

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Purpose and Design Review – § 242-504 A&B**

§ 242-504. Major shopping centers.

A. Purpose:

It is the purpose of these regulations to permit more flexibility in land use and area requirements where large land areas are used for a shopping center with numerous tenants. In consideration of providing such flexibility under these regulations however, the Commission shall require a site configuration which minimized the impact of the project upon the Town's traffic load and flow patterns, the environment and requirements for municipal services. Special consideration, therefore, must be given to the planning of access roads, parking, loading, walkways, the preservation of natural areas, the maintenance of the site and buildings, and designs which will complement the natural setting.

B. Design review application/additional data:

In addition to the data required under §242-301C of this chapter, the following additional data must be submitted as part of the design review application. It is expected that the applicant shall submit the following data at regular or special meetings of the Commission at least thirty (30) days prior to filing its formal design review application. **No application made under this section shall be considered complete until all of the following data is submitted.** Nothing herein shall restrict the Commission from requiring additional data under §242-301C(4).

(1) **Accessway proposals:**

A site plan depicting the transportation scheme for all ingress and egress to the proposed project, connections to state highways, relocation or abandonment of any Town roads and their traffic impacts. Fifteen (15) days prior to the submission to the Commission, the applicant shall submit a copy of such plan to the Board of Selectmen, Town Engineer, Planning Commission and Director of Public Works for their review.

(2) **Traffic impact study:**

A thorough study of the total traffic impact on state and town roads within Brookfield and the analysis of the traffic impact on feeder roads into Brookfield, as well as a complete hourly traffic impact estimate. Fifteen (15) days prior to the submission to this Commission, the applicant shall submit a copy of such plan to the Board of Selectmen, Town Engineer, Planning Commission and Director of Public Works for their review.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Design Review – § 242-504B**

(3) **Police and security plan:**

An estimate of the proposed police requirements and internal security staffing. This plan shall outline the estimated impact on the Town's police requirements showing the breakdown of estimated costs to be borne by the applicant and the estimate of additional costs to the Town. Said report shall detail by type and cost any additional security anticipated. Fifteen (15) days prior to the submission to the Commission, the applicant shall submit a copy of such plan to the Police Commission and Chief of Police for their review.

(4) **Fire protection plan:**

A detailed analysis showing all fire protection measures planned within the complex and an emergency disaster plan setting forth any additional equipment and manpower necessary which is in excess of the Town's present fire-fighting capacity, together with the additional cost thereof. Fifteen (15) days prior to the submission to the Commission, the applicant shall submit a copy of such plan to the Town's Fire Marshal for his review.

(5) **Environmental impact study:**

A detailed study of anticipated pollution impact on underground waters, aquifers, surface streams and water, air quality and visual impact, debris and waste removal and erosion control measures. All proposed protective measures shall be outlined within the study. Fifteen (15) days prior to the submission, the applicant shall submit a copy of such plan to the Inland Wetlands Commission, Conservation Commission, Town Engineer and such other state and local agencies as the Commission may direct for their review.

(6) **Sewage requirements:**

A general plan outlining specific septic and general waste removal procedures, the estimated quantity of the same and the method proposed to accomplish the plan. Fifteen (15) days prior to submission, the applicant shall submit a copy of such plan to the Sewer Commission for its review.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Design Review – § 242-504B**

(7) **Additional supporting services estimate:**

An estimated impact on the Town's supporting services showing the breakdown of estimated costs to be borne by the applicant and the additional costs to the town. Such report shall include but not be limited to the following categories:

- (a) Snow removal disbursement.
- (b) Medical emergency requirements.
- (c) Governmental Town services.
- (d) Others as determined by Commission.

(8) **Economic impact:**

The applicant shall submit a summary report with the design review application summarizing the reports and plans required under Subsections B(1) through (8) of this section and including the estimated economic impact on the Town due to the proposed development. Estimated costs shall be included as well as anticipated revenue to the Town through user fees or projected tax revenues. The report shall be outlined in annual increment form starting with the first year through the final year at full development. The applicant shall include any estimates provided by Town boards or commission as well as the applicant's own estimates. Fifteen (15) days prior to time of submission to the Commission, the applicant shall submit a copy of this report to the Board of Selectmen, Board of Finance and Controller for their review.

