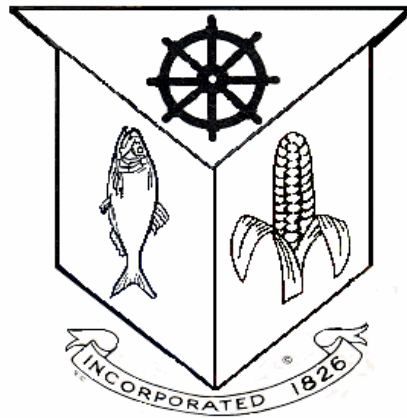


# Town of Madison, Connecticut



## **ZONING REGULATIONS**

## **SUBDIVISION REGULATIONS**

## **ZONING MAP**

*Printed March 13, 2008*

***WITH REVISIONS THROUGH***

*December 1, 2010*



# TOWN OF MADISON, CONNECTICUT

## ZONING REGULATIONS and SUBDIVISION REGULATIONS

	<u>Pages</u>
Section 1: Districts .....	1-1
Section 2: General Requirements.....	2-1 thru 2-8
Section 2A: Flood Plain District .....	2A-1
Section 3: Residence Districts .....	3-1 thru 3-7
Section 4: Special Exceptions .....	4-1 thru 4-3
Section 4B: Special Exception Appendix, Site Specific .....	4-5 thru 4-36
Section 5: Rural Districts .....	5-1 thru 5-2
Section 6: Commercial Districts .....	6-1 thru 6-10
Appendix A, Design and Landscape Guidelines .....	Appendix A, 1-19
Appendix B, Purpose and Applicability .....	Appendix B, 1-9
Section 7: Light Industrial District .....	7-1 thru 7-2
Section 8: Off-street Parking .....	8-1 thru 8-2
Section 9: Deposit or Removal of Topsoil, Etc. ....	9-1 thru 9-3
Section 10: Signs .....	10-1 thru 10-4
Section 11: Accessory Buildings .....	11-1
Section 12: Non-Conforming Buildings and Uses.....	12-1
Section 13: Zoning Board of Appeals.....	13-1 thru 13-2
Section 14: Application and Permits.....	14-1
Section 15: Enforcement and Penalties.....	15-1
Section 16: Conflict with Other Regulations .....	16-1
Section 17: Amendments .....	17-1
Section 18: Validity .....	18-1
Section 19: Definitions .....	19-1 thru 19-13
Section 20: Repeal of Previous Regulations .....	20-1
Section 21: Effective Date .....	21-1
Section 22: Advisory Committee on Community Appearance.....	22-1 thru 22-2
Section 23: Fees .....	23-1
Section 24: Accessory Apartments .....	24-1 thru 24-2
Section 25: Coastal Zone Regulations .....	25-1 thru 25-3
Section 26: Affordable Housing District .....	26-1 thru 26-7
Section 26A: Housing Opportunity District (“HOD”).....	26A-1 thru 26A-3
Section 27: Open Space Conservation District (OSCD).....	27-1 thru 27-7
Section 28: Health Care Facilities District (HCFD) .....	28-1 thru 28-4
Section 29: Site Plan Review .....	29-1 thru 29-5

Section 30:	Downtown Village District (DVD).....	<b>30-1 thru 30-5</b>
	DVD Design and Landscape Standards	
Section 31:	Floating Design District (FDD) .....	<b>31-1 thru 31-11</b>

**BOOK II SUBDIVISION REGULATIONS**

Section 1:	Definitions .....	<b>1</b>
Section 2:	Compliance with the Regulations .....	<b>1-2</b>
Section 3:	General Requirements for Subdivision of Land.....	<b>2-5</b>
Section 4:	Procedure and Application.....	<b>5-6</b>
Section 5:	Requirements for Preliminary Plan.....	<b>Section Deleted</b>
Section 6:	Requirements for Final Plan .....	<b>6-7</b>
Section 7:	Public Hearing, Action of Commission .....	<b>7-8</b>
Section 8:	Filing in Office of Town Clerk .....	<b>8</b>
Section 9:	Design Requirements of Roads.....	<b>9</b>
Section 10:	Exception to Design Requirements for Private Roads.....	<b>10</b>
Section 11:	Performance and Maintenance Bonds .....	<b>10-11</b>
Section 12:	Monuments .....	<b>12</b>
Section 13:	Validity .....	<b>12</b>
Section 14:	General.....	<b>12</b>

**BOOK III SOIL EROSION AND SEDIMENT CONTROL REGULATIONS III, 1-3**

**SECTION 4**

**SPECIAL EXCEPTION PERMIT REGULATIONS**

**Note:** See APPENDIX, Sec. 4B, at the end of this section for site specific special exceptions (those described by metes and bounds).

