One duplex building per lot.	Zoning Permit (Staff)
3.	Multi-family development in accordance with Section 6.E.	Special Permit (PZC)
4.	A residential compound in accordance with Section 6.D	Special Permit (PZC)
3.C.2.3. INSTITUTIONAL-RELATED USES		
1.	Municipal facilities of the Town of Brooklyn.	Site Plan Review (PZC)
2.	Place of worship when located on an arterial road.	Special Permit (PZC)
3.	Private schools including uses and activities accessory thereto.	Special Permit (PZC)
3.C.2.4. OTHER USES		
1.	Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)
2.	Adaptive re-use of an agricultural building as <u>a principal use</u> in accordance with Section 6.B.3.	Special Permit (PZC)
3.	Cemetery.	Special Permit (PZC)
4.	Excavation operations in accordance with Section 6.O.	Special Permit (PZC)
5.	Earth Materials Processing in accordance with Section 6.B.2P.	Special Permit (PZC)
6.	State Route Business Enterprise in accordance with Section 6.B.2.	Special Permit (PZC)
7.	Glamp-grounds and Glamping	Special Permit (PZC)

3.C.3. PERMITTED ACCESSORY USES

3.C.3.1. GENERAL ACCESSORY USES	
1. Accessory uses that are customary, subordinate, and incidental to a principal use permitted by Section 3.C.2.	No Permit Required
2. Keeping of dogs, cats, or domestic household pets of the type normally kept within the home.	No Permit Required
3. Agriculture in accordance with best management practices as promulgated by the Connecticut Department of Agriculture.	No Permit Required
3.C.3.2. ACCESSORY PARKING AND STORAGE	
1. Off-street parking facilities for the use of the occupants of the premises and their guests.	No Permit Required
2. Parking of one commercial vehicle used by the occupants of the premises or their guests. (Semi-trailers and tractor trailers or their components are not permitted.)	No Permit Required
3. Parking of two commercial vehicles provided any such vehicle is parked in a side yard or a rear yard and is visually shielded from the street and from adjacent property. (Semi-trailers and tractor trailers or their components are not permitted.)	Zoning Permit (Staff)
4. Storage of registered recreational vehicles, boat trailers, camping trailers, animal trailers, and utility trailers in a rear yard.	No Permit Required
3.C.3.3. ACCESSORY RESIDENTIAL USES	
1. An accessory apartment in accordance with Section 6.C.	Special Permit (PZC)
2. A non-commercial kennel provided that any buildings, structures or runs shall be at least double the required yard setback from any property lines and shall be buffered from adjacent uses.	Special Permit (PZC)

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3.C

RESIDENTIAL ZONES

RA RESIDENTIAL-AGRICULTURAL ZONE

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

(continued from previous page)

3.C.3.4. ACCESSORY BUSINESS USES	
1. Home office in accordance with Section 6.A.2.	No Permit Required
2. Home business in accordance with Section 6.A.3.	Site Plan Review (PZC)
3. Home enterprise in accordance with Section 6.A.4.	Special Permit (PZC)
4. State Route Business Enterprise in accordance with Section 6.B.2.	Special Permit (PZC)
5. Adaptive re-use of an agricultural building as an accessory use in accordance with Section 6.B.3.	Special Permit (PZC)
6. Family Day Care Home conducted by resident occupants only.	No Permit Required
7. Group Day Care Home conducted by resident occupants only.	Zoning Permit (Staff)
8. Day care center accessory to an established institutional use such as a place of worship.	Special Permit (PZC)
9. Bed and breakfast.	Special Permit (PZC)
3.C.3.5. ACCESSORY AGRICULTURAL USES	
1. Permanent Farm Stands in accordance with Sec. 6.L.5.	Zoning Permit (Staff)
2. Farm Wineries and Breweries in accordance with Section 6.L.6.	Special Permit (PZC)
3.C.3.6. OTHER ACCESSORY USES	
1. Special events in accordance with Section 6.J.	Special Permit (PZC)

3.C.4. PERMITTED ACCESSORY STRUCTURES

3.C.4.1. GENERAL ACCESSORY STRUCTURES	
1. Accessory structures that are customary, subordinate, and incidental to a principal use permitted by Section 3.A.2.	Zoning Permit (Staff)
2. Detached garage, workshop, garden house, tool house, or similar structure accessory to a dwelling if such structure is not subordinate in size to the dwelling.	Special Permit (PZC)
3.C.4.2. ACCESSORY ENERGY FACILITIES	
1. Small solar energy systems mounted flush to a roof in accordance with Section 6.N.	No Permit Required
2. Small solar energy systems installed other than flush to a roof in accordance with Section 6.N.	Site Plan Review (PZC)
3.C.4.3. ACCESSORY RECREATION FACILITIES	
1. Swimming pool, tennis court, or similar recreational structure accessory to a dwelling provided that any lighting shall be in accordance with Section 7.G.	Zoning Permit (Staff)
3.C.4.4. OTHER ACCESSORY STRUCTURES	
1. Use of a construction trailer during construction for an office or storage (but not as a residence) for a period of time not to exceed the duration of the construction project.	No Permit Required
2. Use of an emergency trailer as defined in these Regulations as a residence in accordance with Section 6.H.	Zoning Permit (Staff)
3. Temporary Storage – One (1) temporary storage structure of up to 8'x8'x16' for a period of up to 60 days total in any twelve-month period provided that such structure shall not be located in a required yard setback.	No Permit Required

3.C

RESIDENTIAL ZONES

RA RESIDENTIAL-AGRICULTURAL ZONE

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

3.C.5. AREA AND DIMENSIONAL STANDARDS

3.C.5.1. LOT STANDARDS

- | | |
|-------------------------|----------|
| 1. Minimum Lot area | 2 acres |
| 2. Minimum Lot frontage | 150 feet |

3.C.5.2. SETBACK STANDARDS

	Principal Buildings and Structures	Accessory Buildings
1. Minimum Front Yard Setback	50 feet	50 feet
2. Minimum Side Yard Setback	40 feet	Half the height of the accessory building or 20 feet, whichever is greater
3. Minimum Rear Yard Setback	50 feet	Half the height of the accessory building or 20 feet, whichever is greater

3.C.5.3. BUILDING STANDARDS

- | | |
|----------------------------|---------|
| 1. Maximum Building Height | 35 feet |
|----------------------------|---------|

3.C.5.4. POSSIBLE EXCEPTIONS

See Section 8.A for possible exceptions to these dimensional requirements

4. BUSINESS ZONES

4.A. VILLAGE CENTER ZONE

4.A.1. PURPOSE

The Village Center (VC) Zone is intended to protect the distinctive character, landscape, and historic structures in view from public roadways within the Brooklyn Village Center Zone (VC), including the Town Green National Register Historic District.

The Village Center (VC) Zone is a “village district” as authorized by CGS Section 8-2j. Accordingly, 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 village center.

Village Center Zone



4.A.2. PERMITTED PRINCIPAL USES

4.A.2.1. AGRICULTURAL-RELATED USES	
1. Non-commercial Agriculture	Site Plan Review (PZC)
2. Commercial Agriculture	Special Permit (PZC)
3. Farmers' Markets in accordance with Sec. 6.L.4.	Zoning Permit (staff)
4. Removable Farm Stands in accordance with Sec. 6.L.5.	No Permit Required
4.A.2.2. RESIDENTIAL-RELATED USES	
1. One (1) single family dwelling per lot.	Site Plan Review (PZC)
2. One duplex building per lot.	Site Plan Review (PZC)
3. One (1) multi-family building per lot with no more than 3 dwellings per structure in accordance with Section 6.E	Special Permit (PZC)
4. Elderly Housing Development in accordance with Section 6.F.	Special Permit (PZC)
4.A.2.3. BUSINESS-RELATED USES	
1. Retail Use up to a maximum retail floor area of 2,000 square feet for each individual establishment	Special Permit (PZC)
2. Services – Personal or Business	Site Plan Review (PZC)
3. Restaurant, but not fast food restaurant or drive in restaurant	Special Permit (PZC)
4. Office – Business or Administrative	Site Plan Review (PZC)
5. Bank	Special Permit (PZC)
6. Licensed Health Service	Site Plan Review (PZC)
7. Caterer's Establishment	Site Plan Review (PZC)
8. Child Day Care Center / Adult Day Care Center	Special Permit (PZC)
9. Automotive Service Station	Special Permit (PZC)
10. Hotel/Motel with a maximum floor area of 10,000 square feet	Special Permit (PZC)
11. Health club and/or Membership Club	Special Permit (PZC)
12. Indoor Sports and Recreation	Special Permit (PZC)
13. Self-storage facility in accordance with Section 6.R.	Special Permit (PZC)

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4.A.2.4. MIXED USES		
1.	Mixed use development (business and residential uses in separate buildings)	Special Permit (PZC)
2.	Mixed occupancy building(s) with first floor business use and up to two dwelling units on upper floors	Special Permit (PZC)
4.A.2.5. INDUSTRIAL-RELATED USES		
1.	Not permitted	
4.A.2.6. INSTITUTIONAL-RELATED USES		
1.	Municipal facilities for the Town of Brooklyn	Site Plan Review (PZC)
2.	Museum	Site Plan Review (PZC)
3.	Community Center	Site Plan Review (PZC)
4.	Education Center	Site Plan Review (PZC)
5.	Convalescent Home, Rest Home, or Nursing Home	Special Permit (PZC)
6.	Place of worship	Special Permit (PZC)
4.A.2.7. OTHER USES		
1.	Art Studio/Gallery	Site Plan Review (PZC)
2.	Craftsperson including accessory sales of craft items created by the craftsperson	Site Plan Review (PZC)
3.	Funeral Parlor	Special Permit (PZC)
4.	Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)
5.	A use considered by the Commission to be similar to a use listed in Section 4.A.22.	Special Permit (PZC)

While uses not listed are prohibited, the Commission recognizes that it is not always possible to list every conceivable use that might be considered appropriate in each zone.

Uses not listed as a permitted use in a zone that are related or equivalent to a listed use and meet the stated intent may be permitted subject to interpretation and approval by the Planning and Zoning Commission.

4.A.3. PERMITTED ACCESSORY STRUCTURES AND USES

4.A.3.1. ACCESSORY TO A BUSINESS	
1. Off-street parking facilities in accordance with Section 7.B.	Site Plan Review (PZC)
2. Signs in accordance with Section 7.A.	Zoning Permit (Staff)
4.A.3.2. ACCESSORY TO A DWELLING	
1. Home office in accordance with Section 6.A.2.	No Permit Required
2. Home business in accordance with Section 6.A.3.	Site Plan Review (PZC)
3. Home enterprise in accordance with Section 6.A.4.	Special Permit (PZC)
4. Bed & Breakfast	Site Plan Review (PZC)
5. Family Day Care Home when accessory to an existing residence.	Site Plan Review (PZC)
6. Group Day Care Home when accessory to an existing residence.	Site Plan Review (PZC)
7. Accessory apartment in accordance with Section 6.C.	Site Plan Review (PZC)
8. Accessory uses that are customary, subordinate, and incidental to a principal use permitted by Section 3.A.2.	No Permit Required
9. Keeping of dogs, cats, or domestic household pets of the type normally kept within the home.	No Permit Required
4.A.3.3. ACCESSORY TO A FARM	
1. Permanent Farm Stands in accordance with Sec. 6.L.5.	Zoning Permit (Staff)
2. Farm Wineries and Breweries in accordance with Section 6.L.6.	Special Permit (PZC)
4.A.3.4. ACCESSORY ENERGY FACILITIES	
1. Small solar energy systems mounted flush to a roof in accordance with Section 6.N. and not visible from a public roadway.	No Permit Required
2. Small solar energy systems mounted flush to a roof in accordance with Section 6.N. and visible from a public roadway.	Site Plan Review (PZC)
3. Small solar energy systems installed other than flush to a roof in accordance with Section 6.N. and not visible from a public roadway.	Site Plan Review (PZC)
4. Small solar energy systems installed other than flush to a roof in accordance with Section 6.N. and visible from a public roadway.	Special Permit (PZC)

4.A.4. AREA AND DIMENSIONAL STANDARDS

4.A.4.1. LOT STANDARDS

- | | |
|-------------------------|---|
| 1. Minimum Lot area | 30,000 SF
(or the area of the existing lot
of record, if it is smaller) |
| 2. Minimum Lot width | 60 feet |
| 3. Minimum Lot frontage | 60 feet |

4.A.4.2. SETBACK STANDARDS

	Principal Building	Accessory Building
1. Minimum Front Yard Setback	10 feet	10 feet
2. Minimum Side Yard Setback	8 feet	8 feet
3. Minimum Rear Yard Setback	10 feet	10 feet

4.A.4.3. BUILDING STANDARDS

- | | |
|---|-------------------|
| 1. Maximum Building Height | 35 feet |
| 2. Maximum Building Width
(horizontal dimension fronting a public roadway) | 100 feet |
| 3. Maximum Building Size (gross floor area) | 5,000 square feet |

4.A.4.4. COVERAGE STANDARDS

- | | |
|------------------------|------------|
| 1. Impervious Coverage | 80 percent |
|------------------------|------------|

4.A.4.5. POSSIBLE EXCEPTIONS

See Section 8.A for possible exceptions to these dimensional requirements

4.A.5. VILLAGE CENTER DESIGN STANDARDS

4.A.5.1. OVERALL

1. Any development in the Village Center (VC) Zone shall be designed to achieve the following compatibility objectives:
 - a. The arrangement and orientation of any proposed building or site improvement shall be similar to those in the immediate neighborhood;
 - b. 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 Village Center (VC) Zone;
 - c. Proposed streets shall be connected to the existing road network, wherever possible;
 - d. Open spaces within the proposed development shall reinforce open space patterns of the Village Center (VC) Zone, in form and siting;
 - e. Locally significant features of the site such as distinctive buildings, stonewalls, or sight lines of vistas from within the Village Center (VC) Zone shall be integrated into the site design;
 - f. The landscape design shall complement the Village Center (VC) Zone landscape patterns, and reinforce functional qualities;
 - g. 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
 - h. The scale, proportion, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the Village Center (VC) Zone.
2. Spaces, structures and related site improvements within view from public roadways shall be designed to be compatible with the elements of the Village Center (VC) Zone in and around the proposed building or modification.

4.A.5.2. BUILDINGS

1. All proposed work concerning the exterior of structures and sites in view from public roadways shall be consistent with the distinctive characteristics of the Village Center (VC) Zone identified in the Plan of Conservation and Development.
2. 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.

4.A.5.3. PARKING

The following requirements are in addition to the requirements set forth in Section 7.B of these Regulations.

1. Parking shall not be permitted in any front yard except the Commission may, by Special Permit, permit parking in a front yard of a through lot or a corner lot upon satisfaction by the applicant of all of the standards for the grant of all Special Permits set forth in Section 9.D of these Regulations.
2. 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. Paving Materials:
 - a. The use of hard-surfaced materials that provide an aesthetic alternative to bituminous concrete for parking areas is encouraged.
 - b. Materials that are consistent with the historic character of the Village Center (VC) Zone, such as cobblestone, brick, compacted stone dust or materials which imitate these design elements are strongly

encouraged.

4. Common or Shared Parking: The owners of two or more adjacent lots may elect to share common parking facilities subject to the following regulations:
 - a. 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.
 - b. If approved, the appropriate legal instrument shall be filed on the land records at the time of the filing of the approval.
 - c. 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."
 - d. The area set aside as Parking Reserve Area shall be landscaped according to an approved plan.

4.A.5.4. ADDITIONAL FEATURES

1. 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.
2. The removal or disruption of historic, traditional or significant structures, stonewalls and stone rows, or architectural elements shall be discouraged and minimized.
3. Stone Walls:
 - a. The repair or reconstruction of stone walls is encouraged and, where required, shall be of similar material and style.
 - b. The removal, demolition or alteration of stone walls within the Village Center (VC) Zone 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.
4. 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.
5. With the exception of banks, no drive-through service windows shall be permitted.
6. 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.
7. 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 described in Section 7.F.2 of these Regulations.
8. Each application for commercial use shall include a plan detailing landscaping for those areas within public view, prepared in accordance with Section 7.C of these Regulations.
9. Outside Display Area:
 - a. A maximum outside display area of 100 square feet is permitted during posted hours of operation upon approval of Site Plan application.
 - b. Any increase above the 100 square feet requires application and approval of a Special Permit.

10. Trailers:
 - a. Trailers used for business, office and storage purposes shall not be permitted unless it is in connection with a permitted construction operation.
 - b. 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.
11. Lighting:
 - a. Exterior lighting of the building and site shall be directed downward and designed so that light is not directed off-site or upwards.
 - b. 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.
 - c. Lighting that is intermittent, flashing, rotating or moving is prohibited.
12. Small Solar Energy Systems: Small solar energy systems shall not be permitted in areas visible from a public road unless it is demonstrated that the solar technology:
 - a. Will not compromise the character of the site or the surrounding historic district,
 - b. Is minimally visible from a public right of way,
 - c. Will not damage historic roofing material, and
 - d. Is reversible.

4.A.5.5. UTILITIES AND SERVICE AREAS

1. Utilities shall be placed underground whenever practicable and the Commission may require that utilities be placed underground for new construction or Special Permit uses, except for good cause shown by the applicant.
2. 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.

4.A.6. PROCEDURES

4.A.6.1. COMMISSION APPROVAL REQUIRED UNLESS EXEMPTED

All new construction, substantial reconstruction, and rehabilitation of properties in the Village Center (VC) Zone and any changes of use or new uses not exempted below shall require Commission approval as specified in Sections 4.A.2. and 4.A.3.

4.A.6.2. EXEMPTED ACTIVITIES

1. **Change of Use** - A Zoning Permit may be issued by the ZEO for a change of use within the Village Center (VC) Zone when:
 - a. no or Minor Modifications to the site or structure are proposed,
 - b. such proposed use is permitted in the zone, and
 - c. such proposed use is substantially similar to the previous use or deemed to have less neighborhood impact than a previously permitted use.
2. **Routine Maintenance / Minor Modification** – A Zoning Permit may be issued by the ZEO for:
 - a. Routine Maintenance and Minor Modifications within view from any public roadway.
 - b. Such Routine Maintenance or Minor Modification shall be consistent with Section 4.A.5 Village Center Design Standards as well as all other applicable requirements of this section.
3. **New Construction Not Visible** – A Zoning Permit may be issued by the ZEO for:
 - a. Any new construction, any addition, alteration or other structural or site plan modification within the Village Center (VC) Zone when the entirety of such work is not within view from any public roadway.
 - b. In issuing a Zoning Permit for such work, the ZEO shall utilize the dimensional requirements of the underlying zone, but not the design standards of this section.
 - c. This section does not pertain to any change of use which is regulated by Section 4.A.6.1.
4. **Sign** - A Zoning Permit may be issued by the ZEO for:
 - a. A sign consistent with Section 4.A.5 Village Center Design Standards and in conformance with Section 7.A. of these Regulations.

4.A.6.3. PROCEDURE

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.
2. In reviewing the proposed activity the ZEO may consult the Planning and Zoning Commission Chair, Local or State Historical Commission or consulting architect.
3. 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 Section 9.C (Site Plan Requirements and Procedures) or Special Permit review in accordance with Section 9.D (Special Permit Requirements) of these Regulations and with the general design standards and other requirements of the Village Center (VC) Zone, all in accordance with said determination.
4. 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.
5. All applications for new construction or substantial reconstruction within the Village Center (VC) Zone 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 "VC Architectural Consultant" for

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such application. The VC Architectural Consultant shall review and report to the Commission within 35 days of the official receipt of an application. Failure of the VC Architectural Consultant to report within 35 days shall not alter or delay statutory time limits. The report of the VC 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.

6. 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.
7. No approval of the Commission shall be effective until a copy thereof, certified by the commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the land records of the Town of Brooklyn. The Town Clerk shall index the same in the Grantor's index under the name of the then record owner and the record owner shall pay for such recording.
8. 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.

4.B. NEIGHBORHOOD BUSINESS ZONE

4.B.1. PURPOSE

The Neighborhood Business (NB) Zone is a primarily residential area where it is appropriate for residential buildings to be converted to neighborhood-oriented business use, especially businesses that are a benefit to the residences in the area, or for new structures to blend in to the character and scale of the neighborhood.

4.B.2. PERMITTED PRINCIPAL USES

4.B.2.1. AGRICULTURAL-RELATED USES		
1.	Removable Farm Stands in accordance with Sec. 6.L.5.	No Permit Required
4.B.2.2. RESIDENTIAL-RELATED USES		
1.	One (1) single family dwelling per lot in conformance with the requirements of R-30 zone.	Zoning Permit (Staff)
2.	One duplex building per lot.	Zoning Permit (Staff)
3.	Multi-family development in accordance with Section 6.E.	Special Permit (PZC)
4.	Elderly Housing Development in accordance with Section 6.F.	Special Permit (PZC)
4.B.2.3. BUSINESS-RELATED USES		
1.	Retail Use up to a maximum retail floor area of 1,000 square feet for each individual establishment.	Site Plan Review (PZC)
2.	Retail Use up to a maximum floor area of 2,000 square feet for each individual establishment except that that the maximum floor area for retail use may be waived by a three-quarters affirmative vote of the membership present provided: <ul style="list-style-type: none"> a. 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, and b. A change of tenants requires review by the Commission to insure that the original conditions still apply. 	Special Permit (PZC)
3.	Personal Services with less than 1,500 SF floor area.	Site Plan Review (PZC)
4.	Personal Services with 1,500 SF floor area or more.	Special Permit (PZC)

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5. Restaurant, but not fast food restaurant or drive in restaurant, with less than 1,500 SF floor area.	Site Plan Review (PZC)
6. Restaurant, but not fast food restaurant or drive in restaurant, with 1,500 SF floor area or more.	Special Permit (PZC)
7. Office – Business or Administrative with less than 5,000 SF floor area.	Site Plan Review (PZC)
8. Office – Business or Administrative with 5,000 SF floor area or more.	Special Permit (PZC)
9. Licensed Health Service with less than 5,000 SF floor area.	Site Plan Review (PZC)
10. Licensed Health Service with 5,000 SF floor area or more.	Special Permit (PZC)
11. Bank.	Special Permit (PZC)
12. Child Day Care Center / Adult Day Care Center.	Site Plan Review (PZC)
13. Indoor Sports and Recreation	Special Permit (PZC)
14. Health Club and/or Membership Club up to a maximum floor area of 1,000 square feet.	Site Plan Review (PZC)
15. Health and/or Membership Club up to a maximum floor area of 2,000 square feet except that that the maximum floor area may be waived by a three-quarters affirmative vote of the membership present provided: a. the applicant can provide information verifying suitability of the parcel, supporting utilities, access roads, and suitability in the neighborhood context for the proposed operation, and b. A change of tenants requires review by the Commission to insure that the original conditions still apply.	Special Permit (PZC)
4.B.2.4. MIXED USES	
1. Mixed use development (business and residential uses in separate buildings)	Permit determined by uses
2. Mixed occupancy building(s)	Permit determined by uses

4.B.2.5. INDUSTRIAL-RELATED USES	
1. Not permitted	
4.B.2.6. INSTITUTIONAL-RELATED USES	
1. Municipal facilities for the Town of Brooklyn.	Site Plan Review (PZC)
2. Education Center up to a maximum floor area of 1,000 square feet.	Site Plan Review (PZC)
3. Education Center up to a maximum floor area of 2,000 square feet except that that the maximum floor area may be waived by a three-quarters affirmative vote of the membership present provided: <ul style="list-style-type: none"> a. the applicant can provide information verifying suitability of the parcel, supporting utilities, access roads, and suitability in the neighborhood context for the proposed operation, and b. A change of tenants requires review by the Commission to insure that the original conditions still apply. 	Special Permit (PZC)
4. Place of worship	Special Permit (PZC)

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4.B.2.7. OTHER USES	
1. Art Studio/Gallery.	Site Plan Review (PZC)
2. Craftsperson including accessory sales of craft items created by the craftsperson.	Site Plan Review (PZC)
3. Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)

While uses not listed are prohibited, the Commission recognizes that it is not always possible to list every conceivable use that might be considered appropriate in each zone.

Uses not listed as a permitted use in a zone that are related or equivalent to a listed use and meet the stated intent may be permitted subject to interpretation and approval by the Planning and Zoning Commission.

4.B.3. PERMITTED ACCESSORY STRUCTURES AND USES

4.B.3.1. ACCESSORY TO A BUSINESS	
1. Off-street parking facilities in accordance with Section 7.B.	Site Plan Review (PZC)
2. Signs in accordance with Section 7.A.	Zoning Permit (Staff)
4.B.3.2. ACCESSORY TO A DWELLING	
1. Home office in accordance with Section 6.A.2.	No Permit Required
2. Family Day Care Home when accessory to an existing residence.	No Permit Required
3. Group Day Care Home when accessory to an existing residence.	Zoning Permit (Staff)
4.B.3.3. ACCESSORY TO A FARM	
1. Not permitted	
4.B.3.4. ACCESSORY ENERGY FACILITIES	
1. Small solar energy systems mounted flush to a roof in accordance with Section 6.N.	No Permit Required
2. Small solar energy systems installed other than flush to a roof in accordance with Section 6.N.	Site Plan Review (PZC)

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4.B.4. AREA AND DIMENSIONAL STANDARDS

4.B.4.1. LOT STANDARDS

- | | |
|-------------------------|---|
| 1. Minimum Lot area | 10,000 SF
(or the area of the existing lot
of record, if it is smaller) |
| 2. Minimum Lot width | None |
| 3. Minimum Lot frontage | None |

4.B.4.2. SETBACK STANDARDS

- | | Principal Buildings
and Structures | Accessory Buildings |
|-------------------------------|---------------------------------------|---------------------|
| 1. Minimum Front Yard Setback | 20 feet | 20 feet |
| 2. Minimum Side Yard Setback | 10 feet | 10 feet |
| 3. Minimum Rear Yard Setback | 20 feet | 10 feet |

4.B.4.3. BUILDING STANDARDS

- | | |
|---|---------|
| 1. Maximum Building Height | 35 feet |
| 2. Maximum Building Width
(horizontal dimension fronting a public roadway) | None |
| 3. Maximum Building Size (gross floor area) | None |

4.B.4.4. COVERAGE STANDARDS

- | | |
|------------------------|------------|
| 1. Building Coverage | 20 percent |
| 2. Impervious Coverage | 80 percent |

4.B.4.5. POSSIBLE EXCEPTIONS

See Section 8.A for possible exceptions to these dimensional requirements

4.B.5. ADDITIONAL PROVISIONS

1. No parking facilities, other than an access drive, shall be permitted in the front yard.
2. For uses requiring Site Plan Review and/or Special Permit approval, the Commission may reduce the number of parking spaces required, under the following circumstances.
 - a. 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.
 - b. 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.
 - c. 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 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.

4.C. RESTRICTED BUSINESS ZONE

4.C.1. PURPOSE

The Restricted Business (RB) 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.

4.C.2. PERMITTED PRINCIPAL USES

4.C.2.1. AGRICULTURAL-RELATED USES		
1.	Removable Farm Stands in accordance with Sec. 6.L.5.	No Permit Required
4.C.2.2. RESIDENTIAL-RELATED USES		
1.	One (1) single family dwelling per lot in conformance with the requirements of R-30 zone	Zoning Permit (Staff)
2.	One duplex building per lot.	Zoning Permit (Staff)
3.	Multi-family development in accordance with Section 6.E.	Special Permit (PZC)
4.C.2.3. BUSINESS-RELATED USES		
1.	Retail Use up to a maximum retail floor area of 500 square feet for each individual establishment (existing structures are exempt from this limitation).	Site Plan Review (PZC)
2.	Retail Use up to a maximum retail floor area of 2,000 square feet for each individual establishment except that that the maximum floor area for retail use may be waived by a three-quarters affirmative vote of the membership present provided: <ul style="list-style-type: none"> a. 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, and b. A change of tenants requires review by the Commission to insure that the original conditions still apply. 	Special Permit (PZC)
3.	Personal Services	Site Plan Review (PZC)

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4. Restaurant, but not fast food restaurant or drive in restaurant, with less than 1,000 SF floor area	Site Plan Review (PZC)
5. Restaurant, but not fast food restaurant or drive in restaurant, with 1,000 SF floor area or more	Special Permit (PZC)
6. Office – Business or Administrative with less than 10,000 SF floor area	Site Plan Review (PZC)
7. Office – Business or Administrative with 10,000 SF floor area or more	Special Permit (PZC)
8. Licensed Health Service with less than 10,000 SF floor area.	Site Plan Review (PZC)
9. Licensed Health Service with 10,000 SF floor area or more.	Special Permit (PZC)
10. Bank	Special Permit (PZC)
11. Child Day Care Center / Adult Day Care Center	Site Plan Review (PZC)
12. Health and/or Membership Club	Site Plan Review (PZC)
13. Indoor Sports and Recreation	Special Permit (PZC)
14. Automotive Service Station	Special Permit (PZC)
4.C.2.4. MIXED USES	
1. Mixed use development (business and residential uses in separate buildings)	Permit determined by uses
2. Mixed occupancy building(s)	Permit determined by uses
4.C.2.5. INDUSTRIAL-RELATED USES	
1. Light Industry	Special Permit (PZC)
2. Storage and Distribution of bulk products: landscaping products, heating oil, propane, building products on properties, by special permit.	Special Permit (PZC)
4.C.2.6. INSTITUTIONAL-RELATED USES	
1. Municipal facilities for the Town of Brooklyn	Site Plan Review (PZC)
2. Museum	Site Plan Review (PZC)
3. Education Center up to a maximum floor area of 1,000 square feet.	Site Plan Review (PZC)
4. Education Center up to a maximum floor area of 2,000 square feet except that that the maximum floor area may be waived by a three-quarters affirmative vote of the membership present provided: <ul style="list-style-type: none"> a. the applicant can provide information verifying suitability of the parcel, supporting utilities, access roads, and suitability in the neighborhood context for the proposed operation, and b. A change of tenants requires review by the Commission to insure that the original conditions still apply. 	Special Permit (PZC)
5. Place of worship	Special Permit (PZC)

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4.C.2.7. OTHER USES	
1. Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)

While uses not listed are prohibited, the Commission recognizes that it is not always possible to list every conceivable use that might be considered appropriate in each zone.

Uses not listed as a permitted use in a zone that are related or equivalent to a listed use and meet the stated intent may be permitted subject to interpretation and approval by the Planning and Zoning Commission.

4.C.3. PERMITTED ACCESSORY STRUCTURES AND USES

4.C.3.1. ACCESSORY TO A BUSINESS		
1.	Off-street parking facilities in accordance with Section 7.B.	Site Plan Review (PZC)
2.	Signs in accordance with Section 7.A.	Zoning Permit (Staff)
3.	Containers provided it meets setbacks allowed for accessory structures.	Site Plan Review (PZC)
4.C.3.2. ACCESSORY TO A DWELLING		
1.	Home office in accordance with Section 6.A.2.	No Permit Required
2.	Family Day Care Home when accessory to an existing residence.	No Permit Required
3.	Group Day Care Home when accessory to an existing residence.	Zoning Permit (Staff)
4.C.3.3. ACCESSORY TO A FARM		
1.	Not permitted	
4.C.3.4. OTHER ACCESSORY STRUCTURES AND USES		
1.	Automobile Sales when accessory to an approved Automotive Service Station	Special Permit (PZC)
2.	Small solar energy systems mounted flush to a roof in accordance with Section 6.N.	No Permit Required
3.	Small solar energy systems installed other than flush to a roof in accordance with Section 6.N.	Site Plan Review (PZC)

4.C.4. AREA AND DIMENSIONAL STANDARDS

4.C.4.1. LOT STANDARDS

- | | |
|-------------------------|--|
| 1. Minimum Lot area | 20,000 square feet
(or the area of the existing lot
of record, if it is smaller) |
| 2. Minimum Lot width | None |
| 3. Minimum Lot frontage | None |

4.C.4.2. SETBACK STANDARDS

	Principal Buildings and Structures	Accessory Buildings
1. Minimum Front Yard Setback	20 feet	20 feet
2. Minimum Side Yard Setback	15 feet	10 feet
3. Minimum Rear Yard Setback	15 feet	10 feet

4.C.4.3. BUILDING STANDARDS

- | | |
|---|---------|
| 1. Maximum Building Width | None |
| 2. Maximum Building Height | 35 feet |
| 3. Maximum Building Size (gross floor area) | None |

4.C.4.4. COVERAGE STANDARDS

- | | |
|------------------------|------------|
| 1. Building Coverage | 20 percent |
| 2. Impervious Coverage | 80 percent |

4.C.4.5. POSSIBLE EXCEPTIONS

1. See Section 8.A for possible exceptions to these dimensional requirements

4.D. PLANNED COMMERCIAL ZONE

4.D.1. PURPOSE

The Planned Commercial (PC) Zone is intended 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.

4.D.2. PERMITTED PRINCIPAL USES

4.D.2.1. AGRICULTURAL-RELATED USES	
1. Farmers' Markets in accordance with Sec. 6.L.4.	Zoning Permit (staff)
4.D.2.2. RESIDENTIAL-RELATED USES	
1. Not permitted	
4.D.2.3. BUSINESS-RELATED USES	
1. Retail Use	Special Permit (PZC)
2. Personal Services	Special Permit (PZC)
3. Restaurant, including fast food restaurant but not drive in restaurant	Special Permit (PZC)
4. Office – Business or Administrative	Special Permit (PZC)
5. Bank	Special Permit (PZC)
6. Licensed Health Service	Special Permit (PZC)
7. Banquet Hall and/or Caterer's Establishment	Special Permit (PZC)
8. Hotel/Motel	Special Permit (PZC)
9. Child Day Care Center / Adult Day Care Center	Special Permit (PZC)
10. Health Club and/or Membership Club	Special Permit (PZC)
11. Automobile Sales	Special Permit (PZC)
12. Automotive Service Station	Special Permit (PZC)
13. Gas station	Special Permit (PZC)
14. Theater	Special Permit (PZC)
15. Indoor Sports and Recreation	Special Permit (PZC)
16. Itinerant Vendors in accordance with Sec. 6.L.2.	Zoning Permit (staff)
17. Seasonal Vendors in accordance with Sec. 6.L.3.	Special Permit (PZC)
18. Retail sale of cannabis by a Cannabis Retailer, or retail sale of cannabis and medical marijuana by a Hybrid Retailer, in accordance with Sec.6.S.	Special Permit (PZC)

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19. Self-storage facility in accordance with Sec. 6.T.	Special Permit (PZC)
4.D.2.4. MIXED USES	
1. Not permitted.	
4.D.2.5. INDUSTRIAL-RELATED USES	
1. Public or Private Access to Industrial Zone Property	Special Permit (PZC)
4.D.2.6. INSTITUTIONAL-RELATED USES	
1. Municipal facilities for the Town of Brooklyn	Site Plan Review (PZC)
2. Education Center	Special Permit (PZC)
3. Community Center	Site Plan Review (PZC)
4.D.2.7. OTHER USES	
1. Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)

While uses not listed are prohibited, the Commission recognizes that it is not always possible to list every conceivable use that might be considered appropriate in each zone.

Uses not listed as a permitted use in a zone that are related or equivalent to a listed use and meet the stated intent may be permitted subject to interpretation and approval by the Planning and Zoning Commission.

