



TOWN OF BROOKFIELD

BROOKFIELD, CT 06804

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
NOTICE OF APPLICATION FOR REGULATION CHANGE

10/28/11

RECEIVED

2011 NOV -3 A 11: 5b

TOWN OF BETHEL
TOWN CLERK

Town Clerk
City of Danbury
115 Deer Hill Ave.
Danbury, Ct 06811

Town Clerk
Town of Newtown
45 Main Street
Newtown, CT 06470

Town Clerk ✓
Town of Bethel
1 School Street
Bethel, CT 06801

Town Clerk
Town of Bridgewater
P.O. Box 216
Bridgewater, CT 06752

Town Clerk
Town of New Milford
10 Main Street
New Milford, CT 06776

Town Clerk
Town of New Fairfield
4 Bush Hill Road
New Fairfield, CT 06812

Re: Application for Brookfield Zoning Regulation Changes

A Public Hearing will be held at Town Hall **December 1, 2011 at 7:30 PM.**

A copy of the proposed regulation changes is attached. Please contact me if you require any additional information.

Very truly yours,

Nina Mack
Land Use Secretary

Attachments: Application #201100881 - Section 242-202; Section 242-305F and Section 242-401A(2)(g) – Commercial Vehicles in Residential Zones

TOWN OF BROOKFIELD
ZONING REGULATIONS

Off-Street Parking and Loading - § 242-305E&F



#201100881

TOWN OF BROOKFIELD
ZONING COMMISSION

APPLICATION FOR ZONE OR REGULATION CHANGE

Applicant:

Zoning Commission
Brookfield Town Hall
Brookfield, CT 06804
Phone #:203-775-7316
Contact Person:
Phone #:

Land Owner of Record: (if for specific parcel)

Phone #:
Contact Person:
Phone #:

Boundary Change:

- A. Two (2) copies of an official zoning map are attached hereto indicating:
 - (i) The area for which the change is requested.
 - (ii) The proposed boundary lines and narrative description of the boundaries.
- B. The current Zone Designation is: _____
- C. The proposed Zone Designation is: _____
- D. Rationale for the requested change is attached.
- E. A list of adjacent property owners is attached.

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TOWN OF BETHEL
TOWN CLERK

Regulation Change:

- A. The current Section Numbers are: 242-202, 242-305F, and 242-401A(2)(g). Commercial vehicles in residential zones. Section 242-202 Reads:**

COMMERCIAL VEHICLE

Notwithstanding any other definition of any federal, state or local governmental agency to the contrary, a "commercial vehicle" is defined as: a) any vehicle or motor vehicle, as those terms are defined in Connecticut General Statutes Section 14-1, which is manufactured and originally designed for and is used for the purpose of transporting goods, materials, machinery, equipment, supplies, or similar items, or more than fifteen (15) persons; and b) any construction vehicle or contractor's equipment-type vehicle.

Exclusions: The following are excluded from the definition of commercial vehicle:

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1. Any van or pick up truck without signs or lettering;
2. Passenger van body style vehicles;
3. Any vehicle or motor vehicle or construction vehicle or contractor's equipment-type vehicle that is parked in a garage or elsewhere and is not visible from any street or adjacent property; or
4. Any vehicle or equipment used primarily for farm or agricultural purposes and the vehicle is parked or stored on the same property where the agricultural or farm use occurs.

B. The proposed text or deletion is:

Section 242-202. Definition

COMMERCIAL VEHICLES

The parking of commercial vehicles currently registered in the state of Connecticut may be permitted in any residential district subject to the following restrictions:

1. *Only one commercial vehicle not exceeding 13,000 pounds gross vehicle weight (GVW) may be parked or garaged on a lot provided: 1.) It does not exceed 10 (ten) feet in height from the base of the wheel to the top (including any cargo) or 10 (ten) feet in cargo (box) length measured from rear of cab to tail lights; and 2.) the operator of the commercial vehicle must reside on the premises, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer.*
2. *By Special Permit, one commercial vehicle exceeding the requirements referred to in Paragraph 1. may be parked or garaged on a lot, subject to the Special Permit regulations and the following:*
 - a) *The Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood and comments resulting from notification of adjacent property owners.*
 - b) *No commercial vehicle shall exceed thirteen feet, six inches (13'6") in height from the base of the wheel to the top (including any cargo).*
 - c) *No commercial vehicle shall exceed 26,000 pounds GVW.*