**4.1 STATEMENT OF DEFINITION AND PURPOSE:** Special Exception uses are those permitted by the regulations as appropriate, harmonious, and desirable within a district so long as certain criteria are met. However, these uses have certain characteristics which require their location within the district to be considered on an individual basis so as to weigh the impact of the use upon the surrounding area against the desirability of that use.

**4.2 APPLICATION FOR SPECIAL EXCEPTION PERMIT.** Written application shall be made for a Special Exception permit to the Planning and Zoning Commission and shall be accompanied by an application fee as provided in Sec. 23 of these Regulations. Said application shall contain the information required below:

**4.2.1** A written statement describing the proposed use.

**4.2.2** The application shall include a complete site plan in accordance with Section 29 of these Regulations and all provisions of Section 29 shall apply unless otherwise specified by this Section 4.

**4.2.3** Waiver Conditions. Upon written request, all or part of the Sec. 4.2.2 requirements may be waived by the Planning and Zoning Commission.

**4.2.4** Impact Studies. If, in the opinion of the Planning and Zoning Commission, additional information is required to evaluate the Plan, the Commission shall have the authority to require the preparation and submittal of an impact study by the applicant. All costs associated with said impact studies shall be borne by the applicant. The impact study shall only be concerned with the review features specified in this Section. The recommendations of the study shall be legitimate grounds for Commission requirements that the Plan be altered.

**4.2.5** Notice. After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties within at least 500 feet distant therefrom in all rural zones, and at least 150 feet distant therefrom in all other zones, all as verified from the most current real property records on file in the Office of the Assessor of the Town of Madison. The list shall include map and lot numbers.

The applicant shall mail notification of said pending application to at least one owner of each such property not more than 20 days nor less than 7 days before the date set for public hearing by transmitting the text of the legal notice for the public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificate of Mailing, to the Land Use Office prior to the date of the hearing.

At least twenty (20) days prior to the date of the public hearing and continuously thereafter until the close of the public hearing(s), the applicant shall also post a notice of the hearing on the property for which the application has been filed. Said notice shall be in the form of a freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and shall be clearly legible from the public street. Said sign shall be produced of weather resistant material and shall be professionally lettered with a

minimum letter size of two inches (2”). The sign shall not be greater than twenty square feet (20 sq. ft.).

The sign shall contain the following text and the applicant shall fill in the date and time of the hearing:

“Application pending on this property before the Planning and Zoning Commission / Zoning Board of Appeals. A public hearing is scheduled:

Time:

Date:

Place: Madison Town Campus  
8 Campus Drive  
Madison, CT 06443

For information, call (203) 245-5632.”

**4.3 CONSIDERATION OF APPLICATION.** The Commission shall immediately refer the application to the Advisory Committee on Community Appearance for its comments and recommendations. Inland Wetlands Agency approvals shall be pursued by the applicant in the fashion and time frame indicated in the Connecticut General Statutes, as amended.

Within sixty-five (65) days of receipt, the Commission will hold a public hearing regarding the application.

After public hearing, the Commission may approve, modify and approve or disapprove any application for Special Exception Permit within sixty-five (65) days of such hearing.

**4.4 CONSIDERATION IN GRANTING OR DENYING SPECIAL EXCEPTIONS.** The Madison Planning and Zoning Commission shall grant a Special Exception Permit only if it shall find that:

- a) The proposed use or uses are permitted uses in the district and that the standards, prerequisites and conditions specified by these regulations have been met.
- b) The public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured.
- c) The proposed uses are in accordance with the comprehensive plan.