4.D.3. PERMITTED ACCESSORY STRUCTURES AND USES

4.D.3.1. ACCESSORY TO A BUSINESS	
1. Off-street parking facilities in accordance with Section 7.B.	Site Plan Review (PZC)
2. Signs in accordance with Section 7.A.	Zoning Permit (Staff)
3. Limited outdoor display of merchandise for Retail Stores may be permitted as provided in Section 4.D.6.3.	Site Plan Review (PZC)
4.D.3.2. ACCESSORY TO A DWELLING	
1. Home office in accordance with Section 6.A.2.	No Permit Required
2. Home Business in accordance with Section 6.A.3	Site Plan Review (PZC)
3. Family Day Care Home when accessory to an existing residence.	No Permit Required
4. Group Day Care Home when accessory to an existing residence.	Zoning Permit (Staff)
5. Home Enterprise in accordance with Section 6.A.4.	Special Permit (PZC)
4.D.3.3. ACCESSORY TO A FARM	
1. Not permitted.	
4.D.3.4. OTHER ACCESSORY STRUCTURES AND USES	
1. Donation bin accessory to an established business or institutional use when in accordance with Section 6.K.	Zoning Permit (Staff)
2. Small solar energy systems mounted flush to a roof in accordance with Section 6.N.	No Permit Required
3. Small solar energy systems installed other than flush to a roof in accordance with Section 6.N.	Site Plan Review (PZC)

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4.D.4. AREA AND DIMENSIONAL STANDARDS

4.D.4.1. LOT STANDARDS

- | | |
|-------------------------|-----------|
| 1. Minimum Lot area | 30,000 SF |
| 2. Minimum Lot width | 100 feet |
| 3. Minimum Lot frontage | 100 feet |

4.D.4.2. SETBACK STANDARDS

- | | |
|--|-----------------------|
| 1. Minimum Front Yard Setback | |
| a. If no parking between building and street | 30 feet |
| b. If parking between building and street | 45 feet |
| 2. Minimum Side Yard Setback | 20 feet |
| | (see Section 4.D.6.1) |
| 3. Minimum Rear Yard Setback | 20 feet |

4.D.4.3. BUILDING STANDARDS

- | | |
|--|-----------------------|
| 1. Maximum Building Height | |
| a. Any portion of a building within 200 feet of a residential property line or a residential zone | 2 story and 30 feet |
| | (see Section 4.D.6.2) |
| b. Any portion of a building more than 200 feet from a residential property line or a residential zone | 3 story and 40 feet |

4.D.4.4. COVERAGE STANDARDS

- | | |
|------------------------|-------------|
| 1. Building Coverage | Not limited |
| 2. Impervious Coverage | 65 percent |

4.D.4.5. POSSIBLE EXCEPTIONS

1. See Section 8.A for possible exceptions to these dimensional requirements

4.D.5. ADDITIONAL SPECIAL PERMIT CRITERIA

In addition to the Special Permit Criteria in Section 9.D, any activity requiring a Special Permit in the Planned Commercial Zone shall also be reviewed in relation to:

- a. the Route 6 Corridor Design Guidelines (available on the Town website), and
- b. the additional Special Permit considerations outlined in this Subsection.

The applicability of the following provisions shall be determined by the Commission on a site-specific basis, following consideration of conditions relevant to the development proposal and the Planned Commercial Zone. The applicant shall have the burden of demonstrating accordance with all Special Permit criteria.

As used in the remainder of this Subsection:

The word "shall" means that the relevant standard, criterion or action must be followed unless the applicant demonstrates that it would clearly be unreasonable or undesirable to do so.

The word "should" means that the relevant standard, criterion or action will generally be required, but the applicant may offer, and the Commission may approve, an alternative standard, criterion or action if the Commission finds that the alternative would better fulfill the overall goals set forth in these standards.

The word "may" means that the relevant standard, criterion or action is desirable and may be imposed by the Commission unless the applicant demonstrates that it would clearly be unreasonable or undesirable to do so.

1. **Building Design, Scale & Compatibility** – Whether a proposed development is in accordance with the following:
 - a. Facades should be articulated at a minimum every fifty (50) linear feet to reduce the scale and appearances of large retail buildings and provide visual interest that encourages a more pedestrian scale.
 - b. The proportions and relationships between doors, windows and other building elements shall be compatible with a pedestrian scale, rhythm, and character of the surrounding area.
 - c. Any buildings over 5,000 square feet shall have variation in roof form, building height and wall planes.
 - d. Large windowless or otherwise unarticulated spaces on street facades shall be avoided.
 - e. Linear “strip” development should incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of “strip” development. In some instances, a physical separation of one building into two or more buildings may be desirable.
 - f. Rooflines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view.
 - g. All refuse collection/storage; utility systems, accessory storage and other similar structures shall be screened from public view.
2. **Building Form & Materials** - Whether a proposed development is in accordance with the following:
 - a. All building facades shall be treated with a similar architectural style, use of materials, and details as the front of the building.

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3. **Streetscape & Parking** - Whether a proposed development is in accordance with the following:
 - a. Continuous internal pedestrian walkways, no less than five (5) feet in width, should be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
 - b. Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - c. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.
 - d. Separate travel ways and/or grade separation should be included for each mode of transportation (pedestrian and vehicles) where feasible, especially where volumes and relative speeds merit this precaution.
 - e. Shared parking and common driveways are encouraged among adjacent buildings to take advantage of different peak periods and reduce underutilized parking during various times of the day.
 - f. Large parking lots shall be broken into smaller lots to reduce the size and visual impact of large expanses of asphalt.
 - g. Parking located adjacent to a public roadway shall be landscaped and include a sidewalk (if feasible) so to minimize the negative visual presented by the parking lot. (4.3.5)
4. **Access Management** - Whether a proposed development is in accordance with the following:
 - a. Proposed driveways, parking, utilities, and vehicular and pedestrian / bike access should be integrated with existing or planned driveways, parking, utilities, and vehicular and pedestrian / bike access on abutting properties to the extent that such connectivity is feasible from an engineering and environmental standpoint, and provided that access easements(s), if necessary, exist or have been acquired for such integration.
 - b. The Planning and Zoning Commission shall have the right to require the applicant to provide an access easement or easements to abutting land owners in a manner that will allow future integration of driveways, parking, utilities, and vehicular and pedestrian / bike access. Such access easement(s) shall be designed to accommodate combined lot development meeting the engineering and public safety standards of the Town as well as the goals and standards of Section 9.D. Such access easement(s) shall include provisions as necessary to equitably share maintenance costs among users and provisions for extension of related utilities, lighting, and streetscape improvements.
 - c. 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%.

5. **Lighting** - Whether a proposed development is in accordance with the following:
 - a. Lighting fixtures shall be full cut-off and positioned, with respect to spatial design and fixture height, to give adequate uniformity of the illuminated area while not impacting adjacent buildings and properties, especially residential uses.
 - b. Pedestrian walkways and destination points shall be adequately lit for pedestrian safety illuminating changes in grade, path, intersections, and other areas along paths.
6. **Landscaping** - Whether a proposed development is in accordance with the following:
 - a. Landscaping shall incorporate low impact development strategies for storm water including the use of Bio-filters, or vegetated/grass swales at the edges of parking lots to collect, filter, and distribute storm water runoff from parking lots.
 - b. Landscaping shall be installed along blank walls and fences to soften the appearance of the material and provide a layering of vegetation.
 - c. Street trees shall be included along all street frontages of commercial development.

4.D.6. ADDITIONAL PROVISIONS

1. **Side Yard Setback** - - By Special Permit, the Commission may allow the required side yard setback to be reduced to zero feet (0') in the following situations:
 - a. when separate parcels are developed jointly,
 - b. when an existing building with no side yard is expanded, or
 - c. when the Commission finds that access is provided to the rear yard for use by fire trucks and equipment.
2. **Building Height** - By Special Permit, the Commission may allow a building height of up to three (3) stories and forty feet (40') within 200 feet of a residential property line or a residential zone if the Commission determines that adequate visual buffering will be provided, the proposed building height will not adversely affect the adjacent residential area, and the proposed building height is otherwise in general conformity with the intent of the regulations.
3. **Outdoor Display of Merchandise** - Limited outdoor display of merchandise for Retail Stores may be permitted provided a drawing shall be approved by the Commission by Site Plan Review identifying the location and limits of the display area and further provided:
 - a. Outdoor display of merchandise shall be located on the site of a permitted Retail Store.
 - b. The display of merchandise shall not obstruct the use of any sidewalk, parking area, driveway, or fire lane.
 - c. Items displayed are safe and stable with no risk of overturning due to wind or contact.
 - d. Display shall be representative of merchandise that is regularly sold as part of the business.
 - e. Items shall be displayed appropriately. For example, cardboard boxes and folding tables are not permitted as display racks.
 - f. For premises containing multiple establishments, the display of merchandise shall not interfere with the business activities of other establishments on the premises
4. **Waiver of Special Permit Requirement** - For the following types of development, the Commission may waive the requirement for Special Permit approval and authorize such development by Site Plan Review if it finds that such development is unlikely to have significant impacts.
 - a. An addition to an existing commercial structure, for a use listed in Section 4.D, which is 500 square feet or less in total ground floor area.
 - b. A new structure for commercial use listed in Section 4.D which is 500 square feet or less in total ground floor area.
 - c. The development is not significant and is not likely to have more than a negligible impact on traffic, the neighborhood, or the environment.

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5. **Informal Discussions** - Prior to submitting a formal application for a Zoning Permit or Special Permit, the applicant is encouraged to:
 - a. review the Planned Commercial, Route 6 Corridor Design Guidelines,
 - b. prepare a conceptual plan of the proposed project or use, and
 - c. discuss the proposal with the Town Staff and/or the Planning & Zoning Commission.
6. **Technical Reviews** – The Commission may engage consultants at the applicant’s expense to review applications in the PC Zone and provide written and/or oral findings and recommendations on the application including, but not 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.

4.E. INDUSTRIAL ZONE

4.E.1. PURPOSE

The Industrial (I) Zone is intended to be the principal industrial area of the Town for enterprises that generate large volumes of traffic, congestion, and noise.

4.E.2. PERMITTED PRINCIPAL USES

4.E.2.1. AGRICULTURAL-RELATED USES	
1. Agriculture	No Permit Required
4.E.2.2. RESIDENTIAL-RELATED USES	
1. Not permitted	
4.E.2.3. BUSINESS-RELATED USES	
1. Offices, Business or Administrative:	
a. with less than 10,000 SF floor area	Site Plan Review (PZC)
b. with 10,000 SF floor area or more	Special Permit (PZC)
2. Contractor's Yard	Site Plan Review (PZC)
3. Cultivation, growing and propagation of cannabis by a Micro-cultivator	Special Permit (PZC)
4.E.2.4. MIXED USES	
1. Not permitted	

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4.E.2.5. INDUSTRIAL-RELATED USES	
1. Light Manufacturing a. with less than 40,000 SF floor area b. with 40,000 SF floor area or more	Site Plan Review (PZC) Special Permit (PZC)
2. Manufacturing, Processing, or Assembling of Goods a. with less than 40,000 SF floor area b. with 40,000 SF floor area or more	Site Plan Review (PZC) Special Permit (PZC)
3. Printing, Publishing, or Reproduction a. with less than 40,000 SF floor area b. with 40,000 SF floor area or more	Site Plan Review (PZC) Special Permit (PZC)
4. Dry Cleaning, Laundry, where municipal sewers are used a. with less than 40,000 SF floor area b. with 40,000 SF floor area or more	Site Plan Review (PZC) Special Permit (PZC)
5. Storage Warehouses a. with less than 40,000 SF floor area b. with 40,000 SF floor area or more	Site Plan Review (PZC) Special Permit (PZC)
6. Wholesale Business a. with less than 40,000 SF floor area b. with 40,000 SF floor area or more	Site Plan Review (PZC) Special Permit (PZC)
4.E.2.6. INSTITUTIONAL-RELATED USES	
1. Municipal facilities for the Town of Brooklyn	Site Plan Review (PZC)
4.E.2.7. OTHER USES	
1. Utility facilities such as electrical substations, sewer pump stations, water tanks, and similar facilities whether as a principal use or an accessory use.	Special Permit (PZC)
2. Adult-related uses provided that all parts of the proposed establishment shall be located at least five hundred (500) feet in a straight line from any residential zone.	Special Permit (PZC)

While uses not listed are prohibited, the Commission recognizes that it is not always possible to list every conceivable use that might be considered appropriate in each zone.

Uses not listed as a permitted use in a zone that are related or equivalent to a listed use and meet the stated intent may be permitted subject to interpretation and approval by the Planning and Zoning Commission.

4.E.3. PERMITTED ACCESSORY STRUCTURES AND USES

4.E.3.1. ACCESSORY TO A BUSINESS	
1. Off-street parking facilities in accordance with Section 7.B.	Site Plan Review (PZC)
2. Signs in accordance with Section 7.A.	Zoning Permit (Staff)
3. Retail Store when clearly accessory to a Permitted Industrial Use on the same property: a. with less than 1,500 SF floor area b. with 1,500 SF floor area or more.	Site Plan Review Special Permit
4.E.3.2. ACCESSORY TO A DWELLING	
1. Not permitted	
4.E.3.3. ACCESSORY TO A FARM	
1. An accessory use as permitted in Section 3.A.3 when accessory to a farm.	No Permit Required
2. An accessory structure as permitted in Section 3.A.4 when accessory to a farm.	Zoning Permit (Staff)
4.E.3.4. ACCESSORY ENERGY FACILITIES	
1. Small solar energy systems mounted flush to a roof in accordance with Section 6.N.	No Permit Required
2. Small solar energy systems installed other than flush to a roof in accordance with Section 6.N.	Site Plan Review (PZC)

4.E.4. AREA AND DIMENSIONAL STANDARDS

4.E.4.1. LOT STANDARDS

- | | |
|-------------------------|-----------------------|
| 1. Minimum Lot area | Two (2) acres |
| 2. Minimum Lot width | No requirement |
| 3. Minimum Lot frontage | 200 feet |

4.E.4.2. SETBACK STANDARDS

- | | |
|-------------------------------|----------------|
| 1. Minimum Front Yard Setback | 20 feet |
| 2. Minimum Side Yard Setback | 20 feet |
| 3. Minimum Rear Yard Setback | 20 feet |

4.E.4.3. BUILDING STANDARDS

- | | |
|---|----------------|
| 1. Maximum Building Width | None |
| 2. Maximum Building Height | 35 feet |
| 3. Maximum Building Size (gross floor area) | None |

4.E.4.4. COVERAGE STANDARDS

- | | |
|------------------------|-------------|
| 1. Building Coverage | None |
| 2. Impervious Coverage | None |

4.E.4.5. POSSIBLE EXCEPTIONS

1. See Section 8.A for possible exceptions to these dimensional requirements

4.E.5. OTHER PROVISIONS

1. **Landscaping and Buffering** - In addition to the standards of Section 7.C, the following additional landscaping requirements apply:
 - a. Building or structures in this zone shall be provided with landscaping, including grass or shrubbery or trees or a combination thereof, in the front yard.
 - b. 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.

4.F. MILL MIXED USE DEVELOPMENT ZONE

4.F.1. PURPOSE

The intent of the Mill Mixed Use Development Zone (hereinafter referred to as MMUD Zone) is to provide the opportunity to fully utilize former mill-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 locations, the Town has established a special zoning district to 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 development in specified mill locations while permitting residential development;
3. Foster a greater opportunity for creative development which encourage a mix of uses (residential and commercial) within former mill buildings;
4. To enhance business vitality, and provide employment opportunities;
5. To provide access to the riverfront for the enjoyment of this natural resource;
6. To enhance and protect the Town tax revenues, and;
7. To encourage the development of flexible space for small and emerging businesses.

4.F.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. The commission may, at its discretion, hire a third-party consultant(s) to aid the Commission in its review. Fees charged will be borne by the applicant in accordance with Section 9.I.5.

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4.F.3. PERMITTED PRINCIPAL USES

4.F.3.1. AGRICULTURAL-RELATED USES	
1. Agriculture	No Permit Required
4.F.3.2. RESIDENTIAL-RELATED USES	
1. One (1) single family dwelling per lot.	Special Permit (PZC)
2. One duplex building per lot.	Special Permit (PZC)
3. Multi-family development in accordance with Section 6.E. (exceptions as noted).	Special Permit (PZC)
4. Elderly Housing Development in accordance with Section 6.F.	Special Permit (PZC)
4.F.3.3. BUSINESS-RELATED USES	
1. Offices, Business or Administrative	Special Permit (PZC)
2. Personal Services	Special Permit (PZC)
3. Bank	Special Permit (PZC)
4. Restaurants (except fast food and drive in restaurants)	Special Permit (PZC)
5. Licensed Health Services	Special Permit (PZC)
6. Day Care Center	Special Permit (PZC)
7. Health Club and/or Membership Club	Special Permit (PZC)
8. Museum	Special Permit (PZC)
9. Retail stores (when all merchandise is totally enclosed within a building)	Special Permit (PZC)
10. Laundromat	Special Permit (PZC)
4.F.3.4. MIXED USES	
1. Mixed use development (business and residential uses in separate buildings)	Permit determined by uses
2. Mixed occupancy building(s)	Permit determined by uses

4.F.4. PERMITTED ACCESSORY STRUCTURES AND USES

4.F.4.1. ACCESSORY TO A BUSINESS	
1. Off-street parking facilities in accordance with Section 7.B.	Site Plan Review (PZC)
2. Signs in accordance with Section 7.A.	Zoning Permit (Staff)
4.F.4.2. ACCESSORY TO A DWELLING	
1. Family Day Care Home when accessory to an existing residence.	Site Plan Review (PZC)
2. Group Day Care Home when accessory to an existing residence.	Site Plan Review (PZC)

4.F.5. PERFORMANCE AND COMPATIBILITY STANDARDS

4.F.5.1. 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 if structurally sound.

4.F.5.2. 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, between businesses, and to access the riverfront.
5. A public access easement or open space dedication to allow pedestrian access to the waterfront and to provide necessary connections to other river trail connections, whether planned or actual, shall be provided.

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4.F.5.3. NOISE, ODOR AND DUST ALLOWANCE

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. The Commission at its discretion may limit the hours of operation of any business-related use.
3. 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.
4. Development and uses within the MMUDZ shall conform to performance standards in accordance with Sec. 7.F.

4.F.5.4. 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.

4.F.5.5. RESIDENTIAL USE RESTRICTION

1. Residential uses created within the MMUD Zone shall have a note placed on the deed to the parcel notifying potential buyers of the probability of non-residential uses elsewhere on the site. Such note shall state: *"This property is currently part of a Mill Mixed Use Development Zone which allows a variety of non-residential uses within the same district and on the same site."*
2. Dwelling units shall be permitted in existing and new structures. Density shall consist of the number of units containing not less than six-hundred (600) square feet of livable space that can be created within the existing and new structures based on state building and health codes. Residential density for new construction shall be limited to one dwelling per 4,000 sq. ft. of the total lot area.

4.F.5.6. BUFFERS, DENSITY, AND HEIGHT

1. Where a MMUD Zone abuts a single-family property, a buffer strip of fifty (50') feet shall be required for any new 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. 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 Zone 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.
3. Maximum Building heights shall be as follows and are not subject to action by the ZBA:
 - a. Residential - sixty-five (65) feet
 - b. Commercial – sixty-five (65) feet
5. For existing and reconstructed 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 Zone 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

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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 antennas 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.

4.F.5.7. 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.

4.F.5.8. 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 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.

4.F.5.9. SIGNS

1. Signs shall conform to the Brooklyn Zoning Regulations Section 7 and Section 7.A.3.2 (Signs Permitted in the Village Center Zone) for each use on the site.

4.F.5.10. 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.

4.F

BUSINESS ZONES

MILL MIXED USE DEVELOPMENT ZONE

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4.F.5.11. PARKING AND LOADING AREAS

Parking shall conform to Section 7.B, unless excepted below, 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.
- h. Parking for residential use shall be 1.5 spaces per unit, with an area reserved for an additional 0.5 spaces per unit. All aspects of the reserved area, including stormwater management shall be designed and included with the proposed site plan to be approved.

4.F.6. MMUD ZONE SPECIAL PERMIT APPLICATION

1. A Special Permit application in conformance with Section 9.D, which includes submission of a Site Plan as outlined in Section 9.C, is required for each proposed use.
 - 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 9.B.
 - 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.

5. SPECIAL ZONES

5.A. SCENIC ROUTE 169 OVERLAY ZONE

5.A.1. PURPOSE

The Scenic Route 169 Overlay Zone is established to help protect the historic, cultural and scenic features visible to the public from Route 169 which was designated as a National Scenic Byway in 1997.

The objectives of the Scenic Route 169 Overlay Zone include:

1. To preserve the scenic character and views from the roadway.
2. To preserve the distinctive historic, cultural, and agricultural characteristics of the corridor.
3. To encourage economic development that is compatible with the preservation of the viewshed.

The Scenic Route 169 Overlay Zone is authorized by CGS Section 8-2j as an area with distinctive character, landscape and historic value identified in the Plan of Conservation and Development. Accordingly, the Commission shall consider the design, placement, relationships and compatibility of structures and other objects in public view.

The zone encourages the preservation of rural character through economic development opportunities for compatible businesses such as:

- Agriculture consistent with the definition in Section 2.B,
- Adaptive re-use of an agricultural building in accordance with Section 6.B.3,
- Farm stands in accordance with Section 6.L.5,
- Farm wineries and breweries in accordance with Section 6.L.6,
- State Route Business Enterprises in accordance with Section 6.B.2, and
- Bed & breakfasts.

Scenic Route 169



5.A.2. JURISDICTIONAL BOUNDARY DEFINED

The Scenic Route 169 Overlay Zone is delineated on the zoning map but is only applicable to areas visible from Route 169. The Scenic Route 169 Overlay Zone does not apply to areas visible from other roads within the Overlay Zone. The Scenic Route 169 Overlay Zone does not include any areas within the Village Center Zone.

5.A.3. PERMITTED USES

Within the Scenic Route 169 Overlay Zone, permitted uses are the same as those allowed in the underlying RA Residential-Agricultural Zone listed in Section 3.C of these Regulations.

5.A.4. PROHIBITED USES

Within the Scenic Route 169 Overlay Zone, the following uses are prohibited:

5.A.4.1. PROHIBITED USES
1. Excavation operations
2. Earth Materials Processing

5.A.5. ROUTE 169 DESIGN STANDARDS

To ensure that development along the roadway does not negatively impact the Scenic Byway, any activity requiring a permit in the Scenic Route 169 Overlay Zone shall be reviewed with consideration for the following design standards.

The applicability of the following provisions shall be determined by the Commission on a site-specific basis, following consideration of conditions relevant to the development proposal and the Scenic Route 169 Overlay Zone. The applicant shall have the burden of demonstrating accordance with all standards.

1. The arrangement and orientation of any proposed building or site improvement shall be compatible with the immediate neighborhood;
2. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns
3. Site design shall maximize the conservation of open space in the zone, in form and siting;
4. Locally significant features of the site such as distinctive buildings, land features, stone walls or sight lines of vistas from within the zone, shall be integrated into the site design;
5. The landscape design shall complement the zone's landscape patterns and reinforce functional qualities. Agricultural fields, significant mature trees, stonewall and historic structures found on the site shall be incorporated into the overall design.
6. Exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings;
7. Scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the zone. New buildings shall have generally complex exterior form, including design components such as windows, doors, and changes in roof and facade orientation. Large flat expanses of featureless exterior wall shall be avoided.
8. Shared access and limited curb cuts are encouraged.
9. Potential archeological sites as identified by the Office of State Archaeology (OSA) shall be identified and reviewed for future study.
10. HVAC and similar types of incidental machinery or equipment shall be screened from view or located in such a manner as to not be visible from the street. Trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes and antennas shall be screened to the extent possible.
11. Proposed buildings and site improvements shall be designed to preserve stone walls to the extent possible. The Commission may require conservation easements along stone walls to ensure their future protection.
12. Signage should utilize natural or traditional materials (e.g. wood or metal) and may not contain electronic messaging or be internally illuminated.

5.A.6. PROCEDURES

5.A.6.1. COMMISSION APPROVAL REQUIRED UNLESS EXEMPTED

All new construction, substantial reconstruction, and rehabilitation of properties visible from Route 169 and any changes of use or new uses not exempted below shall require approval as specified in Section 3.C of these Regulations.

5.A.6.2. STAFF APPROVALS

1. **Change of Use** - A Zoning Permit may be issued by staff for a change of use within the Scenic Route 169 Overlay Zone when:
 - a. no or Minor Modifications to the site or structure are proposed,
 - b. such proposed use is permitted in the zone, and
 - c. such proposed use is substantially similar to the previous use or deemed to have less neighborhood impact than a previously permitted use.
2. **Routine Maintenance / Minor Modification** – A Zoning Permit may be issued by staff for:
 - a. Routine Maintenance and Minor Modifications within view from Route 169.
 - b. Such Routine Maintenance or Minor Modification shall be consistent with Section 5.A.5 Route 169 Design Standards as well as all other applicable requirements of this section.
3. **New Construction Not Visible** – A Zoning Permit may be issued by staff for:
 - a. Any new construction, any addition, alteration or other structural or site plan modification within the Scenic Route 169 Overlay Zone when the entirety of such work is not within view from Route 169.
 - b. In issuing a Zoning Permit for such work, staff shall utilize the dimensional requirements of the underlying zone, but not the design standards of this section.
 - c. This section does not pertain to any change of use which is regulated by Section 5.A.6.1.
4. **Sign** - A Zoning Permit may be issued by staff for:
 - a. A sign consistent with Section 5.A.5 Route 169 Design Standards and in conformance with Section 7.A. of these Regulations.

5.A.6.3. PROCEDURE

1. Staff shall determine if the proposed work is in view from Route 169.
2. Staff 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.
3. In reviewing the proposed activity, staff may consult the Planning and Zoning Commission Chair, Local or State Historical Commission or consulting architect.
4. 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 Section 9.C (Site Plan Requirements and Procedures) or Special Permit review in accordance with Section 9.D (Special Permit Requirements) of these Regulations and with the general design standards and other requirements of the Scenic Route 169 Overlay Zone, all in accordance with said determination.
5. 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.
6. All applications for new construction or substantial reconstruction within the Scenic Route 169 Overlay Zone and in view from Route 169 shall be subject to review and recommendation by an architect or architectural

5.A

SPECIAL ZONES

SCENIC ROUTE 169 OVERLAY ZONE

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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 "Route 169 Architectural Consultant" for such application. The Route 169 Architectural Consultant shall review and report to the Commission within 35 days of the official receipt of an application. Failure of the Route 169 Architectural Consultant to report within 35 days shall not alter or delay statutory time limits. The report of the Route 169 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.

7. 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.
8. 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.
9. 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.

5.B. PARADISE LAKE OVERLAY ZONE

5.B.1. PURPOSE

The Paradise Lake Overlay Zone is established to help manage land use and development activities within the Paradise Lake area since many lots were created before Zoning Regulations were adopted and do not conform to current requirements.

5.B.2. APPLICABILITY

The provisions of the Paradise Lake Overlay Zone provide relief from some of the dimensional standards in the R-A Zone. The provisions of the Paradise Lake Overlay Zone apply in addition to the requirements of the underlying zone or any other overlay zone.

5.B.3. PROVISIONS

Within the Paradise Lake Overlay Zone, the provisions of Section 3.C.5 of these Regulations shall be replaced by the following:

5.B.3.1. LOT STANDARDS

- | | |
|-------------------------|---|
| 1. Minimum Lot area | No Minimum provided
Public Health Code is met. |
| 2. Minimum Lot frontage | 50 feet |

5.B.3.2. SETBACK STANDARDS

- | | |
|-------------------------------|----------------|
| 1. Minimum Front Yard Setback | 10 feet |
| 2. Minimum Side Yard Setback | 10 feet |
| 3. Minimum Rear Yard Setback | 10 feet |

5.B.3.3. BUILDING STANDARDS

- | | |
|----------------------------|----------------|
| 1. Maximum Building Height | 35 feet |
| 2. Minimum Floor area | None |

5.C. GOLF COURSE OVERLAY ZONE

5.C.1. PURPOSE

The Golf Course Overlay Zone is established to help manage land use and development activities at the Brooklyn Golf Course.

5.C.2. APPLICABILITY

The provisions of the Golf Course Overlay Zone authorize additional uses of the property within the zone. The provisions of the Golf Course Overlay Zone apply in addition to the requirements of the underlying zone or any other overlay zone.

5.C.3. PROVISIONS

The following uses are permitted by Special Permit within the Golf Course Overlay Zone:

1. Golf courses and uses and structures accessory thereto.
2. Sit-down restaurants, either seasonal or year-round.

5.D. FLOODPLAIN OVERLAY ZONE

5.D.1. PURPOSE

The Floodplain Overlay Zone is established to help inform people of the location of flood hazard areas within the town of Brooklyn as identified by the Federal Emergency Management Agency (FEMA).

5.D.2. APPLICABILITY

The provisions of the Floodplain Overlay Zone, including this section 5.D and Appendix D – Floodplain Management Regulations, shall apply in addition to the requirements of the underlying zone or any other zoning district.

5.D.3. BOUNDARIES

The official boundaries of the Floodplain Overlay Zone are shown on the Flood Insurance Rate Map (FIRM) for Brooklyn, as amended, which is on file in the Town Clerk's office.

5.D.4. PROVISIONS

1. Unless otherwise permitted by the Floodplain Overlay Zone, any proposal for a development within the Floodplain Overlay Zone shall include references to any base flood elevation data available from FEMA.
2. Unless otherwise permitted by the Floodplain Overlay Zone, residential structures within the Floodplain Overlay Zone shall have the lowest floor, including basement, elevated to or above base flood elevation.
3. Unless otherwise permitted by the Floodplain Overlay Zone, non-residential structures within the Floodplain Overlay Zone shall have the lowest floor, including basement, dry flood-proofed or elevated to or above the base flood elevation plus one (1.0) foot.
4. Unless otherwise permitted by the Floodplain Overlay Zone, new and replacement water supply systems within the Floodplain Overlay Zone shall be designed to eliminate infiltration of floodwaters into the systems.
5. Unless otherwise permitted by the Floodplain Overlay Zone, new and replacement on-site septic systems within the Floodplain Overlay Zone shall be located to avoid impairment during flooding, and all utilities shall be located to avoid flood damage.
6. In the event of a conflict with provisions in other Sections of these Regulations, the more restrictive provision shall apply.

5.E. AQUIFER PROTECTION OVERLAY ZONE

5.E.1. PURPOSE

The Aquifer Protection Overlay Zone is intended to help to help inform people of the location of recharge areas of pumping public supply wellfields in accordance with standards established by the Connecticut Aquifer Protection Area Program (CGS §22a-354a - §22a-354bb).

5.E.2. APPLICABILITY

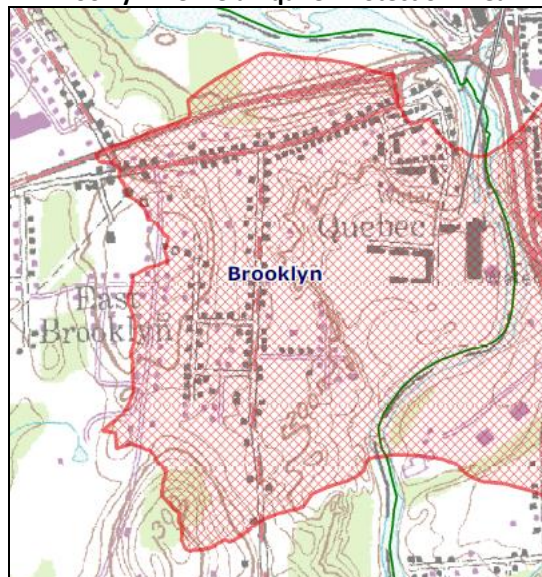
The provisions of the Aquifer Protection Overlay Zone apply in addition to the requirements of the underlying zone or any other overlay zone.

The Aquifer Protection Overlay Zone, a State-defined recharge area surrounding a public supply well serving more than 1,000 people, is a separate zone from the Groundwater Protection Overlay Zone.

5.E.3. PROVISIONS

The requirements of the Brooklyn Aquifer Protection Regulations shall apply within the Aquifer Protection Overlay Zone.

Brooklyn Wellfield Aquifer Protection Area



5.F. GROUNDWATER PROTECTION OVERLAY ZONE

5.F.1. PURPOSE

The purpose of the Groundwater Protection Overlay Zone is to provide safeguards to protect water quality in aquifers and other geologic formations identified as an existing or potential source of potable water. Brooklyn contains several areas with deposits of coarse grained, stratified drift with a saturated thickness suggesting high water yielding conditions.

Creating this overlay is deemed essential to protecting the environment, public health, and this significant potential water supply source for the Town. As ground waters have been shown to be easily, and in many cases, irrevocably contaminated by many common land uses, it is imperative all reasonable controls over land use, waste disposal and material storage be conscientiously exercised.

5.F.2. APPLICABILITY

As an overlay zone, the provisions of the Groundwater Protection Overlay Zone apply in addition to the requirements of the underlying zone or any other overlay zone.

**The Groundwater Protection Overlay Zone
is a separate zone from the Aquifer Protection Overlay Zone,
a State-defined recharge area surrounding a public supply well
serving more than 1,000 people.**

5.F.3. BOUNDARIES

The areas subject to the provisions of the Groundwater Protection Overlay Zone are the areas identified as “coarse-grained deposits”, “fines over coarse-grained deposits”, and “other glacial meltwater deposits” on a map prepared by the Connecticut Department of Energy and Environmental Protection entitled “Surficial Aquifer Potential Map of Connecticut”, as may be amended. This source map was created at a scale of 1:125,000.

If contested, the burden of proof shall be upon the person contesting the boundary to show where they believe the Groundwater Protection Overlay Zone to be located. Such proof shall be in the form of a map, prepared by a professional engineer showing the existing zone boundary and that proposed with sufficient information for the Commission to undertake a review. The Planning and Zoning Commission may seek input from qualified individuals to assist in the review of contested zone boundaries.

