

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Floodplain District
General Provisions and Boundaries – § 242-503 A&B**

§ 242-503. Floodplain Districts, FP.

A. General provisions:

(1) **Applicability:**

In accordance with the Official Floodplain Map, identified hereinafter, this district is superimposed over any other zoning district. It is subject to all regulations applicable to the underlying district and those additional regulations contained in this section.

(2) **Administration:**

All projects to be contained wholly or in part in the Floodplain District shall be submitted by the applicant to the Inland Wetlands Commission. The application to the Zoning Commission shall not be accepted unless the applicant has submitted an application to the Inland Wetlands Commission previous to or no later than the application submitted to the Zoning Commission. The Zoning Commission shall not render a decision on such application and site plan until a report has been submitted by the Inland Wetlands Commission with its final decision. This information along with a copy of the Inland Wetlands permit and all other data as prescribed by Section 242-301 shall become a criterion to be considered in the approval/disapproval of the application and shall be made part of the applicant's design review file. *[amended 7/28/92]*

(3) **Use variances:**

In accordance with the authority granted by Title 8, Chapter 124, Section 8-6, of the Connecticut General Statutes, no use variances shall be permitted in the Floodplain District. *[amended 4/6/81]*

B. Floodplain District Boundaries:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Federal Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance R Maps (FIRM) dated June 18, 2010, and other sup[porting data applicable to the Town of Brookfield, any subsequent revision thereto, are hereby adopted by reference and declared to be a part of this section. Since mapping is legally adopted by reference into this section it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area on the FIRM as Zones A and AE, including areas designated as floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. The BFEs provided on a Firm are only approximate (rounded up or down) and should be verified with the BFEs

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published in the FIS for a specific location. The flood insurance study is on file at the office of the Town Clerk, Town Hall, Brookfield, Connecticut. The regulatory flood protection elevation for any point in question shall be the governing factor in locating the zoning district boundary of the land. *[amended 3/11/10]*

(1) **Establishment of development permit:**

(a) A **development permit** shall be obtained before construction or development begins within any area of special flood hazard established in the Subsection B. Application for a development permit shall be made on forms furnished by the Brookfield Zoning Commission and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
- [2] Elevation in relation to mean sea level to which any structure is to be floodproofed;
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection B(2); and
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) These requirements are in addition to those requirements in §242-301C.

(2) **Designation of the Brookfield Zoning Commission:**

The Brookfield Zoning Commission is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

(3) **Duties and responsibilities of the Brookfield Zoning Commission:**

Duties of the Brookfield Zoning Commission shall include, but not be limited to:

- (a) Reviewing all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and

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substantial improvements shall meet the permit requirements of this section. *[amended 9/29/93]*

- (b) Reviewing all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(4) **Use of other base flood data:**

When base flood elevation data has not been provided in accordance with this Subsection B, Floodplain District boundaries, the Brookfield Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer Subsection I(1), Specific standards, Residential construction, and Subsection I(2), Specific standards, Nonresidential construction.

(5) **Information to be obtained and maintained:**

- (a) Obtain and record the actual as built elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures. *[amended 9/29/93]*
- (b) For all new or substantially improved floodproofed structures:
 - [1] Verify and record the actual as built elevation (in relation to mean sea level); *[amended 9/29/93]*
 - [2] Maintain the floodproofing certifications required in Subsection B(1)(a)[3]; and
 - [3] Maintain for public inspection all records pertaining to the provisions of this section.

(1) **Alteration of watercourses:**

Notify adjacent communities and the Department of Environmental Protection, State of Connecticut, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

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Floodway and Floodplain permitted uses – § 242-503 C&D

C. Floodway permitted uses:

Subject to the provisions of and in conformance with §242-301 of this chapter, the following open space uses may be permitted within the floodway, provided that such uses do not require fill, structures or storage of materials or equipment and are not prohibited by any other regulations:

- (1) Low-value **agricultural uses**, including pasture, grazing, wild-crop harvesting and non-fertilized crops.
- (2) **Private and public recreation**, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, swimming areas, outdoor ice-skating rinks, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, fishing areas, bicycle, hiking and horseback riding trails.

