



TOWN OF BROOKFIELD

BROOKFIELD, CT 06804

NOTICE OF APPLICATION FOR REGULATION CHANGE

11/9/23

Town Clerk
City of Danbury
115 Deer Hill Ave
Danbury, CT 06811

Town Clerk
Town of Newtown
3 Primrose St
Newtown, CT 06470

Town Clerk
Town of Bethel
1 School St
Bethel, CT 06801

Town Clerk
Town of Bridgewater
P.O. Box 216
Bridgewater, CT 06752

Town Clerk
Town of New Milford
10 Main St
New Milford, CT 06776

Town Clerk
Town of New Fairfield
4 Bush Hill Rd
New Fairfield, CT 06812

Re: Application for Text Amendment; Design Flexibility in the TCD Zone

On November 9, 2023, the Zoning Commission will hold a Public Hearing in Room 133 at 7:00 pm, on the following Application. The public hearing for this Application was opened October 12, 2023, but continued until November 9 at the request of the Applicant.

Application #Z-23-51: Proposed Text Amendment re: Article 5.1; Design Flexibility in the TCD Zone.

A copy of the proposed regulation is enclosed.

Regards,

Amy Curran
Land Use Administrative Assistant

TOWN CLERK
BETHEL, CT.

2023 OCT 19 A 11:53

RECEIVED

TOWN OF BROOKFIELD

ZONING COMMISSION

APPLICATION FOR ZONE OR REGULATION CHANGE

Applicant:

A.R. Building Co

Land Owner of Record: (if for specific parcel)

Edward McCarty and Kathleen McCarty

Phone #: 724-741-2331

Contact Person: Emily Mitchell

Phone #: 724-741-2331

Phone #: 860 443-2903

Contact Person: Edward McCarty

Phone #: _____

Boundary Change:

- A. Two (2) copies of an official zoning map are attached hereto indicating:
 - (i) The area for which the change is requested.
 - (ii) The proposed boundary lines and narrative description of the boundaries.
- B. The current Zone Designation is: _____
- C. The proposed Zone Designation is: _____
- D. Rationale for the requested change is attached.
- E. A list of adjacent property owners is attached.

Regulation Change:

Article 5-5.1 Town Center District
5. Design Flexibility

- A. The current Section Number is: _____ The current text reads: (Attached)
- B. The Proposed Section Number is: #6 The proposed text or deletion is: (Attached)
- C. Rationale for the requested change is attached.

Applicant Signature and Representation:

I apply herewith for a change in the Zoning Regulation of the Town of Brookfield in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes.

Applicant's Signature: Emily Mitchell

Land Owner's Signature: Edward McCarty
(For Zone Change Applications)

Revised 3:20:13

Kathleen McCarty - POA
Kathleen McCarty

Article 5 – Special Districts

5.1 Town Center District (TCD)

A. Purpose

This district encompasses the historical business center of the town. Many business establishments within the district have been in operation prior to the enactment of the Regulations, and physical conditions exist which limit their compliance with regulatory requirements and/or good planning principles. It is considered in the best economic interest of the Town to foster business development of both new and existing establishments in a planned, integrated, and orderly manner and in such a way as to complement the historic character and traditions of the district.

In the future, the Four Corners will become a center of activity in Brookfield and a destination. It will be a “downtown” for Brookfield that is well defined visually and aesthetically, providing a positive experience for residents and visitors, with a distinctive identity that is well known throughout Brookfield and the region. Development will have complementary scale, character, and density that will contribute to a sense of both history and vitality. It will offer places to live, work, shop, eat, and find entertainment and cultural enrichment. The area will provide a diversity of services that enhance the quality of life for residents and invite travelers to stop. This will be complemented by access to the Still River as a scenic resource in the Four Corners. It will have complementary civic spaces in the form of outdoor parks and plazas and public community facilities. Most new development will result from infill and from reuse or redevelopment of existing sites. No new strip or large-scale single-use developments will be built.

The area will be easy to access and navigate by car, bicycle, transit, and on foot. There will be a variety of opportunities to travel by all these means along all roads within the Four Corners area including walking, biking, rail, and bus along with key connections among those means. Streets in the Four Corners will offer a balance among motor vehicle and pedestrian and bicycle traffic, with an enhanced streetscape that is pedestrian friendly and complementary to the character of the area. This will be accomplished through improvements such as landscaped sidewalks, aesthetic lighting, and areas to pause and relax such as plazas with benches near public art and other public spaces. Traffic on Route 7 will flow at reasonable speeds through the area as a result of measures designed to encourage drivers to slow down, improve safety, and minimize any degradation of the character of this special place.

B. Plan of Conservation and Development

The Commission shall use the Plan of Conservation and Development as amended to include the Four Corners Revitalization Plan, approved by the Planning Commission, Town of Brookfield, as a guide in reviewing all applications for design review approval within the district. In particular, the Commission shall consider and be guided by the various aspects of the Plan, which may identify historic sites, irreplaceable site features, wetlands, utility concepts, bridges and walkways, service areas, common areas and open space, potential housing sites, access drives, vehicle and pedestrian circulation patterns, and common parking areas in addition to other elements.