5.F

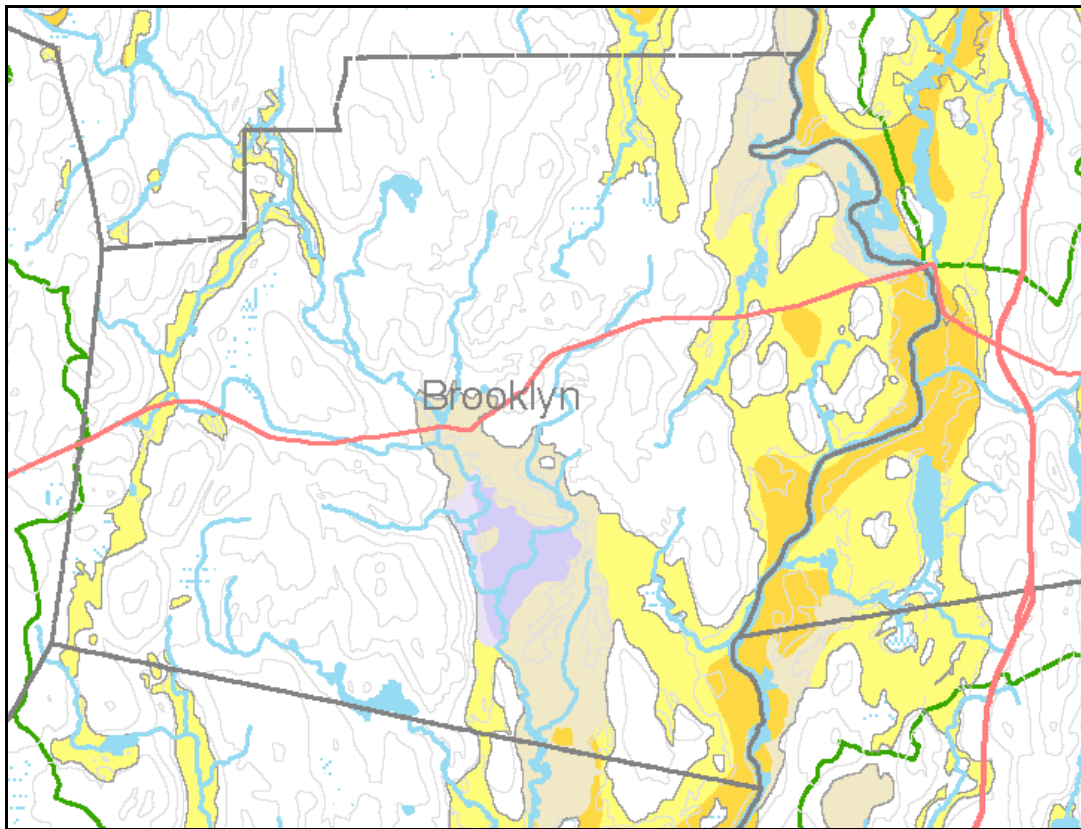
SPECIAL ZONES

GROUNDWATER PROTECTION OVERLAY ZONE

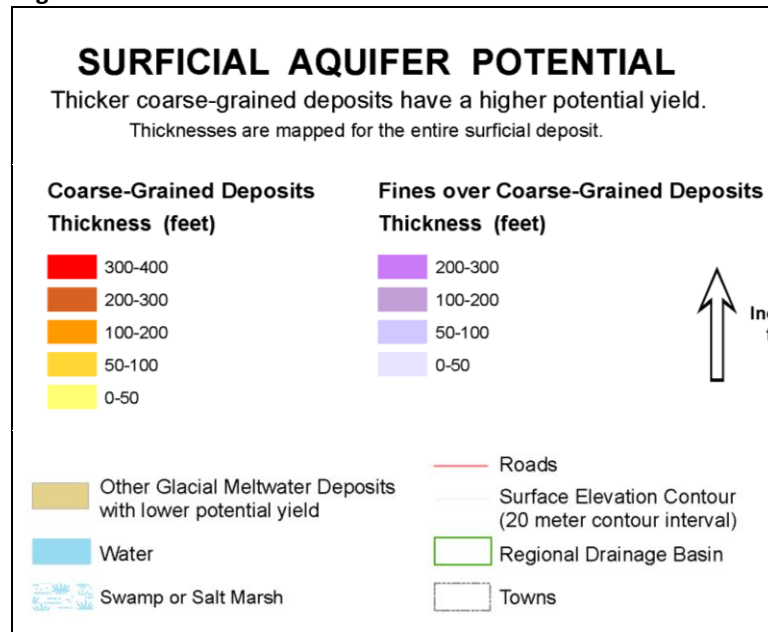
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Surficial Aquifer Potential Map



Legend



5.F.4. SPECIAL USE RESTRICTIONS

Notwithstanding any other provision of these Regulations, the following uses shall be subject to additional restrictions and limitations as indicated below:

5.F.4.1. NEW USES PROHIBITED
1. Manufacture, use, storage, transport or disposal of hazardous materials as a principal activity, except when such above-ground hazardous material is determined by the Commission to present no threat to groundwater.
2. Sanitary landfill, septage lagoon, waste water treatment facility for municipal or industrial wastes.
3. Road salt storage.
4. Junkyard, salvage yard, truck terminal.
5. Gasoline station, car wash, auto repair or auto body shop.
6. Underground storage of hazardous materials.
5.F.4.2. SPECIAL PERMIT REQUIRED
1. Excavation, filling or removal of earth materials.
2. Above ground storage of hazardous materials in quantities greater than associated with normal use, other than fuel storage for residential space heating

5.F.5. APPLICATION PROCESSING

1. As part of any application for a Special Permit under this Section, the Commission may require submission of the following additional information:
 - a. A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use.
 - b. Information on the measures proposed to protect all storage containers from vandalism, corrosion, leakage and spillage and for control of spilled materials.
 - c. A description of all potentially hazardous wastes to be generated, including provision for storage and disposal measures.
 - d. For above ground storage of hazardous materials or waste, evidence of qualified professional supervision of the design and installation of such storage facilities or containers.
 - e. Detailed stormwater runoff management plans (including maintenance programs) demonstrating methods to control any spills, oil, grease and sediment.
 - f. For on-site disposal of sewage in quantities in excess of 2,000 gallons per day, documentation that such system meets all applicable codes and regulations.
2. Special permits required under this Section shall be granted only if the Planning and Zoning Commission determines the ground water quality resulting from on-site wastewater disposal or other operations on site shall not cause degradation of ground waters outside any authorized zone of influence which would result in a condition which renders the ground waters unsuitable for direct human consumption. If existing ground water quality is not now suitable for drinking water purposes, on site disposal or operations on site shall cause no further deterioration.

5.G. PLANNED DEVELOPMENT ZONE

5.G.1. PURPOSE

This section of the Regulations is intended to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below:

1. Enable the development or redevelopment of specific areas in accordance with an overall Master Plan for such area and in accordance with the Plan of Conservation and Development adopted in accordance with CGS Section 8-23, as may be amended.
2. Be flexible in order to allow for innovative design techniques, accommodate unique uses and/or encourage creative approaches to development or redevelopment.
3. Promote economic development in appropriate locations which will help meet community needs and be compatible with the community.
4. Result in a development that demonstrates a high regard for design and that is compatible with the historic, cultural and geographic qualities of Brooklyn.

5.G.2. ELIGIBLE AREAS

In order to establish a Planned Development Zone (PDZ), one of the following conditions shall be met:

1. The location of the proposed PDZ shall be identified as a Development Core in the Plan of Conservation and Development adopted in accordance with CGS Section 8-23, as may be amended.
2. The location of the proposed PDZ or a portion thereof shall be identified as a potential location for a PDZ in the Plan of Conservation and Development adopted in accordance with CGS Section 8-23, as may be amended.
3. The location of the proposed PDZ shall be determined by the Commission to be consistent with the objectives and recommendations of the Plan of Conservation and Development adopted in accordance with CGS Section 8-23, as may be amended.

5.G.3. PRELIMINARY DISCUSSION STRONGLY ENCOURAGED

In order to guide the proposed development and minimize the potential for unnecessary expense or delay, persons wishing to establish a Planned Development Zone hereunder are strongly encouraged to arrange for preliminary meetings with the Commission prior to submitting an application for a Planned Development Zone.

5.G.4. BASIC PARAMETERS

1. A Planned Development Zone may only be established by approval of three (3) applications submitted and processed at the same time:
 - a. A Master Plan providing the information described in Section 5.G.5 in sufficient detail for the Commission to understand and establish the overall parameters of the proposed development,
 - b. A Text Amendment application, processed in accordance with Section 9.E of these Regulations, where the wording of the change applied for shall be the Master Plan documents as may be approved by the Commission in accordance with this Section 5.G of the Regulations, and
 - c. A Zone Change application, processed in accordance with Section 9.F of these Regulations, locating the proposed Planned Development Zone on the official Zoning Map.
2. Once a Planned Development Zone is established, actual development may only occur with site plan review as provided in Section 9.C where the purpose of such site plan review is to determine if the proposed development is consistent with the approved Master Plan and to document the proposed improvements.
3. As provided in Chapter 20 of the Ordinances of the Town of Brooklyn, the Commission may require the applicant to pay the cost of reasonable consulting fees for peer review of the technical aspects of any of the applications.

5.G.5. REQUIREMENTS FOR MASTER PLAN SUBMITTAL

A Master Plan of the proposed development shall be submitted to the Commission for approval and such Master Plan shall include the following:

1. Overview of Planned Development Zone – A name identifying the proposed Planned Development Zone and a general statement regarding the intent of the proposed Planned Development Zone.
2. Conceptual Site Plans – One or more sheets depicting the proposed schematic design of the site including:
 - a. The identification and general location of proposed uses;
 - b. Existing and proposed building footprints;
 - c. Proposed public and private streets, sidewalks and/or pedestrian walkways, rights-of-way, and parking areas;
 - d. A landscaping plan, including the location of proposed buffers;
 - e. Information regarding the provision of water, sewer, drainage, and other utilities; and
 - f. The location of public and/or private open space or conservation areas.
3. Schematic Architectural Drawings – One or more sheets illustrating the schematic design of the proposed buildings and structures, including:
 - a. Architectural elevations of all buildings, and/or
 - b. Photographs of buildings similar to the proposed buildings.
4. Data Table – Information regarding the proposed development including:
 - a. Lot area and lot frontage;
 - b. Building setbacks, yards, and/or building separations;
 - c. Building coverage and impervious coverage;
 - d. Proposed floor area by proposed use;
 - e. Parking spaces.

5.G

SPECIAL ZONES

PLANNED DEVELOPMENT ZONE

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5. Additional Documentation – Depending on the nature and/or intensity of the proposed Planned Development Zone, the following documentation may also be required by the Commission:
 - a. A traffic study estimating the potential traffic generation and the capacity of streets within and neighboring the zone to accommodate the projected traffic;
 - b. A report regarding the adequacy of proposed utility services;
 - c. A statement on how the proposed development complies with the Plan of Conservation and Development; and
 - d. Any additional information as may be required by the Commission to fully understand the nature of the proposed development.

5.G.6. APPLICATION PROCESSING

1. Any Commission action regarding a PDZ shall only pass if made by an affirmative vote of two-thirds of the full membership of the Commission.
2. Following the close of the public hearing(s), the Commission shall first approve, modify and approve, or deny the Master Plan.
3. In evaluating the merits of the Master Plan and determining the appropriateness of a proposed PDZ, the Commission shall consider the following factors:
 - a. Consistency with the Plan of Conservation and Development, as may be amended.
 - b. Whether the proposed PDZ promotes reasonable and logical development to serve the public interests of the community.
 - c. Whether the uses proposed are consistent with the special permit considerations and criteria, as appropriate, of Section 9.D of these Regulations.
 - d. Accessibility to major roads and proximity to community services.
 - e. Physical characteristics of the lot.
 - f. The capability of existing infrastructure to support the proposed development (or infrastructure to be provided by the applicant).
 - g. Any other factors that it deems applicable to a change of zone request.
4. If the Commission denies the Master Plan, they shall also deny the Text Amendment application and the Zone Change application.
5. If the Commission approves or modifies and approves the Master Plan, the Commission shall approve the Text Amendment application.
6. If the Commission approves or modifies and approves the Master Plan, the Commission shall approve the Zone Change application.

5.G.7. EFFECT OF APPROVAL

1. If the Commission approves the Text Amendment application, the effect of such approval shall, provided the requirements of Section 5.G.8 below are followed, be to treat the Master Plan materials approved by the Commission and any conditions of approval as if it were a distinct part of the text of these Regulations and to modify Section 5.G.11 of these Regulations to reference the approved Master Plan and any conditions of approval.
2. If the Commission approves the Zone Change application, the effect of such approval shall be to rezone the property to the name of the Planned Development Zone provided the requirements of Section 5.G.8 below are followed.
3. Adoption of a PDZ by the Commission and completion of the requirements of Section 5.G.8 below shall constitute

authorization to apply for site plan review.

4. Any provision of these Regulations applicable to the property prior to the Zone Change and Text Amendment and not superseded by adoption of the Master Plan, standards, and zoning map and regulation amendments shall continue in full force and effect.

5.G.8. COMPLETION OF APPROVAL / EFFECTIVE DATE

1. If the Commission approves the Text Amendment application, the approved Master Plan and accompanying material shall, within ninety (90) days of the Commission's action, be submitted to the Commission for signature by the Chair or the approval of the Zone Change and Text Change shall be null and void.
2. Once signed by the Chair of the Commission, the approved Master Plan shall, at the applicant's expense, be filed on the land records within thirty (30) days of the Chairman's signature or the approval of the Zone Change and Text Change shall be null and void.
3. Upon request of the applicant and for good cause shown, the Commission may extend the period prescribed in Section 5.G.8.1 by ninety (90) additional days and/or the period prescribed in Section 5.G.8.2 by thirty (30) additional days.
4. The effective date of the Text Amendment and the Zone Change applications shall be the date that the approved Master Plan documents, signed by the Chair of the Commission, are filed on the land records by the applicant at the applicant's expense.

5.G.9. SITE PLAN REVIEW / CONSTRUCTION

1. No construction within the PDZ may occur without approval by the Commission of detailed site plans in accordance with Section 9.C documenting that the proposed construction substantially conforms to the approved Master Plan and standard engineering requirements.
2. If site plans are not submitted within two (2) years of the effective date of the Text Amendment and the Zone Change applications, or within 2 years of the final dismissal of an appeal of such zone change by a court of competent jurisdiction, and if an extension of time is not given by the Commission for good cause shown, then the Text Amendment application and the Zone Change application shall become null and void and the PDZ area shall revert to all the requirements of its previous zoning.
3. Site Plans may be submitted in phases provided that such phases:
 - a. include all those public amenities and features used as a public protection for the surrounding area, and
 - b. shall be capable of complete and self-sufficient existence without the completion of the remaining stages.
4. If construction of improvements is not begun and diligently prosecuted to completion within five (5) years of the effective date of the Text Amendment and the Zone Change application, or within 5 years of the final dismissal of an appeal of such zone change by a court of competent jurisdiction, and if an extension of time is not given by the Commission for good cause shown, then the Text Amendment application and the Zone Change application shall become null and void and the PDZ area shall revert to all the requirements of its previous zoning.
5. No Certificate of Zoning Compliance precedent to a Certificate of Occupancy shall be issued within the PDZ without the posting of a financial guarantee, in form, amount and surety approved by the Commission, to guarantee the provision of common elements which may be included in a later phase but are considered by the Commission to be integral to the overall development including, but not limited to, private roads, buffer strips, walkways, recreational facilities, or other common elements.

5.G

SPECIAL ZONES

PLANNED DEVELOPMENT ZONE

BROOKLYN ZONING REGULATIONS

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5.G.10. FUTURE MODIFICATIONS

1. Any modification of an approved Master Plan may be approved by site plan review in accordance with Section 9.C of these Regulations if:
 - a. the modification decreases the dimensional elements (e.g. reduction of building size) or lessens the impact on abutting properties, and/or
 - b. does not substantially alter, in the opinion of the Commission, the character of the approved Master Plan.
2. Any modification of an approved Master Plan shall be approved by a Text Amendment in accordance with Section 9.E and with Section 5.G.11 of these Regulations codifying the revised Master Plan as part of this Section of the Regulations if:
 - a. the modification adds or deletes a permitted use or substantially alters, in the opinion of the Commission, the area devoted to different uses in the approved Master Plan.
 - b. the modification increases the dimensional elements in the Master Plan (e.g. expansion of building size).
 - c. the modification substantially alters, in the opinion of the Commission, the character of the approved Master Plan.

5.G.11. APPROVED PLANNED DEVELOPMENT ZONES

A. Planned Development Zone 1 (<<insert name of PDZ >>) approved by the Commission at a meeting on (<<insert date of PZC approval>>), effective on (<<insert date of filing on land records>>), and filed on the land records at Volume _____, Page _____ and/or Map File _____.

6. USE-RELATED PROVISIONS

6.A. HOME-BASED BUSINESSES

6.A.1. PURPOSE

This section is intended to provide for home-based business operations provided they are of appropriate scale and do not materially change the existing or planned nature of the area in which they are to be located.

Home Business uses can include but are not limited to offices, independent contractors, artisans and craftsman, dressmakers and tailors.

Uses not permitted in the home-based business classification include but are not limited to:

- a. barber shops, beauty shops (excluding single service salons),
- b. pet grooming shops,
- c. dancing schools, karate schools,
- d. restaurants,
- e. printing shops,
- f. employment agencies,
- g. radio stations,
- h. automotive repair services, and
- i. retail establishments.

6.A.2. HOME OFFICE

6.A.2.1. TYPE OF APPROVAL

A Home Office is permitted as an accessory use to any residential dwelling in any zone with no approval required (i.e. – “as of right”) provided the use complies with the standards and criteria in Section 6.A.2.2.

6.A.2.2. STANDARDS AND CRITERIA

1. There shall be no change in the exterior of the building or dwelling; no outside display or storage of materials, goods, supplies or equipment; nor is there any exterior visible evidence of home office use.
2. Only 2 employees other than family members residing in the dwelling shall be employed in the Home Office use.
3. The Home Office use shall be operated from either the dwelling or a structure that is clearly incidental to the use of a property for a dwelling.
4. There shall be no traffic, noise, or electrical interference associated with the Home Office use that exceeds that normally associated with a dwelling.
5. 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 dwelling.
6. Off-street parking shall be provided for all employees.

6.A.3. HOME BUSINESS

6.A.3.1. TYPE OF APPROVAL

1. Establishment of a Home Business requires site plan review by the Commission in accordance with Section 9.C of these Regulations.
2. Approval of the Site Plan by the Commission will authorize the issuance of a Zoning Permit for a Home Business.

6.A.3.2. STANDARDS AND CRITERIA

1. A Home Business may only be established in the Residential-Agricultural, Village Center, or Planned Commercial Zones.
2. The property utilized for a Home Business use shall have a minimum lot area of 40,000 square feet.
3. 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.
4. If located within the primary dwelling, the Home Business shall not utilize more than 50% of the floor area of the primary dwelling.
5. 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. If located within an accessory building, the Home Business shall not utilize more than an area equal to 50% of the floor area of the primary dwelling except that the Commission may authorize the use of up to 50% of the floor area of the accessory building as it existed as of January 26, 2011.
7. The Home Business use shall not employ more than two persons other than resident family members.
8. The appearance of the lot and of the structures on the lot shall not be altered in a manner that would cause the building or dwelling 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.
9. There shall be no exterior storage of goods, supplies, or materials associated with the Home Business.
10. 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 dwelling.
11. On-site parking shall be provided to accommodate the parking needs of the home business in accordance with Section 7.B of these Regulations.
12. Landscape buffers shall be provided in accordance with Section 7.C of these Regulations.
13. Not more than three (3) commercial vehicles associated with the Home Business shall be parked and/or located on the premises at any one time.

6.A.4. HOME ENTERPRISE

6.A.4.1. TYPE OF APPROVAL

1. Establishment of a Home Enterprise requires granting of a Special Permit by the Commission in accordance with Section 9.D of these Regulations.
2. The Special Permit for a Home Enterprise shall be issued to the owner of the property and the owner shall be responsible for ensuring compliance with these Regulations even if the business is leased to or operated by others. The owner of the property shall notify the Commission of the name of the tenant / business operator and any change thereto.
3. The Commission may authorize more than one Home Enterprise on a property but the uses will be considered cumulatively when determining compliance with the Regulations.
4. Changes in types of Home Enterprise uses must be reviewed by the Commission and the Special Permit revised accordingly.

6.A

USE-RELATED PROVISIONS HOME-BASED BUSINESSES

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

6.A.4.2. STANDARDS AND CRITERIA

1. A Home Enterprise may only be established in the Residential-Agricultural, Village Center, or Planned Commercial Zones.
2. A Home Enterprise 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.
3. 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.
4. If located within the primary dwelling, the Home Enterprise shall not utilize more than 50% of the floor area of the primary dwelling.
5. 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. If located within an accessory building, the Home Enterprise shall not utilize more than an area equal to 100% of the floor area of the primary dwelling except that the Commission may authorize the use of up to 100% of the floor area of the accessory building as it existed as of January 26, 2011.
7. The appearance of the lot and of the structures on the lot shall not be altered in a manner that would cause the dwelling or building 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.
8. 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.
9. The lot shall be of such size shape and dimension that any exterior evidence of the proposed Home Enterprise use is screened from public view in accordance with Section 7.C, Landscape Regulations.
10. For any outside storage or parking associated with the Home Enterprise use, a buffer of 50 feet shall be required meeting the Screening and Buffering Area Standards of Section 7.C.6.
11. The application shall show measures taken to minimize the impact of vehicular traffic on the surrounding neighborhood.
12. 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.
13. The Home Enterprise use shall not employ more than five (5) persons other than resident family members.
14. The only retail sales permitted will be of items manufactured on the premises.

6.B. ALTERNATIVE BUSINESS ARRANGEMENTS

6.B.1. PURPOSE

This Section of the Regulations is intended to provide an opportunity for low intensity business uses in certain locations or situations outside of business zones where such uses may be appropriate within the community provided that potential impacts on surrounding areas are minimized or avoided.

6.B.2. STATE ROUTE BUSINESS ENTERPRISE

6.B.2.1. LOCATION AND USE

1. A State Route Business Enterprises may only be located on a lot in the R-A Zone having frontage on a state highway.
2. This section shall only authorize the following uses:
 - a. Adult Day Care Center,
 - b. Art Studio / Gallery (including sales),
 - c. Antique Sales,
 - d. Craftsperson including accessory sales of craft items created by a craftsperson, and
 - e. Offices, Business or Administrative.

6.B.2.2. TYPE OF APPROVAL

1. Establishment of a State Route Business Enterprise requires granting of a Special Permit by the Commission in accordance with Section 9.D of these Regulations.
2. The Commission may authorize the issuance of a Special Permit for a State Route Business Enterprise when it has been determined that the proposed use meets:
 - a. the standards and criteria in Section 6.B.2.3, and
 - b. the requirements of Section 9.D of these Regulations.
3. While the owner of the property may choose to lease out the premises for operation of a State Route Business Enterprise, the Special Permit for a State Route Business Enterprise shall be issued to the owner of the property and the owner shall be responsible for ensuring compliance with these Regulations.
4. The Commission may authorize more than one State Route Business Enterprise on a property but the uses will be considered cumulatively when determining compliance with the Regulations.
5. Changes in types of State Route Business Enterprise uses must be reviewed by the Commission and the Special Permit revised accordingly.
6. A change in in owner or lessee must be reviewed by the Commission and the approval may be amended to permit the proposed owner, or operator provided all conditions of the Regulation are satisfied.

6.B

USE-RELATED PROVISIONS

ALTERNATIVE BUSINESS ARRANGEMENTS

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

6.B.2.3. STANDARDS AND CRITERIA

1. State Route Business Enterprises shall be limited to a gross floor area not to exceed 2,400 square feet per lot.
2. State Route Business Enterprises shall:
 - a. maintain the residential character of the buildings and the lot and the neighborhood,
 - b. 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
 - c. not negatively impact the value of surrounding residential property.
3. 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 Section 7.C, Landscape Regulations with the exception of signage in accordance with Sec. 7.A.3.1.1.
4. 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 Section 7.C.6 of these Regulations.
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 State Route Business Enterprise may cause a reduction in traffic safety or a reduction in the level of service in the public roadway.
6. 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.

6.B.3. ADAPTIVE RE-USE OF AN AGRICULTURAL BUILDING

6.B.3.1. LOCATION AND USE

1. Adaptive re-use of an agricultural building may only be permitted for an agricultural building existing on February 7, 2002. The applicant must document the previous agricultural use.
2. This section shall only authorize the following uses:
 - a. Light Industry,
 - b. Self-Storage Facilities,
 - c. Offices, Business or Administrative and
 - d. Shop and/or storage space for Electricians, Plumbers, Carpenters and Craftsperson's (but not including sales on the premises of craft items created by the craftsperson).

6.B.3.2. TYPE OF APPROVAL

1. The Commission may authorize the issuance of a Special Permit for adaptive re-use of an agricultural building when it has been determined that the proposed use meets:
 - a. the standards and criteria in Section 6.B.3.3, and
 - b. the requirements of Section 9.D of these Regulations.
2. While the owner of the property may choose to lease out the agricultural building, the Special Permit for adaptive re-use of an agricultural building shall be issued to the owner of the property and the owner shall be responsible for ensuring compliance with these Regulations.
3. The Commission may authorize more than one adaptive re-use of an agricultural building on a property but the uses will be considered cumulatively when determining compliance with the Regulations.
4. Changes in uses within the agricultural building must be reviewed by the Commission and the Special Permit revised accordingly.
5. A change in in owner or lessee must be reviewed by the Commission and the approval may be amended to permit the proposed owner, or operator provided all conditions of the Regulation are satisfied.

6.B.3.3. STANDARDS AND CRITERIA

1. The adaptive re-use of an agricultural building shall not:
 - a. Detract from the character of the lot or the neighborhood,
 - b. Create a conflict of such use with the surrounding residential uses, or
 - c. Negatively affect residential property values.
2. The proposed site shall:
 - a. have direct access to a State Highway or approved town road,
 - b. have an area equal to or greater than three acres, and
 - c. have frontage equal to or greater than one-hundred and fifty (150) feet.
3. 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 Section 7.C Landscape Regulations.
4. For any outside storage or parking associated with the Home Enterprise use, a buffer of 50 feet shall be required meeting the Screening and Buffering Area Standards of Section 7.C.6.
5. The application shall show measures taken to minimize the impact of vehicular traffic on the surrounding neighborhood.
6. 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.

6.B.3.4. POST APPROVAL MODIFICATION

1. An approved Special Permit for Adaptive Reuse of an Agricultural Building may be amended or modified in accordance with Sec. 9.D.8.6.
2. Such amendment or modification may include the replacement and/or renovation of an agricultural building(s) existing on February 7, 2002, provided such replacement and/or renovation:
 - a. has the same or smaller footprint as the building being replaced and/or renovated,
 - b. has the same or smaller building mass (height, width, and depth) as the building being replaced and/or renovated,
 - c. has the same number of stories or fewer stories as the building being replaced and/or renovated, and
 - d. is of similar architectural style as the building being replaced and/or renovated or is similar to the architectural style of other agricultural buildings in the vicinity, as determined by the Commission.

6.C. ACCESSORY APARTMENT

6.C.1. PURPOSE

This Section of the Regulations is intended to provide housing choices to help meet the housing needs of Brooklyn residents and families consistent with soil types, terrain, and infrastructure capacity.

IMPORTANT NOTE:
Accessory apartments are defined as
a single-dwelling unit accessory to a single family dwelling,
occupying an existing detached garage or customary accessory building,
but excluding trailers, mobile homes, or temporary structures.

Apartments located within a principle residence are a duplex
for the purposes of these Zoning Regulations.

6.C.2. STANDARDS AND CRITERIA

1. Establishment of an accessory apartment requires granting of a Special Permit by the Commission in accordance with Section 9.D of these Regulations.
2. An accessory apartment shall only be allowed in conjunction with a single family detached dwelling.
3. Only one accessory apartment shall be permitted on the premises.
4. An accessory apartment shall not exceed the square footage of the primary dwelling.
5. The principal dwelling unit and the accessory dwelling unit combination shall be designed to maintain the appearance and character of the premises as a single-family dwelling.

6.D. RESIDENTIAL COMPOUND

6.D.1. PURPOSE

The intent of this regulation is to allow for multiple residences on one property provided it is demonstrated that such residences could be subdivided later into conforming lots.

6.D.2. STANDARDS

A residential compound (multiple, detached, single family dwelling units) may be constructed on a single parcel subject to the granting of a Special Permit in accordance with the following standards:

1. No more than three (3) dwelling units are constructed or occupied.
2. The residential compound is served by one driveway unless modified by the Commission for good cause shown due to topography, wetlands, watercourses, steep slopes, floodplain, or other considerations.
3. The applicant demonstrates that the land is capable of being subdivided in compliance with the Zoning Regulations and the Subdivision Regulations of the day.
4. Permanent provision for the preservation of open space and for the preservation of natural features is made at the time of approval.

6.E. MULTI-FAMILY DEVELOPMENT

6.E.1. PURPOSE

This Section of the Regulations is intended to provide housing choices within Brooklyn consistent with soil types, terrain, infrastructure capacity, and the Plan of Conservation and Development for Brooklyn while ensuring 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.

6.E.2. LOCATION CRITERIA

1. The parcel of land proposed for a Multi-family Development shall:
 - a. be located in the R-10, R-30, RA, VC, NB, RC, or MMUD zones.
 - b. have at least fifty (50) feet of frontage on an accepted and maintained public street.

6.E.3. STANDARDS AND CRITERIA

1. Multi-family developments may be permitted for a building existing on the effective date of these Regulations provided public sewer service is available and used. Such multifamily developments shall have no minimum lot size or maximum density except that multi-family developments located in the Village Center Zone are limited to three residential units.
2. The parcel area for a new Multi-family development shall be at least five (5) acres.
3. The number of dwelling units to be allowed in a new Multi-family development shall not exceed:
 - a. One dwelling unit per ten-thousand (10,000) square feet of parcel area where there are no public sewers or public water facilities.
 - b. One dwelling unit per eight-thousand (8,000) square feet of parcel area where there are either public sewer or public water facilities available and used.
 - c. One dwelling unit per five-thousand (5,000) square feet of parcel area where there are both public sewers and public water facilities available and used.
4. No structure within a Multi-family development shall contain more than twelve (12) dwelling units.
5. Density Bonus: Additional dwelling units on a parcel of land shall be permitted, provided that twenty percent (20%) of the total dwelling units on the parcel of land are subjected to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to sixty percent (60%) of the median income, as defined by CGS Section 8-30g (a) (7). The number of additional dwelling units that shall be permitted on a parcel of land shall not exceed forty per cent (40%) of the number of dwelling units calculated under Sec. 6.E.3.3 above.
6. Dwelling units within the Multi-family development shall contain at least the following amount of floor area based on interior wall-to-wall measurements and excluding public hallways and stairways:

Efficiency Unit (A dwelling unit consisting of a bathroom, kitchen and a combined living room and bedroom)	450 square ft.
One-bedroom Unit	600 square ft.
Two-bedroom Unit	800 square ft.
Three-bedroom Unit	950 square ft.

7. The number of efficiency units (dwelling units consisting of a bathroom, kitchen and a combined living room

and bedroom) for each Multi-family development shall not exceed twenty (20) per cent of the total number of dwelling units.

8. No living quarters within the Multi-family development shall be below the finished grade of the ground adjoining such structure, nor above the second story.
9. Maximum heights for all buildings within a Multi-family development shall be the lesser of two (2) stories or thirty-five (35) feet.
10. Required yards within a Multi-family development shall be as allowed in the zone.
11. Buildings shall be situated in a safe, efficient, and harmonious grouping that clusters buildings, creates well-designed open spaces, and avoids overcrowding. The distance between two buildings shall be no less than forty (40) feet.
12. No exterior facade of any such building shall exceed forty (40) feet in length without an offset.
13. 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.
14. Building clusters shall be externally identified. Exterior unit identification (or directories) also shall be provided at driveway intersections and shall be externally lighted.
15. Off-street parking requirements shall be met according to the standards of Section 7.B of these Regulations.
16. All parking areas and walkways shall be suitably illuminated. Additionally, the requirements of Section 7.G shall be met.
17. All interior access drives shall be paved.
18. All proposed streets shall be constructed in accordance with Section 10 of the Subdivision Regulations and the Public Improvement Specifications.
19. The accessory uses permitted on a parcel used for a Multi-family 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.
20. Recreation and open space shall be provided for a Multi-family Housing at a rate of one hundred and fifty (150) square feet per dwelling unit. Areas within the required side yard setback or rear yard setback along the perimeter of the development may be used to meet this requirement.
21. No more than fifty percent (50%) of the area proposed for recreation and open space shall consist of wetland soils.
22. Landscaping of the site proposed for development shall be provided for according to the standards of Section 7.C Landscape Regulations.
23. 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.
24. Buffer strips:
 - a. A buffer strip at least fifteen (15) feet wide shall be provided along every side property line and rear property line.
 - b. In order to protect the adjacent property and the neighborhood in general from detriment, such buffer strip shall be:
 - planted with a mixture of evergreens and deciduous plants and trees, and
 - maintained.
 - c. Such strips may be included in the required side yards.
 - d. Existing wooded areas may be considered as buffer strips.

6.F. ELDERLY HOUSING DEVELOPMENT

6.F.1. PURPOSE

This Section of the Regulations is intended 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.

6.F.2. AGE RESTRICTION

1. Prior to issuance of any building permits for the Elderly Housing Development, a deed restriction shall be filed on the land records restricting the use of the dwelling units for the exclusive use by elderly residents for at least ninety-nine (99) years after the initial occupation of the proposed development.

6.F.3. LOCATION CRITERIA

1. The parcel of land proposed for an Elderly Housing Development shall:
 - a. be located in the R-10, R-30, VC, NB, or MMUD zones.
 - b. be served by public water and public sewer facilities approved by relevant state and local agencies as of the date of application.
 - c. have at least fifty (50) feet of frontage on an accepted and maintained public street.

6.F.4. STANDARDS AND CRITERIA

1. The number of dwelling units to be allowed in the Elderly Housing Development shall not exceed one (1) unit per two-thousand five hundred (2,500) square feet of parcel area.
2. The maximum impervious coverage for an Elderly Housing development shall not exceed eighty (80) percent.
3. No structure within an Elderly Housing development shall contain more than twelve (12) dwelling units.
4. No living quarters within the Elderly Housing development shall be below the finished grade of the ground adjoining such structure, nor above the second story.
5. Maximum heights for all buildings within an Elderly Housing development shall be the lesser of two (2) stories or thirty-five (35) feet.
6. Required yards within an Elderly Housing development shall be as allowed in the zone.
7. Buildings shall be situated in a safe, efficient, and harmonious grouping that clusters buildings, creates well-designed open spaces, and avoids overcrowding. The distance between two buildings shall be no less than forty (40) feet.
8. No exterior facade of any such building shall exceed forty (40) feet in length without an offset.
9. 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.
10. Building clusters shall be externally identified. Exterior unit identification (or directories) also shall be provided at driveway intersections and shall be externally lighted.
11. Off-street parking requirements shall be met according to the standards of Section 7.B of these Regulations.

12. All parking areas and walkways shall be suitably illuminated. Additionally, the requirements of Section 7.G shall be met.
13. All interior access drives shall be paved.
14. All proposed streets shall be constructed in accordance with Section 10 of the Subdivision Regulations and the Public Improvement Specifications.
15. The accessory uses permitted on a parcel used for an Elderly Housing development shall be those permitted in the zone in which the land is located, and recreational and/or community facilities associated with the proposed development.
16. Recreation and open space shall be provided for an Elderly Housing development at a rate of one hundred and fifty (150) square feet per dwelling unit. Areas within the required side yard setback or rear yard setback along the perimeter of the development may be used to meet this requirement.
17. No more than fifty percent (50%) of the area proposed for recreation and open space shall consist of wetland soils.
18. Landscaping of the site proposed for development shall be provided for according to the standards of Section 7.C Landscape Regulations.
19. 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.

6.G

USE-RELATED PROVISIONS

CONSERVATION SUBDIVISION

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

6.G. CONSERVATION SUBDIVISION

6.G.1. PURPOSE

This Section of the Regulations is intended to provide a 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:

1. Protect the existing rural appearance and character of the Town of Brooklyn in accordance with the Town's Plan of Conservation and Development;
2. Minimize alteration of or damage to the natural, historic and scenic resources;
3. Avoid adverse impacts of new development on the value of existing homes and reduce sprawl;
4. Promote development that is compatible with existing neighborhoods;
5. Preserve open spaces, large unfragmented forests, wildlife habitat and other undeveloped open land particularly along Town roads;
6. Establish buffers for adjacent land uses such as agriculture and fragile ecosystems;
7. Reduce public costs for the maintenance of roads and other public infrastructure;
8. Protect water resources by reducing the amount of impervious surfaces, volume of runoff, and pollutant loads to streams and other water resources; and
9. Conserve energy resources.

