

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Incentive Housing District
§242-404K**

K. Incentive Housing District (*effective 09/30/10, 3/12/13, 06/01/14, 9/11/15*)

(1) **PURPOSES:** The Incentive Housing District is an overlay zone that is superimposed over an underlying zoning district and the 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 8-13m et seq;
- (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:** [*rev 06/01/14*]

“Approved incentive housing zone” means an overlay zone that has been adopted by a zoning commission in furtherance of CGS section 8-13q.

“Building permit payment” means the one-time payment, made pursuant to section 8-13s, for each qualified housing unit located within an incentive housing project for which a building permit has been issued by the Town.

“Developable land” means the area within the boundaries of an approved incentive housing zone that feasibly can be developed for residential or mixed uses consistent with the provisions of these regulations and CGS sections 8-13n to 8-13x, inclusive, not including: (A) Land already committed to a public use or purpose, whether publicly or privately owned; (B) existing parks, recreation 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) wetlands or watercourses as defined in CGS chapter 440; and (E) areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

“Duplex” means a residential building containing two units.

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“Eligible location” means: (A) An area near a transit station, including rapid transit, commuter rail, bus terminal, or ferry terminal; (B) an area of concentrated development such as a commercial center, existing residential or commercial district, or village district established pursuant to CGS section 8-2j; or (C) an area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an incentive housing zone.

“Historic district” means an historic district established pursuant to CGS chapter 97a.

“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 payments set forth in this section and sections 8-13n to 8-13x, inclusive; and (C) in which not less than twenty (20%) and not more than thirty (30%) per cent 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, or below, prices which will preserve the units as housing for which persons pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent or less of the median income. *[added eff. 9/11/15]*

“Incentive housing restriction” means a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by this section and sections 8-13n to 8-13x, inclusive, enforceable for thirty years as required by said sections, and recorded on the land records of the municipality where the housing is located.

“Incentive housing unit” means a dwelling unit within an Incentive Housing project that is subject to Incentive Housing restrictions.

“Incentive housing zone” means a zone adopted by a zoning commission pursuant to this section and CGS sections 8-13n to 8-13x, inclusive, as an overlay

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to one or more existing zones, in an eligible location.

“Median income” means, after adjustments for household size, the area median income as determined by the United States Department of Housing and Urban Development for the municipality in which an approved incentive housing zone or development is located.

“Mixed-use development” means a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.

“Public transportation” means a use or structure that facilitates the transportation of the general public, including but not limited to, bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like.

- (3) **DESIGNATION OF OVERLAY DISTRICTS:** *[rev 06/01/14]* The Zoning Commission may designate appropriate areas of the town for overlay Incentive Housing Districts. The commission may designate subzones within any designated Incentive Housing District which subzone may differentiate the types of uses permitted in each subzone. Such Incentive Housing Districts shall conform to the following:
- (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.
 - (f) Consistent with the State Plan of Conservation and Development.
- (4) **LOCATION:** The boundaries of Incentive Housing Zones (IHZ) will be shown on the official Brookfield Zoning District Map and will be considered to be eligible for Incentive Housing Development. Additional areas, when reviewed and found qualified, may be added at a later date. *[rev 3/12/13]*
- (5) **APPLICATION PROCESS:** *[rev 06/01/14]* The process and requirements are set forth in the Design Guidelines and Standards Manual and also include the following:
- (a) The applicant shall submit to the Commission a narrative and data, which outlines and explains how the requirements of these Incentive Housing

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Regulations and CGS 8-13m et seq. will be met. If the project is within the Town Center District, the applicant will submit the narrative and data to the Pre-application Review Team as outlined in Section 242-505F(2)

- (b) If the Commission formally determines that the proposed designation and/or project is eligible in compliance with these regulations and is consistent with CGS section 8-13m et seq., 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 with thirty percent (30%) being the maximum amount of Incentive Housing Units allowed. *[added eff 9/11/15]*
- (b) Incentive Housing Units shall be rented or sold and occupied only by Eligible Households.
- (c) Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the town land records. The Incentive Housing Restriction shall include 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.
- [9] Any other provision necessary to ensure compliance with these regulations, including the Design Guidelines and Standards Manual, the site or project approvals and permits, and consistency with CGS section 8-13m et seq. *[rev 06/01/14]*