Article 5 – Special Districts

C. Common Service Areas

In order to provide for services to the district as a whole, certain areas within the district may be acquired by various business entities and held in common under a condominium association or similar entity. Such service areas may consist of access drives, parking areas, area lighting, utility facilities, walkways, seating, landscaped areas, etc.

D. Permitted Uses

1. Table of Permitted Uses

The permitted uses established for the TCD are as indicated in Table I, "Table of Permitted Uses" appearing in Section 4.2.

2. Residential Apartment or Condominium Dwelling Units

Residential apartment or condominium dwelling units may be permitted on floors other than the first floor of a mixed-use structure, **except:** *[amended eff. 2021-Jan-20]*

- (a) When the structure is located more than three hundred (300) linear feet from Federal Road as measured along the road, such dwelling units may occupy the first floor;

OR

- (b) When a mixed-use structure is on a parcel located with a street address on a road other than Federal Road, the first floor shall contain a minimum of forty (40%) percent commercial with the balance residential. If requested by the property owner pursuant to an application for a modified Special Permit and, upon demonstration by such property owner that, despite a good faith marketing plan, all or a portion of the space designated as commercial could not be sold or rented for such use during the first eighteen (18) months after issuance of the Certificate of Occupancy, the Commission may re-designate all or a portion of that space for additional residential use.

Each such dwelling unit shall not contain more than two bedrooms.

3. One-Family Dwellings/PARCs/Multi-Family Dwellings

One-family dwellings, PARCs, and Multi-Family Dwellings (notwithstanding point 2 above) are permitted only in the TCD Perimeter Overlay Zone (see Section 5.2 of these Regulations).

4. Square Footage Restriction

Each new structure permitted within the district shall not exceed a footprint of 12,000 square feet, except when the new structure is a supermarket/grocery store or municipal building, when the footprint shall not exceed 20,000 square feet.

5. Drive-Thru Facility

- a) The lot shall be a minimum of 40,000 square feet;

- b) The lot must have frontage on a state highway, thus making it subject to state Drive-Thru regulations.

Article 5 – Special Districts**E. Land Use Standards**

Lot Area, Min.	As determined by parking space and building footprint requirements for a particular use or group of uses but not less than 10,000 square feet
Impervious Coverage, Max.	80%
Loading/Refuse area, Min.	250 square feet
Lot width, Min.	50 feet, plus 26-foot-wide side yard driveway if rear parking is required
Side Yard	None
OR, if a Side Yard Driveway is provided, the setback from the inner edge of the drive	None
Rear Yard	10 feet, plus the width of a rear yard driveway
Front Yard Setback, Min.	6 feet from sidewalk or property line, whichever is closer
Front Yard Setback, Max.	25 feet from property line
Height, Max.	Three stories and 42 feet
Sidewalk width, Min.	6 feet wide or as per Town Center District Sidewalk and Access Management Plan
Common or Public Areas	Refuse containers, seating areas, and other pedestrian amenities shall be provided at locations approved by the Commission.

F. Architectural Guidelines

Additional design standards for compliance for site design are set forth in the TCD Design Guidelines in Appendix 2 of these Regulations.

G. Conflicts

Where compliance with the TCD Design Guidelines is required pursuant to this Regulation, to the extent that there is any conflict between a specific provision of this section and the TCD Design Guidelines set forth in Appendix 2, the requirements of the TCD Design Guidelines shall prevail and apply.

H. Application and Permitting

1. In addition to meeting all requirements of Section 8.5, "Special Permit Application," all projects shall demonstrate:

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- a. Preservation of historical sites and irreplaceable site features
 - b. Preservation of the architectural design of the original building during renovation or expansion of existing buildings
 - c. Continuity of the architectural theme with adjacent structures
 - d. Harmony of building material texture and color with other district structures
2. All projects must undergo a preapplication review with the TCD Design Review Team, which shall be chosen by the Commission. The advisory team may be comprised of the following technical specialists: an architect and a landscape architect, the Zoning Enforcement Officer, the Town Historian, Fire Chief or his designee, Fire Marshal, Sanitarian, Building Inspector, WPCA Chief of Maintenance, and Inland/Wetlands, when applicable. A complete site plan must be submitted prior to the preapplication meeting. The team and its members will function in an advisory capacity for the Commission and will provide a report for each project proposed in the TCD.