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All commercial vehicles, regardless of GVW, shall meet the following standards:

- 1. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.*
- 2. No vehicle containing hazardous materials or waste may be parked on a residential lot.*
- 3. No tanker trucks or similar type vehicles used for hauling liquids including, but not limited to, oil trucks, septic cleanout trucks, etc. shall be allowed.*
- 4. There shall be no loading or unloading of commercial vehicles between the hours of 9 p.m. and 7 a.m.*
- 5. No trucks that haul cargo that emit objectionable odors shall be permitted.*
- 6. All vehicles allowed under this regulation are also subject to the Town's Noise Ordinance.*
- 7. All commercial vehicles under operation may not exceed 55 dB between the hours of 7:30am to 7:30pm for a duration of more than 5 minutes and not to exceed 45 dB for a duration of 3 minutes between 7:30pm and 7:30 am Monday – Saturday and Sunday and holidays between 10am to 7:30pm.*

All applications for Special Permits shall include a detailed description of the vehicle to be used including gross vehicle weight, height, total length, box length (if applicable), wheelbase, model and make. Any permits granted shall be for the specific vehicle described in the application. Any changes to the vehicle specifications as approved shall require a new approval by the Commission.

Nothing herein shall be construed to permit a home occupation that is not otherwise permitted under the regulations.

Nothing herein shall be construed so as to prohibit commercial vehicles parked temporarily while engaged in providing products or services to the owner of the property.

Nothing herein shall be construed to prohibit commercial vehicles that are used as part of: 1. a use of facility operated by the Town of Brookfield, Fire Department, State of Connecticut, or Federal Government; or 2. a maintenance facility in support of a multiple dwelling project on the lot, or in support of a Special Permit use, if authorized under such Special Permit.

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Section 242-305F:

Commercial vehicles in residential zones:

Unless otherwise approved by the Commission, overnight (8:00 PM through 6 AM) parking of commercial type vehicles is prohibited in all residential districts. Specifically excepted from this prohibition are: (i) "pick-up" body style trucks, (ii) "van" body style trucks under 9,600 GVW, and (iii) farm vehicles designed primarily for "off road" use. Permitted vehicles may be parked in the residential driveway, but not otherwise within the front yard or on the town right-of-way or any easement giving access to the property. All such vehicles must be owned or operated by the permanent resident or owner of the property on which parked.

[amended eff. 8/26/99, 3/9/00, 12/23/02, 4/17/03]

Section 242-401:

242-401. Permitted Uses in Residential Zones

The following uses are permitted in all residential districts except that accessory buildings in the R7 district are limited to only garages, boat, beach houses, or sheds of less than 75 square feet in area and 8 feet in height. *(amended 3/8/01, 10/20/02)*

A. Permitted uses:

- (1) **One-family dwellings.**
- (2) **Customary Home Occupation:** *(amended 9/30/10)*

In accordance with the definition of 'customary home occupation' contained in Section 242-202. In granting a Certificate of Zoning Compliance for a customary home occupation, the Zoning Enforcement Officer, shall insure that the use shall:

- (a) Not employ more than two (2) individuals within the dwelling in addition to the resident;
- (b) Occupy a floor area not in excess of twenty-five percent (25%) of the total floor area of the dwelling;

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- (c) Conduct all operations within the dwelling;
- (d) Provide that all business related parking is "off-street" and within designated driveways/turn-arounds;
- (e) Create no objectionable: noise, odor, vibrations, unsightly site conditions, electro-magnetic interference in the immediate vicinity, and hazards to neighborhood health safety and general welfare;
- (f) Result in visitations to the site of not more than three (3) vehicle trips per hour, day care centers excluded;
- (g) Provide exterior parking of not more than one (1) commercial vehicle;
- (h) Change the residential character or nature of the dwelling, site or adjacent properties;

Signature and Representation:

I apply herewith for a change in the Zoning Regulation of the Town of Brookfield in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes.

Applicant's Signature: _____

Rev. 3/11