**4.4.1** Special consideration shall be given to the nature of the proposed site and its surrounding area and the extent to which the proposed use might impair the present and future use and development of the area including its effect upon nearby dwellings, churches, schools, public buildings and other places of public gathering, taking into account the width of streets, traffic conditions and the general effect of the proposed use upon public travel.

**4.4.2** All Special Exception Permits may be granted subject to conditions and safeguards required to preserve public health, safety, convenience, welfare and the property values of surrounding areas.

**4.4.3** Any use authorized under a Special Exception Permit shall comply with the requirements imposed by these regulations; further, except where provisions of this section are more restrictive, such use shall comply with the requirements of law for the zoning district in which such use is located.

**4.4.4** Lot size and Setback. Lot sizes and setbacks in excess of the district standards may be required as is deemed necessary for the particular use.

- 4.4.5 Architectural Design.** The architectural design of buildings and other structures, including the building materials, color and exterior elevations shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike neighborhood, and to preserve the appearance of the community.
- 4.4.6 Landscaping.** In addition to its ornamental value, landscaping may be required for visual screening, spatial separation, shade, and to prevent dust and erosion. Berms or plantings may be required where natural topography and landscaping alone are not adequate for the purpose of screening.
- 4.4.7 Signs.** Signs shall be per Section 10.
- 4.4.8 Display.** All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.
- 4.5 DATE OF EFFECTIVENESS.** No Special Exception Permit shall be effective until a copy thereof, certified by the Commission, containing a description of the premises to which it relates and specifying the nature of the Special Exception Permit, including the Zoning Regulation to which a Special Exception is granted and stating the name of the owner of record, is recorded in the Land Records of the Town. The record owner shall pay for such recording.
- 4.6 LAPSE PROVISIONS.** Approval of the application shall mean approval conditioned upon completion of the proposed improvements in accordance with plans as approved within a period of five years after such approval is granted, and said approval of any Permit shall become null and void in the event of failure to complete the proposed improvement in accordance with plans as approved within such five-year period. One or more extensions of such five-year period, for a cumulative additional period not to exceed five years, may be granted by the Commission for sufficient cause shown. *(Amended 6/16/94; effective 7/15/94)*
- 4.7 CHANGES.** The Planning and Zoning Commission has the sole authority to approve any modification of the Special Exception Permit. No change shall be made from the terms of any Special Exception Permit until a modification of the permit shall have been obtained from the Commission. An application for modification shall be subject to the provisions of Section 4.2, except that the Commission may waive the requirement of a public hearing for changes which it deems to be minor.
- 4.8 COMPLETION IN ACCORDANCE WITH PLANS.** The proposed improvements shall be completed in accordance with the plans as approved. Prior to occupancy, the Zoning Enforcement Officer shall certify that the improvements have been completed in accordance with the plans as approved. The Commission may approve a schedule for completion and certification of separate parts of the proposed improvements, subject to the provisions of Section 4.6, Lapse Provision.