(9) **Major tenants:**

The applicant shall provide letters from the major tenants of their intent to locate within the project. Such letters shall provide descriptive data of the type of facility contemplated, including size of building and parking areas required. Said report shall be submitted with the application.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Accessory Uses – § 242-504C**

C. Accessory uses permitted:

The following uses are permitted within major shopping centers subject to the general provisions contained in §242-301A, B and C:

- (1) All uses permitted in IR/C-80/40, and IL-80 Districts.
- (2) **Department stores**, including outside seasonal sale areas not exceeding eight percent (8%) of the enclosed floor area of the building of which it is a part.
- (3) **Supermarkets**.
- (4) **Restaurants**, including the consumption of alcoholic beverages, cocktail lounges, cabarets, nightclubs and similar establishments. Foods may be sold for consumption off the premises, but there shall be no provision for curbside and/or carhop service.
- (5) The sale of **beer, wines, liquors and spirits** for consumption off the premises, but no more than one (1) package store shall be allowed in a major shopping center. The provision of §242-308F shall not apply to these uses. (*app. 3/22/12*)
- (6) **Office equipment** and business machine sales and service.
- (7) **Service stations** known as "TBA (tires, batteries and accessories) centers" or auto service centers which are affiliated with major department stores. These stations may be licensed as either limited or general repairers as defined under the Connecticut General Statutes. The sale of fuel may be allowed, provided that all requirements of state statutes are met. This use is specifically excluded from the two-thousand-five-hundred-foot distance separation regulations contained in the IR/C-80/40 and IG/C-80/40 Districts.
- (8) Uses customarily accessory to the above permitted uses.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Area, Height & Yard Requirements – § 242-504D**

D. Area, height and yard requirements:

(1) **Lot area for the entire center:**

Minimum lot area for the entire center shall be twenty-five (25) acres. Contiguous parcels of land containing a total minimum of twenty-five (25) acres may be owned separately by different persons or legal entities. Satisfactory evidence of a legal agreement by all such property owners relating to the development of the property for shopping center purposes must be filed with the design review application if the applicant is not the owner or contract purchaser of all property included within the proposed center. Prior to application for design review, Planning Commission approval must be obtained if the proposed development constitutes a subdivision under the Brookfield Subdivision Regulations. The minimum lot area for interior parcels shall be the minimum lot area required in the zoning district in which the parcel is located.

(2) **Lot width, yard and height requirements:**

Measurements in feet

	Minimum Lot Width	Front Yard	Side & Rear Yard	Maximum Building Height
Entire Center	200	100	50	40
Interior Parcel	None	None	None	40

For the purposes of this section, "**building height**" is defined as the vertical distance from the first-floor elevation to the highest point of a flat roof or to the mean level between the eaves and ridge for gable, hip or gambrel roofs. The vertical extension of building walls above roofs to screen all appurtenant structures is excluded from such maximum limit, provided that such extension is set back from the structure wall sufficient for firemen to have access to the roof areas.

Spires, cupolas, mechanical equipment, equipment penthouses, stair towers, chimneys, parapet walls, ventilators, water tanks and similar features not used for human occupancy may be in excess of the height maximum, provided that adequate screening is installed and maintained at and/or around said appurtenant structures, taking into consideration the sight line and visibility from abutting properties. In no event shall such extensions exceed twenty feet (20') beyond the maximum building height. Such extensions shall be acceptable in design to the Town's Fire Marshal.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Lot frontage, Open space, Roads, Perimeter strips – § 242-504E-H**

E. Minimum lot frontage:

The minimum lot frontage for the entire center shall be sixty feet (60') on a highway or public street or a private street which is dedicated to public use or has a perpetual right-of-way to a highway or public or private street which is dedicated to a public use. There is no minimum lot frontage for an interior parcel.

F. Open space:

The Commission may require that a portion of the area of the major shopping center be reserved as open space. When required, such area shall not exceed fifteen percent (15%) of the total area of the application. Further, the Commission may require part or all of said open space to be dedicated to the Town of Brookfield.

