

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Apartment Units within Single Family Dwellings - § 242-405A-B

§ 242-405. Apartment Units within single-family dwellings [amended 8/2/76, 11/20/97, 11/12/98, 9/30/10, 5/25/12, 12/15/14]

A. General: (amended eff. 9/30/10, 5/25/12, 12/15/14)

The following regulations apply to all zoning districts:

The Zoning Commission, upon receipt of an application for a Zoning Compliance Certificate for a Single Family Conversion (“Certificate”) and required fee may issue a Zoning Compliance Certificate for a Single Family Conversion to allow the incorporation of one (1) apartment unit within an existing or a proposed newly constructed single-family dwelling unit. (rev 4/14/11, 5/25/12)

The applicant is required to send notice of the application to all abutting property owners, giving the date and time when the Commission will review the application. The applicant shall give the Commission a list of the names and addresses of the abutting property owners and shall certify that notice has been given as set forth in this regulation.

If appropriate, the Commission may hold a hearing on the application to hear from abutting property owners or others.

The owner of the property shall occupy either the single-family dwelling unit or the apartment unit and occupancy of the other unit shall be limited to: Second-degree family members (such as parents, children, grandparents, grandchildren, or siblings); elderly and/or disabled persons (as defined in CGS Section 8-11a, Subsection (m)); or caregivers for elderly and/or disabled persons who live on the premises or members of dissolved civil unions or dissolved marriages. (rev 5/25/12)

Conversion of an existing outbuilding, where in the opinion of the Commission it is not feasible to connect the outbuilding to the main house, will be allowed, subject to the provisions of this section. Whether the “apartment unit” is within an existing dwelling or a proposed newly constructed dwelling or within an existing outbuilding, there shall be only one (1) “apartment unit” allowed per lot.

B. Standards and safeguards:

(1) **Occupancy and conversion requirements:** (amended eff. 6/9/04, 12/15/14)

No single-family dwelling unit shall qualify under these regulations unless such unit shall have been on the Assessor's list on October 1, 1975, or a dwelling constructed after October 1, 1975, for which a building permit for a single-family dwelling was issued. The dwelling in question shall be owner-occupied at all times while the Zoning Compliance Certificate for a

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Single Family Conversion is in effect. There shall be no subletting by either of the parties named in the Certificate. There shall be at least one (1) head-of-household or spouse in either unit classified as elderly/disabled as defined by this chapter. In the event an elderly or disabled person wishes to remain in the apartment after a change in residence ownership where the owner is not in residence, the Certificate immediately lapses. A new application shall be submitted to allow non-owner residency and continuation of residence of the current elderly or disabled resident. Approval or disapproval will be at the sole discretion of the Zoning Commission. When the elderly or disabled person ceases to be an occupant of the apartment, the permit shall immediately lapse and any new proposed occupant or owner shall be required to conform to the regulations.

- (2) **Signatures:** *(amended eff. 9/30/10, 12/15/14)*

All applications for a Zoning Compliance Certificate for a Single Family Conversion under these regulations shall contain the signatures of the owner(s) and proposed occupants(s).

- (3) **Living area:** *(rev 6/4/10, 5/25/12)*

An apartment unit shall contain not less than four hundred eighty (480) square feet nor more than eight hundred (800) square feet of living area.

- (4) **Parking:**

All parking shall be on the premises.

- (5) **Interior and exterior modifications:** *(rev 8/28/08, 9/6/08)*

Site plan and layout for exterior and interior modifications, showing all proposed changes, shall be approved by the Zoning Commission, the Building Inspector, the Health Department and the Fire Department. The plans must show an interior door connecting the spaces. Approval shall be based on health, safety and welfare, compatibility with the surrounding neighborhood and the preservation of natural topographical features.

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C. Definition of terms:

- (1) **Apartment unit:** *(rev. 11/22/96, 11/12/98, 6/4/10, 5/25/12, 12/15/14)*

Notwithstanding the definition of “apartment” contained in §242-202, for the purposes of this section of this chapter, an “apartment unit” shall refer to separate dwelling unit within a single-family house which shall contain not less than four hundred eighty (480) square feet nor more than eight hundred (800) square feet of living area. The apartment unit shall include independent living quarters, kitchen or kitchen area, and a lavatory containing a bathtub and/or shower, a sink and a toilet.

- (2) Notwithstanding the definition of “apartment” contained in Subsection 242-202, for the purpose of this section of this chapter, an “apartment unit” shall refer to a separate dwelling unit within a single-family house or an outbuilding with a definite accessory use to the main building, or an outbuilding constructed for the purpose of creating a separate dwelling unit. *[rev. 11/22/96, 5/25/12]*

D. Affidavit of Status: *(eff 12/15/14)*

An Affidavit of Status shall be presented to the Zoning Commission at the time of application and each year thereafter as to the ownership and elderly/disabled occupancy of the particular dwelling unit as a requirement of the continuance of the Zoning Compliance Certificate for a Single Family Conversion.

E. Zoning Compliance Certificate for a Single Family Conversion: *(rev. 9/30/10, 12/15/14)*

Upon the completion of the Commission review and hearing, if any, and before the contemplated use of the premises shall begin, the Commission shall be satisfied that the subject property is in compliance with all applicable zoning regulations. The Zoning Compliance Certificate for a Single Family Conversion shall be issued only after all conditions of the regulations have been met.

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F. Certificate Renewal: *(revised eff. 12/15/14)*

Zoning Compliance Certificates for a Single Family Conversion are issued for an **initial period of one (1) year** with a provision to renew the Certificate annually thereafter upon presentation of an Affidavit of Status by the permit holder certifying that the occupancy provisions remain valid and any other requested information. An Affidavit of Status, as called for in paragraph D above, shall be submitted by the Certificate holder prior to the expiration date of the Certificate. If the status of either the occupant or owner changes, the permit holder must file a new Affidavit of Status within thirty (30) days of the effective date of the change. Failure to provide such affidavits when required shall cause the Certificate to lapse. A lapsed Certificate may only be reinstated by the Zoning Enforcement Officer, without a public hearing, when a properly executed Affidavit of Status is accepted by him/her. The Zoning Enforcement Officer may require an inspection of the premises as a condition of renewal. *[added 11/20/97]*

- G.** The Commission may require as a condition of approval that the owners record a deed restriction upon the property in a form approved by the Town Attorney setting forth the restrictions contained in these Regulations and any conditions of approval. Any such Deed Restriction shall provide that the Municipality may recover its reasonable fees and expenses in enforcing the terms of any Deed Restriction. *[rev. 8/22/03]*