Conservation Design



6.G.2. OVERALL STANDARDS AND DESIGN PROCESS

1. A Conservation subdivision shall:
 - a. only be permitted in the R-A zone.
 - b. only be used for detached single-family dwellings, duplex buildings, and permitted accessory uses.
 - c. require a minimum of forty (40) percent Open Space set aside.
2. Any application for a Conservation subdivision shall include the following materials prepared by a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut:
 - a. a site inventory / analysis map as described below, and
 - b. an overall lot / roadway layout plan which responds to the site inventory / analysis map.
3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.
4. The site inventory / analysis map shall identify Primary Conservation Areas:
 - c. wetlands and vernal pools,
 - d. watercourses,
 - e. steep slopes (15 percent or more), and
 - f. 100-year floodplain (FEMA Floodzone A).
5. The site inventory / analysis map shall also identify Secondary Conservation Areas and other environmental, scenic, and cultural resources such as:
 - g. Prime farmland soils and soils of statewide significance,
 - h. areas within 50 feet of a wetland,
 - i. areas within 100 feet of a watercourse or a vernal pool,
 - j. 500-year floodplain (FEMA Floodzone B),
 - k. Natural Diversity Database sites,
 - l. wildlife corridors,
 - m. mature woodlands,
 - n. ridgelines, scenic views and vistas,
 - o. stone walls and /or farm hedgerows,
 - p. key resources identified in the Plan of Conservation and Development or other natural / cultural resource inventory,
 - q. key open space and trail connections identified in the Plan of Conservation and Development,
 - r. possible connections between conservation areas on the site and adjacent protected and unprotected open space,
 - s. proposed open space areas, and
 - t. moderately well drained to excessively drained soils.
6. Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas shall be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas.

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7. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection by one of the following means:
 - a. creation of a Conservation Easement in favor of the Town of Brooklyn;
 - b. 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;
 - c. conveyance of fee simple ownership to a Tax Exempt Organization approved by the Commission;
 - d. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;
 - e. 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
 - f. any other method deemed appropriate by the Commission which accomplishes permanent dedication in accordance with the requirements set forth in this Section.
8. 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.
9. The Commission has the right to require a maintained buffer 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.
10. A pre-application meeting with Town Staff and the Commission is strongly encouraged.

6.G.3. DIMENSIONAL STANDARDS

1. Density in the Conservation subdivision shall not exceed 0.6 lots per acre of buildable land.
2. There shall be no minimum lot size requirement in a Conservation Subdivision but all lots shall meet the requirements of the State Health code and the Northeast District Department of Health.
3. Within a Conservation subdivision, each lot for a building site shall have at least 100 feet of frontage on a private or public road or at least 100 feet at the building line if located on a cul-de-sac.
4. Within a Conservation subdivision, all structures shall be set back at least thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines except that all structures at the perimeter of the parcel shall conform to the setback requirements applicable to conventional development in the underlying zone.
5. Rear lots may be permitted within a Conservation subdivisions provided that:
 - a. the access strip serving such lot(s) shall be at least 30 feet wide.
 - b. the access strip serving such lot(s) shall be located at least one hundred (100) feet from all access strips on the same side of the street.
 - c. No more than three (3) rear lots may be accessed by any one access strip.
 - d. The access strip shall be owned by the owner of the rear lot or, in the case of multiple rear lots, by the owner of the rear lot located farthest from the public or private way.
 - e. The access strip shall be encumbered by an easement if another rear lot exists, granting access to such lot.

6.G.4. ROAD REQUIREMENTS

1. Roads created within a Conservation subdivision may be privately owned and maintained in perpetuity by a Homeowner's Association.
2. This arrangement shall be formalized as follows:
 - a. A note shall be placed on the final Conservation subdivision plan 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)."
 - b. A notation shall be placed in the deed to the property stating: "This subdivision development 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)."
 - c. In such other form as is acceptable to the Commission which shall, at the Commission's discretion, be subject to review by the Commission's attorney prior to filing of approved plan or other documents.
3. Private roads shall:
 - a. be identified on the subdivision plans,
 - b. have a right-of-way of 50'.
 - c. conform to the construction standards listed in the Town of Brooklyn Public Improvement Specifications including being paved with 3" bituminous concrete (1 ½" Class I and 1 ½" Class II) to a minimum width of eighteen 18 feet.
 - d. have a cross slope from center crown to gutter of at least 3/8" /foot.
 - e. not exceed 12% grade
 - f. not serve as a connecting road between two public streets.
 - g. have the final design be subject to the recommendation of the Town Engineer since the design may need to be site specific.
4. All dead end roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet and, if a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.
5. Curbing and formal closed drainage systems are to be held to a minimum, except as provided below.
 - a. 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.
 - b. 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.
 - c. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design.
6. Any proposed public roads shall be constructed in accordance with Public Improvement Specifications for the Town of Brooklyn.

6.G

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6.G.5. LEGAL ARRANGEMENTS

1. 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 as part of the application.
2. Appropriate easements shall be provided as part of the application for travelways, utilities, snow storage, maintenance, storm water drainage and to accommodate any hammerhead turnaround and associated snow shelf.
3. Following approval, a Conservation subdivision and all parcels of land within it shall be subject to the following limitations:
 - a. No lot or parcel within a Conservation subdivision may be further subdivided and:
 - 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.
 - A perpetual development restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation subdivision and such development restriction:
 - shall provide that no lot in the Conservation subdivision may be further subdivided into additional building lots.
 - 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.
 - b. Home offices are allowed as a matter of right per Section 6.A.2 except that there shall be no non-resident employees.
 - c. Home enterprises and home businesses are not permitted in Conservation subdivisions.

6.H. EMERGENCY TRAILER

6.H.1. PURPOSES

The intent of this regulation is to allow for the temporary use of a trailer as emergency housing in specific circumstances.

6.H.2. STANDARDS

Notwithstanding any other Section of these Regulations, a temporary emergency trailer may be established and used as a residence provided that:

1. Such temporary emergency trailer shall be located on the same lot upon which the building that was destroyed was standing.
2. The location and type of temporary emergency trailer shall be subject to review and approval by the Zoning Enforcement Official, in consultation with the Building Official.
3. Such temporary emergency trailer may be used for a period of up to one year unless an extension, not to exceed six (6) months, is granted by the Zoning Enforcement Official.
4. Such temporary emergency trailer shall be connected to sanitary water and sanitary sewers if available, and to electricity and/or gas.
5. Occupancy of such temporary emergency trailer is limited to the persons who inhabited the dwelling before it was destroyed.
6. Such temporary emergency trailer shall be removed within 15 days of the issuance of a Certificate of Occupancy.
7. If, in the opinion of the Commission, satisfactory progress is not being made to rehabilitate or reconstruct the destroyed structure the Commission shall have the right to have the temporary emergency trailer removed from the site by a date certain.

6.I. REAR LOTS

6.I.1. PURPOSE

This Section of the Regulations is intended to allow the development of rear lots and to provide greater development flexibility particularly where a site has unusual lot line or natural resource configurations or where rear lot development would promote or enhance the protection of valuable natural resource features. This section is not intended to encourage development of land characterized by severe or very severe development limitations or to discourage new road development.

6.I.2. STANDARDS

1. No building shall be erected on a rear lot unless there is provided for such lot an unobstructed access strip at least fifty (50) feet wide to a public road adequate to accommodate fire apparatus and/or other emergency equipment.
2. 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. No more than three (3) rear 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. If another rear lot utilizes the access strip, the access strip shall be encumbered by an easement granting access to such other lot.
4. No more than two (2) dwelling units shall be permitted on a rear lot.
5. Interior lots shall have a minimum lot width equal to or greater than the minimum frontage required for the respective zone. Minimum lot width shall be measured at the property line that the access strip to the street leads from.
6. The area of such access strip shall not be counted towards the minimum lot size requirement.

6.J. SPECIAL EVENTS

6.J.1. PURPOSE

This Section of the Regulations is intended to provide a process for allowing and/or managing functions such as banquets, wedding receptions, parties, entertainment, performances and/or similar gatherings which occur while protecting and conserving the neighborhood character, public safety and property values of the surrounding area, and the Town of Brooklyn.

6.J.2. APPLICABILITY

Unless exempted below, the use of land and/or buildings within the Town of Brooklyn on a recurring basis or when commercial in nature for banquets, wedding receptions, parties, entertainment, performances and/or similar gatherings or events shall obtain approval to operate an Events Facility in accordance with Section 6.J.

The provisions of this Section shall not apply to:

1. Family events, yard sales, private fundraisers, and similar non-commercial social gatherings or events hosted by an owner or resident since these are considered accessory (customary, subordinate, and incidental) to the residential use provided that no such event shall last for more than three (3) consecutive days, unless specifically authorized by the Commission.
2. Entertainment, performances and/or similar gatherings since these are considered accessory (customary, subordinate, and incidental) to a fairground.
3. Banquets, wedding receptions, parties, entertainment, performances and/or similar gatherings conducted within a restaurant or hotel since these are considered accessory (customary, subordinate, and incidental) to the restaurant or hotel provided that no such event shall last for more than three (3) consecutive days, unless specifically authorized by the Commission.
4. Facilities specifically approved as a principal use for banquets, wedding receptions, parties, entertainment, performances and/or similar gatherings or events.

6.J.3. EVENTS FACILITY PERMIT REQUIREMENTS

1. An Event Facility may be permitted within all Zones by Special Permit.
2. The Special Permit application for an Event Facility shall include:
 - a. a general description of the use and the proposed events to be held;
 - b. the total number of events that are anticipated to be held for the future twelve (12) months;
 - c. an indication of the length of any one event and specifically whether any single event will last for more than three (3) consecutive days, and
 - d. 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.
3. Any temporary or permanent structure shall be located at least two hundred (200) feet from any property line.

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4. In terms of parking arrangements:
 - a. all parking shall be contained at the Event Facility;
 - b. at a minimum, there shall 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. The Events Facility shall conform to all health standards, including securing all required permits and approvals from the Northeast District Department of Health and compliance, if necessary, with the Mass Gathering Statute (CGS Section 19a-435, et seq.).
6. In deciding whether to grant a Special Permit for an Events Facility, the Commission shall consider:
 - a. the Special Permit Standards set forth in Section 9.D,
 - b. any applicable requirements of the Zone in which the event facility is located, and
 - c. the minimum requirements of this Section.
7. In granting approval of a Special Permit for an Events Facility, the Commission may attach reasonable conditions necessary to preserve and protect public health, safety, convenience, welfare, neighborhood character, public safety and property values of the surrounding area including limiting:
 - a. the maximum number of Events held per month or per year;
 - b. the types of Events;
 - c. the hours of operation of the Events;
 - d. the maximum number of persons attending the Event; and/or
 - e. any other factor the Commission determines reasonably necessary based on the characteristics of the event facility and planned events.
8. Granting of the Special Permit shall authorize the Zoning Enforcement Official to issue a Zoning Permit valid for the term of five (5) years from date of issuance.
9. An Event Facility may include the accommodation of overnight guests, limited only to those attending the event, and only for the duration of the event. The maximum number of overnight guests shall be subject to a finding by the Commission that the number is appropriate for the location and the neighborhood. An employee of the venue must be at the property at all times.

6.K. DONATION BINS

6.K.1. PURPOSES

The intent of this regulation is to allow bins for the purpose of accepting donations while allowing the Town to maintain control over placement and site cleanliness.

6.K.2. STANDARDS

1. Donation bins may be established in the Planned Commercial Zone or at the Transfer Station of the Town of Brooklyn provided that:
 - a. Such donation bin is accessory to a commercial building or Transfer Station,
 - b. Landowner permission has been granted in writing, and
 - c. A Zoning Permit for such has been issued.
2. The application for a Zoning Permit shall include contact information for the owner of the bin and the property owner and shall include a \$500 financial guarantee to allow the Town to have the donation bin removed if any violation of this section of the Regulations is not resolved following notice from the Town to either party. The \$500 financial guarantee shall not be collected from an organization that is tax-exempt under section 501(c)(3) of Title 26 of the United States Code.
3. Donation bins shall be constructed of steel or fireproof material and be designed in a way that is weatherproof and secured from entry by the public.
4. Donation bins shall be no larger than seventy-two (72) inches tall, seventy-two (72) inches wide, and sixty (60) inches deep.
5. All donation bins shall clearly display a notice in block letters at least two inches high on the side of the bin where the donation is likely to be made stating:
 - a. The name of the organization maintaining the bin,
 - b. Whether the collections is for a charitable purpose, and
 - c. The name and telephone number of the owner of such bin.
6. The location of the donation bin shall not be located in an existing required parking space or required landscaping area, shall not occupy or obstruct an existing travel or pedestrian way, or interfere with parking, traffic flow, pedestrian traffic, or sightlines.
7. Donation bins shall not be located in a front yard nor in any setbacks unless otherwise provided by these regulations.
8. Donation bins shall be maintained in good condition, free from damage, weathered surfaces and corrosion.
9. Donation bins shall be emptied at regular intervals so that there is sufficient storage space in the bin for the public to place new donations.
10. Items left outside of the donation bins shall be removed from sight within 24 hours of being placed there.
11. Donation bins shall not be allowed on vacant lots or lots where a commercial building is unoccupied. Should a building become vacant after siting of a donation bin, the bin shall be removed from the property within thirty (30) days.

6.L. VENDORS AND AGRICULTURAL BUSINESSES**6.L.1. PURPOSE AND INTENT**

This Section of the Regulations is intended to regulate the location and operation of itinerant vendors, seasonal vendors, farmers' markets, farm stands, and farm wineries and breweries in order to protect public safety and protect property values in the Town of Brooklyn as well as to promote and encourage agricultural businesses in the Town of Brooklyn.

6.L.2. ITINERANT VENDORS

1. Itinerant vendors may be permitted by the ZEO within the Planned Commercial and Restricted Business zones in accordance with the requirements of this Section and written permission of the property owner.
2. Itinerant vendors are subject to the following conditions:
 - a. Products shall only 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.
 - b. All products or equipment shall be removed daily.
 - c. Operation shall be limited to the hours between sunrise and sunset.
 - d. Connection to any utilities, lighting of any type, emission of any sound or distracting displays is prohibited.
 - e. Sales of food and beverages require a permit from the Northeast District Department of Health.
 - f. All permits are to be available for inspection during operating hours.
 - g. An Itinerant Vendor shall be allowed one A-frame sign (2 ft. x 3 ft.), placed so traffic and pedestrian safety are not affected.
3. An application for a Zoning Permit for an Itinerant Vendor shall include:
 - a. Complete Vendor Permit application form including signature of property owner.
 - b. Zoning Permit fee.
 - c. Sketch plan of the property to scale showing vendor location, traffic flow and all other uses.
4. An Itinerant Vendor Zoning Permit shall be valid for a period of seven (7) calendar days.

6.L.3. SEASONAL VENDORS

1. Seasonal vendors may be permitted by Special Permit within the Planned Commercial and Restricted Business zones in accordance with this Section.
2. **General Provisions:**
 - a. Products may only be dispensed or displayed from a temporary structure, trailer, van, or tent occupying an area no greater than 250 square feet with a height proportional to size.
 - b. Temporary structures shall adhere to State and local building codes.
 - c. Sales of food and beverages require a permit from the Northeast District Department of Health.
 - d. At least eight (8) dedicated parking spaces are required.
 - e. Any signage shall conform with the following:
 - No more than one (1) sign for each bordering road.
 - The area of any sign shall not exceed 8 square feet (16 SF for a two sided sign).
 - Signs must be anchored or supported (for safety).
 - f. No sound or light emitting beyond property boundaries is permitted.

3. **Application Requirements** - An application for a Special Permit for a Seasonal Vendor shall be in accordance with Section 9.D plus the following requirements.
 - a. The site plan shall show:
 - vehicle entrances and exits,
 - traffic flow,
 - customer facilities (i.e. waiting areas for window service, benches, tables, waste containers etc.),
 - a sketch of the sign showing size and location, and
 - any proposed lighting fixtures.
 - b. The site plan shall include a landscaping plan showing permanent and seasonal plantings improving the aesthetics of the total site.
 - c. Approval of the site plan as to pedestrian and traffic safety by a Resident Trooper.
4. A Special Permit for a Seasonal Vendor shall be valid for a period of 180 consecutive days in a single calendar year.

6.L.4. FARMERS' MARKET

1. Seasonal outdoor farmers' markets may be permitted by the ZEO on a temporary basis on property located in the Planned Commercial Zone, Village Center Zone, or on Town owned property provided:
 - a. Items on display and offered for sale shall be primarily agricultural produce and goods and may include additional processed or prepared food and craft items.
 - b. A minimum of one (1) off street parking space shall be provided for every one hundred (100) square feet of vendor display area. The parking spaces shall be located so that vehicles can safely back out without entering a travel lane.
2. An application for a Zoning Permit for an Farmers' Market shall include:
 - a. Complete Farmers' Market Zoning Permit application form including signature of property owner.
 - b. Zoning Permit fee.
 - c. Sketch plan of the property showing vendor display areas and parking traffic flow and all other uses.
3. A Zoning Permit for a Farmers' Market shall be valid for a period of three (3) years.

6.L.5. FARM STANDS

1. Farm stands for the sale of local farm produce that are constructed so as to be readily removable are permitted as of right (no zoning permit required) with the following conditions:
 - a. Items offered for sale shall be limited to regionally grown agricultural produce and goods.
 - b. The farm stand may be located within the building setbacks but shall be located entirely on the lot.
 - c. The farm stand shall not create a nuisance or unsafe conditions.
 - d. The farm stand shall not operate for more than 6 consecutive months per year and shall be removed when it is not in operation.
2. Farm stands of permanent construction are permitted on farms with the issuance of a Zoning Permit based on the following conditions:
 - a. Items offered for sale shall primarily be regionally grown agricultural produce and goods and may include additional processed or prepared food and craft items.
 - b. If a detached structure, such structure shall be located not less than 20 feet from any **LOT** line and shall not exceed 15 feet in height.
 - c. A minimum of 50' of frontage is required on a public or private road.

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- d. A minimum of one (1) off street parking space shall be provided for every one hundred (100) square feet of display area. The parking spaces shall be located so that vehicles can safely back out without entering a travel lane.
- e. The farm stand shall not create a nuisance or unsafe conditions.

6.L.6. FARM WINERIES AND BREWERIES

- 1. Farm wineries and breweries consistent with CT General statutes 30-16 (e) and (f) (i.e. manufacturers permit for farm winery and farm brewery) are allowed in the RA Zone by Special Permit in accordance with Sec. 9.D.

6.M. TELECOMMUNICATION FACILITIES

6.M.1. PURPOSE AND INTENT

This Section of the Regulations is intended to establish guidelines and standards for the siting of telecommunication facilities in Brooklyn in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operational effects.

6.M.2. FACILITIES ALLOWED

6.M.2.1. FACILITIES ALLOWED WITH NO PERMIT

1. **Residential Household Antenna** - An antenna used solely for residential household television and radio reception provided any such antenna meets required setbacks and does not exceed the maximum total building height for the zone in which it is located.
2. **Residential Satellite Dish Antenna** - A satellite dish antenna in a residential zone provided:
 - a. the dish antenna measures 1 meter (3.28 feet) or less in diameter.
 - b. a building-mounted installation complies with setback and total building height standards for a principal structure.
 - c. a ground-mounted installation is located in the rear yard and complies with setback and total building height standards for an accessory structure.

6.M.2.2. FACILITIES ALLOWED WITH ZONING PERMIT

1. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in an Industrial zone provided:
 - a. the dish antenna measures 2 meters (6.56 feet) or less in diameter.
 - b. the dish antenna is screened from public view to the extent feasible.
2. **Amateur Radio Antenna** - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
 - a. the antenna is located on a residential property.
 - b. a ground-mounted installation is located in the rear yard.
 - c. a building-mounted installation is affixed to the rear of the structure.
 - d. any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna.
 - e. The ZEO may require a safety fence or other method be established to preclude unauthorized access.
3. **Existing Tower Repair** - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

6.M.2.3. FACILITIES ALLOWED WITH SITE PLAN REVIEW

1. **Other Residential Antenna** - An antenna that does not comply with Subsection 6.M.2.1 or Subsection 6.M.2.2 and is:
 - a. used solely for residential household television and radio reception,
 - b. a satellite dish antenna in a residential zone, or
 - c. is an amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC.
2. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Business or Industrial zone that does not comply with Subsection 6.M.2.2.

6.M.2.4. FACILITIES ALLOWED WITH SPECIAL PERMIT

1. **Other Antennas on Existing Structures** - Any other antenna which is not attached to a tower, provided:
 - a. The antenna complies with all applicable FCC and FAA regulations;
 - b. The antenna complies with all applicable building codes;
 - c. The antenna does not extend more than 10 feet above the highest point of the structure; and
 - d. The antenna is completely screened or designed and installed to be architecturally compatible with the structure in question.
2. **New Public Safety Tower or Antenna** - A new antenna tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.
3. **New Tower or Antenna on Town-Owned Property** - A new antenna located on property owned, leased or otherwise controlled by the Town of Brooklyn.
4. **New Tower or Antenna** - Any new tower or antenna not regulated by the Connecticut Siting Council.

6.M.3. REQUIREMENTS FOR SPECIAL PERMIT APPLICATIONS

1. **Application Requirements**
 - a. Each application shall include the following documentation:
 - whether a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application.
 - that the proposed facility will not cause any interference with any emergency or public safety radio system.
 - how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired.
 - Identification of anticipated noise emission from equipment and appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line.
 - b. Each application shall include documents indicating:
 - that all towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
 - That, if such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance.
 - c. Each application shall include a written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.
2. **Visual Considerations**
 - a. Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.
 - b. The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding

buildings.

- c. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and unless specifically disclosed to and authorized by the Commission.
- e. No signs shall be allowed on any antenna, facility, or tower unless required by an overriding legal authority, except that a 2 square foot sign is required to be posted showing the emergency contact and telephone number.

3. Equipment Considerations

- a. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets
- b. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.
- c. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

6.M.4. TELECOMMUNICATION PRINCIPLES

With regard to the siting and permitting of telecommunication facilities, the Town of Brooklyn will seek to:

1. Provide for wireless communication towers, antennas and facilities while utilizing careful design, siting and screening to protect neighborhoods and minimize adverse visual and operational effects.
2. Be consistent with the provisions of the Telecommunications Act in terms of not discriminating among providers of functionally equivalent services, prohibiting the provision of personal wireless services, or regulating 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.
3. Minimize visual and other impacts by:
 - a. Minimizing the number of towers and/or antennas needed in the future.
 - b. Encouraging suitable design measures to minimize adverse visual effects of wireless communication facilities.
 - c. Protecting historic and residential areas from potential adverse impacts of wireless communication facilities.
 - d. Encouraging joint use of new or existing towers and facilities.
 - e. Encouraging use of nonresidential buildings and structures, such as water storage tanks.
 - f. Avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of towers.
4. Implement the following siting preferences (listed from most preferred to least preferred):
 - a. 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 except those within or in view from designated historic districts or village districts.
 - b. On existing or approved towers.
 - c. On new towers located on property occupied by one or more existing towers.
 - d. On new towers located in Business or Industrial zones.
 - e. On new towers located in residential zones.
 - f. On new towers located within or in view from designated historic districts or village districts.

6.N. SMALL SOLAR ENERGY SYSTEMS

6.N.1. PURPOSE AND INTENT

This Section of the Regulations is intended to establish standards for the siting of small solar energy systems in Brooklyn to promote the use of solar energy while protecting property values and without impairing the appearance and character of the neighborhood.

Small solar energy systems shall be permitted as authorized in the zone.

6.N.2. ROOF-MOUNTED SYSTEMS

1. Roof-mounted small solar energy systems shall include integrated solar shingles, tiles, or panels as the surface layer of the roof structure with no additional apparent change in relief or separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface. Separate flush or rack-mounted small solar energy systems installed on the roof of a building or structure shall not:
 - a. Project vertically more than 4 inches above the peak of the sloped roof to which it is attached; or
 - b. Project vertically more than five (5) feet above a flat roof installation.

6.N.3. GROUND-MOUNTED SYSTEMS AND OTHER TYPES OF MOUNTS

1. The total height of the solar energy system, including any mounts shall not exceed 18 feet above the ground at maximum height. If the solar energy system is intended to provide power for outdoor lighting, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected.
2. No solar energy system shall be located in the front yard. Solar energy systems shall comply with all standard setback requirements unless waived by the Commission.
3. Solar energy systems shall be screened from view from a public right-of-way. The Commission may require screening with any method determined to be appropriate for the location in the neighborhood.
4. Panels shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
5. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
6. No ground-mounted small solar energy systems shall be affixed to a fence.

6.N.4. PERFORMANCE STANDARDS

1. Glare generated by the solar energy system that creates a nuisance or safety hazard must be mitigated or directed away from an adjoining property or adjacent road.
2. The small solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
3. Abandoned, obsolete, or unused solar energy systems shall be removed by the property owner.

6.O

USE-RELATED PROVISIONS EXCAVATION OPERATIONS

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

6.O. EXCAVATION OPERATIONS

6.O.1. PURPOSE AND INTENT

This Section of the Regulations is intended to regulate the filling and removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and other similar substances, so as to prevent conditions in the Town of Brooklyn detrimental to the public safety, health, and general welfare, including, but not limited to, the loss of land for subsequent uses, lowering of property values, traffic hazards, nuisances, unsightly operations, erosion, dangerous open pits, stagnant water bodies, and the unintended depletion of natural resources. These regulations are designed to provide for the re-establishment of ground level, protection of the area by suitable cover and to ensure that, following excavation operations, land will be usable for subsequent allowable uses.

6.O.2. APPLICABILITY

1. This Section of the Regulations shall apply to any “excavation operation” as that term is defined in these Regulations.
2. Excavation operations are only permitted in the RA Zone.
3. This Section shall not apply to:
 - a. Excavation of less than 100 cubic yards of material over a 24-month period from a lot.
 - b. The construction of a wall, sewer or water line, septic system, swimming pool, fence, sidewalk, driveway or parking area incidental either to an existing building or to a building for which a Zoning Permit and a Building Permit (where required by the Building Code) have been issued; or any work incidental to landscape gardening on the property.
 - c. Excavation involving the movement of earth products from one part of the premises to another part of the same premises, when such removal/filling is made for agricultural purposes or landscaping.
 - d. Necessary excavation, grading, removal or filling incidental to the construction or alteration of a building or structure for which a Zoning Permit and, where required, a Building Permit has been issued.
 - e. Necessary excavation, grading, removal or filling incidental to the construction or alteration of a public highway, or a street in a subdivision approved by the Commission and filed in the Office of the Town Clerk in accordance with the Brooklyn Subdivision Regulations, but specifically excluding excavation operations elsewhere on-site.

6.O.3. PRE-EXISTING EXCAVATION OPERATIONS

1. After October 15, 2019, there shall be no excavation operations on any premises except upon the issuance of a Special Permit in accordance with this Section.
2. Any excavation operation in existence in the Town of Brooklyn as of October 15, 2019 shall apply for a Special Permit: 1) on or before the date of next renewal if a special permit has been issued or, 2) within three months of the effective date if the operation is unpermitted. The application shall comply with the informational requirements of the Regulation. The Special Permit shall not be denied for a lack of conformance to the current standards of the Regulation as to location in violation of setback requirements. Any excavation operation in existence as of the effective date of this Regulation amendment shall not be enlarged or expanded in area or volume beyond that existing as of the effective date, except in accordance with a Special Permit issued pursuant to these Regulations.
3. Excavation operations in existence as of the effective date of this Regulation may continue operations by submitting a Special Permit application in accordance herewith. Such operation shall be bound by all procedural requirements hereof and shall conform to all operating requirements contained herein. Such application shall include a plan depicting stages by which existing areas of active excavation shall be brought into conformance herewith. The Commission may take into consideration all documented violations of any prior Special Permits in its imposition of conditions of approval of a renewal application, or of a denial of the application for renewal.
4. This Section shall: 1) not be construed to require any alteration of any area already restored in accordance with earth removal regulations previously in existence and, 2) shall not relieve any applicant from its obligation to restore in the future in accordance with this Regulation.

6.O.4. STANDARDS FOR EXCAVATION OPERATIONS

All excavation operations shall comply with the special permit considerations and criteria, as appropriate, of Section 9.D of these Regulations and the following minimum requirements:

1. **Separation to Groundwater** - The minimum elevation of the excavation shall be no less than five feet above seasonal high groundwater and no less than 6 feet above ledge. Approval of the creation of a pond or water body requires a separate vote of the Commission.
2. **Area of Operation** – The Commission may require project stages to limit the amount of land to be denuded, stripped, or otherwise left in an unrestored condition at any one time. Such requirements shall be based upon the character of the neighborhood, the topography of the site, the potential for erosion by wind or water, unique site conditions, and the recommendation of the Town Engineer or such other State or local agency, or special advisor, as may provide advice to the Commission.
3. **Hours of Operation** - Excavation operations, including loading and delivery of material, shall not commence before 7:00 a.m. and terminate not later than 6:00 p.m., Monday through Friday, nor commence before 7:00 a.m. and terminate not later than 12:00 p.m. on Saturday. No operations are permitted on Sunday or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The foregoing shall be deemed to be the standard maximum days and hours of operation in the absence of any condition in the Special Permit to the contrary. The Commission may require or permit greater or lesser days or hours of operation depending on:
 - a. the use of adjoining or nearby properties and of properties along the roads of the anticipated haul pattern;
 - b. the pattern and character of traffic on the roads of the anticipated haul pattern, including times of commuter traffic, school buses, and truck or other traffic from other land uses in the area;
 - c. the topography of the property, and its ability to contain or deflect noise and dust; and

- d. the presence or absence of specific measures to control noise in the excavation operation.
- 4. **Property Line Setbacks** - All property boundaries shall be clearly and permanently marked in the field. There shall be no excavation operations within fifty (50') feet of any property line or of a street line, except that the Commission may modify such buffer where the re-use plan indicates that excavation closer to the property line would facilitate a valid successive use of the property. Where the use of an abutting property is similar or compatible to the proposed use or where the topography of the property is appropriate, and when abutters have provided their consent in writing, the Commission may allow material to be removed to the property line to conform to existing or proposed grades.
- 5. **On-Site Processing** – No on-site processing of material may be permitted unless such use is separately approved under Section 6.P – Earth Materials Processing.
- 6. **Drainage** - During the period of excavation, provision shall be made for proper drainage to avoid uncontrolled stormwater runoff and unnecessary erosion and sedimentation. The drainage system may include sedimentation basins designed in accordance with the Connecticut Stormwater Quality Manual, as amended. The drainage system shall, where recommended by the Town Engineer, include detention basins designed to prevent any increased rate of discharge due to the additional runoff caused by the excavation. The effectiveness of the drainage facilities, including vegetative cover, shall be assured for a 24-month period following completion of each stage of the operation, and no financial guarantee for such stage shall be released until the expiration of such time. The Commission may extend such 24-month period for good cause, such as the failure of the vegetative cover to become established, unusual weather conditions, failure of the drainage design, and similar factors.
- 7. **Nuisance Avoidance** - In any area where the Commission reasonably finds that there is a need to minimize the nuisance of noise, flying dust and rock, and the accumulation of ground or surface-water, the Commission may require any or all of the following measures:
 - a. Limitations on the height of stockpiles.
 - b. Provisions for watering/wetting of stockpiles, haul roads, or working surfaces/areas; or covering or temporary mulching of stockpiles.
 - c. Construction of noise buffers by fencing, earth mounding, vegetative screening, a particular orientation for working faces of the excavation, or other similar measures.
- 8. **Fences and Barricades** - Snow fence shall be used to clearly delineate the boundaries of the area of operation. Where necessary to protect the safety of persons entering the permit premises, the Commission may require fences, gates, or barricades to control or prevent vehicular access.
- 9. **Truck Access** - Truck access roads to and within the permit premises shall be so arranged as to eliminate danger to traffic and to minimize the nuisance to surrounding property owners. The maximum grade of truck access roads shall not exceed 12%. Such access roads shall have a dustless surface for the first three hundred (300') feet from the public street, which is to be maintained in good condition at all times. There shall be an anti-tracking pad adjacent to the street, or such other additional or alternative measures as the Commission may approve upon the written request of the applicant to prevent the tracking, washing, spillage or other deposition of material on the street.
- 10. **Warning Signs** - The applicant shall make provision for such highway warning signs as are required by the Department of Transportation or the Board of Selectmen.
- 11. **Sale to the Public** - The sale of earth products to the general public on the premises is permitted where and as designated in the application and approved by the Commission.
- 12. **Use of Buildings** - The use of any proposed buildings on the permit premises during the term of the excavation operation shall be limited to sanitary facilities, the storage of tools, equipment and materials essential to the operation, and other uses integral to the operation, and may allow human habitation by the landowner, his next of kin, or any employees of the operation in accordance with other applicable provisions of these Regulations.

13. **Maximum Finished Slope** - Removal of material shall not result in a grade steeper than 3 feet horizontal to 1 foot vertical (3:1) except for areas of ledge outcrop. Where the use of an abutting property is similar or compatible to the proposed use or where the topography of the property is appropriate, the Commission may allow grades as steep as 2 feet horizontal to 1 foot vertical (2:1). All slopes shall be protected both during and after disturbance by appropriate erosion control devices or measures.
14. **Restoration** - As each stage of the excavation operation is completed, that portion of the permit premises shall be graded to its final contour lines as shown on the plans, as approved by the Commission, and a layer of arable topsoil, of a quality approved by the Zoning Agent, shall be spread over the previously excavated areas, except exposed rock surfaces, to a minimum depth of six (6") inches. The areas shall be mulched and seeded in accordance with the recommendations of the New York State Revegetation Procedures Manual for Surface Mining Reclamation, as amended, no later than the end of the growing season for the calendar year following completion of excavation operations. The cover vegetation shall be stabilized and maintained by the permittee for a period of twenty-four (24) months following seeding. The Commission may authorize different restoration vegetation for areas which are to be used for different future land uses specified in the restoration and reuse plan.
15. **Topsoil to be Retained** - The applicant shall retain A and B horizons of surface soil on-site as necessary to implement the restoration and reuse plan. If the A and B horizons of surface soil are mixed during removal, it will be classified as B horizon for the restoration plan and A horizon soils must be imported. No topsoil shall be removed unless the permittee has demonstrated that there is sufficient soil to cover the site to a depth of 6".
16. **Mining Below Grade Prohibited** - Removal or disturbance of any material below the minimum elevation shown on the final approved plan is prohibited.
17. **Visual Appearance** - Provision shall be made for vegetative screening, fencing, and/or earthen berms for visual buffers along the property and street lines as determined to be necessary by the Commission.