I. Parking

1. Off-Site Parking - Notwithstanding 6.1, if a business has insufficient parking to meet the regulatory requirements on the site where the business is established, the business may satisfy the requirement by acquiring (lease or purchase) the additional required parking spaces on an off-site location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of a defined off-site parking location shall not exceed 900 feet, except that parking spaces dedicated for employee use may be at a greater distance.
2. Aesthetic and Pedestrian Considerations - If a business determines that site aesthetics and pedestrian accessibility can be improved by the addition of malls, walkways, landscaping, or similar site elements, or if adequate additional off-street parking is provided, it may apply to the Commission for a special permit that would allow for reduced on-site parking in favor of these design enhancements and the substitution of additional parking spaces within a defined off-site parking location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of the defined off-site parking shall not exceed 900 feet, except that parking spaces dedicated for employee use may be at a greater distance.
3. Location
- a. With the approval of state and municipal authorities, street-side parking within the right-of-way is permitted.
 - b. No street-side berms are required.
 - c. Off-street parking shall be located in the side or rear yards of street-front development.

4. Minimum Spaces – Parking shall be provided as required by Section 6.1 of these Regulations.

J. Design Flexibility

1. Assemblages – In order to allow for more practical and conforming development, the assemblage of smaller, contiguous parcels into a legal, consolidated conforming parcel is to be encouraged.

2. Side Yards – Pursuant to Section 5.1E above, the Commission has provided for the “clustering” of buildings, on separate sites, planned in such a manner as to foster pedestrian accessibility and continuity, integrity of architectural design, and the orientation of buildings to the street. In such instances, the adjoining buildings may be connected by covered pedestrian walkways or courtyards. The Commission, however, must give specific consideration to the need to provide emergency passage of vehicles through these yards and fire protection methods.

3. Setbacks from Access Drives – Setbacks from common area access drives shall not be less than ten feet. No parking space may be located closer than ten feet from a building.

4. Parking Areas – Buffers, setbacks, and other distance requirements pertinent to parking areas may be reduced when the Commission finds that such reduction will foster pedestrian accessibility, pedestrian and vehicular safety, and utilization of good design and engineering principles. Pedestrian walkways are permitted within any buffers in setback areas between roads, drives, accessways, and parking area pavement.

5. Signage – Signs within the district shall conform to the requirements of Section 6.2, except as follows:

a. There shall be a common design concept, approved by the Commission, for signs for individual businesses located within a building or grouping of buildings.

b. “Building signs” of the prescribed size shall be allowed on both the front and rear of a building.

c. “Freestanding signs” directing vehicles to the access points or assigned parking area of individual businesses may be erected on the approach to access drives or roadways provided that:

- i. The location of the signs is consistent with the Plan of Development,
- ii. The sign(s) do not inhibit lines of sight.

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- iii. The overall sign shall have lettering and directional arrows that contrast from the background and shall not exceed a size of 20 square feet.
- iv. Individual sign panels, placed on the above sign and indicating the individual business name, shall not exceed six inches x 36 inches.
- v. Signs shall be no more than 10.5 feet in height.
- vi. Sign location shall not interfere with the use of any sidewalks.

d. Signs which identify the district may be erected at the borders of the district with the prior written permission of the landowners of record. These signs shall be uniform in appearance and shall not exceed 20 square feet.

K. Sidewalks

1. Installation

For any new, modified, assembled, or subdivided properties within the District, sidewalks shall be installed as follows:

- a. Along all street frontages, between the road right-of-way and building frontages;
- b. Along all sides of a developed site which abut a public highway;
- c. Adjacent to entrances to buildings at locations deemed appropriate by the Commission;
- d. So as to connect sidewalks on a user's property with parking areas on the same or adjacent properties;
- e. So as to connect any sidewalk on a user's property to adjacent parks, plazas, or other open space and/or recreational areas; and
- f. In the event an adjacent sidewalk is planned but not built, the sidewalk shall be built so as to connect to the proposed sidewalk.

2. Sidewalk Location

- a. Sidewalks shall not be permitted within any area dedicated by either the DOT or the Brookfield Director of Public Works (DPW) for guardrails, fencing, drainage devices, plowed snow storage, and the like.
- b. Sidewalks shall be located parallel to the street at a height six inches above the edge of pavement unless otherwise determined by the Commission so as to adjust to variable site conditions.

Attachment B – Proposed Addition

Article 5 – Special Districts

5.1 Town Center District (TCD)

J. Design Flexibility

6. Development of Vacant Constrained Lots – For lots within the TCD which are vacant as of July 1, 2023, include frontage on Federal Road, and encompass environmental constraints such as inland wetlands or other natural resources which limit opportunities for practical and conforming development, the Commission may approve, subject to a Special Permit, development with the following flexibility to typical bulk and dimensional requirements:

- a) Maximum Building Footprint: 16,500 square feet.
- b) Maximum Front Setback: Not applicable.
- c) Maximum Height: 4 stories and 50 feet.
- d) Residential Density: 14 Dwelling Units/Acre.
- e) Maximum Number of Dwelling Units per Structure: 51
- f) Number of Independent Means of Access: 1

Attachment C – Rationale for the Requested Change

The proposed text amendment is a narrowly tailored approach to providing additional flexibility in the development of vacant and constrained lots within the TCD district.