

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Planned Age-Restricted Communities-§242-404I

I. Planned Age Restricted Community – PARC *[eff. 7/31/02, rev. eff 9/1/04, rev. eff 4/20/14]*

(1) **General:**

The Commission may, of its own initiative or pursuant to an application hereunder, establish planned age-restricted communities on site and within areas deemed suitable for such purposes and provided that the sites comply in general, with the eligibility criteria, standards and other requirements of this section. Following the designation of an eligible site, a special permit application for development meeting the requirements of this Section shall be submitted within six (6) months thereafter.

(2) **Intent & Purpose:**

(a) **Intent:** It is the intent of this Section:

- [1] To enable the establishment of age-restricted communities addressing the needs and interests of the elderly in appropriate locations of Town so as to respond effectively to the housing needs of an increasing elderly population
- [2] To provide guidelines, standards and controls for the development of planned age-restricted communities, which are compatible with the intents of this regulation; and
- [3] To meet the planning goals and objectives of the Brookfield development plans.

(b) **Purpose:** The purpose of this Section is to guide in achieving the stated intents while providing for:

- [1] Housing opportunities that are designed to meet the special needs of elderly citizens;
- [2] The protection of the environmental character of the area and the particular suitability for the specific use;
- [3] The protection against congestion in the streets;
- [4] Protection against undue concentration of population and overcrowding of land;
- [5] Preservation of buildings and property values;

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- [6] Adequate access of light and air;
- [7] Adequate vehicular access and off-street parking;
- [8] Adequate disposition of buildings upon the land;
- [9] Freedom for site layout and building design that will enable to achieve, to the extent practicable, construction efficiency and economic building forms while assisting in establishing a compatible and attractive living environment; and
- [10] The pursuance of economic development while meeting the housing needs of elderly residents.

(3) **Establishment of Community Site:**

The Commission may propose and establish, at its discretion and in accordance with the provisions of §8-27 of the Conn. General Statutes and these regulations a planned age-restricted community. The owner of record of a parcel of land or a contract purchaser may petition for the establishment of a planned age-restricted community only if the parcel meets the site eligibility criteria of subsection (4) below.

(4) **Site Eligibility Criteria:**

The Commission may, at its discretion, establish planned age-restricted community sites providing that the site(s) meets the following criteria:

- (a) The site consists of no less than five (5') acres and is located within the Brookfield Village Business District or the IRC80/40 zone; *[rev. eff. 9/1/04]*
- (b) The site can be provided with or the site is within close proximity of shopping facilities and services;
- (c) The site has the required frontage on a State Highway and/or a Town road or street which street, road or highway is improved or will be improved to the extent necessary to adequately accommodate the development traffic;
- (d) The site topography can accommodate the buildings, the roads, the development features and amenities as well as other requirements of this Section;

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- (e) The site has or will be provided with plantings, vegetative cover or features that will adequately buffer site development from adjacent properties;
- (f) The site is served by public sewer systems capable of handling the effluent that may be generated by the development;
- (g) The site can be sufficed with adequate water to meet the development's potable and fire-fighting water demands;
- [h] The site is so situated, consists of topography, and is furnished with natural features that can accommodate the development; and
- [i] The development will not exert a detrimental impact on nearby properties or values thereof.

(5) **Application Procedures:**

- (a) Following the designation of the property as suitable for a planned age-restricted community pursuant to the eligibility criteria described under subsection(4) above, the applicant may submit an application for special permit pursuant to the provisions of Title 8, Chapter 124, §8-2 & 8-3c of the Connecticut General Statutes, as amended and §242-301B&C of these regulations.
- (b) Concurrent with the submissions of an application and all required data to the Zoning Commission , the applicant shall submit one (1) duplicate application form and data package to the Planning Commission, Town of Brookfield. The Planning Commission shall formally receive a copy of the application and data package at its first scheduled meeting following receipt of such data in the office of the Planning Commission. The Planning Commission shall study the documents and submit a written report to the Zoning Commission commenting on such matters as are set forth in §242-301C(5)[b] of this chapter, together with its recommendation(s), and such report shall be read aloud at the mandatory public hearing as set forth by the Zoning Commission. If such report of the Planning Commission is not submitted at or before the public hearing, is shall be presumed that the Planning Commission does not disapprove of the proposal. The Planning Commission may designate its executive committee to act for it under this chapter or may establish a subcommittee for that purpose. The report of said Planning Commission shall be purely advisory.