## SECTION 9

### **Deposit or Removal of Top Soil, Sand, Gravel, or Other Material**

- 9.1** There shall be no removal of earth, sand, gravel, clay or quarry stone from a parcel of land in any district except:
- 9.1.1** Surplus material resulting from construction of a building; or
  - 9.1.2** No more than 100 cubic yards of material resulting from a landscape or agricultural operation being executed on the parcel, provided that no permanent damage is done to the landscape; or
  - 9.1.3** In any district, top soil or loam may be removed from the area to be covered by a building or other construction operation, provided that no less than four inches of top soil or loam remains and provided that the entire area disturbed is seeded with a suitable cover crop or is put into cultivation.
  - 9.1.4** The amount of any material which is removed within the permitted limits of this section shall be reported in writing by the owner or his agent to the Zoning Enforcement Officer.
- 9.2** There shall be no deposit of any material of any kind whatsoever upon any parcel of land in any district in excess of 100 cubic yards except:
- 9.2.1** Up to 500 cubic yards may be deposited on any parcel of land, other than wetlands as defined by C.G.S. §22a-29(2) and other than inland wetlands and watercourses as defined by C.G.S. §22a-38(15) and (16) in conjunction with backfill and finished grading necessary to complete construction of a building or of a sanitary system.
  - 9.2.2** Up to 500 cubic yards may be deposited on any land, other than wetlands and watercourses described in Sec. 9.2.1 with the prior written approval of the Zoning Enforcement Officer and the Town Engineer. Such approval shall be granted only if the proposed deposit will not create or aggravate any problems with nearby drainage, water supplies or sanitary systems and will not be detrimental to nearby property. Notice of such approval shall be given to the Commission by the Zoning Enforcement Officer.
  - 9.2.3** The amount of material which is deposited within the permitted limits of this section shall be reported in writing by the property owner or his agent to the Zoning Enforcement Officer.
- 9.3** (*Amended 10/21/10, Effective 12/1/10*) Except as permitted in Sections 9.1 and 9.2 and their subsections, the Commission may, after public hearing, permit the deposit of any material or removal of earth, sand, gravel, clay or quarry stone in accordance with the requirements and conditions below. After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties within at least 500 feet distant therefrom in all rural zones, and at least 150 feet distant therefrom in all other zones, all as verified from the most current real property records on file in the Office of the Assessor of the Town of Madison. The list shall include map and lot numbers.
- The applicant shall mail notification of said pending application to at least one owner of each such property not more than 20 days nor less than 7 days before the date set for public hearing by transmitting the text of the legal notice for the public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificate of Mailing, to the Land Use Office prior to the date of the hearing.
- At least twenty (20) days prior to the date of the public hearing and continuously thereafter until the close of the public hearing(s), the applicant shall also post a notice of the hearing on the property

for which the application has been filed. Said notice shall be in the form of a freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and shall be clearly legible from the public street. Said sign shall be produced of weather resistant material and shall be professionally lettered with a minimum letter size of two inches (2"). The sign shall not be greater than twenty square feet (20 sq. ft.).

The sign shall contain the following text and the applicant shall fill-in the date and time of the hearing:

“Application pending on this property before the Planning and Zoning Commission / Zoning Board of Appeals. A public hearing is scheduled:

Time:

Date:

Place: Madison Town Campus  
8 Campus Drive  
Madison, CT 06443

For information, call (203) 245-5632.”

- 9.3.1** (*Effective 7/1/89; Amended 10/21/10, Effective 12/1/10*) Application shall be made on a form prescribed by the Commission, accompanied by a fee in the amount provided by Sec. 23 of these regulations, and shall include a complete site plan in accordance with Section 29 of these Regulations and all provisions of Section 29 shall apply unless otherwise specified by in this Section 9. The site plan shall also include the following:
- a) existing elevations in the area to or from which the above material is to be deposited or removed, together with finished elevations at the conclusion of the operation;
  - b) names of abutting property owners;
  - c) location of buildings, roads, septic tanks and wells within 200 feet of the affected area;
  - d) location of existing and proposed storm drains, pipes, tiles, ditches and other drainage facilities;
  - e) written approval of the plan, where required by law, by:
    - 1. U.S. Army Corps of Engineers
    - 2. State Water Resources Commission
    - 3. State Highway Department
  - f) If the area affected includes wetlands as defined by C.G.S. §22a-29, a permit from the Commissioner of Environmental Protection; or if the area affected includes wetlands or watercourses defined by C.G.S. §22a-38(15) and (16), a permit from the Inland Wetlands Agency of the Town of Madison.
- 9.3.2** The plan shall provide for proper drainage of the area of the operation after completion and no bank shall exceed a slope of one foot vertical rise for two feet of horizontal distance.
- 9.3.3** At the conclusion of the operation, or any substantial portion thereof, the whole area where deposit or removal takes place shall be covered with not less than four inches of top soil and seeded with a suitable cover crop.
- 9.3.4** Except in the industrial district, no stone crusher or other machinery not required for actual deposit or removal of the material shall be used.
- 9.3.5** Before a permit is granted under this section, the Commission may require the applicant to post a bond with the Treasurer of the Town of Madison in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- 9.3.6** (*Section amended 4/16/92; effective 5/15/92*) Such permits shall be approved only after the Commission makes a finding as to the following:

- The characteristics and location of the site are compatible with the existing surrounding uses;
- There will be no significant detrimental effect on neighboring property values or on the public health, safety and welfare;
- There will be no significant detrimental effect on wetlands, watercourses or existing or potential surface and/or ground drinking water supplies or significant coastal resource areas as listed in Sec. 25.2.1.4 of these Regulations.
- That the primary purpose of the application is not for the sale of material, creating a commercial use in a non-commercial zone.