D. Floodplain permitted uses:

Subject to the provisions of and in conformance with §242-301 of this chapter, the following uses may be permitted within the floodplain to the extent that they are permitted in the underlying district:

- (1) All uses in Subsection C.
- (2) All **agricultural uses**, including general farming, nurseries, truck farming, and forestry, provided that all structures are located outside the floodway.
- (3) **Seasonal commercial uses**, including open-air markets and drive-in theaters, provided that all structures are located outside the floodway.
- (4) **Parking areas** and loading areas, provided that all structures are located outside the floodway.
- (5) **Nonstructural residential uses**, including lawns, gardens parking areas and play areas, provided that all structures are located outside the floodway.
- (6) **Storage** of low-cost, non-hazardous materials, provided that all structures are located outside the floodway.
- (7) **Nonresidential buildings** whose lowest floor is elevated one foot (1') above the one hundred year flood or is floodproofed to an elevation one foot (1') above the one hundred year flood, provided that all structures are located outside the floodway.

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Other permitted uses & Structures– § 242-503 D,E&F

- (8) **Residential buildings** whose lowest floor, including basement, is elevated one foot (1') above the one hundred year flood, provided that all structures are located outside the floodway. *[amended 9/29/93]*

E. Other permitted uses:

The following uses may be permitted in the floodplain in floodplain areas with or without floodways having established base flood elevations but prohibited in the floodway, provided that no structure (temporary or permanent), fill deposits (including fill for roads, parking and levees), excavations, obstructions, storage of materials or equipment or other use may be allowed which, acting alone or in combination with existing or future uses, increases flood elevations by one foot (1') or more beyond the base flood elevations as depicted on the Town's Flood Insurance Study dated June 18, 2010, and in the accompanying Flood Insurance Rate Map. *[amended 3/11/10]*

- (1) Circuses, carnivals and similar transient **amusement** enterprises.
- (2) **Natural resources removal** in accordance with §242-302.
- (3) **Railroads**, street, bridges, utility transmission lines and pipelines.
- (4) **Support** for structures, excluding fill, where the floor level of the structure is above the regulatory flood protection elevation but the supports are within the floodplain area.
- (5) **Structures** constructed on fill, or first floor if there is no basement, provided that the basement floor is above the regulatory flood protection elevation. The fill shall be at a point no lower than one foot (1') below the regulatory flood-protection elevation for the particular area and shall extend at such elevation at least fifteen feet (15') beyond the limits of any structure or building erected thereon.
- (6) Uses or structures **accessory to a permitted use**.

F. Structures (temporary or permanent):

- (1) Structures shall not be designed for human habitation, except as provided in Subsection D(8).
- (2) Structures shall have a low flood-damage potential.

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Structures & Storage of materials and equipment & Flood hazard reduction– § 242-503 F,G&H

- (3) The structures or structure, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures or restriction of bridge openings and other narrow sections of the stream or river.
- (5) Service facilities, such as electrical and heating equipment, shall be constructed at or above the regulatory flood-protection elevation for the particular area.

G. Storage of material and equipment:

- (1) The storage or processing of materials that are buoyant, flammable or explosive in time of flooding is prohibited.
- (2) Storage of other material or equipment may be allowed, if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the limited time available after flood warning.

H. Provisions for flood hazard reduction:

In all areas of special flood hazards, the following standards are required:

(1) **Anchoring:**

All new construction, including manufactured and mobile homes, and substantial improvements thereto shall be anchored to prevent flotation, collapse or lateral movement and to resist hydrostatic and hydrodynamic pressure. Anchoring may include over-the-top or frame ties to ground anchors.