6.O.5. APPLICATION REQUIREMENTS

The owner of the land or agent seeking a Special Permit for an excavation operation in accordance with this Section shall submit the following items in addition to the requirements of Section 9.D of these Regulations:

1. A plan of the permit premises prepared by a professional engineer and a land surveyor licensed in the State of Connecticut which shall:
 - a. Show the boundaries of the entire parcel of land owned by the applicant, with the permit premises delineated.
 - b. Be drawn to a standard scale or scales appropriate for the extent of the site.
 - c. Indicate existing contour lines and proposed final contour lines of the project area, as well as all area within two hundred (200') feet thereof, or such greater distance as the Commission may require to establish conformance with the criteria of this Section. Said plan shall also indicate the location of surface and determinable subsurface rock and the seasonal high groundwater table in the area to be excavated.
 - d. Indicate bench marks established from USGS monumentation or by a bench mark established on site.
 - e. Show the location and elevation of all existing and proposed streets, roads or highways on and within five hundred (500') feet of the permit premises, or such greater distance as the Commission may require to establish conformance with the criteria of this Section.
 - f. Indicate the existing and proposed drainage of the permit premises including drainage provisions during the excavation or filling phases.
 - g. Show all adjacent property owners, and indicate the names and mailing addresses of all property owners within one thousand (1,000) feet of the permit premises, as such names and mailing addresses are shown on the current records of the Assessor.
 - h. Locate all structures, watercourses, utilities, rights-of-way, and easements on the permit premises, and areas which are wooded or open field.
 - i. Provide details of regrading and revegetation of the permit premises, including the number, size at planting, and location of all landscaping material and seed mix for all restored area.

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USE-RELATED PROVISIONS EXCAVATION OPERATIONS

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2. A statement and map describing the stages of operation and restoration by area and time sequence.
3. A list of the number and types of machinery to be used on the premises and for hauling; the proposed hours of operation, and the location and type of any building existing or to be erected on the permit premises.
4. An erosion and sediment control plan in accordance with Section 7.F.5 of these Regulations identifying:
 - a. Routes water will follow both during and after work is completed.
 - b. Temporary measures, both mechanical and vegetative, for erosion control.
 - c. Measures planned for keeping sediment on the site.
 - d. Any permanent mechanical measures needed to control water runoff and thus erosion and sediment.
5. A restoration and re-use plan showing the final configuration of the terrain. Such restoration and re-use plan shall include:
 - a. Alterations to the land resulting from the excavation operation.
 - b. Proposed final condition of the land and its usability for future land uses in accordance with the zoning of the premises, based on the remaining natural resource conditions after restoration.
 - c. Evidence (such as borings) that five feet of cover will remain over bedrock to permit development of the premises in accordance with its zoning, including adequate depth for drainage, septic systems, and other utility installation.
 - d. Final slopes compatible with future land use expectations.
 - e. Provision for permanent vegetative cover in accordance with Section 6.O.4.13 intended to provide long-term erosion and sedimentation control on the site following completion of excavation activities.
 - f. The anticipated interior haul pattern for the operations.
6. A statement of the total cubic yards of material to be removed from the site; the number of truck loads required to move such a volume of material, based on the types of trucks to be used in the excavation operation; and the approximate number of trips per day, based on the probable seasons of operation and the proposed hours of operation. The Commission may additionally require the submission of an off-site traffic routing plan and a traffic analysis prepared by traffic engineer.
7. Evidence of the approval of the excavation operation, where required, by the Brooklyn Inland Wetlands and Watercourses Commission, and the final report of that Commission, as required by CGS Section 8-3c.
8. An application fee in accordance with Town Ordinances.

6.O.6. CRITERIA FOR DECISION

In reviewing an application for a Special Permit pursuant to this Section, the Commission shall consider the following criteria:

1. The application shall contain all information required by this Section, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these Regulations. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.
2. The application shall conform with applicable provisions of these Regulations. Further, the application shall conform to the Brooklyn Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Brooklyn Inland Wetlands and Watercourses Commission, where required; and all relevant provisions of the United States Code and the Connecticut General statutes and regulations adopted pursuant to them (such as water diversion permits from the Connecticut Department of Environmental Protection or wetlands permits from the U.S. Army Corps. of Engineers), whether or not cited in these Regulations.
3. No excavation operation shall be approved where there is substantial evidence, on the record, that such operation poses a demonstrable risk of degradation of surface- or ground-water supplies arising out of any element of the proposed use or site plan.
4. The effect of such removal or filling on the surrounding property and the future usefulness of the premises when the operation is completed.
5. The traffic and safety impacts of the haul pattern, traffic routing plan, and traffic analysis.
6. The impact of noise, dust, erosion, blasting and other proposed activities on neighbors.
7. The environmental impact of the use, including impacts on ground-and surface-water quality and quantity, wildlife habitat, aquifer protection, endangered species and similar considerations.
8. Compliance with Section 7.F (Performance Standards) of these Regulations.
9. The adequacy of the provisions for a dustless surface on access roads, and the minimization of the nuisance from noise, flying dust and rock.
10. The adequacy of vegetative screening, fencing, earth mounding for safety, visual and noise buffers along property and street lines.

6.O.7. FOLLOWING APPROVAL**1. Financial Guarantee Required–**

- a. Before excavation operations commence, the owner shall post a financial guarantee with the Treasurer of the Town of Brooklyn in a manner and form consistent with CT General statutes Sec. 8-3, as amended. The amount of such financial guarantee shall be calculated by the applicant's engineer so as not to exceed the anticipated actual costs the implementation of erosion and sediment controls including final erosion and sedimentation measures plus a contingency amount not to exceed ten per cent of such costs. The amount of such financial guarantee shall be approved by the Town Engineer. Such financial guarantee shall be accompanied by a written agreement of terms and conditions that shall be approved by the Commission's legal counsel.
- b. The applicant may request a release of all or a portion of the financial guarantee as provided in CT General statutes Sec. 8-3 (g)(3), as amended. Any request shall be accompanied by an estimate of the cost of all remaining restoration prepared by the permittee's engineer. At all times, the amount of the bond retained shall be sufficient to restore the site.
- c. The Town of Brooklyn shall be authorized to withdraw funds or otherwise call the bond whenever the owner or operator fails to perform restorative work required to prevent environmental and neighborhood degradation following notice to the permittee. Such circumstances may include, but are not limited to, abandonment of the excavation operation by the owner or operator or failure to satisfactorily perform restoration work following revocation or termination of the permit by the Planning and Zoning Commission.

2. Inspection - The Commission or the Zoning Enforcement Official may inspect the permit premises for compliance with these Regulations, the approved plans, and any conditions of the permit upon notice to the landowner.**3. Enforcement -**

- a. Any permit issued hereunder shall be enforced in accordance with the provisions of these Regulations.
- b. Should the Zoning Enforcement Official ("ZEO"), based on an on-site inspection, determine that the holder of the Special Permit may have exceeded the approved limits of the excavation, the ZEO may require field staking of reference points by a licensed surveyor and/or submission of an updated plan by a professional engineer at the ZEO's determination as to what information is required. Such information shall be provided by the holder of the Special Permit within 30 days of written notice of the requirement of the field staking or an updated plan, or both. In the event that the holder of the Special Permit shall fail, neglect or refuse to provide the required information, then the ZEO may contract separately for such work and use the financial guarantee as provided by the holder of the Special Permit to pay for it. If it is determined that the excavation does exceed that authorized by the Special Permit issued by the Commission, the holder of the Special Permit shall apply for a new Special Permit for such work within 30 days of written notice of the exceedance issued by the ZEO. In the event that the holder of the Special Permit does not apply for a new Special Permit within 30 days from the date of the notice from the ZEO, the ZEO may issue a cease and desist order and/or may pursue enforcement penalties as provided by the Connecticut General statutes.

4. Permit Expiration and Renewal –

- a. The permit holder shall apply for such renewal no less than forty-five (45) days, nor more than ninety (90) days, prior to the expiration of the current permit.
- b. A renewal fee shall be submitted in accordance with Brooklyn Town Ordinance 20-1.
- c. Permit renewals shall be received and processed in accordance with CGS 8-7d (b).
- d. Renewal applications shall include evidence of compliance herewith, including, but not limited to, an updated survey depicting the existing contours, as compared to the proposed contours; recent publicly available aerial photographs or orthophotos of the excavation area (such as Google, Pictometry, USDA, and State of CT flyovers) taken during the permit period; water quality or noise test data; and the like.

- The burden is on the applicant to provide a complete and timely renewal application.
- e. The Commission may require additional information if the renewal will involve changes from the original permit.
 - f. The Commission may also impose additional conditions on, or modifications to, the original permit which appear necessary or desirable in light of the history of the operation.
 - g. Any permit or renewal thereof shall expire two years following its date of issuance.
 - h. The Commission may authorize renewal of any permit for additional periods of not more than two (2) years, without an additional public hearing, if the excavation operation is proceeding in accordance with all these Regulations and any permit issued hereunder.
5. **Conformance** - All aspects of the excavation operation shall strictly comply with the plans and other supporting information submitted, as the same may be modified by the Commission, and shall comply at all times with the provisions of these Regulations.
6. **Revisions to Approved Plan** - Nothing herein shall prevent the Commission from approving a revised plan, without a public hearing, depicting minor modifications, or depicting reductions to the scope of work originally approved (but not expanding or extending it), provided that the financial guarantee required in Section 6.O.7.1 shall not be released until all required provisions of these Regulations have been met, and provided further that any significant modification, or any expansion or extension of the operation shall require a public hearing prior to approval.

6.P. EARTH MATERIALS PROCESSING**6.P.1. PURPOSE AND INTENT**

This Section of the Regulations is intended to regulate the processing of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and other similar substances, to prevent conditions in the Town of Brooklyn detrimental to the public safety, health, and general welfare, including, but not limited to, lowering of property values, traffic hazards, nuisances, noise, and unsightly operations.

6.P.2. APPLICABILITY

1. A Special Permit is required under this section for Earth Materials Processing. Such Special Permit may be sought simultaneous to an application for a Special Permit for Excavation Operations, but such Special Permit applications shall be considered separate.
2. Earth Materials Processing is only permitted in the RA Zone.
3. Earth Materials Processing is only permitted on sites with a valid Special Permit for Excavation Operations.

6.P.3. STANDARDS FOR EARTH MATERIALS PROCESSING

All earth materials processing shall comply with the special permit considerations and criteria, as appropriate, of Section 9.D of these Regulations and the following minimum requirements:

1. Earth materials processing shall be restricted to screening, sifting, sorting, washing, and crushing.
2. Material processed on-site shall be material that is excavated on-site.
3. All processed materials must be clean as defined by CT DEEP and free from any solid waste.
4. No processing of material shall occur within one hundred (100') feet of any property line or of any street. The Commission may increase or decrease such minimum setback depending on the projected life span of the processing operation; the character and use of adjacent or nearby properties; the topography of the property, and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the excavation operation.
5. No fixed or portable machinery shall be erected, located, or maintained within (500) feet from any residence.
6. Any access road within the area of operations shall have a dustless surface which is to be maintained at all times.

7. Screening, sifting, sorting, washing, crushing, or other forms of processing, including loading and delivery of material, shall not commence before 7:00 a.m. and terminate not later than 6:00 p.m., Monday through Friday, nor commence before 7:00 a.m. and terminate not later than 12:00 p.m. on Saturday. No operations are permitted on Sunday or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The foregoing shall be deemed to be the standard maximum days and hours of operation in the absence of any condition in the Special Permit to the contrary. The Commission may require or permit greater or lesser days or hours of operation depending on:
 - a. the use of adjoining or nearby properties and of properties along the roads of the anticipated haul pattern;
 - b. the pattern and character of traffic on the roads of the anticipated haul pattern, including times of commuter traffic, school buses, and truck or other traffic from other land uses in the area;
 - c. the topography of the property, and its ability to contain or deflect noise and dust; and
 - d. the presence or absence of specific measures to control noise in the processing operation.
8. 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 processing operation to protect pedestrians and vehicles.
9. Locations for access roads, stockpiles, processing equipment and equipment storage shall be selected to minimize effects to surrounding properties.
10. The processing activity shall not generate, cause, or allow continuous noise measurements in excess of noise levels as follows at the property line:
 - a. When adjacent property is INDUSTRIAL/COMMERCIAL - 62dba, and
 - b. When adjacent property is RESIDENTIAL - 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.

6.P.4. APPLICATION REQUIREMENTS

The owner of the land or agent seeking a Special Permit for an earth materials processing in accordance with this Section shall submit, in addition to the requirements of Section 9.D of these Regulations, a plan depicting the proposed location of such processing equipment, equipment storage, access roads, stockpiles, processing basins, process water source, and any related processing appurtenances.

6.R

USE-RELATED PROVISIONS

SELF-STORAGE FACILITIES IN THE VILLAGE CENTER ZONE

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

6.Q. CHICKENS

6.Q.1. PURPOSES

The intent of this regulation is to allow for the keeping of chickens as an accessory to a residential use in the R-10 and R-30 Zones under specific circumstances. Chickens alone do not require a permit in the RA Zone but structures used to house them require a Zoning Permit.

6.Q.2. STANDARDS

Notwithstanding any other Section of these Regulations, chickens may be kept in the R-10 and R-30 Zones in accordance with the following provisions:

1. Up to six (6) chicks, pullets, and hens are allowed. Roosters and capons are not permitted.
2. The chickens shall be confined to a fenced enclosure of no more than 200 square feet in area, located in the rear yard and located at least 25 feet from any street line, at least 15 feet from any residential dwelling and at least 5 feet from any property line.
3. Any portion of the enclosure located closer than 10 feet to a property boundary or directly visible from a street line at any distance shall be screened by either a fence or a landscaped buffer of at least 4 feet in height.
4. A building shall be required for the hens and any such building shall be located at least ten feet from any lot line.
5. Such building(s) shall be constructed and all food products kept so as to prevent offensive odors and the presence of pests and predators.
6. The keeping of chickens shall be conducted in a manner consistent with and in compliance with the Public Health Code.

6.R. SELF-STORAGE FACILITIES IN THE VILLAGE CENTER ZONE

6.R.1. PURPOSES

The intent of this regulation is to allow the adaptive reuse of existing buildings in the Village Center that have been identified as having no significant historical value.

6.R.2. STANDARDS

Notwithstanding any other Section of these Regulations, self-storage facilities may be allowed as a Special Permit use in accordance with the provisions of Sec. 9.D. and the following provisions:

1. The building was in existence on April 15, 2022.
2. The building is identified in the 1982 National Historic Register Brooklyn Green Historic District Study as a non-contributing structure.
3. The property is a corner lot with at least one frontage being a state route.

6.S. SEPARATING DISTANCE FOR RETAIL SALE OF CANNABIS

6.S.1. PURPOSES

The intent of this regulation is to control the number and proximity of retail cannabis outlets in a rural community of our population as a matter of public safety and convenience, to preserve property values, as a means of promoting health and the general welfare of the community, and to preserve the community's quality of life.

6.S.2. STANDARDS

Notwithstanding any other Section of these Regulations, retail sale of cannabis by a Cannabis Retailer or a Hybrid Retailer may be allowed as a Special Permit use in accordance with the provisions of Sec. 9.D. and further subject to the following provision: that any Cannabis Retailer shall be located not less than 6,000 linear feet from another Cannabis Retailer or Hybrid Retailer. The separating distance between any two cannabis retail outlets (whether a Cannabis Retailer or a Hybrid Retailer) shall be measured from the nearest property line of the lot upon which the use is located to the nearest property line of the lot upon which another retail sale of cannabis use is proposed. No variance shall be issued by the Zoning Board of Appeals to reduce this separating distance.

6.T. SELF-STORAGE FACILITIES IN THE PLANNED COMMERCIAL ZONE

6.T.1. PURPOSES

The intent of this regulation is to allow self-storage facilities subject to the standards indicated in Sec. 6.T.2.

6.T.2. STANDARDS

Notwithstanding any other Section of these Regulations, self-storage facilities may be allowed as a Special Permit use in accordance with the provisions of Sec. 9.D and the following provisions:

1. Self-storage facilities shall only be allowed on rear lots and shall be located a minimum of 150 feet from any street line.
2. No outdoor storage shall be allowed.
3. Maximum allowable density for self-storage facilities shall be 4,000 square feet of gross building area per acre of lot area, with no single building greater than 20,000 square feet.
4. No Variance shall be issued to reduce or modify the entirety of the dimensional requirements of this Section.

6.U. GLAMPING

6.U.1. PURPOSES

The intent of this regulation is to allow for Glamp-grounds and Glamping as principal uses in the RA Zone. The aim is to encourage tourism, agritourism, and economic development, while ensuring the Glamp-grounds and Glamping activities and accommodations are of such size and character to protect the public health, safety, and welfare of the community.

6.U.2. STANDARDS

1. The minimum lot size for a Glamp-ground is 125 acres and not more than 25% of the total parcel area shall be

6.U

USE-RELATED PROVISIONS

GLAMPING

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

designated as Prime Farmland as determined by the CT DEEP Soil Survey Geographic Database Farmland Soils Connecticut and the USDA, Natural Resource Conservation Service.

2. The Glamp-ground parcel shall have 400 feet of street frontage.
3. No Glamping Site/Unit shall be located within 300 feet of the fronting street that provides access to the Glamp-ground facility.
4. No Glamping Site/Unit or Glamp-ground related building shall be within 200 feet of any property line or 250 feet of a property line of a parcel containing a residential dwelling.
5. The maximum number of Glamping Units shall be one Glamping Unit per every two suitable acres not to exceed 50 Glamping Units. A suitable acre is defined by the Connecticut Department of Public Health regulations for Family Campgrounds as dry land available for unit site development—dry land meaning land not designated as wetlands or watercourse.
6. Glamping Sites shall be a minimum of 1,250 square feet and a maximum of 2,500 square feet. Glamping Sites designed to accommodate two or three Glamping Units shall provide an additional 250 square feet for each additional unit. No more than 25% of Glamping Sites shall be designed to accommodate more than one Glamping Unit and no Glamping Site shall be designed to accommodate more than 12 persons.
7. Glamping Units shall not exceed 15 feet in height, not including the raised permanent platform. No Glamping Unit shall have an occupancy greater than 8 persons or exceed 600 square feet in size.
8. All Glamping Units, at a minimum, shall be designed for three-season use and shall be made of high-quality durable materials.
9. All Glamping Units shall be installed on raised permanent platforms no less than 6 inches off the ground.
10. Glamp-grounds providing food service shall provide menu-style restaurant food service, including a commercial kitchen.
11. The primary access driveway to the Glamp-ground shall be 22 feet wide for the first 100 feet to provide adequate turning for emergency vehicle access. Internal drives shall be a minimum 12 feet wide.
12. Occupancy for Glamping Units shall be transient, and no Glamping Site or Unit shall be rented to the same guest for more than 14-consecutive nights or a total of 60-nights in a 12-month period.
13. A Glamp-ground may provide on-site staff accommodations for up to 50% of the total staff. The number, size, design, and location of staff accommodations shall be included as part of the application for Site Plan (Section 9.C) and Special Permit (Section 9.D). For the purpose of these regulations, staff accommodations shall not be included in the definition of dwellings.
14. Sufficient solid waste facilities shall be provided. All such solid waste facilities shall be screened and secured from wildlife access.
15. Maximum lodging occupancy for the Glamp-ground shall be a total of 110 persons.
16. The parking requirements for a Glamp-ground shall total of 1.50 parking spaces per Glamping Unit. Parking shall be provided in designated areas within 500 feet of Glamping Sites. A minimum of five (5) parking spaces shall be provided at the lobby/check-in facility.
17. All lighting shall be dark sky compliant.
18. As part of food and beverage service, the service of alcohol is permitted in accordance with permitting and service requirements of the Connecticut Department of Consumer Protection, Liquor Control Division.
19. As part of any application for Site Plan (Section 9.C) and Special Permit (Section 9.D), the applicant shall submit architectural information, elevations/renderings (or photographs of similar buildings) of proposed building, including the identification of texture, color, and type of building materials to be used.
20. The application for Site Plan (Section 9.C) and Special Permit (Section 9.D) shall locate each Glamping Site, noting the size of the Site in square feet, the number and size (square feet) of Glamping Units on each Site, and maximum total occupancy for each Site and Unit. In addition, the height of each Glamping Unit shall be provided on the plans.
21. Glamp-grounds shall maintain quiet time between 10:00pm and 8:00am.
22. No Glamp-ground shall be located less than 5,280 feet from another Glamp-ground, as measured from the

nearest property lines.

23. A Glamp-ground seeking to host events for more than fifty (50) persons who are not lodgers at the Glamp-ground, shall require a Special Permit in accordance with Section 6.J. (Special Events) of these Zoning Regulations. If events are part of the business plan for the Glamp-ground, the Special Events application shall be submitted at the time of the application for Site Plan (Section 9.C) and Special Permit (Section 9.D) for the Glamp-ground, other said application may be submitted at the time when events may be incorporated into the Glamp-ground.
24. The application for Site Plan (Section 9.C) and Special Permit (Section 9.D), as submitted by the applicant, shall employ a context sensitive design approach for the Glamp-grounds. Such an approach shall give due consideration to the character of the area, the physical character of the proposed site, proximity of neighboring properties and uses, and demonstrate to the Commission that the design of the proposed Glamp-ground and the associated uses, structures, facilities, and infrastructures are designed in accordance with the applicable provisions Chapter 7 (Basic Standards) of these Zoning Regulations and to mitigate off-site impacts.
25. The application for Site Plan (Section 9.C) shall include all buildings, structures, infrastructures, use areas, and activities that are essential and integral to the Glamp-ground and Glamping operation.
26. The design of the Glamp-ground facilities shall comply with ADA requirements.
27. The design and operation of the Glamp-ground shall comply with the Connecticut Department of Public Health regulations for Family Campgrounds (Section 19a-2a-29 of the Regulations of Connecticut State Agencies).
28. Wastewater systems shall comply with the Connecticut Public Health Code.
29. Potable Water Systems shall comply with the Connecticut Public Health Code
30. All construction of buildings, structures, and Glamping Units shall comply with the Connecticut State Building Code and Connecticut State Fire Prevention Code.

7. BASIC STANDARDS

7.A. SIGNS

7.A.1. PURPOSE AND INTENT

This Section of the Regulations is intended to promote the public safety and welfare by providing standards to control the location, area, number, illumination and overall design of signs in order to prevent undue distraction of motorists and pedestrians, to ensure compatibility of signs with permitted land uses, to provide reasonable standards by which uses within the various zones may relate their function to the public, and to aid in preserving and enhancing the aesthetic and historical values of the community.

7.A.2. NO SIGN PERMIT REQUIRED

The following signs are permitted in all Zones and do not require a Sign Permit provided they comply with the provisions indicated:

1. **Residential Real Estate Signs** - Temporary real estate signs for residential use shall not exceed 4 square feet, in area, indicating 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.
2. **Non-Residential Real Estate Signs** - Temporary real estate signs for non-residential use shall not exceed 16 square feet, in area, indicating 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.
3. **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.
4. **Construction Site Signs** - Non-illuminated, two-sided construction signs not to exceed thirty-two (32) square feet per side may be permitted on sites undergoing new construction or renovation, 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.
5. **Warning, Directional, and Instructional Signs** - Signs such as “No Trespassing”, “Private Road”, “One Way”, etc., and on-site directional signs, not to exceed two (2) square feet in sign area.
6. **Farm Signs** – One identification sign per road frontage identifying property used as a farm, not to exceed sixteen (16) square feet in sign area provided such sign does not obstruct sight lines.
7. **Farm Stands and Farmers’ Markets** - One identification sign per stand and not to exceed sixteen (16) square feet in sign area provided such sign does not obstruct sight lines.
8. **Off-Site 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.

9. **Political Signs** - Political signs for the purpose of elections or referendums are permitted not to exceed 32 square feet. These signs shall be removed within 10 days of the said election or referendum.
10. **Temporary Event Signs** - Temporary signs related to municipal, educational, charitable, civic, or religious, events may be erected or displayed and maintained, provided that:
 - a. The signs shall not be erected or displayed earlier than thirty (30) days prior to the event to which they pertain;
 - b. The signs shall be removed no later than seven (7) days after the event;
 - c. The placement of signs not on the premises of the sponsor or the event shall have the consent of the property owner.
 - d. The area of these signs or bulletin boards shall not exceed thirty-two (32) square feet.
11. **Home Office** – One wall sign up to four (4) square feet in area indicating a permitted home office.
12. **Window Signs** - Signs erected or maintained in the window of a building visible from any public or private street or highway, provided that such sign(s) shall not occupy more than thirty percent (30%) of the area of the window surface.

7.A.3. SIGN PERMIT REQUIRED

7.A.3.1. RESIDENTIAL ZONES

1. **Home Business / Home Enterprise / State Route Business Enterprise / Adaptive Re-Use** – In the RA zone, one or more signs indicating a permitted home business, home enterprise, state route business enterprise, or adaptive re-use of an agricultural building provided that:
 - a. The signage shall not contain moving components.
 - b. Only exterior lighting may be used to illuminate the sign(s), the sole purpose being to make the sign visible in the dark, and such illumination shall:
 - use only soft white light of constant intensity,
 - be no greater than 150 watts,
 - be downwardly directed, and
 - contained on the premises.
 - c. Such signage may include one (1) free-standing sign, not to exceed six (6) square feet, permanently secured to the ground per lot, parcel or tract and such free-standing sign shall not:
 - extend higher than seven (7) feet above ground level at its highest point.
 - be within the public right of way or less than 10 feet from the edge of the roadway.
 - obstruct roadway sightlines or interfere with pedestrian or vehicular traffic.
 - d. In lieu of a free-standing sign, a wall sign may be permitted and shall not exceed one (1) square foot per lineal foot of façade upon which it is attached up to a maximum size of 25 square feet per façade.

7.A.3.2. VILLAGE CENTER ZONE

1. **Wall Sign** - Wall signs (one per facade) shall be permitted provided that:
 - a. Such signs are mounted to the wall (roofs and overhangs not included).
 - b. Such signs are mounted parallel to the face of the building with no part thereof (including any illuminating devices) projecting more than 12 inches beyond the face of the building.
 - c. No such sign shall extend or project higher than the wall upon which it is located.
 - d. The aggregate area of all wall signs shall not exceed one (1) square foot per lineal foot of facade upon which it is attached up to a maximum size of 32 square feet per facade.
2. **Hanging Sign** – In addition to a wall sign, one (1) hanging sign per public roadway or driveway entrance provided that:
 - a. The area of any hanging sign shall not exceed four (4) square feet.
 - b. Any hanging sign shall be connected to the structure and protrude perpendicularly from the front of the business.
 - c. No portion of any such hanging sign shall interfere with pedestrian or vehicular traffic.
3. **Free-Standing Sign** - In addition to the above signage, one (1) freestanding sign shall be allowed per road frontage provided that such freestanding sign:
 - a. Shall be permanently secured to the ground.
 - b. Shall not exceed twelve (12) square feet in sign area.
 - c. 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.
 - d. Shall not obstruct roadway sightlines or interfere with pedestrian or vehicular traffic.
 - e. Shall not contain moving components.
 - f. May only be illuminated by exterior lighting using 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.
4. **Portable Sign**– In addition to the above signage, one (1) portable, sign is permitted per business, up to a maximum of three (3) such signs per lot, parcel or tract provided that:
 - a. The primary purpose of such sign is to identify special products and sales, not to serve as primary business identification sign.
 - b. 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.
 - c. Such sign shall not be illuminated.
 - d. Such sign shall not be located within the right-of-way and shall be situated so as to avoid obstruction of roadway sightlines.
 - e. 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.
 - f. In the case of a structure that faces more than one public roadway or entrance, one additional portable sign for each such circumstance may be permitted.

7.A.3.3. NEIGHBORHOOD BUSINESS ZONE / RESTRICTED BUSINESS ZONE:

1. **Wall Sign** - Wall signs shall be permitted provided that:
 - a. The aggregate area of all wall signs shall not exceed one (1) square foot per lineal foot of facade upon which it is attached.
 - b. Such signs are mounted to the wall (roofs and overhangs not included).
 - c. Such signs are mounted parallel to the face of the building with no part thereof (including any illuminating devices) projecting more than 12 inches beyond the face of the building.
 - d. No such sign shall extend or project higher than the wall upon which it is located.
2. **Additional Signage** - One freestanding sign for each road frontage or one hanging sign for each business shall be permitted as follows:
 - a. Freestanding signs shall not exceed ten (10) feet in height, shall not be located within the public right of way, and shall be located at least 10 feet from the edge of the roadway. A freestanding sign shall not exceed twenty (20) square feet in sign area if for one business and shall not exceed thirty-two (32) feet in sign area if for more than one business use.
 - b. Hanging signs shall not exceed eight (8) square feet in sign area. Such signs shall protrude perpendicularly from the front of the building and no portion of the signs shall be permitted over any public right-of-way.
3. **Illumination** -
 - a. Signs may be externally illuminated for the sole purpose of making the sign visible in the dark using soft white light no greater than 150 watts.
 - b. Such lights shall be of constant intensity and no flashing, intermittent, pulsating or moving lights are permitted.
 - c. To minimize glare, no exposed bulbs are permitted and such light source shall be recessed or enclosed and be downwardly directed.
4. **Temporary Sign** - Within the Restricted Business Zone, one (1) temporary sign shall be permitted per business on the lot, parcel or tract provided that:
 - a. The sign area shall not exceed eight (8) square feet.
 - b. The Sign Permit for a temporary sign shall be valid for no more than thirty (30) days in a 365-day period. The sign must be removed at the expiration of the permit period.

7.A.3.4. SIGNS PERMITTED IN PLANNED COMMERCIAL ZONE:

1. **Wall Sign** - Wall signs shall be permitted provided that:
 - a. The aggregate area of all wall signs shall not exceed one (1) square foot per lineal foot of facade upon which it is attached.
 - b. Such signs shall be mounted parallel to the face of the building with no part thereof (including any illuminating devices) projecting more than 12 inches beyond the face of the building.
 - c. No such sign shall extend or project higher than the wall upon which it is located except that where the applicant can demonstrate to the satisfaction of the Zoning Enforcement Official 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 provided that:
 - any roof sign shall run parallel to the wall it is located above.
 - no roof sign including any illuminating devices, shall project higher than the peak of the roof upon which it is located.
2. **Freestanding Sign** – One (1) permanent, freestanding sign shall be permitted for each road frontage provided that:
 - a. The maximum height of a freestanding sign shall be twenty-five (25) feet.
 - b. The maximum area of a 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.
 - c. 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.
 - d. 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.
3. **Hanging Sign** - One (1) hanging sign shall be permitted per public roadway or driveway entrance provided that:
 - a. The area of any hanging sign shall not exceed four (4) square feet.
 - b. Any hanging sign shall be connected to the structure and protrude perpendicularly from the structure.
 - c. No portion of any such hanging sign shall interfere with pedestrian or vehicular traffic.
4. **Alternative Signage** – Where the size of the freestanding sign is limited to forty (40) square feet, the Commission may, by Special Permit, authorize an alternate arrangement for the sign area allocated to individual establishments (10 square feet each up to a maximum of 40 square feet) as additional freestanding signage or wall signage provided that:
 - a. The maximum height for any alternate freestanding sign shall be 10 feet.
 - b. The alternate signage arrangement shall be otherwise in conformance with these Regulations.
5. **Illumination** –
 - a. Signs may be externally illuminated for the sole purpose of making the sign visible in the dark using soft white light no greater than 150 watts.
 - b. Such lights shall be of constant intensity and no flashing, intermittent, pulsating or moving lights are permitted.
 - c. To minimize glare, no exposed bulbs are permitted and such light source shall be recessed or enclosed and be downwardly directed.
6. **Portable Sign**– In addition to the above signage, one (1) portable sign is permitted per business, up to a maximum of three (3) such signs per lot, parcel or tract provided that:
 - a. The primary purpose of such sign is to identify special products and sales, not to serve as primary business identification sign.
 - b. 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.
 - c. Such sign shall not be illuminated.
 - d. Such sign shall not be located within the right-of-way and shall be situated so as to avoid obstruction of

- roadway sightlines.
- e. 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.
 - f. In the case of a structure that faces more than one public roadway or entrance, one additional portable sign for each such circumstance may be permitted
7. **Temporary Sign** - One (1) temporary sign shall be permitted per business on the **LOT**, parcel or tract provided that:
- a. The sign area shall not exceed eight (8) square feet.
 - b. The Sign Permit for a temporary sign shall be valid for no more than thirty (30) days in a 365-day period. The sign must be removed at the expiration of the permit period.
 - c. Banner signs should only be used as temporary commercial signs used to advertise a grand opening or change of business.
8. **Sign Approval** –
- a. Signs in the Planned Commercial Zone may be authorized by Sign Permit issued by Staff provided they comply with the above requirements and the following design standards and guidelines:
 - i. The sign clearly identifies the business or businesses at a specific site.
 - ii. The sign does not advertise a specific product.
 - iii. The sign will be symmetrically located within a defined architectural space on the building facade.
 - iv. The sign does not obscure or conceal architectural elements.
 - v. The sign is scaled appropriately to appeal to pedestrians and/or vehicles.
 - vi. The sign does not cover more than thirty (30) percent of available window space.
 - vii. The sign does not consist of exposed neon, LCD or similar signs.
 - viii. Any sign lighting is incorporated as an integral part of the sign's design and any visible light fixtures used for exterior illumination of signs are consistent with the architecture of the building and are appropriately scaled relative to the sign and the structure.
 - b. Signs not in compliance with the above design standards and guidelines shall require Special Permit review and approval by the Commission.

7.A.3.5. SIGNS PERMITTED IN THE INDUSTRIAL ZONE

1. **Wall Sign** - Wall signs shall be permitted provided that:
- a. Such signs are mounted parallel to the face of the building with no part thereof (including any illuminating devices) projecting more than 12 inches beyond the face of the building.
 - b. The aggregate area of all wall signs shall not exceed one (1) square foot per lineal foot of facade upon which it is attached.
 - c. No such sign shall extend or project higher than the wall upon which it is located.
2. **Freestanding Sign** – One (1) permanent, freestanding, sign shall be permitted for each road frontage provided that:
- a. The maximum height of a freestanding sign shall be ten (10) feet.
 - b. The maximum area of a 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.
 - c. Each freestanding sign shall be set back at least 10 feet from the edge of the roadway and shall not be located within the public right of way.
3. **Illumination** –
- a. Signs may be externally illuminated for the sole purpose of making the sign visible in the dark.
 - b. Such lights shall be of constant intensity and no flashing, intermittent, pulsating or moving lights are permitted.
 - c. To minimize glare, no exposed bulbs are permitted and such light source shall be recessed or enclosed and be downwardly directed.

7.A.4. GENERAL SIGN STANDARDS

1. **Applicability:** -
 - a. The standards contained in this Section shall apply to all signs.
 - b. All signs other than those specifically authorized by the provisions of these Regulations are prohibited.
2. **Sign Construction / Maintenance:**
 - a. All signs shall comply with the Connecticut State Building Code.
 - b. Suitable, durable materials shall be used for all signs, including Portable and Temporary signs.
 - c. All signs shall be firmly supported and maintained in good condition.
 - d. Except for barber poles and the portion of a sign devoted to displaying the time and/or temperature (provided such displays do not flash at intervals of less than five seconds), no signs shall be the flashing, rotating or animated type.
 - e. Feather banners, inflatable devices, fan-driven devices, strung pennants or flags, strung shapes, and similar devices are not permitted.
3. **Sign Location:**
 - a. 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.
 - b. Signs shall not be located in such a manner as to reduce the sight line for vehicles entering or exiting the roadway.
 - c. Signs, associated plantings or lighting shall be located so as not to obscure sightlines or otherwise cause danger to vehicular or pedestrian traffic.
 - d. Signs, except an approved DOT sign, shall not be located in or project over any street right-of-way.
4. **Sign Design / Illumination:**
 - a. Illuminated signs or lighting devices shall not cause a glare or reflection off the property that may constitute a traffic hazard or nuisance.
 - b. 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.
 - c. 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.
 - d. Neon signs or similar illuminated devices shall not diminish or detract in any way from the effectiveness of any traffic or similar safety or warning device.
 - e. No flood or spot lights shall be mounted higher than twenty-five (25) feet above ground level.
5. **Vehicular Signs** - 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 zone in which such vehicle is located.