**9.3.7** Such permits shall be issued for a period not exceeding two years.

**9.4** A plan of each operation existing as of April 10, 1953, shall be filed by the owner with the Planning and Zoning Commission or its agent by October 1, 1957.

**9.5** No permit shall be required by the Town of Madison for the operation of a Town dump or for the maintenance of a Town highway.

**9.6** No permit shall be required for the deposit or removal of materials pursuant to subdivision road plans which have been approved by the Commission.



## SECTION 13

### ZONING BOARD OF APPEALS

- 13.1** The Zoning Board of Appeals shall consist of five members elected, as provided by law, who shall serve without compensation. Said Board shall elect a chairman from its membership and shall appoint a secretary who shall keep a record of all its proceedings, showing the vote of every member upon each question, or if absent or failing to vote, indicating such fact. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.
- 13.2** All meetings of such Board shall be held at the call of the Chairman and at such other times as said Board may determine and shall be open to the public. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- 13.3** The Zoning Board of Appeals shall have the following powers and duties:
- 13.3.1** To hear and decide appeals where it is alleged that there is an error in any order, requirements or decisions made by the Zoning Enforcement Officer or any other official charged with the enforcement of these regulations. **“Time Limitation for Appeals from the ruling of the Zoning Enforcement Officer”:** Appeals to the Zoning Board of Appeals by any person, officer, department, board or bureau of any municipality aggrieved by any ruling of the Zoning Enforcement Officer shall be filed within thirty (30) days of the issuance of such ruling. Such appeals shall be filed in accordance with C.G.S. §8.7 as amended. *(4/1/75)*
  - 13.3.2** To hear and decide all matters upon which it is required to pass by the specific terms of these regulations *(rev. 1/1/78)*, and
  - 13.3.3** To determine and vary the application of provisions of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land, where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and public safety and welfare secured.
- Section 13.4 added and subsequent sections renumbered as amended October 16, 2008, effective November 10, 2008; further amended 5/07/09, effective 7/01/09*
- 13.4** Use Variances. The following rules shall apply when a variance is sought to permit a use not otherwise permitted in the zoning district. These rules shall not be deemed to apply to any variance that is issued solely for a dimensional requirement.
- 13.4.1** Prior to the issuance of any building permit or certificate of occupancy for any such use allowed by variance under this section, a site plan for such use must be approved in accordance with the procedures and standards set forth in Section 29, Site Plan Review, of these Regulations.
  - 13.4.2** No variance shall be granted which would permit a use of land, building or other structures prohibited in all districts in the Town.
- 13.5** Each application shall be filed in writing with the Zoning Enforcement Officer on such forms and containing such information as shall be prescribed from time to time by the Zoning Board of Appeals. Each application for variance, appeal from decision or other application shall be accompanied by such fee as is appropriate under the provisions of Sec. 23.1 of these regulations *(7/1/89)*. If an applicant or his duly authorized agent fails to appear at the advertised public

hearing, or if said applicant withdraws such application or requests a postponement of any advertised public hearing concerning his application and it appears to the Board that such failure to appear, withdrawal or postponement is prejudicial to the public or any person intending to oppose such application, the Board may, in its discretion, deny such application without prejudice, in which event, any refilling of such application shall not be considered by said Board for a period of six months. *(July 1, 1980)*

**13.6** Any variance granted pursuant to Sec. 13.3.3 for which a building permit is required shall expire after two years unless a Certificate of Occupancy has been obtained within such period. Upon application and payment of a fee in accordance with Sec. 23 of these regulations, the Zoning Board of Appeals may grant up to two one-year extensions of time to obtain a Certificate of Occupancy. *(Amended 5/17/01; effective 6/15/01)*

**13.7** After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties within at least 500 feet distant therefrom in all rural zones, and at least 150 feet distant therefrom in all other zones, all as verified from the most current real property records on file in the Office of the Assessor of the Town of Madison. The list shall include map and lot numbers.