(2) **Construction materials and methods:**

- (a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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Flood Hazard Reduction and Specific Standards – § 242-503 H&I**

(3) **Utilities:**

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Electrical heating, ventilation, plumbing and air-conditioning systems shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Aboveground storage tanks which are located outside or inside of the structure must be elevated above the base flood elevation on a concrete pad or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

A. Specific standards:

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection B, Floodplain District boundaries, and Subsection B(4), Use of other base flood data, the following provisions listed below are required. If any structure or portion thereof lies partially or wholly within one or more flood zones, the entire structure must comply with the most stringent requirements of the zones involved.

(1) **Residential construction:**

New construction, including manufactured and mobile homes, and substantial improvements thereto shall be placed on a permanent foundation and shall have the lowest floor, including basement, elevated to or above the base flood elevation. This included manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an existing manufactured park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park in which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles placed on sites within the areas of special flood hazard shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the elevation requirements listed above and anchoring requirement

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Specific Standards – § 242-503 I**

of Section 242-503 H (1). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent attached additions. *[amended 3/11/10]*

(2) **Nonresidential construction:**

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level one foot (1') above the base flood elevation or, together with attendant utility and sanitary facilities, shall: *[amended 9/29/93]*

- (a) Be floodproofed from an elevation one foot (1') above the base flood elevation and below, so that the structure is water tight with walls and floors substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects on buoyancy; and
- (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certificates shall be provided to the official set forth in Subsection B(5)(b).

(3) **Floodways:**

- (a) Located within areas of special flood hazard established in Subsection B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- [1] Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge. *[amended 3/11/10]*

When utilizing data other than that provided by the Federal Emergency Management Agency, the Commission shall select and adopt a regulatory floodway based on the principle that that area chosen for the regulatory floodway shall be designed to carry the waters of the base flood, without increasing the water surface

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elevation of that flood more than one foot (1') at any one (1) point.

[2] If Subsection I(3)(a)[1] is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection H, Provisions for flood hazard reduction.

[3] Manufactured homes and recreational vehicles, (temporary or permanent) are prohibited within all special flood hazard areas.
[amended 9/29/93]

(b) These requirements are in addition to those requirements in §242-301C.

(4) **100 year Flood Districts:**

Where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other improvement, including fill, shall be permitted which could increase base flood elevation more than one foot (1') at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

(5) **Notification to applicant of increased premium rates:**

The Zoning Enforcement Officer is designated, authorized and instructed to notify in writing all applicants that possess variances to this section that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.) for one hundred dollars (\$100.) of insurance coverage, and such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of the variance action as required in Subsection I(5).

(6) **Variances:**

The Zoning Enforcement Officer shall maintain a record of all variance actions, including justification for their issuance, and report such variance issued to the Federal Emergency Management Agency (FEMA) in its Biennial Report.

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Abrogation and Disclaimers – § 242-503 J&K**

J. Equal Conveyance, Compensatory Storage and Associated Prohibitions:
[added 3/11/10]

(1) **Equal Conveyance**

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachment resulting from filling, new construction or substantial improvements involving an increased footprint of the structure are specifically prohibited unless the applicant provided certification from a registered engineer demonstrating, with supporting hydrological and hydraulic analyses performed in accordance with standard engineering practice, such that encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

(2) **Compensatory Storage**

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increased footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site- if approved by the Town of Brookfield.

K. Abrogation and Disclaimers: *[added 3/11/10]*

(1) **Abrogation and Greater Restrictions**

This regulation is not intended to repeal, abrogate or impair any existing easement, covenant or deed restrictions. However, where this regulation or another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. shall prevail.

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(2) **Warning and Disclaimer of Responsibility:**

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations and research. Larger floods can and will occur on rare occasions. Flood Heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Area of Special Flood Hazard or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Brookfield or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder. The Town of Brookfield, its officer and employees shall assume no liability for another person's reliance of any map, data or information provided by the Town of Brookfield.

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