7.A.5. SIGN PERMITS

1. When a Sign Permit is required by these Regulations, no sign shall be erected, hung or displayed without first obtaining a Sign Permit from the ZEO.
2. Application shall also be made for a sign permit whenever significant alteration or replacement of a sign is proposed.
3. Written application for a sign permit shall be made on forms prescribed and provided by the ZEO and shall contain the following information:
 - a. The name, address and telephone number of the applicant.
 - b. The location of the building, structure or land on which the sign is to be attached, erected or hung.
 - c. Signed consent of the owner of the sign location property if the applicant is not the owner of the building, structure or land.
 - d. A scale drawing of the proposed sign, its location and proposed illumination, if any.
 - e. A full description of materials and lighting to be used in the construction of the proposed sign.
 - f. A landscaping plan for the area around the proposed sign, as described in Section 7.C of these Regulations.
 - g. Within the Village Center Zone, 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.
4. The ZEO may require the sign location be staked in the field for inspection prior to issuance of a permit.
5. If any sign has been erected without a Sign Permit or has been constructed out of compliance with these Regulations or a filed permit, the ZEO shall notify the applicant, in writing, of the violation and revoke any permit for the sign.
6. The applicant shall apply or reapply for a permit and remediate the sign within thirty (30) days of said notice.

7.A.6. NON-CONFORMING SIGNS

1. 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 non-conforming sign.
2. Normal maintenance of a non-conforming sign, including structural and nonstructural repair and change of copy, shall be permitted but any reconstruction or replacement shall be in conformance with these Regulations.
3. Reconstruction or replacement of a non-conforming sign which is not in conformance with these Regulations shall result in the non-conforming sign becoming illegal.
4. Any sign that was illegally non-conforming prior to amendment of these Regulations and which currently does not conform to these Regulations shall remain illegally non-conforming.

7.B. PARKING AND LOADING

7.B.1. PURPOSE AND INTENT

This Section of the Regulations is intended to establish parking standards in order to meet community needs and expectations and to help promote public safety and welfare while at the same time minimizing the environmental impacts of parking stalls and lots.

7.B.2. PARKING REQUIREMENTS

For the purpose of Section 7.B.2, “floor area” shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, utilities, or for required stairways or elevators.

7.B.2.1. RESIDENTIAL USES

Use	Minimum Parking Spaces Required
1. Residential	Two spaces per dwelling unit
2. Multi-family development	Two spaces per dwelling unit
3. Elderly Housing Development	One space per dwelling unit
4. Convalescent Home, Rest Home, or Nursing Home	One space for every three beds plus one space for every employee during the largest shift

7.B.2.2. RETAIL / SERVICE TYPE USES

Use	Minimum Parking Spaces Required
1. Retail uses including shopping centers	3 parking spaces per 1,000 square feet of floor area
2. Personal services	3 parking spaces per 1,000 square feet of floor area
3. Theaters	One space per four seats plus one space per two employees.
4. Health or Membership Club	3 parking spaces per 1,000 square feet of floor area
5. Day Care Centers	One space per employee plus one space per 10 children
6. Indoor Sports and Recreation	3 parking spaces per 1,000 square feet of floor area

7.B.2.3. INSTITUTIONAL TYPE USES

Use	Minimum Parking Spaces Required
1. Places of Worship	One space per four people of design capacity
2. Community Centers	One space per four people of design capacity
3. Education Center	4 parking spaces per 1,000 square feet of floor area

7.B.2.4. OFFICE TYPE USES

Use	Minimum Parking Spaces Required
1. Offices	3 parking spaces per 1,000 square feet of floor area
2. Licensed Health Services	3 parking spaces per 1,000 square feet of floor area
3. Banks	3 parking spaces per 1,000 square feet of floor area

7.B.2.5. HOSPITALITY TYPE USES

Use	Minimum Parking Spaces Required
1. Restaurants except fast food	One space per three seats
2. Fast Food Restaurants (without drive through facility)	10 parking spaces per 1,000 square feet of floor area
3. Fast Food Restaurants (with a drive through facility)	10 parking spaces per 1,000 square feet of floor area plus 9 stacking spaces for drive-through
4. Hotel/Motel	One space for each guest room; plus one space per each employee; plus additional space as required for accessory uses, such as a restaurant.

7.B.2.6. INDUSTRIAL / AUTOMOTIVE TYPE USES

Use	Minimum Parking Spaces Required
1. Industrial Facilities	One and one half (1 1/2) spaces for each two (2) employees on any one (1) shift.
2. Automotive Service and Gasoline Stations	Two spaces per repair bay

7.B.2.7. OTHER USES

Use	Minimum Parking Spaces Required
1. Outdoor Special Events	One (1) space for every two-hundred (200) square feet of seating space and or display area.
2. Adult-Related Uses	One space per 1.5 persons (Maximum Occupancy) as determined by the Town of Brooklyn Fire Marshal
3. Uses Not Listed	The Commission will establish an appropriate parking standard based on best available sources.

7.B.3. REDUCTION OF PARKING REQUIREMENTS

1. **Temporary Change of Use Exemption** - If no new buildings or structures are being established and one use is simply being changed to another use allowed under these Regulations, no additional parking spaces shall be required provided that:
 - a. the number of spaces that presently exist on the property is at least ninety percent (90%) of the cumulative parking requirement for the new use(s) and the other existing use(s) on the property, and
 - b. no “grandfathering” or other exception shall be provided relative to any future use of such premises.
2. **Permanent Parking Reduction** - The Commission may, by Special Permit, reduce the cumulative number of required parking spaces on one or more contiguous properties provided:
 - a. the Commission finds one or more of the following based on information provided by the applicant:
 - Peak parking demands among uses occur at different hours of the day and this offset results in a lower net peak parking demand;
 - Synergistic relationships among uses allow patrons to park once while accessing multiple locations or allow for multiple purpose trips to occur within the development(s); or
 - The uses are likely to generate transit, bicycle or pedestrian trips and accommodations have been made to support these alternative forms of transportation.
 - b. the Commission finds adequate parking will be provided for the current and proposed uses and for likely future uses.
 - c. As a condition of the Special Permit, any reduction for two or more properties shall:
 - provide a functional and interconnected parking arrangement within and between the properties.
 - provide for an agreement among and between property owners providing for joint access and parking, in perpetuity unless otherwise approved by the Commission.

3. Temporary Parking Installation Reduction –

- a. The Commission may, by Special Permit, waive the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use.
- b. The Special Permit shall be applicable only to the particular use or occupancy of land, buildings, or other structures specified in the application, and such Special Permit and certificate of zoning compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.
- c. Before approval of the reduced installation by the Commission, the applicant shall show upon the site development plan the complete layout for the full parking requirements and the design of the complete stormwater management system designed to handle the deferred parking pavement.
- d. The owner shall file the plan approved by the Commission in the Office of the Town Clerk, stipulating that:
 - the complete stormwater management system shall be installed at the time of initial development, and
 - the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within six months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

7.B.4. LOADING SPACE REQUIREMENTS

1. All business facilities shall demonstrate that adequate provision has been made for loading facilities for the proposed use without interfering with the safe operation of fire lanes or travel lanes.
2. Unless modified by the Commission by Special Permit, business and industrial facilities shall provide one (1) loading space for every ten thousand (10,000) square feet of gross floor area.
3. Unless otherwise provided by the Commission, each loading space shall be twelve (12) feet wide by fifty (50) feet long by fourteen (14) feet high.
4. Loading spaces are permitted in all side and rear yards.
5. No loading facilities shall be permitted in the front yard unless approved by the Commission by Special Permit.
6. 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.

7.B

BASIC STANDARDS PARKING AND LOADING

BROOKLYN ZONING REGULATIONS

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7.B.5. PARKING DESIGN SPECIFICATIONS

1. **Overall Layout**- Parking stalls and driveways shall be of appropriate shape, vertical clearance, access and slope to accommodate the vehicles typically using the premises.
2. **Pervious Spaces**- Any parking spaces installed in excess of the minimum parking requirement shall have a previous surface suitable to accommodate the vehicles typically using the premises.
3. **Dimensions of Parking Spaces**- Parking stalls shall conform to the following standards except that handicapped parking spaces shall be sized according to state requirements:

A. Parking angle	0°	30°	45°	60°	90°
B. Parking space width	10'	10'	10'	10'	10'
C. Parking space length	22'	20'	20'	20'	20'
D. Driveway width - one way	12'	13'	15'	18'	20'
- two way	20'	20'	20'	22'	24'

4. **Surface Material** - Parking for uses other than single-family residential uses and uses accessory thereto shall be paved with asphalt except that the Commission may authorize the use of other surface materials (including pervious pavers):
 - a. in areas clearly utilized for a seasonal use.
 - b. where such parking is in excess of the amount required.
 - c. when the Commission determines that the use of pervious material, such as gravel or stone dust would enhance or protect the natural environment.
5. **Grading / Drainage** - 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.
6. **Driveways** – Unless modified by the Commission by Special Permit, 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.
7. **Handicapped Parking** - Parking for the handicapped shall be in accordance with the requirements of the State Basic Building Code, as amended.
8. **Location** - Parking in the rear of the building is encouraged to shield the parking from the public right-of-way.
9. **Screening** - Off-street parking spaces for Special Permit uses shall be screened from abutting residential uses.

7.C. LANDSCAPING REGULATIONS

7.C.1. PURPOSE AND INTENT

This Section of the Regulations is intended to:

1. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
2. Provide visual screening and natural buffers that reduce glare and noise.
3. Moderate any adverse impacts of paved areas by providing shade, absorbing reflected heat from paved surfaces and creating natural windbreaks.
4. 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.

7.C.2. APPLICABILITY

These landscape regulations shall apply to all multi-family and non-residential development, except as otherwise noted.

7.C.3. GENERAL REQUIREMENTS

7.C.3.1. LANDSCAPING REQUIRED

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.
2. 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.
3. All areas required for landscaping shall be covered with groundcover appropriate to the site, in addition to the shrubs and trees required by this Section of the Regulations.
4. 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.
5. 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 and other existing vegetation shall be considered in meeting the landscape requirements of these Regulations.

7.C

BASIC STANDARDS

LANDSCAPING REGULATIONS

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7.C.3.2. PLANTING AND MAINTENANCE REQUIREMENTS

1. Landscaping, trees and shrubs required by these Regulations shall be planted in a growing condition according to accepted horticultural practices.
2. 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.
3. 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.
4. Permanent watering systems shall be encouraged.

7.C.3.3. LANDSCAPING ALTERNATIVES

1. 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.

7.C.4. FRONT YARD LANDSCAPING REQUIREMENTS

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 a landscaped buffer located between the front lot line and the edge of the pavement of the parking area containing a continuous line of shrubs or hedges with a minimum height of three feet (3') that shield the parking lot from view.
2. The landscaped buffer area shall have a minimum width of:
 - a. Ten (10) feet for parking areas containing less than 25 spaces, and
 - b. Fifteen (15) feet for parking areas containing 25 or more spaces.
3. A landscaped berm, with a minimum height of three feet (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 two feet (2') of street frontage is provided and maintained within the landscaped area.
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.
5. 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.

7.C.5. PARKING LOT LANDSCAPING REQUIREMENTS

1. Within parking lots, at least ten (10) square feet of landscaping for each parking space shall be provided internally within the parking lot as islands within the paved area.
2. 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.
3. Each landscaped area shall contain a minimum of 100 square feet of area, shall have a minimum dimension of at least 8 feet, and shall be planted with grass or shrubs.
4. 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.
5. No more than 15 parking spaces in a row shall be permitted without the use of a landscaped island.
6. 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.
7. 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.
8. Where best management practices are utilized, the Commission may modify these requirements to allow for the utilization of "low impact development" strategies where landscape islands are used to treat and/or detain stormwater runoff.

7.C.6. SCREENING AND BUFFERING REQUIREMENTS

2. 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.
3. Such buffer area shall have a minimum width of 20 feet except that where lot size and shape or existing structures make it infeasible to provide a 20-foot width, the Commission may modify the width requirements.
4. The buffer area shall:
 - a. 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.
 - b. At a minimum, consist of trees 6 feet in height planted at intervals of 10 feet on center.
5. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.
6. Where the existing topography and/or landscaping provide adequate screening, the Commission may modify the planting and/or buffer area requirements.

7.D. ACCESS MANAGEMENT

7.D.1. PURPOSE

This Section is intended to control the number, size, and location of driveways and access points, especially those that front on heavily trafficked roads and state highways, while allowing proper and adequate access to and from premises along such thoroughfares in order to promote overall traffic control, promote public safety and welfare, provide for safer and more efficient traffic operations along major roadways and protect the public safety through the management and reduction of vehicular congestion.

7.D.2. STANDARDS

1. The shared use of a common point of access to serve more than one property shall be encouraged.
2. In reviewing proposed non-residential developments, the Commission shall review the road layout, the number and location of access points to and from the site, parking layout and configuration, traffic circulation within the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
3. In reviewing existing and future curb cuts, the following guidelines shall be considered:
 - a. Whether the number of site access points should be limited.
 - b. Internal connections between adjacent properties and the combination of access/egress driveways serving adjacent properties shall be required whenever practicable.
 - c. Curb cuts should generally be located opposite existing streets and/or major driveways.
 - d. Driveway closures should not restrict internal site circulation.
4. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
 - a. limit the number of driveways that serve a specific site,
 - b. designate the location of any driveway,
 - c. require the use or provision of a shared driveway with associated easements that exists on abutting property in lieu of having a separate curb cut onto a road or street, and/or
 - d. limit access to a major street and require access from a minor street.
5. As part of application approval, the Commission may require:
 - a. the establishment of mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority,
 - b. the wording of such easements as shall be acceptable to the Commission and the Town Attorney, and/or
 - c. the filing of such easements on the land records in favor of the abutting property owners and/or the Town.
6. Where permanent shared access secured by a mutual access easement or other appropriate legal instrument will be provided and/or existing driveways closed, the Commission may authorize an increase in building coverage and/or impervious coverage on one or more parcels so connected.

7.E. DRIVEWAYS AND INTERSECTIONS

7.E.1. GENERAL

1. Safe driveway entrances and exits with adequate sight lines for safe vehicle entry onto and exit off a street shall be required.
2. No planting, fence, wall, or barrier to vision shall be placed so as to create a sight hazard for vehicles entering or exiting any road or highway.
3. Construction of driveway drainage facilities shall be completed prior to issuance of a Certificate of Occupancy.
4. Driveway entrances onto heavily traveled roads are discouraged and wherever possible should be laid out and designed to enter onto lightly traveled roads.
5. Driveways to all lots shall be constructed to provide adequate year-round access for emergency vehicles as determined by the Fire Marshal.
6. Driveways more than 300 feet in length shall have a maximum width of ten (10) feet except as necessary for turn-arounds.
7. Proposed roads, driveway aprons, and associated drainage and utility facilities are to be designed and constructed in accordance with the Public Improvement Specifications for the Town of Brooklyn with exceptions noted below.
8. No driveway shall exceed ten percent (10%) grade unless it is paved or has an alternative all-weather surface.
9. No driveway shall exceed twelve percent (12%) grade unless it is determined necessary through the concurrence of the Road Foreman, Zoning Enforcement Officer, and the Town Engineer due to the existence of onsite conditions including but not limited to ledge outcrops, specimen trees, wetlands, or other environmental concerns.

7.E.2. RESIDENTIAL DRIVEWAYS

1. Driveways to individual lots or rear lots shall be so located, designed and constructed so as to prevent erosion, prevent uncontrolled road drainage down driveways or uncontrolled driveway drainage onto the traveled way.
2. No private driveway shall serve more than three (3) lots.

7.E.3. STREET INTERSECTIONS

No planting, fence, wall, or barrier to vision more than two feet in total height above the street pavement shall be placed or erected on a corner lot in the triangular area bounded by the intersecting front lot lines for a distance of twenty-five (25) feet from such intersection and a line connecting the ends of such lot lines.

7.F. PERFORMANCE STANDARDS

7.F.1. PURPOSE

This Section of the Regulations is intended to discourage or prevent any use or activity which might impair the reasonable use or enjoyment of any other property or to constitute a hazard to public health or safety.

7.F.2. NOISE & VIBRATION

1. 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.
2. 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.

7.F.3. HAZARDOUS MATERIALS, HAZARDOUS WASTE, AND SOLID WASTE

1. With regard to the occupancy or use of a property used for non-residential purposes, the owner of the property shall inform the Town of the storage or use of any material:
 - a. included in EPA's list of priority pollutants,
 - b. included in Section 3001 of the Resource Conservation and Recovery Act,
 - c. included in Connecticut's Hazardous Waste Regulations,
 - d. considered a "special waste" as defined by CT DEEP, including: (1) water treatment, sewage treatment or industrial sludges, liquid, solids and contained gases; fly-ash and casting sands or slag; and contaminated dredge spoils; (2) scrap tires; (3) demolition debris; (4) asbestos; (5) residue; (6) biomedical waste; (7) land clearing debris.
 - e. Including radioactive waste or material.
2. The applicant shall demonstrate that the 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 and at least the following information shall be presented in satisfaction of this section:
 - a. The amount and composition of any material or waste that will be handled, stored, generated, treated or disposed of on the property.
 - b. Provisions for treatment, storage and/or disposal of any hazardous materials or wastes including any outside storage areas and types of materials to be stored there.
 - c. Provision for containment of any spills.
 - d. Whether or not public sewer is available or proposed at the location.
 - e. Septic tank location, size and capacity, and/or sewage lift stations, force mains and grease traps.
 - f. Expected types and amount of discharge to sewers, to the ground, and to surface water.
 - g. Provisions for storm water runoff controls.
 - h. Written comments by appropriate officials, including but not limited to the Town's Fire Marshal, Building Official, Wetlands Agent, 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.
3. If these materials or wastes are to be present then the owner of the facility 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.

7.F.4. OTHER HAZARD OR NUISANCE

1. No land, building or other structure shall be used for any use, trade, business or process which is obnoxious or offensive by reason of dust, dirt, smoke, odor, gas, fumes, vibration, noise, illumination, heat, solid waste, or liquid discharge so as to impair the reasonable use or enjoyment of any other property or to constitute a hazard to public health or safety.
2. Outdoor wood burning furnaces shall be in conformance with Connecticut General Statute 22a-174k, as amended. Town of Brooklyn staff shall have the authority to enforce the State's regulations concerning outdoor wood burning furnaces.

7.F.5. SOIL EROSION AND SEDIMENT CONTROL

7.F.5.1. OVERALL REQUIREMENTS

1. All development and earth excavation operations shall establish, implement, and maintain soil erosion and sediment controls in accordance with the "Connecticut Guidelines for Soil Erosion and Sediment Control", as amended.
2. Erosion and sediment control measures and facilities shall be in place prior to the start of development and/or in accordance with any soil erosion and sediment control plan ("Control Plan") as provided in Section 7.F.5.2.
3. Erosion and sediment control measures and facilities shall be maintained in effective condition and in accordance with any approved Control Plan.
4. During development, the Zoning Enforcement Official may inspect the site at any time to review sediment and erosion control measures, ensure compliance with any approved Control Plan, and ensure that control measures and facilities have been properly performed, installed and maintained.

7.F.5.2. CONTROL PLAN REQUIREMENTS

1. A soil erosion and sediment control plan ("Control Plan") prepared in accordance with the "Connecticut Guidelines for Soil Erosion and Sediment Control", as amended shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.
2. The Control Plan shall identify 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 principles, methods, technology and practices as found in the "Connecticut Guideline for Soil Erosion and Sediment Control", as amended.
3. Alternative principles, methods and practices from those found in the "Connecticut Guideline for Soil Erosion and Sediment Control", as amended, may be used with prior approval of the Commission.
4. Said plan shall contain, but not be limited to:
 - a. A narrative describing the development project and time schedule for:
 - i. all major construction activities indicating the anticipated start and completion of development;
 - ii. creating and stabilizing of disturbed areas;
 - iii. grading operations; and,
 - iv. applying erosion and sediment control measures and facilities onto the land;
 - b. A site plan map showing:
 - i. existing and proposed topography;
 - ii. proposed area alterations;
 - iii. disturbed areas; identifying the extent of all proposed clearing and grading activities; and,

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- iv. location of and other detailed information concerning erosion and sediment control measures and facilities.
 - c. Such other information as is necessary to explain design criteria, construction details, detailed installation/application procedures and the proposed maintenance program;
- 5. Any soil erosion and sediment control plan submitted to the Commission may be referred to another person or organization for review or comment.
- 6. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Control Plan, may be covered in a financial guarantee or other assurance acceptable to the Commission.
- 7. The Commission or its designated agent shall either grant approval that the Control Plan complies with the applicable requirements and objectives of this Section or deny such application when the development proposal does not comply with this Section. Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the Connecticut General statutes.

7.G. OUTDOOR LIGHTING

7.G.1. PURPOSE AND INTENT

This Section of the Regulations is intended to ensure the effectiveness of site lighting, enhance public safety and welfare, raise public awareness of energy conservation, avoid unnecessary upward illumination, and discourage the installation of lighting fixtures that emit glare or light trespass.

7.G.2. APPLICABILITY

The standards herein shall apply to all exterior lighting except that the following types of lighting are exempt from these Regulations:

1. Traditional seasonal lighting.
2. Temporary lighting associated with a fair, carnival or similar function authorized by the Town of Brooklyn.
3. Temporary light used by emergency service or public safety personnel.

7.G.3. LIGHTING STANDARDS FOR RESIDENTIAL USES

1. All exterior lights and sign illumination for residential uses should be designed, located, installed and directed in such a manner as to:
 - a. prevent direct or objectionable glare or light trespass;
 - b. employ soft, transitional light levels which are consistent from area to area;
 - c. minimize contrast between light sources, lit areas and dark surroundings; and
 - d. be confined within the target area.

7.G.4. LIGHTING STANDARDS FOR NON-RESIDENTIAL USES

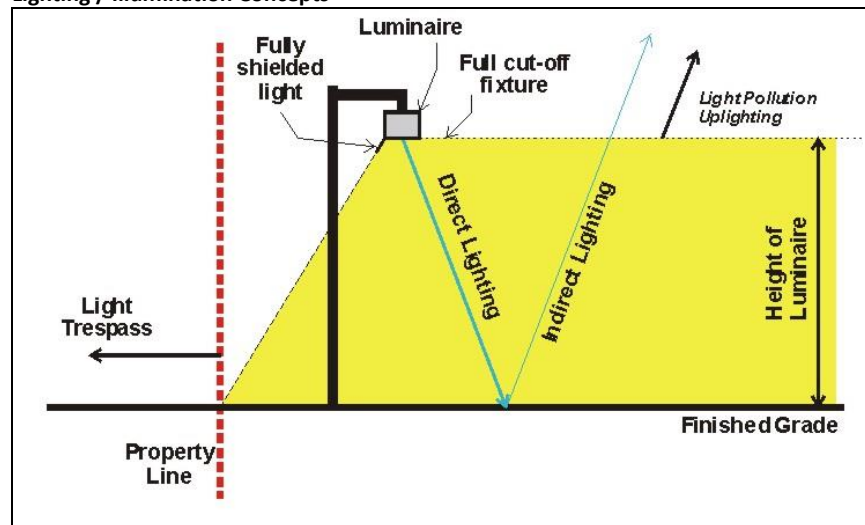
1. All exterior lights and sign illumination for non-residential uses shall be designed, located, installed and directed in such a manner as to:
 - a. prevent direct or objectionable glare or light trespass;
 - b. employ soft, transitional light levels which are consistent from area to area;
 - c. minimize contrast between light sources, lit areas and dark surroundings; and
 - d. be confined within the target area.
2. For business uses, industrial uses, multi-family developments, and institutional uses:
 - a. lighting fixtures for all vehicular areas and pedestrian areas and for security or other purposes shall be full cut-off type fixtures as approved by the Commission, or shall be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface, and
 - b. no exterior direct light source (such as a bulb) shall be visible at the property line at ground level or above.

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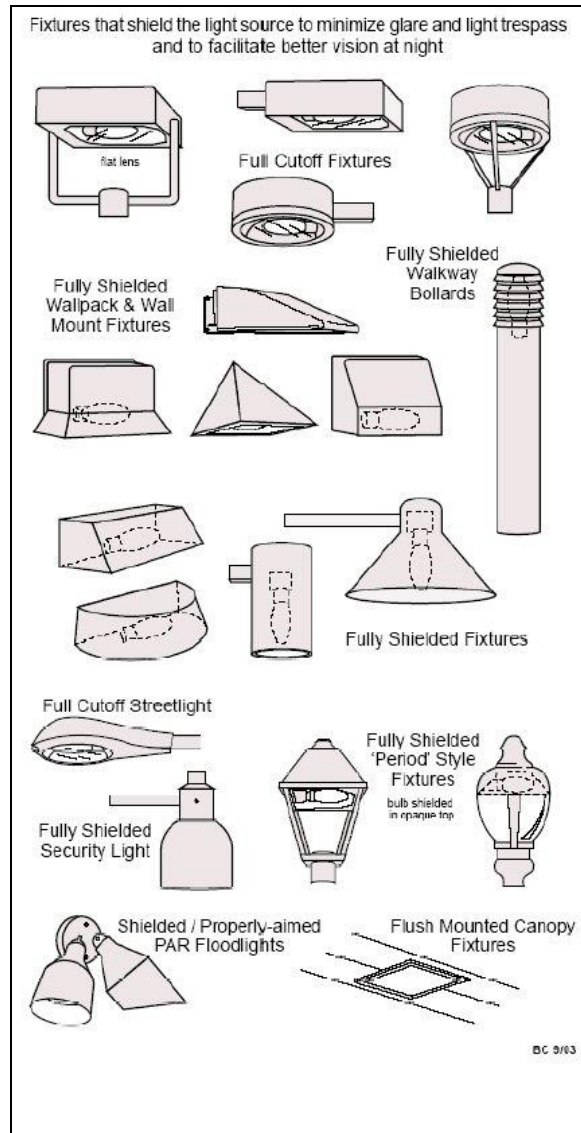
3. The height of luminaires on private property shall be the minimum height necessary to provide adequate illumination but in no case shall exceed a height of 20 feet.
4. Lamp posts in parking areas shall be placed within landscaped areas (i.e., end islands, interior islands, planting strips) and shall be recessed at least three feet from curbs.
5. Walkways shall be adequately lighted; the use of bollard lighting for such purpose is encouraged.
6. The Commission shall determine whether the type and style of proposed lighting fixtures and illumination meets the standards, purpose and intent of these Regulations based on the following information to be submitted by the applicant:
 - a. The specific fixtures to be installed,
 - b. A plan showing the location of all outdoor lighting fixtures,
 - c. The levels of illuminance projected to occur on the property, and
 - d. Information indicating that the proposed lighting will not cast an arc of illumination beyond the boundaries of the property.
7. The Commission may, by Special Permit, allow lighting that does not comply with the specific standards set forth in this Section provided the Commission determines that such proposed lighting is consistent with the purpose and intent of these Regulations. The Commission may consider recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark Sky Association, or other reference.

Lighting / Illumination Concepts



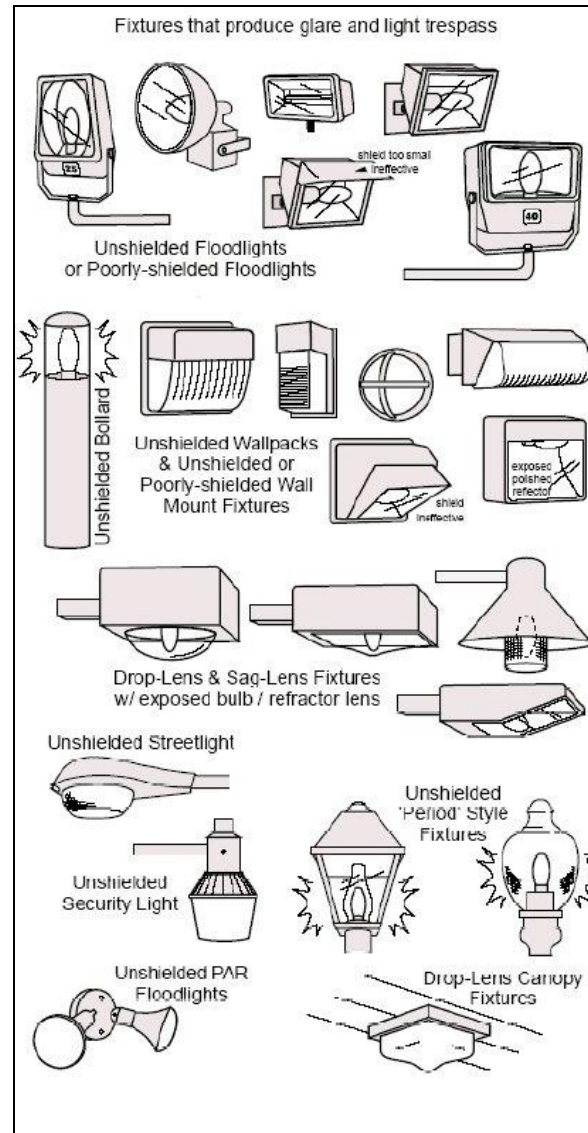
RECOMMENDED

Fixtures Which Would Not Generally Be Expected To Produce Glare or Light Trespass



NOT RECOMMENDED

Fixtures Which Would Generally Be Expected To Produce Glare or Light Trespass



7.H. STORMWATER MANAGEMENT

7.H.1. PURPOSE AND INTENT

This Section of the Regulations is intended to:

1. minimize degradation of water resources within the Town of Brooklyn from pollution from non-point source runoff,
2. mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff,
3. reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development, and
4. promote the application of Low Impact Development (LID) strategies for the analysis and design of stormwater treatment systems.

7.H.2. APPLICABILITY

Except for development of a single-family dwelling and any related accessory structures or uses, the provisions of this Section of the Regulations shall apply to any development within the Town of Brooklyn which requires approval of a Site Plan or approval of a Special Permit.

7.H.3. REQUIREMENT

1. Unless modified by the Commission by Special Permit as provided in Section 7.H.4, any development within the Town of Brooklyn shall implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (CSQM), as amended:
 - a. Pollutant Reduction (CSQM Section 7.4).
 - b. Groundwater Recharge and Runoff Volume Reduction (CSQM Section 7.5).
 - c. Peak Flow Control (CSQM Section 7.6) for the 10-year, 25-year, and 100-year storm events.
2. In the design of a stormwater management system, design professionals are encouraged to utilize low impact development techniques and on-site infiltration and filtering practices as recommended in the Connecticut Stormwater Quality Manual, as amended.

7.H.4. MODIFICATIONS

The Commission may, by Special Permit, modify the requirements of this Section provided that adequate information has been submitted by the applicant to evaluate the request and:

1. the Town Engineer has provided a positive recommendation regarding the modification, or
2. the Commission has received a report from a professional engineer hired by the Commission providing a positive recommendation regarding the modification.

7.I. PEDESTRIAN IMPROVEMENTS

7.I.1. PURPOSE

This Section is intended to make provision for pedestrians.

7.I.2. STANDARDS

1. Every non-residential development shall provide sidewalks along the public street frontage and from the street sidewalk to the entrance of the building, unless modified by the Commission.
2. Every multi-family development shall provide sidewalks:
 - a. within the development as approved by the Commission, and
 - b. along the public street frontage unless modified by the Commission.
3. Residential subdivisions in the R-10 zone shall make provision for sidewalks along the public street frontage in accordance with the requirements in the Subdivision Regulations or as required by this Section.
4. Such sidewalks shall be extended to connect to sidewalks (if any) on adjacent property.
5. Any new or reconstructed sidewalks shall be at least five (5) feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.
6. The Commission may require additional pedestrian improvements (such as trails) when such improvements will enhance the overall pedestrian environment within the site or the neighborhood.
7. Such sidewalks shall be constructed on private property with an easement to allow for public use except that the Commission may allow such sidewalks to be provided within the road right-of-way when and where feasible.

7.J. UTILITIES

7.J.1. REQUIREMENTS

1. For any uses that require approval of a Site Plan or a Special Permit, utility services shall be placed under ground unless otherwise approved or authorized by the Commission.
2. This requirement may be waived if engineering data substantiates that underground placement of utilities is impractical.

8. EXCEPTIONS AND NON-CONFORMITIES

8.A. DIMENSIONAL EXCEPTIONS

8.A.1. EXCEPTIONS TO LOT AREA REQUIREMENTS

1. Where municipal sewers are available and used, the minimum lot area requirement in the R-10, R-30, and R-A Zones may be reduced by twenty-five (25) per cent for all permitted uses except multi-unit dwellings provided any application submitted to the Zoning Enforcement Officer is accompanied by a site plan, stamped with the seal of a certified land surveyor or professional engineer, registered in the State of Connecticut, showing that the following regulations have been met:
 - a. frontage, building coverage, impervious coverage, setbacks and other bulk requirements,
 - b. location of buildings, parking, facilities, sidewalks, and restricted areas,
 - c. number of units proposed, and
 - d. the parking requirements of Section 7.B including necessary circulation space and at least two (2) accessible off-street automobile parking spaces per dwelling unit at nine (9) feet by eighteen (18) feet, with no parking located within five (5) feet of a property line.

8.A.2. EXCEPTIONS TO LOT WIDTH

1. **Cul-de-sac lots** - Any lot defined as a cul-de-sac lot shall have a minimum frontage requirement of fifty (50) feet and a minimum lot width requirement equal to or greater than the minimum frontage required for the respective zone.
2. **Rear lots** - A rear lot shall have a minimum lot width requirement equal to or greater than the minimum frontage required for the respective zone where the access strip enters the lot.

8.A.3. EXCEPTIONS TO HEIGHT LIMITATION

1. The height provisions of these Regulations shall not apply to the erection of: place of worship belfries and towers designed exclusively for ornamental purposes, flagstaffs, chimneys, silos, water tanks, spires, masts, elevator penthouses, or similar structures provided such appurtenances shall not exceed:
 - a. 50 feet in total height, or
 - b. Ten percent (10%) of the building coverage of the structure.

8.A.4. EXCEPTIONS TO SETBACK REQUIREMENTS

1. Eaves, pilasters, columns, belt-courses, sills, cornices, or similar architectural features may project up to one foot into a required yard setback.
2. Steps, terraces, fences, walls, fence/wall combinations, and similar structures less than six (6) feet in height may be erected in required setbacks.
3. Propane tanks, generators, condensers, and similar mechanical equipment may be located within a required side yard setback provided such equipment is located closer to the principal structure on the subject property than to the principal structure on any abutting property and, if such equipment is located six (6) feet or less from a property line, then such equipment shall be visually shielded from abutting property.
4. Entry stairs and access ramps for the handicapped may extend into any required yard setback provided the extent of encroachment is minimized while still allowing for a reasonable accommodation to meet the needs of the resident(s).
5. Sheds, garages, and similar accessory buildings may be located ten (10) feet from a property line provided they are located in a rear or side yard. Otherwise, an accessory building shall comply with setbacks.
6. Above-ground swimming pools that can be fully disassembled may be located ten (10) feet from a property line provided they are located in a rear or side yard. Otherwise, an above-ground swimming pool shall comply with setbacks. When associated with an above-ground pool that can be fully disassembled, this exception shall extend to the following ancillary structures: decks not to exceed 200 square feet, stairs, prefabricated ladders, pool pumps, and other swimming pool equipment. Structures not associated with an above-ground pool that can be fully disassembled shall not be eligible for this exception.