G. Roads and internal drives for the entire center and interior parcels:

All roads planned for future dedication to the Town of Brookfield and all internal ring and/or perimeter roads shall be constructed in accordance with the Road Ordinance, Town of Brookfield¹. All other internal drives and parking areas shall be constructed in accordance with sound engineering practice. Any roads or internal drives constructed within a shopping center shall remain as private roads, and all maintenance of the same shall be the responsibility of the property owners. The Town reserves the right of continuous on-site inspection to ensure quality maintenance.

H. Perimeter strips for the entire center:

There shall be a perimeter strip of not less than one hundred feet (100') between any building and the perimeter boundary line of the entire center. Perimeter strip areas may be used for lighting, signs, drives and perimeter ring roads only. When there is an existing natural separation, such as railroad tracks or rights-of-way or municipal, state or federal highways, the perimeter strip may be reduced to twenty feet (20'). Said perimeter strip areas which are not contiguous with a natural separation and those portions of said perimeter areas which are not used for lighting, signs, drives and perimeter ring roads, as above allowed, shall be suitably landscaped with dense evergreen plantings and shall have additional landscaping provided at locations deemed appropriate by the Commission in order to screen the major shopping center from adjacent properties.

¹ Editor's Note: See Ch. 192, Streets and Sidewalks, Art. I.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Front yards & Off street parking – § 242-504I&J**

I. Front yards for the entire center:

Within the front yard setback required under Subsection D(1), there shall be a strip not less than twenty-five feet (25') wide adjacent to the front lot line, which strip shall be kept in lawn or otherwise suitably landscaped and maintained. Such strip shall be traversed by not more than two (2) driveways, provided that one (1) additional driveway may be added for each two hundred feet (200') of frontage of the lot in excess of three hundred feet (300'). The required front yard may be used for driveways provided herein and for landscaped areas. However, no portion of the required front yard shall be used for parking, storage of materials or loading or unloading of trucks.

J. Off-street parking and loading for the entire center:

- (1) As used within this section, the term "**parking space**" shall mean a space capable of containing a rectangle of not less than ten by twenty feet (10' x 20') measured from the center of the dividing line between spaces. Such space shall be surfaced with concrete, bituminous concrete or equivalent dustless-type materials and shall be suitably marked to indicate its location. All parking spaces shall be sloped at least one percent (1%) but not more than fifteen percent (15%) so as to drain properly and prevent the collection or standing of water on the surface thereof. Spaces must be contiguous to a driveway permitting access to a street.
- (2) Recognizing that the total area within the zone may be divided into separate record ownerships but will still maintain a continuity of purpose, the total parking spaces required may be located on the same lot as the structure served or may be located in whole or in part on any other lot within the zone, provided that the overall integrated center complies with the total parking spaces required.
- (3) Adequate ingress and egress to an off-street parking area or facility by means of clearly limited and defined drives shall be provided for all vehicles. All directional signs shall be in accordance with §242-306 of this chapter.
- (4) All driveway aisles contiguous to parking spaces shall be not less than the following widths, whether or not the parking spaces are on one (1) or both sides of the driveway: *[amended eff. 3/17/02]*
 - (a) Parallel and thirty-degree parking: (16') one-way, 24' two-way
 - (a) Forty-five-degree parking: 16' one-way, 24' two-way
 - (c) Sixty-degree parking: 16' one-way, 24' two-way
 - (d) Seventy-five degree parking: 23' one-way, 24' two-way

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Parking & Loading – § 242-504J-L**

- (e) Ninety-degree parking: 26' one-way, 26' two-way
- (1) Access driveways for two-way travel shall be not less than twenty-six feet (26') wide. All driveways shall be clearly marked to indicate direction of travel. Where access drives are contiguous to the front façade of a building, the drive must be located at least ten feet (10') from the front perimeter building wall.
 - (2) No parking space may be closer than twenty feet (20') to the paved portion of the public street. Where parking spaces abut a building, a separating strip of at least twenty (20) feet shall be provided in the form of a landscaped bed and/or sidewalk, if said sidewalk is appropriate.
 - (3) At the option of the Commission, separate pedestrian walkways to the parking area or facility shall be installed where appropriate to ensure pedestrian safety.
 - (4) The perimeter of any parking area for a commercial or industrial establishment shall be provided with a curb of not less than six inches (6") in height, backfilled with earth material.
 - (5) No parking area of more than ten (10) spaces shall exit or enter into a road less than seventy-five feet (75') from the center line of the nearest intersecting street on the same side of the street as the driveway.
 - (6) All artificial lighting used to illuminate any parking space or area shall be as provided for in §242-602B of this chapter.