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- (7) **PERMITTED USES:** *[rev eff 3/12/13, 06/01/14, 11/21/14]*
- (a) All Uses allowed in the underlying district are permitted in the Incentive Housing Overlay District
- (b) In addition the following uses are also permitted: *[eff. 3/12/13, 7/29/13]*
- [1] An Incentive Housing Development in the **Central Core sub-zone**, subject to:
- A mixture of residential, retail, restaurant, office uses and other uses as permitted in the underlying zone.
 - No more than 40% of the ground floor square footage may be devoted to residential uses in any building with frontage on any public road and none shall front on any public road. *[rev 06/01/14, 11/21/14]*
 - Permitted non-residential uses are encouraged to be on the floor(s) above the ground floor in any building and on the ground floor of all buildings not fronting on public roads *[eff. 11/21/14]*.
 - Residential uses may include townhouses, condominiums, apartments and single family dwellings, subject to any other restriction set forth herein. *[eff. 7/29/13]*
- [2] An Incentive Housing Development in the **Perimeter sub-zone**, including any of the following:
- Single Family Dwellings
 - Town Houses
 - Condominiums
 - Apartments
- (8) **DESIGN AND TECHNICAL STANDARDS:** *[rev 06/01/14]* The following are in addition to those required in the underlying districts:
- (a) Water and Sewage: All projects shall be served by municipal sewer facilities and a public water supply.
- (b) Basements: Basements may not be used as living quarters unless they have access at-grade and windows above ground level.
- (c) Site and Building Design Standards: Design and technical standards for compliance for site and building design are set forth in the **Design Guidelines and Standards Manual** in Appendix 3 to these regulations.
- (9) **DENSITY REQUIREMENTS:** *[revised eff. 12/7/12, 06/01/14]*
- (a) General: Density shall be determined on the basis of the land's ability to support the proposed development and the standards set forth in the Land

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Use Standards. 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: A minimum of six (6) and a maximum of twenty-four (24) dwellings units per acre.
- [2] Multi-family Development: A minimum of twenty (20) and not more than twenty-four (24) units per acre.
- [3] Town Houses: A minimum of ten (10) and a maximum of twenty (20) dwellings units per acre.
- [4] Single Family Houses: A minimum of six (6) and a maximum of twelve (12) dwellings units per acre.

(c) Dwelling units located in an Incentive Housing project shall be excluded from the 26% cap under §242-404(D)(2)[d] of these regulations *[added eff. 12/7/12, 4/14/11 deleted 10. Restrictions...renumbered]*

(10) LAND USE STANDARDS: *[rev 06/01/14]*

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' 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' from sidewalk or property line; whichever is closer <i>[eff. 4/17/13]</i>
Front Yard Setback, Max.	25 feet from property line
Height, Max.	Three (3) stories <i>[eff. 7/28/10, 4/17/13. 06/01/14]</i>
Sidewalk width, Min.	6' wide or as per Town Center District Sidewalk and Access Management Plan. <i>[eff. 4/17/13, 06/01/14]</i>

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Common or Public Areas	Refuse containers, seating areas and other pedestrian amenities shall be provided at locations approved by the Commission
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- (11) **ARCHITECTURAL GUIDELINES:** [rev 06/01/14] Standards for compliance are set forth in the **Design Guidelines and Standards Manual** in Appendix 3 to these regulations.

- (12) **PARKING:** [rev 06/01/14] Parking requirements are established in Section 242-305 except as modified hereinafter:
 - (a) **Shared Parking:** Parking requirements for mixed use projects in the Central Core Sub-zone may be calculated using the shared parking calculation found in Section 242-505 G(4).

 - (b) **Parking Garages:** Whenever feasible, garages shall be located underground to minimize visibility from public streets and suitably screened by plantings approved by the Commission.

 - (c) **On-Street Parking:** Overnight on-street parking is prohibited except in specified areas.

- (13) **SIGN, STREETSCAPES, LANDSCAPING AND LIGHTING:** [rev 06/01/14] Standards for compliance are set forth in the **Design Guidelines and Standards Manual** in Appendix 3 to these regulations.

- (14) **MAINTENANCE:** [rev 06/01/14] All common facilities, equipment, structures, drives, common parking areas and the like shall be maintained by the owner or resident's association in perpetuity. Such items shall include: water and sewage systems, utilities, roads, drives, common parking areas, drainage systems, recreation and common areas, landscaping and the like. Zoning approvals may require the recording on the land records of appropriate documents to insure compliance with this regulation.

- (15) **OCCUPANCY REGULATIONS:** Copies of all project regulations and declarations of unit ownership shall be submitted to the Commission for approval. They shall set forth all definitions, articles, rules, by-laws and enforcement procedures pertaining to:
 - (a) Seller's and Owner's responsibilities
 - (b) Maintenance and funding responsibilities
 - (c) Tenant Responsibilities
 - (d) Occupant/tenant restrictions including fire prevention methods
 - (e) Maximum fines
 - (f) Termination provisions

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- (g) Other items affecting the project as a whole which may be deemed necessary and appropriate by the Owner/Tenant Organization

(16) MODIFICATIONS TO STANDARDS: [rev eff 3/12/13, 06/01/14]

In accordance with CGS 8-13n(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 where, in the sole determination of the Commission, unique characteristics of the parcel/structure exist. 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.

(17) CONFLICTS: [rev 06/01/14]

- (a) Where compliance with the Design Guidelines and Standards Manual is required pursuant to this regulation, to the extent that there is any conflict between a specific provision of this section, 242-404K or a provision of the underlying zone regulation and the Design Guidelines and Standards Manual set forth in Appendix 3, the requirements of the Design Guidelines and Standards Manual shall prevail and apply.
- (b) To the extent that there is any conflict between the provisions of the regulations governing the underlying zone and a specific provision of this section 242-404K, the requirements of this section 242-404K shall prevail and apply.

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