8.B

EXCEPTIONS AND NON-CONFORMITIES

NON-CONFORMING CONDITIONS

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

8.B. NON-CONFORMING CONDITIONS

8.B.1. PURPOSE AND INTENT

This Section of the Regulations is intended to recognize that some uses, structures, and lots were legally existing at the time of adoption of these Regulation or amendments hereto but became non-conforming following such adoption. This Section of the Regulations is intended to permit such non-conforming uses, structures, and lots to continue until they are removed or made more conforming.

8.B.2. NON-CONFORMING USES

1. Existing Uses: Where a use lawfully existed at the effective date of adoption of these Regulations or any applicable amendments hereto, such use may be continued so long as it remains otherwise lawful.
2. Alteration/Expansion: After the effective date of adoption of these Regulations or any applicable amendments hereto, a non-conforming use shall not be altered or expanded unless
 - a. such alteration or expansion is approved by the Commission as a Special Permit in accordance with Section 9.D upon a finding by the Commission that the overall compatibility with the neighborhood will be improved or enhanced as a result of mitigating the alteration or expansion with building improvements, buffering, landscaping, or other means.
3. Change in use: No non-conforming use may be changed except:
 - a. to a conforming use, or
 - b. with the approval of a Special Permit by the Commission in accordance with Section 9.D, to another non-conforming use, not more objectionable, and deemed to be more conforming.
4. Repairs: Structural alterations and ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a non-conforming use, provided that such work does not make the use more non-conforming (i.e., floor area, volume, etc.).
5. No Reversion: If a non-conforming use is superseded by a conforming use or a less intensive non-conforming use, the non-conforming use shall not thereafter be resumed.

8.B.3. NON-CONFORMING STRUCTURES

1. Existing Structures: Where a structure lawfully existed at the effective date of adoption of these Regulations or any applicable amendments hereto, such structure may be continued so long as it remains otherwise lawful.
2. Move/Alteration/Expansion: After the effective date of adoption or amendment of these Regulations, a non-conforming structure:
 - a. May be moved within its existing lot so long as such move decreases its nonconformity.
 - b. May be altered if such alteration does not increase the non-conforming aspect of the structure.
 - c. May be enlarged provided:
 - i. such enlargement does not increase the non-conforming aspect of the structure, or
 - ii. in the case of an intrusion into a required yard setback, the resulting horizontal and/or vertical enlargement does not intrude any further into the required yard setback than the existing non-conformity.
 - d. Shall not be enlarged or altered in a manner which increases the non-conformity unless such alteration or expansion is approved by the Commission as a Special Permit in accordance with Section 9.D upon a finding by the Commission that the overall compatibility with the neighborhood will be improved or enhanced as a result of mitigating the enlargement or alteration with building improvements, buffering, landscaping, or other means.
 - e. Shall not, if removed, be re-established thereafter.
3. Restoration: Any non-conforming structure which has been damaged or destroyed by any means (fire, flood, explosion, act of God, or the public enemy, etc.) may be repaired or replaced to an extent which does not increase the non-conformity (i.e., height, building coverage, impervious coverage, setback, etc.) provided such restoration commences within 18 months and is completed within 36 months of such disaster. The Commission may, upon finding of good cause, grant one or more extensions of these times frames.
4. Repair: Structural alterations and ordinary repairs may be made to a non-conforming structure, provided that such work does not increase the non-conformity (i.e., height, building coverage, impervious coverage, setback, etc.).
5. Safety: Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any non-conforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
6. Mobile Home Replacement: Notwithstanding any other provision of these Regulations, a mobile home which has been in existence since 1972 may be replaced with another mobile home on a one-time basis.
7. Mobile Home Enlargement: Notwithstanding any other provision of these Regulations, a mobile home may be enlarged up to fifty percent (50%) on a one-time basis. The one-time enlargement may occur concurrently with a one-time replacement.

8.B

EXCEPTIONS AND NON-CONFORMITIES

NON-CONFORMING CONDITIONS

BROOKLYN ZONING REGULATIONS

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8.B.4. NON-CONFORMING LOTS

1. Structures on Non-conforming Lots: In any zone, a principal building and customary accessory buildings may be erected on a lawful lot existing as of the adoption of these Regulations provided that such building(s) shall conform to the requirements of the zone in which such lot is located except for lot area, frontage, and lot width.
2. No Reduction: A non-conforming lot shall not be reduced in area, dimension or any other manner which would increase its non-conformity.
3. Lot Merger: Where two 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. Thereafter, such land may not be divided, sold, transferred or improved in any manner which would create or result in a nonconformity or an increased nonconformity. In the event that all contiguous land under common ownership is together insufficient to meet the minimum requirements of these Regulations, then all contiguous land shall be considered a single non-conforming parcel for the purposes of this Section.
4. No Reversion: If a non-conforming lot is converted to a conforming lot, it shall thereafter conform to the requirements of the zone in which it is located, and the non-conforming lot shall not thereafter be resumed.

9. PROCEDURES

9.A. ZONING PERMIT APPLICATION

9.A.1. ZONING PERMIT

1. Until the Zoning Enforcement Officer has issued a Zoning Permit:
 - a. no site development shall commence except for agricultural purposes or maintenance of existing landscape; and
 - b. no building, structure or part thereof shall be constructed, reconstructed, altered, extended, enlarged, moved, gutted, or occupied; and
 - c. no new uses or changes of use shall commence; and
 - d. in accordance with CGS Section 8-3(f), no Building Permit including a permit for a building foundation shall be issued.
2. A Zoning Permit application shall not be needed for interior alterations, provided there is no change of use, number of uses, or number of bedrooms.
3. No Zoning Permit shall be issued unless and until the following pre-conditions have been completed:
 - a. A decision by the Inland Wetlands and Watercourses Commission, if applicable, has been reported to the Commission.
 - b. A Site Plan or Special Permit has been approved by the Commission for a use requiring Site Plan or Special Permit approval.
 - c. For any lots within a subdivision or resubdivision until a financial guarantee has been posted in accordance with the Brooklyn Subdivision Regulations securing the subdivision improvements, or in lieu thereof, the subdivision improvements have been completed to the satisfaction of the Commission.
4. An application for a Zoning Permit shall be made on an official form obtained from the Town.
5. An application for a Zoning Permit shall be accompanied by a survey, plans, and/or other information needed by staff to determine compliance with the Zoning Regulations.
6. Location Verification –
 - a. The Zoning Enforcement Officer may order the submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of a building or structure on the site. Such order shall be in writing and shall state the reasons such survey is warranted.
 - b. No building or structure shall thereafter be constructed above the foundation walls until compliance has been demonstrated.
 - c. Failure to submit a certified plot plan may result in a demolition order for that portion of the building in violation of these Regulations.
7. In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in a newspaper with substantial circulation in Brooklyn in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
 - a. a description of the building, use or structure and its location,
 - b. the identity of the applicant, and
 - c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.
8. Any Zoning Permit issued under these Regulations shall expire two (2) years from the date of issuance unless a valid building permit is in effect or the Commission renews the Zoning Permit for one additional period not to exceed twelve (12) months when it is determined that the use, building and/or site development authorized by the Zoning Permit is in conformity with these Regulations.

9.A

PROCEDURES

ZONING PERMIT APPLICATION

BROOKLYN ZONING REGULATIONS

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9. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit shall be null and void.
10. Prior to the issuance of a Certificate of Zoning Compliance, the ZEO may require submittal of information from a P.E. or L.S. to determine compliance with permit requirements and these regulations.

9.A.2. CHANGE OF USE

1. A Zoning Permit may be issued by the ZEO for a change of use when:
 - a. no or Minor Modifications to the site or structure are proposed,
 - b. such proposed use is permitted in the zone, and
 - c. such proposed use is substantially similar to the previous use.

9.A.3. CERTIFICATE OF ZONING COMPLIANCE

1. Until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals or that the building, structure or use is a valid non-conforming building, structure or use under these Regulations:
 - a. no use of land shall be occupied, used or changed;
 - b. no use of a building or structure shall be undertaken or changed.
2. Pursuant to CGS Section 8-3(f), no Certificate of Occupancy shall be issued until a Certificate of Zoning Compliance has been issued.
3. **Final "As Built" Survey** - Prior to the issuance of a Certificate of Zoning Compliance, an "as-built" survey to ensure compliance with these Regulations. Such "as-built" survey shall:
 - a. Be prepared at the same scale as the Site Plan or Sketch Plan by a surveyor registered and licensed to conduct business in Connecticut;
 - b. Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan or Sketch Plan;
 - c. Include a certification as to substantial compliance with the approved Site Plan or Sketch Plan; and,
 - d. List or show all deviations from the approved Site Plan.
4. In the case of a Site Plan approved by the Commission, all "as-built" drawings which substantially deviate from the approved Site Plan shall be submitted to the Commission for its determination of acceptance or need for plan amendment.
5. When the Zoning Enforcement Office finds that the building, structure or use conforms with the requirements of these Regulations or with a variance granted by the Zoning Board of Appeals, a Certificate of Zoning Compliance shall be issued.
6. If the site improvements cannot be completed because of weather, or if an alteration does not require the vacating of the premises, or if a portion of a building or development is ready for occupancy before the completion of the entire building or development, or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed 180 days, provided that a portion of the posted financial guarantee shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements or, if necessary, a new financial guarantee shall be posted. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Zoning Enforcement Officer and/or the Commission shall then release the financial guarantee.
7. In the event that any Certificate of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Certificate of Zoning Compliance shall be null and void.
8. In accordance with CGS Section 8-3(f), the recipient of a Certificate of Zoning Compliance may publish notice of issuance of the Zoning Permit in a newspaper with substantial circulation in Brooklyn in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
 - a. a description of the building, use or structure and its location,
 - b. the identity of the applicant, and
 - c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.

9.B. PRE-APPLICATION REVIEWS

9.B.1. PRE-APPLICATION REVIEW BY STAFF

1. Prior to the submission of an official application, it is recommended that the applicant meet with the Town Planner and/or the Zoning Enforcement Officer to discuss the proposed application in order to:
 - a. identify areas of concern or further study,
 - b. suggest possible enhancements,
 - c. identify the potential need for third party consultants, and
 - d. minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application.
2. This meeting is recommended in order to facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of detailed maps, plans and documents required for formal consideration.
3. Neither the pre-application plan nor the informal consideration by the Town Planner and/or the Zoning Enforcement Officer shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

9.B.2. PRE-APPLICATION REVIEW BY COMMISSION

1. For larger and/or more complex applications, it is recommended that the applicant present a pre-application plan for informal consideration by the Commission prior to the submission of an official application.
2. This meeting and optional pre-application plan is recommended to:
 - a. facilitate consideration of factors and problems that may be associated with a particular proposal before the applicant proceeds with preparation of official maps, plans and documents required for formal consideration by the Commission, and/or
 - b. identify the potential need for third party consultants.
3. Neither the pre-application plan nor the informal consideration by the Commission shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General statutes.
4. While the meeting and optional pre-application plan should benefit any formal application, 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.

9.C. SITE PLAN APPLICATION

9.C.1. PURPOSE

A Site Plan application is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the requirements of these Regulations.

9.C.2. APPLICABILITY

A Site Plan application in conformance with Section 9.C shall be submitted:

1. For any activity designated in the Regulations as requiring Site Plan Review.
2. For any activity designated in the Regulations as requiring Special Permit approval.

9.C.3. SUBMISSION REQUIREMENTS

1. A Site Plan application shall be submitted to the Commission or its agent and shall include a completed application form and the appropriate fee as specified by town ordinance.
2. 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 pre-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.
3. A Site Plan application shall be accompanied by detailed plans that comply with the requirements in the Appendix A of these Regulations, signed and sealed by an appropriate professional, for review by the Commission and its designees.
4. The following information shall be provided by a qualified professional, as appropriate:
 - a. Name, address, telephone number, and email 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.
 - b. Statement of Use: A written description of the proposed use or uses in sufficient detail to permit the Commission to determine whether the proposed use complies with these Regulations.
 - c. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
 - d. 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 pro-posed project fits into its immediate visual surroundings.

9.C

PROCEDURES

SITE PLAN APPLICATION

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- e. 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.
5. The Commission may, in accordance with the requirements of these Regulations and the Appendix A of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
6. If the Commission finds that certain information is not necessary for review of the project, they may waive the submission of that information by a three-quarters affirmative vote of the membership present. 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.

9.C.4. PROCEEDINGS

1. The date of receipt for the Site Plan application shall be determined in accordance with Section 9.I.2.
2. An incomplete Site Plan application may be denied in accordance with Section 9.I.3 of these regulations.
3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such Site Plan application is filed with the Commission.
4. Notification to adjoining municipalities may be required in accordance with Section 9.I.6.4 of these regulations.
5. Notification to water companies may be required in accordance with Section 9.I.6.5 of these regulations.
6. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
 - a. the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
 - b. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
7. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
8. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
9. The Commission may hold a public informational meeting on a Site Plan application.
10. In accordance with CGS Section 8-3(g), as amended, a Site Plan shall be presumed approved unless a decision to deny or modify it is rendered within the applicable time period specified above.
11. The applicant may, at any time prior to action by the Commission, withdraw such application.
12. To assist with its consideration of an application for Site Plan Review, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
13. As provided in Brooklyn Town Ordinance Chapter 20, the Commission may require additional technical assistance in evaluating an application, the expense of which is to be paid by the applicant.

9.C.5. CONSIDERATIONS

1. On a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and
 - b. give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.
2. On a Site Plan application involving notice to adjoining municipalities under Section 9.I.6.4 of these regulations or notice to water companies under Section 9.I.6.5 of these regulations, the Commission shall give due consideration to any report or testimony received.
3. In accordance with CGS Section 8-25a, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m.
4. Before the Commission approves a Site Plan application, it shall determine that the application is in conformance with these Regulations.
5. A Site Plan may be approved with modifications by the Commission or denied if it fails to comply with the standards set forth in these Regulations.
6. In approving a Site Plan application, the Commission may impose conditions or modifications deemed necessary to protect public health, safety, welfare, convenience, and/or property values.
7. In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan Review limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.
8. As a condition of approval of a Site Plan, the Commission may require submission of a financial guarantee in accordance with Section 9.I.8 of these Regulations to ensure the installation and performance of erosion and sediment control measures at the site.
9. As a condition of approval of a Site Plan, the Commission may require a financial guarantee in accordance with Section 9.I.8 of these Regulations to ensure timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality.
10. When a financial guarantee is required by the Commission, the applicant shall provide a cost estimate of improvements to be guaranteed, together with a description of the basis for the estimate, prepared by a Professional Engineer.
11. When a financial guarantee is provided, the financial guarantee shall be held by the Town and the Commission shall not release the financial guarantee until it has determined that all of the improvements subject to the guarantee have been satisfactorily completed.
12. The Commission may require an "as built" A-2 survey of the lot showing the location of the buildings and improvements to determine compliance with the approved Site Plan.

Site Plan Objectives –

In reviewing and acting on a Site Plan application, the Commission's objectives are as follows:

1. Protect the health, safety, convenience and property values of the public in general and the immediate neighborhood in particular.
2. Encourage or require such modifications of the plans as it shall deem necessary to ensure the accomplishment of the general objectives outlined in this Section.
3. Ensure that the proposed site plan will be in general conformance with the Plan of Conservation and Development, including the provision and adequacy of public improvements.
- 4.
5. Ensure that all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.
6. Ensure that appropriate provision is made for transportation including:
 - adequate off-street parking and loading spaces are provided to prevent on-street and off-street traffic congestion;
 - all parking spaces, maneuvering areas are suitably identified;
 - entrances and exits are suitably identified and designed to specific use radii;
 - the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces;
 - 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
 - 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.
7. Ensure 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.
8. Ensure 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.

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Site Plan Objectives –

9. Ensure 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.
10. Ensure 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.
11. Ensure 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.
12. Ensure 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.
13. Ensure 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.
14. Ensure that in planning the layout on the site, and design of structures, consideration is given to energy conservation.
15. Ensure 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.

9.C.6. ACTION DOCUMENTATION

1. Whenever it grants or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of a Site Plan to be published in a newspaper having a substantial circulation in Brooklyn within fifteen (15) days after such decision is rendered and, in any case where such notice is not published by the Commission, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
4. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

9.C.7. FOLLOWING APPROVAL

1. A Zoning Permit must be obtained before the commencement of site work or uses approved as part of a Site Plan application.
2. The Zoning Permit and all site improvements shall be carried out in compliance with the Site Plan approved by the Commission.
3. Minor amendments or modifications to the Site Plan (adjustments in utility locations, landscaping materials, or other items but not including changes to building size, parking configuration, buffers, etc.) may be approved by Land Use Staff provided such approval is in writing.
4. Major amendments or modifications to the Site Plan (changes to building size, parking configuration, buffers, etc.) may only be approved by the Commission.
5. All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

9.C.8. EXPIRATION AND COMPLETION

1. Unless otherwise provided in CGS Section 8-3, all work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Site Plan unless the Commission shall have granted an extension of the time to complete such work.
2. Provided the applicant has requested an extension prior to the expiration of the completion period, the Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the Site Plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such Site Plan.
3. The Commission may condition the approval of such extension on a determination of the adequacy of any financial guarantee in accordance with Section 9.I.8 or other surety.

9.D. SPECIAL PERMIT APPLICATION

9.D.1. 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. All Special Permit uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as to its suitability in the proposed location on an individual basis.

9.D.2. APPLICABILITY

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.

9.D.3. SUBMISSION REQUIREMENTS

1. Each application for a Special Permit shall be accompanied by a complete Site Plan application in accordance with Section 9.C unless the Zoning Enforcement Officer finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.
2. A Special Permit application, including five sets of the following information, maps, and plans in accordance with the requirements of this Section, shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee.
3. The following information shall be provided by a qualified professional, as appropriate:
 - a. Architectural design data, including architectural profiles and identification of texture, color and type of building materials to be used.
 - b. 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.
 - c. 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:
 - 1) Background traffic volumes
 - 2) Projections of traffic volumes due to development and distribution of same on roadway system
 - 3) Analysis of background & projected traffic volumes and impacts on adjacent roadway network
 - 4) Analysis of historical accident record
 - 5) Sight line analyses for all driveways
 - 6) Traffic analysis to include AM and PM peak hours and daily volumes
 - 7) Sites having significant truck traffic (greater than 5% of total site-generated traffic) will require analysis to determine impacts on the roadway system
 - 8) 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.
4. Notwithstanding the basic submission requirements, the Commission may require the submission of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.

5. If the Commission finds that certain information is not necessary for review of the project, they may waive the submission of that information by a three-quarters affirmative vote of the membership present. 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.
6. The Commission shall not be required to hear an application relating to the same request or substantially the same request, more than twice in a twelve-month period.

9.D.4. PROCEEDINGS

1. The date of receipt for the Special Permit application shall be determined in accordance with Section 9.I.2.
2. An incomplete Special Permit application may be denied in accordance with Section 9.I.3 of these regulations.
3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Commission.

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4. The Commission shall hold a public hearing on the Special Permit application and shall:
 - a. publish a legal notice in accordance with the requirements of Section 9.I.6.1 of these Regulations,
 - b. require the applicant notify abutting property owners in accordance with Section 9.I.6.2, and
 - c. require that the applicant post a sign on the land affected by the application in accordance with the requirements of Section 9.I.6.3 of these Regulations.

Public Hearing Sign Required



5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.I.6.4 of these regulations..
6. Notification to water companies may be required in accordance with the requirements of Section 9.I.6.5 of these regulations.
7. The Commission shall process the Special Permit application within the period of time provided under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
 - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.D.5. SPECIAL PERMIT CRITERIA

In considering an application for a Special Permit, the Commission shall evaluate the application with respect to the following factors, except that the Commission may determine that some factors may not be applicable to certain types of applications:

1. Zoning Purposes

Whether the proposed use or activity is consistent with the purposes of the Regulations.

2. Environmental Protection and Conservation

Whether the use or activity will materially impair the natural environment of the nearby area or the community and whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

3. Overall Compatibility

Whether the proposed use will serve a community need or convenience and whether the proposed use will have a detrimental effect on neighboring properties or the development of the zone.

4. Suitable Location and Lot for Use

Whether the nature, scope, size and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the zone in which it is located. 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. Appropriate Improvements

Whether the design elements of the proposed development (such as location, type, size and height of buildings and other structures, parking, access, landscaping, screening, lighting, signage, etc.) will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future character of the neighborhood in which the use is located.

6. Suitable Transportation Conditions

Whether the streets, driveways and other traveled ways are or will be of such size, condition and capacity (width, grade, alignment, sight lines, and visibility) to adequately accommodate the traffic volume and parking demand to be generated by the particular proposed use and not create problems.

7. Adequate Public Utilities and Services

Whether the provisions for water supply, sewage disposal, waste management, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.

8. Long Term Viability

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9. Nuisance Avoidance

Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area and whether the proposed activities will unreasonably impact nearby properties.

10. Plan of Conservation and Development

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

11. Mitigation

Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

9.D.6. CONSIDERATIONS

1. The applicant shall bear the burden of demonstrating that the applicable Special Permit criteria in Section 9.D.4 of these Regulations are addressed.
2. Before the Commission approves a Special Permit application, it shall determine that the application:
 - a. has, in the sole discretion of the Commission, satisfied the applicable Special Permit criteria Section 9.D.4 of these Regulations, and
 - b. is in conformance with other applicable provisions of these Regulations, and
 - c. is in harmony with the purposes and intent of these Regulations.
3. For a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. wait to render its decision until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision, and
 - b. give due consideration to any report of the Inland Wetlands and Watercourses Commission when making its decision.
4. On a Special Permit application involving notice to adjoining municipalities under Section 9.I.6.4 of these regulations or notice to water companies under Section 9.I.6.5 of these regulations, the Commission shall give due consideration to any report or testimony received.
5. In accordance with CGS Section 8-25a, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m.
6. In granting a Special Permit, the Commission may determine whether and to what extent permitted uses may be undertaken and stipulate such conditions as are reasonable and necessary to:
 - a. protect or promote the public health, safety or welfare;
 - b. protect or promote public convenience or property values; or
 - c. enhance overall neighborhood compatibility.
7. A Special Permit and any condition attached to the granting of a Special Permit shall:
 - a. remain with the property as long as the Special Permit use is in operation, and
 - b. continue in force and effect regardless of any change in ownership of the property.

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9.D.7. ACTION DOCUMENTATION

1. The Planning and Zoning Commission shall approve, disapprove or approve with conditions the proposed Special Permit.
2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
3. In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:
 - a. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith.
 - b. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
 - c. A financial guarantee in accordance with the provisions of Section 9.I.8 of these Regulations.
4. Whenever it acts on a Special Permit application, the Commission may:
 - a. Establish a condition that commencement of the use or construction begin within a certain time frame.
 - b. Require a financial guarantee in accordance with Section 9.I.8 of these Regulations in an amount and in a form satisfactory to the Commission, based upon a cost estimate of improvements provided by the applicant, to ensure satisfactory completion of site improvements other than buildings.
5. Any decision to grant a Special Permit shall:
 - a. state the name of the owner of record,
 - b. contain a description of the premises to which it relates,
 - c. identify the section of the Regulations under which the Special Permit was granted,
 - d. specify the nature of the Special Permit, and
 - e. state the conditions of approval, if any.
6. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.
7. The Commission shall cause notice of the approval or denial of the Special Permit application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Brooklyn.
8. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

9.D.8. FOLLOWING APPROVAL

1. Following approval of a Special Permit application and expiration of the appeal period, a Special Permit granted by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. Additionally, one (1) copy of each page of the approved plans shall be printed on archival material (mylar) and shall be submitted to Town staff for signature by the Chairman. Paper proof plots for review by Town staff are recommended before printing on archival material.
 - a. Each such plan shall bear the seal and signature of the appropriate professional(s) which prepared the drawing.
 - b. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity.
 - c. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission and state the date on which the five-year period for completing all work in connection with such Site Plan, as set forth CGS Section 8-3d, expires.
 - d. Following signature by the Chairman, such plans shall be filed in the Town Clerk's Office within ninety (90) days after the expiration of the appeal period or conclusion of any appeal. An extension of not more than one hundred and eighty (180) days may be granted by the Commission upon written request by the applicant prior to the expiration date.
3. Failure to file such record of Special Permit and associated plans within the time frame specified above will render the approval null and void.
4. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
5. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations. The Zoning Enforcement Officer or the Commission shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.
6. An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application:
 - a. Amendments to the Special Permit which the Commission finds to be minor in nature, do not substantially alter the Special Permit, and will not adversely affect adjacent properties or the neighborhood, may be approved by the Commission without another public hearing.
 - b. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use may be approved by the Commission only after a public hearing and subject to the same procedures for approval of a Special Permit.
7. The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective zones when the Special Permit is granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations.
8. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

9.E. TEXT AMENDMENT APPLICATION

9.E.1. APPLICABILITY

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any section of these Regulations.

9.E.2. SUBMISSION REQUIREMENTS

1. A Text Amendment application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a text amendment application made on its own initiative or as a result of a petition submitted by residents.
2. A Text Amendment application shall be accompanied by the wording of the existing and proposed text and any other supporting information, including reason(s) for the proposed amendment.
3. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

9.E.3. PROCEEDINGS

10. The date of receipt for the Text Amendment application shall be determined in accordance with Section 9.I.2.
11. An incomplete Text Amendment application may be denied in accordance with Section 9.I.3.
12. The Commission shall hold a public hearing on the Text Amendment application and:
 - a. shall cause a legal notice to be published in accordance with the requirements of Section 9.I.6.1. of these Regulations.
 - b. may publish the full text of such proposed regulation in such notice.
13. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
 - a. Such notice shall be made by certified mail, return receipt requested.
 - b. Such notice shall be made not later than thirty (30) days before the public hearing.
 - c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
14. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.I.6.4.
15. The Commission may refer any application to amend these Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.

16. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
17. The Commission shall process the Text Amendment application within the period of time provided under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
 - e. These provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
18. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.E.4. DECISION CONSIDERATIONS

1. The Commission shall act upon the changes requested in such Text Amendment application.
2. On a Text Amendment application involving notice to adjoining municipalities under Section 9.1.6.4 or notice to a regional planning agency under CGS Section 8-3b:
 - a. Any report received from those agencies shall be made a part of the record of such hearing.
 - b. The Commission shall give due consideration to any report or testimony received.
3. In making its decision the Commission shall:
 - a. consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and these Regulations), and
 - b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
4. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
 - a. protecting the public health, safety, welfare, or property values, and
 - b. attaining the purposes of these Regulations.
5. In accordance with CGS Section 8-3(b), such text change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission (i.e., the full number of regular members of the Commission, not just those in attendance).

9.E.5. ACTION DOCUMENTATION

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.
2. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.
3. As part of approving a Text Amendment application:
 - a. the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Brooklyn before such effective date, or
 - b. if an effective date is not so specified, the text amendment shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation in Brooklyn.
4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Brooklyn.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

9.E.6. FOLLOWING APPROVAL

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

9.F. ZONE CHANGE APPLICATION

9.F.1. APPLICABILITY

A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

9.F.2. SUBMISSION REQUIREMENTS

1. A Zone Change application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a zone change application made on its own initiative.
2. A Zone Change application shall be accompanied by a listing of the Assessor's map and lot of all affected properties and a map at an appropriate scale indicating existing and proposed zone boundaries.
3. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this section.

9.F.3. PROCEEDINGS

1. The date of receipt for the Zone Change application shall be determined in accordance with Section 9.I.2.
2. An incomplete Zone Change application may be denied in accordance with Section 9.I.3.
3. The Commission shall hold a public hearing on the Zone Change application and shall:
 - a. publish a legal notice in accordance with the requirements of Section 9.I.6.1 of these Regulations,
 - b. require the applicant notify abutting property owners in accordance with Section 9.I.6.2, and
 - c. require that the applicant post a sign on the land affected by the application in accordance with the requirements of Section 9.I.6.3 of these Regulations.

Public Hearing Sign Required



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4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
 - a. Such notice shall be made by certified mail, return receipt requested.
 - b. Such notice shall be made not later than thirty (30) days before the public hearing.
 - c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.1.6.4.
6. The Commission may refer any application to amend the zoning map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.
7. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
8. The Commission shall process the Zone Change application within the period of time provided under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
 - e. These provisions shall not apply to any action initiated by the Commission regarding a zoning map change.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.F.4. DECISION CONSIDERATIONS

1. The Commission shall act upon the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities under Section 9.1.6.4 or notice to a regional planning agency under CGS Section 8-3b:
 - a. Any report received from those agencies shall be made a part of the record of such hearing.
 - b. The Commission shall give due consideration to any report or testimony received from such agencies.
3. Changes in zone boundaries shall follow property lines or geo-physical features, where appropriate.
4. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
 - a. is in accordance with the Plan of Conservation and Development,
 - b. is suitable for the intended location,
 - c. will aid in protecting the public health, safety, welfare, or property values, and
 - d. will aid in attaining the purposes of these Regulations.
5. In accordance with CGS Section 8-3(b), such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission (i.e., the full number of regular members of the Commission, not just those in attendance) except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the land affected by such proposed change including lots within five hundred 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 the members of the Commission.

9.F.5. ACTION DOCUMENTATION

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
 - a. The reason(s) for its decision.
 - b. Its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. As part of approving a Zone Change application:
 - a. the Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Brooklyn before such effective date, or
 - b. if an effective date is not so specified, the zoning map change shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation in Brooklyn.
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Brooklyn.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

9.F.6. FOLLOWING APPROVAL

1. The new Zoning Map with the approved change shall be filed in the office of the Town Clerk before the effective date.

9.G. ZONING BOARD OF APPEALS

9.G.1. POWERS AND DUTIES

A Zoning Board of Appeals (ZBA) shall be established and the ZBA shall have all the powers and duties prescribed by Chapter 124 of the Connecticut General statutes, prescribed by these Regulations, or conferred by general law.

1. Appeals –

- d. The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of any official charged with the enforcement of these Regulations.
- e. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.

2. Variances –

- a. Except as provided below, the ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.
- b. The Board is prohibited from granting a variance:
 - that has the effect of varying any condition or requirement set forth in these Regulations for a Special Permit use when such uses are only permitted in the subject zone when all conditions or requirements are satisfied.
 - which permits or extends a use which is otherwise not permitted by these Regulations.
 - that has the effect of permitting a use in any zone that is not permitted in that zone by these Regulations.
- c. 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.

3. Other Matters - To hear and decide all matters upon which it is required to pass under any provisions of these Regulations or the Connecticut General statutes.

4. The Board may adopt such other procedures as may be necessary to carry out the provisions of this section or the provisions of the Connecticut General statutes.

9.G.2. APPEALS OF ORDER

1. All appeals to the ZBA from an order, requirement, decision or determination of any official charged with the enforcement of these Regulations shall be taken within fifteen (15) calendar days of such order, requirement, decision or determination.
2. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.
3. 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.
4. The Board may reverse, 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.

9.G.3. VARIANCES

1. All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application for incomplete information having been submitted.
2. If the ZBA has previously denied a variance request, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.
3. The Board may require the filing of a survey prepared by a land surveyor licensed to practice in Connecticut when the variance is dimensional in nature or such survey is integral to the understanding of the application.
4. The date of receipt for the Variance application shall be determined in accordance with Section 9.I.2.
5. 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.
6. The ZBA shall hold a public hearing on all appeals and applications for variances and shall publish a legal notice in accordance with the requirements of Section 9.I.6.1 of these Regulations.
7. The Board shall process the Variance application within the period of time provided under CGS Section 8-7d, as amended:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. The applicant may, at any time prior to action by the Board, withdraw such application.
9. To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
10. Every application for variance shall be transmitted to the Planning and Zoning Commission and, on or before the public hearing held by the ZBA on such application for variance, the Planning and Zoning Commission may make a report with recommendations thereon, such report to be a part of the record of the case.
11. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

12. 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.
13. The burden is on the applicant to demonstrate that the requirements for a variance have been met.
14. No variance shall be granted by the ZBA unless it makes the following findings:
 - a. a peculiar or unique characteristic of the property (which shall be recorded in the minutes of the Board) is such that the literal enforcement of the zoning regulations would result in exceptional or unusual hardship other than a financial hardship or loss of financial advantage;
 - b. the nature of the hardship (which shall be recorded in the minutes of the Board) is not a self-inflicted hardship which is the result of an action by the applicant or by someone other than the applicant such as a previous owner of the property, nor is the hardship a result of conditions which the applicant can alter, but prefers not to change;
 - c. the applicant has demonstrated that he or she has pursued all other alternatives available under these Regulations; and
 - d. the applicant has demonstrated that the granting of the requested variance will have no adverse effect on the surrounding properties with regard to health, safety, welfare or property values, and that the variance is consistent with the general purpose of these Regulations.

9.G.4. ACTION DOCUMENTATION

1. Whenever the ZBA makes a decision, it shall include the reason for its decision in its minutes as part of the record and, for a variance application, shall also indicate:
 - a. the specific provision of these Regulations which was varied,
 - b. the extent of the variance,
 - c. the specific hardship upon which its decision was based, and
 - d. its findings with regard to the criteria listed in Section 9.G.3.
2. In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations.
3. The Board shall send, by certified mail, a copy of its decision to the applicant within fifteen (15) days after such decision is rendered.
4. The Board shall cause notice of the approval or denial of any application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Brooklyn.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.
6. Any variance granted by the ZBA shall only become effective upon its filing by the applicant in the office of the Town Clerk and in the Town land records except that any variance which is not recorded within one year from its effective date shall be null and void.

9.G.5. USE VARIANCES

1. In addition to complying with all the requirements contained in Section 9.G.3, no use variance shall be granted by the ZBA which would permit:
 - a. a use prohibited either implicitly or explicitly by these Regulations;
 - b. the expansion of a non-conforming use;
 - c. the number of dwelling units on a lot to exceed the maximum allowed in the zone in which the lot is located; or,
 - d. a use otherwise allowed by Special Permit in the zone in which the use is located.
2. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
3. The use variance granted shall be the minimum variance necessary to allow a reasonable use of the property

9.G.6. RECORD KEEPING AND REPORTING

1. The Board shall maintain a record of all actions, including findings upon their issuance or denial, as the case may be.
2. A summary of this record shall be included in the annual report of the Board, a copy of which is to be filed with the Planning and Zoning Commission.
3. The Board shall maintain a computerized record of all variance actions including the following:
 - a. the unique identification number of the variance application; and
 - b. the information specified in Section 9.G.4.1. of these Regulations.

9.H. ENFORCEMENT

9.H.1. ENFORCEMENT

1. The Commission shall provide for the manner in which the Zoning Regulations shall be enforced.
2. The Commission shall appoint a Zoning Enforcement Officer (ZEO) who shall be responsible to the Commission and act as its representative in the performance of such inspection duties in connection with the enforcement of these Regulations. As necessary, the Commission may designate one or more agents to act on their behalf.
3. No commission, board, agency, officer or employee of the Town shall issue, grant, or approve any permit, license, certificate, or other authorization for construction, reconstruction, alteration, enlargement, or moving of any building or structure or for any use of land or building that would not be in full compliance with the provisions of these Regulations, except as permitted by the Zoning Board of Appeals in accordance with Section 9.G. Any such permit, license, certificate, or other authorization issued, granted or approved in violation of the provisions of these Regulations shall be null and void and of no effect without the necessity of any proceeding or revocation or nullification thereof.
4. 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.

