



**TOWN OF BROOKFIELD**

BROOKFIELD, CT 06804

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**NOTICE**

**8/18/10**

To: Mr. Arthur Marsilio      Town Clerk      Brookfield Planning Commission  
85 Candlewood Lake Road      Town of New Milford      Town Hall  
Brookfield, CT 06804      10 Main Street      Brookfield, CT 06804  
New Milford, CT 04766

Town Clerk      Town Clerk      Town Clerk      HVCEO  
City of Danbury      Town of Newtown      Town of Bethel      Old Town Hall.  
115 Deer Hill Avenue      45 Main Street      1 School Street      162 Whisconier Rd.  
Danbury, Ct 06811      Newtown, CT 06470      Bethel, CT 06801      Brookfield, CT 096804

**# 7007 0710 0005 6865 0671**

**Re: Proposed Brookfield Zoning Regulation Changes**

In accordance with CGS 8-7 D. (f), notice is hereby given that the Brookfield Zoning Commission is considering the below listed Zoning Regulation addition.

- Section 242-404 K., "Incentive Housing Regulations"

A copy of the proposed regulation changes are attached. The public hearing on this matter is scheduled for September 16, 2010 at 8:00 PM at Town Hall. Please contact me if you require any additional information.

Very truly yours,

BROOKFIELD ZONING COMMISSION

W. E. Schappert  
Zoning Enforcement Officer  
Attachments: Proposed Zoning Regulation Change

**TOWN OF BROOKFIELD  
ZONING REGULATIONS**

**Incentive Housing Regulations - Section 242- 404 K.**

Rev. 8/18/10

**D R A F T**

**INCENTIVE HOUSING DISTRICT**

**Section 242-404 K.**

**1. PURPOSES:** The Incentive Housing District is an overlay zone that is superimposed over an underlying zoning district and whose purposes are as follows:

- a. to promote the revitalization of the commercial districts of Brookfield by encouraging mixed-use development that will provide for a variety of housing and business opportunities;
- b. to promote the development of a transit-oriented, pedestrian-friendly town center area;
- c. to benefit from the financial incentives provided by Connecticut General Statute (CGS) Section 8-13 m., et sequitur;
- d. to foster housing opportunities for town employees and moderate-income residents;
- e. to comply with the recommendations of Brookfield's Plan of Conservation and Development.

**2. DEFINITIONS:** The definitions used throughout this regulation, which are consistent with CGS 8-13 m., are found in Appendix I, hereto.

**3. DESIGNATION OF OVERLAY DISTRICTS:**

The Zoning Commission may designate appropriate areas of the town for overlay Incentive Housing Districts. Such districts shall conform to the following requirements:

- a. Reasonable accessibility to and integration with rail, bus, vehicular and other transportation means.
- b. Capable of supporting a pedestrian-friendly streetscape and parking needs.
- c. Presence of retail commercial activities.
- d. Suitable for construction of public congregation areas and parks.
- e. Retention of historical attributes of the area.

**4. LOCATION:** The boundaries of this Incentive Housing District (IHD) are shown on the official Brookfield Zoning District Map. As of the date of adoption of these regulations, the Town Center District (TCD) is considered to be eligible and approved for Incentive Housing Development. Additional areas, when reviewed and found qualified, may be added at a later date.

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**Incentive Housing Regulations - Section 242- 404 K.**

**5. APPLICATION PROCESS:**

- a. The applicant shall submit to the Commission a narrative and data, which outlines and explains how the requirements of these Incentive Housing Regulations and Connecticut General Statute (CGS) 8-13 m. will be met.
- b. When compliance with CGS8-13 has been adequately demonstrated to the Commission and approved by it, the applicant shall then submit a Design Review Approval Application in accordance with Section 242-301 C.

**6. INCENTIVE HOUSING REQUIREMENTS:** The following regulations shall govern the residential units in an Incentive Housing Development:

- a. Twenty percent (20%) of all dwellings within a development shall be designated Incentive Housing Units.
- b. Incentive Housing Units shall be rented or sold and occupied only by Eligible Households.
- c. Each Incentive Housing Unit shall be subject to any Incentive Housing Restriction, which shall be recorded on the town land records. The Incentive Housing Restriction shall include, at a minimum, the following:
  1. A description of the Incentive Housing including whether the Incentive Housing Units, at the time of initial unit occupancy, will be rented or owner-occupied.
  2. An identification of the Incentive Housing Units.
  3. The name and address of the Incentive Housing Administrator.
  4. A requirement that only an Eligible Household may reside in an Incentive Housing Unit.
  5. The formula pursuant to which rent of a rental unit or the maximum sale or resale price of homeownership unit will be calculated.
  6. The term of Incentive Housing Restriction, which shall be minimum of *thirty (30) years*, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit.
  7. Provision for the monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Commission.
  8. Provision that the Incentive Housing Administrator shall file an annual report to the Commission, in a forms specified by the Commission, certifying compliance with this Section.