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(6) **Design & Technical Requirements:**

In addition to those requirements set forth in §242-301C, Design Review Approval, the proposed project shall conform to the following:

- (a) The site planning, landscaping and architectural theme shall be in harmony with the character of the neighborhood. Existing features of the site which add value to the development or to the Town as a whole, such as trees, watercourses, topographical contour, inland wetlands, historical and similar irreplaceable assets, shall be preserved through harmonious design and placement of buildings, driveways, walks and parking facilities.
- (b) The proposed finished contour map shall show all contour lines at two-foot intervals in areas other than those designated as “conserved land areas.”
- (c) Two (2) independent means of access shall be provided for the project. A minimum of two hundred feet (200’) of frontage on a town or state road shall be required for an accessway.
- (d) The proposed project shall conform to the regulations of the Inland Wetlands Commission of the Town of Brookfield with regard to any wetlands contained within the proposed project. Each application shall be accompanied by evidence that an application has been submitted to the Inland Wetlands Commission.
- (e) Drives which serve the proposed project shall be constructed in accordance with the driveway specifications of the Town of Brookfield and those sections pertaining to driveways, roads and street improvements found in Architectural Graphic Standards of the latest edition published by the American Institute of Architects.
- (f) Main access drives shall have the traveled portion thereof not less than twenty six feet (26’) in width. Local access drives shall have the traveled portion thereof not less than twenty two feet (22’) in width. Walkways shall be provided to assure safe pedestrian travel between buildings and community facilities. *[rev. eff. 9/1/04]*
- (g) Unless otherwise approved by the Commission, a minimum of one and one half (1½) off-street parking spaces for each elderly family unit shall be available in a well-planned landscaped configuration. Parking areas shall be a minimum of ten feet (10’) from any unit within the project. They shall be screened from adjacent residential areas and public

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thoroughfares by dense evergreen plantings, grassed embankments or similar screening, approved by the Commission.

- (h) In addition to such requirements as may be set forth in the State Building Code and State Fire Safety Code, as determined by the Building Official, Town of Brookfield, the proposed project shall conform to the following:
- [1] Each PARC dwelling unit shall be separated a minimum of twenty feet (20') from another building or structure. Dwelling units of more than two-stories shall be separated by fifty feet (50'). *[rev. eff. 9/1/04]*
 - [2] Each PARC dwelling unit shall be separated a minimum of thirty feet (30') from any other dwelling structure.
 - [3] Each PARC project shall conform to the requirements of §242-602H, Fire Protection.
 - [4] Sewage treatment facilities shall be in accordance with the requirements set forth by the Water Pollution Control Authority (WPCA), Town of Brookfield. Community water systems shall be in accordance with the requirements of the Connecticut Department of Public Utility Control and such other regulations and requirements of other agencies as may be required by law. The Commission shall be provided with copies of any approvals granted by WPUC, State Health Department and/or State DEP for sewage systems and public water supply approvals from the Connecticut Department of Public Utility Control, Connecticut Department of Health, and Connecticut Department of Environmental Protection, as may be required, before submission and consideration of the Design Review application.
 - [5] All utilities shall be located underground.
 - [6] Typical floor plans and elevations depicting the configuration of the dwelling spaces shall be submitted with the application.
 - [7] If the entire project is not to be constructed within an eighteen-month period, the application shall contain a detailed construction schedule indicating the start and completion dates for each planned phase. The first construction phase, unless otherwise permitted by the Commission, shall contain all the necessary facilities for the overall project, such as community water system, sewerage facilities, recreational facilities, main access drives, etc. Subsequent phases shall contain only additional dwelling units,

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connecting utility lines, local access drives and associated parking.

(7) **Number of Units:**

- (a) No PARC project shall contain more than one hundred fifty (150) dwelling units. *[revised eff. 4/20/14]*
- (b) PARC units shall be excluded from the 26% cap under §242-404(D)(2)[d] of these regulations.

(8) **Development Standards & Controls:**

(a) **Permissible Uses:**

- [1] Planned age-restricted structures consisting of dwellings not to exceed two (2) bedrooms each designed for use as elderly housing exclusively. *[rev. eff. 9/1/04]*
- [2] Accessory uses, buildings and structures including parking areas and garages, maintenance buildings, and recreational uses, buildings and facilities when said uses are built and maintained for the exclusive use of residents within the project and their guests. At the Commission's discretion, accessory uses may include retail/service store not to exceed four thousand (4,000) square feet in total floor area designed to service the immediate needs of community residents.
- [3] All structures and uses under this section shall meet the definition of "Housing for Older Persons" set forth at §42 USC 3607 (b)[2] as amended.

(b) **Maximum Density:**

- [1] Not more than twenty-four (24) bedrooms per gross acre of land. *[rev. eff. 9/1/04]*
- [2] The area of inland wetlands, utility easements employing above ground buildings or towers and natural slopes steeper than one to one (1:1) shall be calculated and fifty percent (50%) of this total shall be deducted from the total land area included in the PARC application. The remaining area shall be that used to calculate the total number of bedrooms permitted in accordance with the PARC density. *[rev. eff. 9/1/04]*

(c) **Minimum Lot Area & Frontage:**

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- [1] The minimum lot area shall be five (5) acres. *[rev. eff. 9/1/04]*
- [2] The lot shall have a minimum frontage of two-hundred feet (200') on a public highway having a right-of-way no less than fifty feet (50').

(d) **Minimum Setbacks:**

- [1] No principal building, accessory building or parking area shall be located closer than fifty feet (50') from any front, side or rear property line.
- [2] No building in a townhome development shall be located closer than twenty-five feet (25') from the edge of pavement of any road, internal drive or cul-de-sac. *[rev. eff. 9/1/04]*
- [3] If abutting a residential district, no building, structure or parking area pursuant to this Section shall be closer than the minimum side or rear building setback required in the residential district which it abuts. Such setback yards may be required to be provided with screening as determined by the Commission.