9.H.2. PENALTIES

1. Any person who shall violate any provision of these Regulations may be issued a citation in accordance with Section 20-2 of the Brooklyn Town Code and may be subject to any applicable remedy and/or penalty prescribed by the General statutes of the State of Connecticut, as amended.
2. The penalties prescribed in CGS Section 8-12, as amended, shall be applied to any person who:
 - a. having been served by the Zoning Enforcement Officer with an order to discontinue any such violation, fails to comply with such order within 10 days after such service; or,
 - b. having been served with a cease and desist order with respect to a violation involving unauthorized cutting of trees, grading of land or removal of earth in violation of an approved plan, fails to comply with such order immediately; or,
 - c. continues to violate any provision of these Regulations in the manner named in such order.
3. Penalties in accordance with the provisions of CGS Section 8-12, as amended, may apply to:
 - a. the owner or agent of a building or premises where a violation of any provision of these Regulations has been committed or exists;
 - b. the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists;
 - c. the owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists; and/or
 - d. the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists.

Excerpts From CGS Section 8-12:

- **[Fines of] not less than ten dollars or more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars or more than two hundred fifty dollars for each day that such violation continues,**
- **[Imprisonment of] not more than ten days for each day such violation continues not to exceed a maximum of thirty days for such violation,**
- **[Both fines and imprisonment]**
- **[Failure to comply with] an order to discontinue any such violation ... within ten days after such service, or [failing to comply] with a cease and desist order ... immediately, or [continuing] to violate any provision of the regulations ... shall be subject to a civil penalty not to exceed two thousand five hundred dollars,**
- **If the court renders judgment for such municipality and finds that the violation was willful, the court shall allow such municipality its costs, together with reasonable attorney's fees to be taxed by the court.**

9.I. PROCEDURAL REQUIREMENTS

9.I.1. APPLICATION SUBMITTAL REQUIREMENTS

1. Applications to the Commission or Board shall be submitted to Land Use staff.
2. Applications shall be submitted on forms obtained from the Land Use staff for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) in accordance with the Ordinance Establishing Individual Cost Based Fees for Municipal Land Use Applications of the Town of Brooklyn, except that the Commission or the Town of Brooklyn shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant or an authorized agent.
6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.
7. Applications should be submitted at least 10 days prior to the monthly Commission meeting.

9.I.2. DATE OF RECEIPT

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application to the Zoning Enforcement Officer or agent, or
2. thirty-five (35) days after submission, whichever is sooner.

9.I.3. INCOMPLETE APPLICATIONS

1. Each application shall be reviewed by the Zoning Enforcement Officer or agent to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.

9.I.4. SEQUENCE OF HEARINGS

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

9.1.5. CONSULTATIONS / EXCESS COSTS

9.1.5.1. ADVISORY REFERRALS

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions (such as the Brooklyn Conservation Commission) to assist it in evaluating applications.

9.1.5.2. OUTSIDE CONSULTANTS

1. In accordance with Brooklyn Ordinance 20-1.3.B, the Commission or Board may, at the applicant's expense, retain a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on any application.
2. Prior to actually retaining such outside consultant(s), the Commission or the Board shall make findings that the nature and intensity of the proposal may have a significant impact on Brooklyn and that:
 - a. Town staff will not be able to complete a technical review of the application in a timely fashion, or
 - b. that the proposal is of such a nature as to require expertise not available from staff.
3. The Commission, Board or Zoning Enforcement Officer or agent shall estimate the projected expenses for reviewing, evaluating and processing the application based upon information received from the potential consultant(s) and shall notify the applicant of such supplemental fee estimate.
4. The applicant shall submit funds sufficient to cover the basic application fee plus the cost of the consultant review within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.
5. Should the estimate of supplemental funds prove inadequate, the Commission, Board or Zoning Enforcement Officer shall recalculate the projected expenses for reviewing, evaluating and processing the application and notify the applicant of such supplemental fee estimate.
6. The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.
7. Any portion of the estimated processing fee not expended by the Town on the project shall be refunded to the applicant upon completion of the review, evaluation and processing of the application.
8. No permits shall be issued until all consulting fees are paid.

9.1.5.3. EXCESS COSTS

1. In accordance with Brooklyn Ordinance 20-1.3.B, the Commission or Board shall bill the applicant for any costs incurred by the Town of Brooklyn in processing the application in excess of the estimated processing fee(s) paid by the applicant and this bill shall be paid by the applicant within fifteen (15) calendar days of such notice regardless of whether the application is approved, denied, or withdrawn.
2. No permits shall be issued until all processing fees are paid.

9.I.6. NOTICE PROVISIONS

9.I.6.1. NOTICE BY NEWSPAPER

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Zoning Enforcement Officer or agent shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Brooklyn.
2. Such notice shall be published 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 the date of the hearing.

9.I.6.2. NOTICE TO ABUTTERS

1. When notice to abutters is required by these Regulations, the applicant shall, at their own expense, send notice of the nature of the application and the date and place of the public hearing 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.
2. The current assessor records shall be utilized to determine mailing addresses.
3. Such notice shall be mailed at least 15 days prior to the date of the public hearing and evidence of such mailing shall be provided to the Commission by submitting:
 - a. A copy of the notice sent, and
 - b. certificates of mailing.

9.I.6.3. POSTING OF SIGN

1. When posting of a sign is required by these Regulations, the applicant shall, at their expense, post at least one sign in a conspicuous location visible to passersby on each street on which the property affected by the application has frontage or access.
2. The sign shall be at least two feet by three feet with letters at least three inches (3") in height.
3. The sign shall:
 - a. give information as to the type of application,
 - b. give information as to the time, date and location of the public hearing pertaining to the application,
 - c. be clearly legible from the street, and
 - d. be posted at least fifteen (15) days prior to the public hearing.
4. The applicant shall file a written statement with the Commission at the time of the public hearing certifying that the required signs were posted as required by these Regulations.
5. Failure to post and maintain the signs as required by this Section or unclear signage shall constitute grounds for denial of the application.
6. Any signs shall be removed within two (2) days following the close of the public hearing.

9.1.6.4. NOTIFICATION TO ABUTTING MUNICIPALITIES

1. In accordance with CGS Section 8-7d(f), the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
 - b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
 - c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
 - d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Zoning Enforcement Officer or agent of the application, petition, request or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

9.1.6.5. NOTIFICATION TO WATER COMPANIES

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission or Board concerning any project on any site that is within:
 - a. an aquifer protection area provided such area has been delineated in accordance with CGS Section 22a-354c, or
 - b. the watershed of a water company provided such water company or said commissioner has filed a map with the Commission or the Board and on the Brooklyn land records showing boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Zoning Enforcement Officer or agent.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Zoning Enforcement Officer or agent or the application shall be considered incomplete:
 - a. a copy of the complete package of information, and
 - b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

9.1.7. BENEFICIARIES OF A TRUST

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

9.1.8. FINANCIAL GUARANTEE

1. Where a financial guarantee is required by any Section of these Regulations, an itemized estimate of the cost of the site improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Commission's Engineer for approval.
2. The financial guarantee shall be posted with the Town for an initial period of 18 months unless an extension of time shall be requested by the applicant and granted by the Commission.
3. Where a financial guarantee is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any financial guarantee:
 - a. Cash deposited with the Town.
 - b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
 - c. Bank deposit (such as a passbook savings account or a statement savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
 - d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that;
 - such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
 - the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
 - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
 - iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the financial guarantee.
 - e. Other form of financial guarantee (such as a performance bond) acceptable in form and substance to the Town.
4. Upon the completion of at least 25%, 50% or 75% of the cost of the site improvements subject to a performance, the applicant may request in writing a reduction of the financial guarantee. The Commission shall cause the site to be inspected by the Zoning Enforcement Officer and/or other appropriate Town officials to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such financial guarantee.

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5. No portion of any required financial guarantee shall be released by the Commission until:
 - a. a release has been requested, in writing, by the applicant,
 - b. the applicant's engineer or surveyor has certified to the Town, in writing, that an appropriate level of improvements in relation to the requested release have been satisfactorily completed in accordance with approved plans,
 - c. if such release is a final release, the applicant's engineer or surveyor has submitted a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with approved plans, and
 - d. the Zoning Enforcement Officer has confirmed, in writing, that the appropriate level of improvements in relation to the requested release have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.
6. In accordance with CGS Section 8-3, if the person posting a financial guarantee requests a release of all or a portion of such financial guarantee, the Commission shall, not later than sixty-five days after receiving such request:
 - a. release any such financial guarantee or portion thereof, provided the Commission is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or
 - b. provide the person posting such financial guarantee with a written explanation as to the additional work that must be completed before such financial guarantee or portion thereof may be released.
7. Before the release of a financial guarantee, the Commission:
 - a. shall require the applicant to submit "as-built" drawings; and,
 - b. may require that the applicant post a maintenance financial guarantee to be retained for a period of two years after vegetative cover and plantings have been installed in order to guarantee the survival of landscaping and to ensure any other relevant improvements.
8. Any cost of collecting a financial guarantee, including without limitation, attorney's fees, bank fees, and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released accordance with this Section.

10. APPENDICES

10.A. APPENDIX A - SITE PLAN CHECKLIST

10.A.1. SITE PLAN REQUIREMENTS AND CHECKLIST

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

	A Class A-2 Property/Boundary and Zoning/Improvement Survey prepared, signed and sealed by a land surveyor licensed in the State of Connecticut.
	A Site Development Plan prepared, signed and sealed by a professional engineer, architect, or landscape architect (whichever is appropriate) licensed in the State of Connecticut. All plans shall be prepared at a minimum scale of one inch equals 40 feet. The following data will be included:
	Date, north arrow, and numerical and graphical scale on each map.
	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.
	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.
	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 pro-posed in or affecting the easement.
	Proposed Buildings and Uses:
	Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, underground structures, and walls.
	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.
	Building elevation or preliminary drawings showing the general type of building proposed for construction and the gross floor area of proposed buildings and uses.
	Parking, Loading and Circulation:
	Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.
	Location, arrangement, and dimensions of loading and unloading areas.
	Location and dimensions of pedestrian walkways, entrances, and exits.
	Location, size, height, orientation and plans of all signs.
	Location, size, height, orientation and design of any outdoor lighting.
	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.
	Storm drainage calculations that identify the rate and quantity of discharge shall be provided.
	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, rocky outcrops, and other significant physical features, and, where appropriate, the wetlands boundary, wetland buffer areas, and the flood hazard area.

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APPENDIX A - SITE PLAN CHECKLIST

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	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.
	Staging Plan Map: When 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.
	Hazardous Materials and Wastes: The applicant shall identify any hazardous materials or wastes to be associated with the proposed occupancy and use of a non-residential property in accordance with Sec. 7.F. At least, the following information shall be presented in satisfaction of this section:
	The amount and composition of any hazardous material that will be handled, stored, generated, treated or disposed of on the property.
	Provisions for treatment, storage and/or disposal of any hazardous materials.
	Distance to nearest natural resource.
	Whether or not public sewer is available or proposed at the location.
	Septic tank location, size and capacity, and/or sewage lift stations, force mains and grease traps.
	Expected types and amount of discharge to sewers, to the ground, and to surface water.
	Provisions for storm water runoff controls which will minimize suspended solids.
	Location of loading and unloading docks.
	Provision for containment of any spills.
	Location and description of outside storage areas and types of materials to be stored.
	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 view-point of their office.

10.B. APPENDIX B – AREA AND DIMENSIONAL STANDARDS BY ZONE

10.B.1. TABLE OF AREA AND DIMENSIONAL STANDARDS BY ZONE*

ZONE	R-10	R-30	RA
Minimum Lot area (sq.ft.)	10,000	30,000	87,120 (2 ac.)
Minimum Lot frontage (ft.)	75	110	150
Principle Building			
Minimum Front Yard Setback (ft.)	35	50	50
Minimum Side Yard Setback (ft.)	15	30	40
Minimum Rear Yard Setback (ft.)	15	50	50
Accessory Building			
Minimum Front Yard Setback (ft.)	35	50	50
Minimum Side Yard Setback (ft.)	Half the height of the accessory building or 10 feet, whichever is greater	Half the height of the accessory building or 15 feet, whichever is greater	Half the height of the accessory building or 20 feet, whichever is greater
Minimum Rear Yard Setback (ft.)	Half the height of the accessory building or 10 feet, whichever is greater	Half the height of the accessory building or 15 feet, whichever is greater	Half the height of the accessory building or 20 feet, whichever is greater
Maximum Building Height (ft.)	35	35	35

* See Section 8.A for possible exceptions to these dimensional requirements.

10.B

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APPENDIX B – AREA AND DIMENSIONAL STANDARDS BY ZONE

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ZONE	VC	NB	RB
Minimum Lot area (sq.ft.)	30,000 (or the area of the existing lot of record, if it is smaller)	10,000	20,000
Minimum Lot width (ft.)	60	None	None
Minimum Lot frontage (ft.)	60	None	None
Principle Building			
Minimum Front Yard Setback (ft.)	10	20	20
Minimum Side Yard Setback (ft.)	8	10	15
Minimum Rear Yard Setback (ft.)	10	20	15
Accessory Building			
Minimum Front Yard Setback (ft.)	10	20	20
Minimum Side Yard Setback (ft.)	8	10	10
Minimum Rear Yard Setback (ft.)	10	10	10
Maximum Building Height (ft.)	35	35	35
Maximum Building Width (ft.)	100	None	None
Maximum Building Size (sq. ft.)	5,000	None	None
Maximum Impervious Coverage (%)	80	80	80
Maximum Building Coverage (%)	None	20	20

* See Section 8.A for possible exceptions to these dimensional requirements.

APPENDIX B – AREA AND DIMENSIONAL STANDARDS BY ZONE

ZONE	PC	I	PL-O
Minimum Lot area (sq.ft.)	30,000	87,120 (2 ac.)	No minimum provided Public Health Code is met.
Minimum Lot width (ft.)	100	None	None
Minimum Lot frontage (ft.)	100	200	50
Minimum Front Yard Setback (ft.)	-	20	10
Minimum Front Yard Setback (ft.) if no parking between building and street	30	-	-
Minimum Front Yard Setback (ft.) if parking between building and street	45	-	-
Minimum Side Yard Setback (ft.)	20 (see Sec. 4.D.6.1)	20	10
Minimum Rear Yard Setback (ft.)	20	20	10
Maximum Building Height (ft.)	-	35	35
Maximum Building Height (ft.) If within 200' of residential property or zone	30 and 2 story (see Sec. 4.D.6.2)	-	-
Maximum Building Height (ft.) If not within 200' of residential property or zone	40 and 3 story	-	-
Maximum Building Width (ft.)	None	None	None
Maximum Building Size (sq. ft.)	None	None	None
Maximum Impervious Coverage (%)	65	None	None
Maximum Building Coverage (%)	None	None	None

* See Section 8.A for possible exceptions to these dimensional requirements.

10.C**APPENDICES****APPENDIX C – REVISIONS SINCE OCTOBER 15, 2019****BROOKLYN ZONING REGULATIONS**

Effective January 11, 2024

10.C. APPENDIX C – REVISIONS SINCE OCTOBER 15, 2019

Effective Date	Section(s)	Page #	Application	Description
7-30-2020	3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1	39,43,48, 53,64,70	ZRC 20-001	Change to allow accessory buildings in the front yard provided they meet the same minimum front yard setback as principal buildings in the zone.
7-30-2020	3.C.2.4.5, 4.D.2.1, 7.B.5.4,	44,71,164	ZRC 20-001	Technical corrections, numbering errors and typos.
7-30-2020	6.K.2.2	132	ZRC 20-001	Change to eliminate financial guarantee of \$500 for donation bins placed by tax-exempt organizations.
7-30-2020	6.O.4.1	142-144	ZRC 20-001	Change to reinstate separation to groundwater requirement for excavation operations.
7-30-2020	6.P.3.3	149	ZRC 20-001	Removal of incorrect reference to importation of material.
7-30-2020	Zoning Map		ZC 20-001	R-30/RA zone boundary adjustment on south side of Day St. in conjunction with SD 20-001 (6-lot subdivision of Weaver).
10-7-2020	Zoning Map		ZC 20-002	Zone change from R-30 -> RA for 340 Christian Hill Road, 6.75 acres on east side (Map 30, Lot 50).
12-15-2020	Zoning Map		ZC 20-003	Zone change from RA -> VC for 94-102 Hartford Road, 4 acres on north side (Map 24, Lots 32-33).
03-30-2021	Zoning Map		ZC 21-001	Zone change from R-30 -> RA for 202 South Street, 3 acres at the intersection of South Street and Fortin Drive (Map 40, Lot 13).
03-11-2022	6.G.2, 6.G.3, 6.G.4	124-126	ZRC 21-001	Changes pertaining to Conservation Subdivisions
03-11-2022	2.B, 4.D.2.3.18, 4.E.2.3.3	11,18,22, 71,72,79	ZRC 21-002	Change to add definitions related to cannabis, to permit retail sale of cannabis in the PC Zone, and to permit micro-cultivation in the I Zone.
04-15-2022	6.B.3.4	116	ZRC 21-003	Change regarding replacement/repair of agricultural buildings (adaptive reuse).
06-03-2022	7.A.3.4.3	156	ZRC 22-002	Change to allow hanging signs in the PC Zone.
06-24-2022	4.A.2.3.13, 6.R	50,151	ZRC 22-004	Change to allow self-storage facilities by Special Permit in qualifying locations in the VC Zone.
08-18-2022	4.D.2.3.18, 6.S	71, new page 152	ZRC 22-005	Change to add 6,000' separating distance between cannabis retailers.
10-06-2022	5.F.4.1.1	104	ZRC 22-006	Change to allow storage of hazardous materials in GWPO if not a threat to groundwater.
02-09-2023	4.D.2.3.19, 6.T	72, 152	ZRC 22-008	Change to allow self-storage facilities by Special Permit in qualifying locations in the PC Zone.

Effective Date	Section(s)	Page #	Application	Description
02-09-2023	2.B, 3.C.2.4, 6.U	17-18, 44, 152-154	ZRC 22-007	Change to add definitions related to glamping, to allow glamping by Special Permit in qualifying locations in the RA Zone, and to include specific standards for glamping.
04-21-2023	4.F	83-91	ZRC 22-009	Multiple revisions to Section 4.F Mill Mixed Use Development Zone.
04-21-2023	2.B, 3.A.5.2., 3.B.5.2., 3.C.5.2., 4.B.4.2., 4.C.4.2., 8.A.4.	30, 39, 43, 48, 64, 70, 182	ZRC 23-001	Multiple revisions concerning exceptions to the setbacks.
05-19-2023	9.C.3.6	190	ZRC 23-002	Revisions concerning waiver of site plan submission requirements.
05-19-2023	6.B.2.1.2.d, 6.B.2.3.3, 7.A.3.1.1.	113, 114, 155	ZRC 23-003	Revisions concerning State Route Business Enterprises and wall signs for businesses in the RA Zone.
06-15-2023	Zoning Map		ZC 23-001	Zone change from R-10/R-30 -> MMUD for parcels off Tiffany St. (Map 46, Lot 26A; Map 46, Lot 81)
09-7-2023	5.D, 10.D (Appendix D), Zoning Map	99, 230-249	ZRC 23-005/ZC 23-002	Zoning regulation change and zone boundary change to comply with updates to the FEMA/FIRM Floodplain Management Regulations, town-wide (associated with SRC 23-001).
10-12-2023	Zoning Map		ZC 23-003	Zone change from RA -> R-30 for 1.3 acres on the south side of Day St. (Map 43, Lot 6)
10-17-2023	10.D (Appendix D Sec. 3.2)	235-236	ZRC 23-006	Zoning regulation change to correct error in the FEMA/FIRM Floodplain Management Regulations.
1-11-2024	6.J.3.9	130	ZRC 23-007	Zoning regulation change to allow overnight accommodations as part of a Special Events Facility.

10.C

APPENDICES

APPENDIX C – REVISIONS SINCE OCTOBER 15, 2019

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

10.D. APPENDIX D – FLOODPLAIN MANAGEMENT REGULATIONS

**NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
Inland/Riverine Community (AE and A Zones only)
Level “D” Community**

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1.0 STATUTORY AUTHORIZATION AND PURPOSE**1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the Town of Brooklyn, Connecticut, does ordain as follows:

1.2 FINDING OF FACT

The flood hazard areas of the Town of Brooklyn are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of Brooklyn has voluntarily participated in the National Flood Insurance Program (NFIP) since January 3, 1985. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

1.3 STATEMENT OF PURPOSE

It is the purpose of this regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 1.3.1 To protect human life and health, and prevent damage to property;
- 1.3.2 To minimize expenditure of public funds for costly flood control projects;
- 1.3.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1.3.4 To minimize prolonged business interruptions and other economic disruptions;
- 1.3.5 To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
- 1.3.6 To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
- 1.3.7 To ensure that potential buyers are notified that property is in a flood hazard area;
- 1.3.8 To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
- 1.3.9 To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
- 1.3.10 To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 OBJECTIVES

In order to accomplish its purposes, this regulation includes objectives, methods and provisions that:

- 1.4.1 Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 1.4.2 Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- 1.4.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
- 1.4.4 Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- 1.4.5 Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

2.0 DEFINITIONS

Unless specifically defined below, words and phrases used in this regulation shall have the same meaning as they have in common usage and to give this regulation its most reasonable application.

Area of Shallow Flooding - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE) – The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement – Any area of the building having its floor subgrade (below ground level) on all sides.

Building – see definition for “Structure”.

Cost – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as landscaping, sidewalks, fences, yard lights, irrigation systems, pole-mounted solar panels, and detached structures such as garages, sheds, and gazebos.

Development – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and

the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 3, 1985, the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space – As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors, has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood-Damage Resistant Materials Requirements.

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study (FIS) – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

Functionally Dependent Use or Facility – A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Highest Adjacent Grade (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the

Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 5.3.1.3 of this regulation.

Manufactured Home – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value – As related to substantial improvement and substantial damage, the market value of the structure shall be determined by the property's tax assessment, minus land value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean Sea Level (MSL) – The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction – Structures for which the "start of construction" commenced on or after September 7, 2023, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 7, 2023, the effective date of the floodplain management regulation adopted by the community.

Recreational Vehicle – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of

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slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Variance - A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3.0 GENERAL PROVISIONS

3.1 AREAS TO WHICH THIS REGULATION APPLIES

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of Brooklyn.

3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Windham County, Connecticut, dated September 7, 2023, and accompanying Flood Insurance Rate Maps (FIRM), dated September 7, 2023, and other supporting data, applicable to the Town of

Brooklyn, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A, AE, AO, and AH, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included in the SFHA are areas of potential, demonstrable or historical flooding, including any area contiguous with, but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the BFE as shown on the FIRM or in the FIS, and the where the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file in the Office of the Brooklyn Town Clerk, 4 Wolf Den Road, Town of Brooklyn.

3.3 STRUCTURES ALREADY IN COMPLIANCE

A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply nor guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Brooklyn or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Brooklyn, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Brooklyn.

3.7 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

4.0 ADMINISTRATION**4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Zoning Enforcement Officer is hereby appointed to administer, implement and enforce the provisions of this regulation.

4.2 CERTIFICATION

Where required under this regulation, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Zoning Enforcement Officer.

4.3 ESTABLISHMENT OF THE FLOOD MANAGEMENT SECTION OF THE ZONING PERMIT

The flood management section of the Zoning Permit must be completed in conformance with the provisions of this regulation prior to the commencement of any development activities. Permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

4.4 PERMIT APPLICATION PROCEDURES

A zoning permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a zoning permit shall be made to the Zoning Enforcement Officer on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Zoning Enforcement Officer:

4.4.1 Application Stage

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

- 4.4.1.1 Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
- 4.4.1.2 Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;
- 4.4.1.3 Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
- 4.4.1.4 Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the

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Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;

- 4.4.1.5 A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction;
- 4.4.1.6 Where applicable the following certifications by a registered professional engineer or architect are required, and must be provided to the Zoning Enforcement Officer. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 5.3.
 - (a) Non-residential flood-proofing must meet the provisions of Section 5.3.1.2;
 - (b) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 5.3.1.3;
 - (c) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 5.3.3;

4.4.2 Construction Stage

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Zoning Enforcement Officer of the following as is applicable:

- 4.4.2.1. Lowest floor elevation shall be verified for:
 - (a) A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement);
 - (b) A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);
- 4.4.2.2. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

4.5 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Zoning Enforcement Officer shall include, but not be limited to:

- 4.5.1 Review all permit applications for completeness, particularly with the requirements of Section 4.4.1.
- 4.5.2 Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
- 4.5.3 Review all development permits to assure that the permit requirements of this regulation have been satisfied.
- 4.5.4 Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404

Permits.

- 4.5.5. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
- 4.5.6. Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 4.5.7. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- 4.5.8. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
- 4.5.9. Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustained substantial damage has been flood-proofed.
- 4.5.10. When flood-proofing is utilized for a particular structure, the Zoning Enforcement Officer shall obtain certification from a registered professional engineer or architect, in accordance with Section 5.3.1.2.
- 4.5.11. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Enforcement Officer shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.
- 4.5.12. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.
- 4.5.13. When base flood elevation data or floodway data have not been provided in accordance with Section 3.2 and Section 4.4, the Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Section 5.0.
- 4.5.14. All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Zoning Enforcement Officer.
- 4.5.15. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Zoning Enforcement Officer demonstrating compliance with the approved plans and standards set forth in Section 4.4.

5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

- 5.1.1. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
- 5.1.2. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.

- 5.1.3 New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 5.1.4 New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.
- 5.1.5 The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.
- 5.1.6 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 5.1.7 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- 5.1.8 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 5.1.9 Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 5.3. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.
- 5.1.10 In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (CTDEEP), Land and Water Resources Division (LWRD) prior to any alteration or relocation of a watercourse.
- 5.1.11 If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.

- 5.1.12 If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., VE zone is more restrictive than AE zone; structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.
- 5.1.13 **Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
- 5.1.14 **Equal Conveyance.** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

5.2 STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (UN-NUMBERED A ZONE), ADOPTED FLOODWAYS AND/OR FLOOD MAPPING

- 5.2.1 The Zoning Enforcement Officer shall require base flood elevation (BFE) data be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A registered professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section 4.4 and Section 5.3. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.
- 5.2.2 When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Zoning Enforcement Officer must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase

the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

- 5.2.3 The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.
- 5.2.4 The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 4.4 and Section 5.3.
- 5.2.5 Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

5.3 SPECIFIC STANDARDS

5.3.1 Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.

5.3.1.1 Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

5.3.1.2 Non-Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

- (a) Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or
- (b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of

construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Zoning Enforcement Officer on the FEMA Floodproofing Certificate, Form FF-206-FY-22-153.

- (c) The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

5.3.1.3 Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings.

All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in sections (a)-(h) below:

- (a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
- (b) The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- (c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Zoning Enforcement Officer;
- (d) Openings shall not be less than three (3) inches in any direction in the plane of the wall;

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- (e) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;
- (f) All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.
- (g) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated one (1.0) foot above the BFE in the space, will subject the structure to increased flood insurance rates.
- (h) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 5.3.1.3 (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 5.3.1.3 (a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 5.3.1.2.

5.3.2 Manufactured (Mobile) Homes and Recreational Vehicles (RVs).

- 5.3.2.1 In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 5.3.1. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE24. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
- 5.3.2.2 All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

- 5.3.2.3 All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
- 5.3.2.4 Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 5.1 and the elevation and anchoring requirement of Section 5.3.2.1, 5.3.2.2, and 5.3.2.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5.3.3 Floodways

Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

5.3.4 Standards for Development in Areas of Shallow Flooding (Zones AO and AH)

Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

- 5.3.4.1 For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade.
- 5.3.4.2 For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:

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(a) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade; or

(b) Together with attendant utility and sanitary facilities be completely flood-proofed to above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the FIRM, or if no depth number is specified at least three (3.0) feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a registered professional engineer or architect.

5.3.4.3 On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.

5.3.4.4 Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Section 5.3.1.3 for hydraulic flood vents.

6.0 DESIGN STANDARDS FOR SUBDIVISION PROPOSALS

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

- 6.1 All subdivision proposals shall be consistent with the need to minimize flood damage;
- 6.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 6.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- 6.4 The Zoning Enforcement Officer shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 4.5.12. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

7.0 VARIANCE PROCEDURES

7.1 ESTABLISHMENT OF VARIANCE PROCESS

- 7.1.1 The Zoning Board of Appeals, as established by the Town of Brooklyn, shall hear and decide appeals and requests for variances from the requirements of this regulation.
- 7.1.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement or administration of this regulation.
- 7.1.3 Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of Windham County, as provided in Section 8-8 of the General Statutes of Connecticut.
- 7.1.4 The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any

variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

7.2 SPECIFIC SITUATION VARIANCES

- 7.2.1 (This section deleted.)
- 7.2.2 Functionally Dependent Use or Facility: Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 7.4.
- 7.2.3 Floodway Prohibition: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7.3 CONSIDERATIONS FOR GRANTING OF VARIANCES

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 7.3.1 – 7.3.11. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

- 7.3.1 The danger that materials may be swept onto other lands to the injury of others;
- 7.3.2 The danger to life and property due to flooding or erosion damage;
- 7.3.3 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 7.3.4 The importance of the services provided by the proposed facility to the community;
- 7.3.5 The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
- 7.3.6 The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- 7.3.7 The compatibility of the proposed use with existing and anticipated development;
- 7.3.8 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 7.3.9 The safety access to the property in times of flood for ordinary and emergency vehicles;
- 7.3.10 The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- 7.3.11 The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

7.4 CONDITIONS FOR VARIANCES

- 7.4.1 Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
- 7.4.2 Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
- 7.4.3 No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
- 7.4.4 Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

8.0 ENFORCEMENT

- 8.1 Each Zoning Permit shall authorize, as a condition of approval, the Zoning Enforcement Officer or designated agents to make regular inspections of the subject property. The Zoning Enforcement Officer or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.
- 8.2 If the Zoning Enforcement Officer finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Zoning Enforcement Officer shall:
- 8.2.1 Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Zoning Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.

10.D

APPENDICES

BROOKLYN ZONING REGULATIONS

Effective January 11, 2024

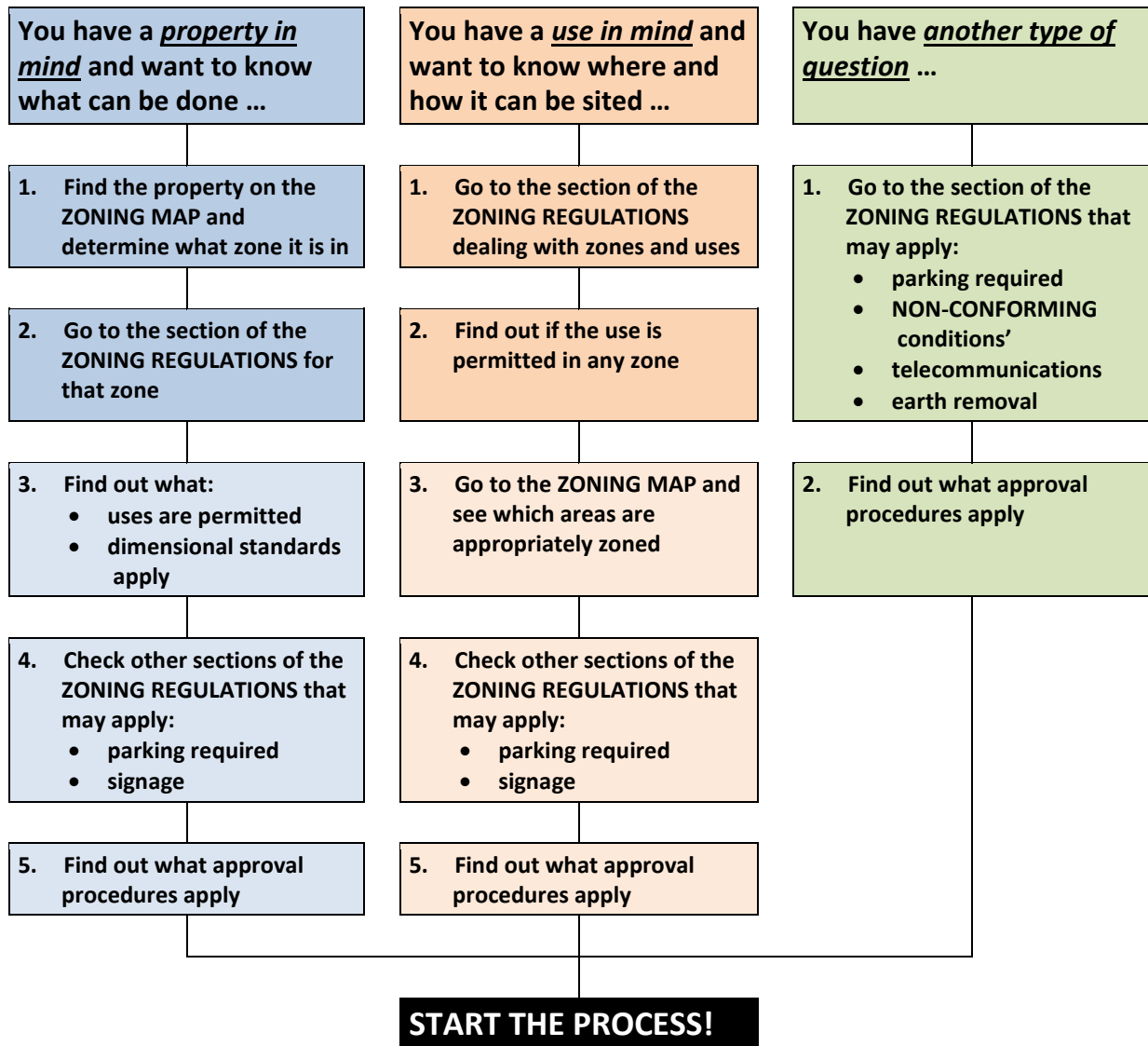
APPENDIX D – FLOODPLAIN MANAGEMENT REGULATIONS

- 8.2.2 Notify the Building Official and request that any building permit(s) in force be revoked or suspended and that a stop work order be issued.
- 8.2.3 The Zoning Enforcement Officer may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Zoning Enforcement Officer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
- 8.2.4 Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 10.0.
- 8.2.5 In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning Enforcement Officer may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 3.0 of this regulation, or may direct the Road Foreman to cause such work to be done and to place a lien against the property.
- 8.2.6 Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Zoning Enforcement Officer to the Zoning Board of Appeals, in accordance with Section 6.0 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Zoning Enforcement Officer was in error or unwarranted.

9.0 PENALTIES FOR VIOLATION

- 9.1 Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of \$250.00 per day or imprisoned for not more than ten (10) days for each day of violation, or both, and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Brooklyn from taking such lawful action as is necessary to prevent or remedy any violation.

HOW YOU MIGHT USE THESE REGULATIONS



If you have any questions, call the Land Use Office at
(860) 779-3411, press "9".



TOWN OF BROOKLYN
Planning and Zoning Commission