K. Parking space schedule for entire center:

The number of parking spaces required for a major shopping center shall be computed as follows: five (5) parking spaces for each one thousand (1,000) square feet of gross leaseable building area occupied or to be occupied by tenants. Excluded areas from gross leaseable building area include but are not limited to malls, hallways, stairways, stairwells, fire exits, fire corridors, storage areas, utility meter rooms, fire equipment rooms, non-selling basements and mezzanine areas.

L. Loading areas for entire center:

Spaces for loading and unloading shall be provided for each department store at the rate of one (1) space containing not less than four hundred (400) square feet for the first one hundred thousand (100,000) square feet of floor area, or any fraction thereof, and one (1) additional space for each one hundred thousand (100,000) square feet thereafter, or any fraction thereof.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Additional Requirements – § 242-504 M&N**

M. Landscape requirements for entire center:

- (1) At least eight percent (8%) of the total parking area shall be curbed and landscaped with appropriate trees, shrubs and other plant materials in quality of form acceptable to the Commission to assure the establishment of a safe, convenient and attractive parking facility.
- (2) Within the entire center, each defined parking lot shall contain not more than five hundred (500) cars, and each such lot shall have raised planting islands on at least two (2) sides of such lot not less than twenty feet (20') in width to be used to separate each lot to provide adequate space for plant growth. Such raised planting islands and their landscaping shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from visual monotony and the shadeless expanse of a large parking area. All internal planting islands between adjacent parking lots shall have a minimum of four (4) feet vertical definition, varying to higher heights throughout each planting island.
- (3) The selection, amount and location of all landscaping materials shall be acceptable to the Commission. At least one (1) tree of not less than three (3) to three and one-half (3½) inches caliper at a height three feet (3') above grade shall be provided within such parking area for each ten (10) parking spaces. Such trees shall be predominantly evergreen. In no event shall trees be spaced at more than twenty-five feet (25') apart on both sides of roadways.
- (4) All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the center's existence. A permanent maintenance cash bond, in an amount to be determined by the Commission, shall be required to be filed with the Town of Brookfield prior to the issuance of a Zoning Certificate of Compliance. The Commission shall review and modify such bond as it deems necessary at least once every five (5) years.

N. Additional-requirements-for-support-services: (app. 3/22/12)

- (1) During construction of such center, adequate provision by the owner is required as to dust control, erosion control, siltation control and other environmental controls in accordance with state standards for public projects.

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Major Shopping Centers
Additional Requirements – § 242-504 N&O**

- (2) Traffic control and security within the shopping center shall be the principal responsibility of the owner (or tenants).
- (3) All maintenance, including snowplowing and repair, of all roadways or driveways within a shopping center shall be the sole responsibility of the owner (or tenants).
- (4) The shopping center shall be served by a water distribution system for fire protection purposes. The source for such a system may be a storage tank or public water supply or both of such capacity as determined adequate by the Fire Marshal. The configuration of the system, ancillary pumping equipment, fixturing and flow rates shall be in accordance with requirements established by the Fire Marshal for the size and nature of any shopping center proposed hereunder. The shopping center may have constructed on the site a permanent fire station, suitably equipped with vehicle(s) and fire-fighting apparatus for conveyance, at no cost to the Town of Brookfield for the Town's subsequent operation and maintenance. (*app. 3/22/12*)
- (5) All trash shall be compacted and stored within the inside of buildings until removed. Collection shall be limited from 8:00 a.m. to 10:00 p.m. Monday through Saturday.
- (6) **Parking maintenance:**

All drives and parking areas shall be kept in a clean, attractive manner. A permanent maintenance cash bond, in an amount to be determined by the Commission, shall be posted with an appropriate legal document acceptable to the Town of Brookfield guaranteeing this requirement.

O. Project limitation: (*app 3/22/12*)

The applicant will disclose at the time of filing the application the entire scope of the project. Notwithstanding the above, the Commission may, at its discretion, consider any expansion of the project subsequent to the original approval.