**7. PERMITTED USES:**

- a. All Uses allowed in the underlying district are permitted in the Incentive Housing overlay District

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**Incentive Housing Regulations - Section 242- 404 K.**

1. Sidewalks: Sidewalks are required along the curb line of at least one (1) side of all roads and drives.

**9. DENSITY REQUIREMENTS:**

- a. General: Density shall be calculated on the basis of the land's ability to support the proposed development. The area to be used in the calculation of density is exclusive of watercourses, roads, drives and rights-of-way.
- b. Density requirements are as follows:
  1. Mixed-Use Development at a minimum of six (6) and a maximum of twenty-four (24) dwellings units per acre.
  2. Multi-family Development at a minimum of twenty (20) and not more than twenty-four (24) units per acre.
  3. Town Houses and at a minimum of ten (10) and a maximum of twenty (20) dwellings units per acre.
  4. Single Family Houses at a minimum of six (6) and a maximum of twelve (12) dwellings units per acre.

**10. RESTRICTIONS:** The following restrictions shall apply:

- a. Residential Uses Locations: Within a mixed commercial/residential building, residential uses shall only be located on other than the main, street level floor and shall not occupy more than fifty percent (50%) of the gross area of the building.
- b. Entranceways: Separate and distinct entranceway shall be provided for first and upper story uses.
- c. Offices and retail stores are only permitted on the first and basement floors of a building.
- d. Bedrooms: Residential units shall not exceed two (2) bedrooms.

**11. LAND USE STANDARDS:** Standards for the district are as set forth in Section 242-505 E. and F.

**12. ARCHITECTURAL GUIDELINES:**

- a. General: All development within the district shall conform to the Architectural Guidelines set forth in section 242-602 I.
- b. Facades:

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- f. Termination provisions
- g. Other items affecting the project as a whole which may be deemed necessary and appropriate by the Owner/Tenant Organization

**17. MODIFICATIONS TO DIMENSIONAL STANDARDS:**

In accordance with CGS 8-13 n (7) c., the Commission may modify, waive, or delete dimensional standards contained in the zone or zones that underlie an incentive housing zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios and road design standards.

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**APPENDIX I.**

**DEFINITIONS – INCENTIVE HOUSING REGULATIONS**

- (1) **Approved Incentive Housing Zone:** means on “overlay zone” that has been adopted by the Zoning Commission in furtherance of CGS 8-13 q.
- (2) **Building Permit Payment:** means one-time payment, pursuant to CGS 13 s. for each qualified housing unit within an incentive housing project for which the Town has issued a building permit.
- (3) **Developable land:** means the area within the boundaries of an approved incentive housing zone that feasibly can be developed for residential or mixed-use consistent with the provisions of these regulations and CGS 8-13 to 8-13 x., inclusive, not including:  
(A) Land already committed to public use or purpose, whether publicly or privately owned; (B) existing parks, recreational areas and open space that is dedicated to the public or subject to a recorded conservation easement; (C) land otherwise subject to an enforceable restriction on or prohibition of development; (D) wetland or watercourses as defined in Connecticut General Statutes (CGS) Chapter 440; and (E) areas exceeding one-half or more acres of contiguous land that is unsuitable for development due to topographic features, such as steep slopes.
- (4) **Duplex:** Means a residential building containing two units
- (5) **Eligible location:** means: (A) An area near a transit station, including rapid transit, bus terminal or ferry terminal; (B) an area of concentrated development such as a commercial center; existing residential or commercial district, or a village district pursuant to CGS 8-2 j.; or (C) an area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable to development as an incentive housing zone.
- (6) **Historic District:** means an historic district established pursuant to CGS 440
- (7) **Incentive Housing Development:** means a residential or mixed-use development (A) that is proposed or located within an approved incentive housing zone; (B) that is eligible for financial incentive payment asset forth in this section and CGS 8-13 n to 8-13x, inclusive and (C) in which not less than 20 percent of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, below, prices which will preserve the units as housing for person pay thirty