(e) **Maximum Lot Coverage:**

Not more than twenty-five percent (25%) of the lot area shall be covered by buildings and structures; and not more than fifty percent (50%) of the lot area shall be covered by buildings and structures, parking areas and drives. If the proposed land coverage is in excess of fifty percent (50%), the applicant shall conform to the requirements of §242-501D(2) [regeneration and pollution control techniques]

(f) **Maximum Building Height:**

No building or structure shall exceed thirty six feet (36') in building height. Excluded from the building height calculations is any space resulting from design seeking to achieve the goals and objectives of §242-602(1) of these regulations.

(g) **Building Separation:**

For the purpose of emergency vehicular access, buildings or structures shall be separated as may be prescribed by prevailing local fire or building codes and regulations but in no event they shall be closer than twenty feet (20') from another building or structure. Exempted from this

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requirement are buildings not designed for human occupancy. *[rev. eff. 9/1/04]*

(h) **Off-Street Parking:**

See subsection (6)(f) of this Section. The Commission may require additional off-street parking spaces for visitors and guests.

(i) **Landscaping:**

Landscaping shall be provided in accordance with the intent and spirit described under §242-501J of these regulations.

(j) **Design and Technical Requirements:**

The application shall conform to the requirements set forth under §242-301C – Design Review Approval.

(9) **Miscellaneous Provisions:**

(a) **Conserved Land Area:**

[1] All land which is not dedicated to dwelling units, maintenance, storage and utility buildings, garages, roadway and parking areas, sewer systems, or active recreational areas shall be designated “conserved land areas” in perpetuity. The conserved land area(s) shall be preserved in their natural state or improved at the discretion of the Commission and limited to appropriate passive recreation.

[2] On an individual case-by-case basis the Commission may request an easement on certain portions of the conserved land area for public water supply including access thereto. In such instances, a dedicated parking area may be permitted in the conserved land area.

(b) **Active Recreational Areas:**

In addition to those areas designated “conserved land area(s),” area(s) shall be designated “active recreational area(s) on the site plan in a location(s) approved by the Commission. Within such area(s), appropriate structures and facilities for recreational purposes, as approved by the Commission, shall be constructed and operated for the use of the residents and their guests. These facilities may be used for

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accessory uses. Such areas must remain in the ownership of a tenants'/owners' association.

(10) **Maintenance and Occupancy:**

(a) **Maintenance:**

All common project facilities or systems shall be maintained by the applicant, owner or resident's association in perpetuity. Such systems and facilities shall include, to the extent such items are included in the original approval, the following:

- [1] Project utilities, including fuel, lighting, electricity, telephone, cable television distribution systems and controls.
- [2] Roadways, drives and parking areas, including curbing and paving.
- [3] Drainage systems, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching.
- [4] Recreational facilities.
- [5] Landscaping, including maintenance of buffer areas and conserved land areas.
- [6] Other similar common project systems and facilities.

(b) **Occupancy Regulations:**

Copies of actual or proposed project regulations pertaining to the inhabitants of apartments, townhouses, row houses, cooperative apartment buildings and the declarations of unit ownership of condominiums shall be submitted to the commission.

- [1] These regulations/declarations shall set forth all definitions, articles, rules, bylaws and enforcement procedures pertaining to:
 - Seller's responsibilities
 - Owner's responsibilities
 - Maintenance and funding responsibilities
 - Tenant responsibilities
 - Occupant's/tenant's restrictions
 - Maximum unit occupancy
 - Maximum fines
 - Active recreational area recreations

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- Termination procedures
- Items, which from time to time may be deemed necessary by the Commission to ensure proper Zoning Enforcement.

(c) **Elderly Occupancy:**

The applicant shall submit for final approval of the Commission, documentation which dedicates and restricts the units to elderly persons in perpetuity. Such documentation shall be in the form of a deed restriction or such other form as may be acceptable to Commission Counsel.

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J. Inspections: *[amended 9/20/76, 7/6/82, 10/4/82]*

- (1) In accordance with §8-12 of the Connecticut General Statutes, the Town of Brookfield, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with state, local and municipal standards and regulations, including any approvals previously issued and relating to the development. As a condition for granting approval, each applicant, owner or resident's association shall provide legal documents which shall hold harmless and indemnify the Town of Brookfield and its duly appointed officials from any claims or liability arising from the corrections of violations cited. The form of such documents shall be acceptable to the Commission Counsel and the Commission. The provisions of this subsection shall survive the issuance of any Certificate of Occupancy or Certificate of Zoning Compliance.

- (2) Should such verification inspections discern that corrective action is necessary to bring the development into conformance with statutes, laws and regulations, the cognizant Town official performing the inspections shall, in writing, cite the violations noted and require corrective action within a reasonable period of time. Failure to perform the required corrective action shall be considered a violation of the Zoning Regulations, Town of Brookfield, and be subject to such fines or penalties as prescribed by statute, ordinance or regulation.