The applicant shall mail notification of said pending application to at least one owner of each such property not more than 20 days nor less than 7 days before the date set for public hearing by transmitting the text of the legal notice for the public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificate of Mailing, to the Land Use Office prior to the date of the hearing.

At least twenty (20) days prior to the date of the public hearing and continuously thereafter until the close of the public hearing(s), the applicant shall also post a notice of the hearing on the property for which the application has been filed. Said notice shall be in the form of a freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and shall be clearly legible from the public street. Said sign shall be produced of weather resistant material and shall be professionally lettered with a minimum letter size of two inches (2"). The sign shall not be greater than twenty square feet (20 sq. ft.).

The sign shall contain the following text and the applicant shall fill-in the date and time of the hearing:

“Application pending on this property before the Planning and Zoning Commission / Zoning Board of Appeals. A public hearing is scheduled:

Time:

Date:

Place: Madison Town Campus  
8 Campus Drive  
Madison, CT 06443

For information, call (203) 245-5632.”

*(Amended 10/21/10, Effective 12/1/10)*

## SECTION 16

### **CONFLICTS WITH OTHER REGULATIONS**

- 16.1** Where provisions of the regulations of the State Fire Marshall or of other regulations, ordinances or statutes impose greater restrictions than the provisions of these regulations, such other regulations, ordinances, or statutes shall govern to the extent of such greater restriction.



## SECTION 17

### AMENDMENTS

- 17.1** The Zoning Commission may from time to time, after public notice and hearing, amend, change, or repeal these regulations or districts as provided by statute.
- 17.2** Any resident or property owner may request a change to these regulations by filing a written petition with the Zoning Enforcement Officer, together with a fee as provided in Sec. 23.1 of these regulations. ***(July 1, 1989)*** The Commission shall hold a public hearing on such petition within sixty-five days from the day of receipt, and shall adopt or deny the changes requested in such petition within sixty-five days after the hearing. ***(Jan. 1, 1979)*** The applicant shall comply with all requirements for notification set forth in Section 4.2.5. ***(Amended 10/21/10, Effective 12/1/10)***



## SECTION 23

### FEES

- 23.1** The Commission shall collect fees to help defray the costs of processing and publishing in accordance with the fee schedule approved by the Board of Selectmen and established by ordinance. **(amended 10/21/10, effective 12/1/10)**



*As amended August 20, 1992; effective September 14, 1992  
Further amended October 16, 2008; effective November 10, 2008  
Further amended 10/21/10, effective 12/01/10*

## SECTION 25

# COASTAL ZONE REGULATIONS

### 25.1 DEFINITIONS

- 25.1.1** “Coastal Zone” – the area between the mean high water mark and the coastal boundary as described in C.G.S. §22a-94(b).
- 25.1.2** “Coastal Site Plan” – The following site plans, plans and applications for activities or projects to be located fully or partially within the coastal boundary shall be defined as “coastal site plans” and shall be subject to the applicable requirements of Chapter 444 of the Connecticut General Statutes (C.G.S.) and the Coastal Zone Regulations of the Town of Madison;
- a) Site plans submitted to the Commission in accordance with C.G.S. §22a-109;
  - b) Plans submitted to the Commission for subdivision or resubdivision of land in accordance with C.G.S. §8-25 or with any special act;
  - c) Applications for a Special Exception Permit submitted to the Commission in accordance with C.G.S. §8-2 or with any special act;
  - d) Application for a variance submitted to the Zoning Board of Appeals in accordance with C.G.S. §8-6(3) or with any special act;
  - e) A referral of a proposed municipal project to the Commission in accordance with C.G.S. §8-24 or any special act.
- 25.1.3** “Shoreline flood and erosion control structure” – Any structure the purpose or effect of which is to control flooding or erosion from tidal, coastal or navigable waters including, but not limited to, breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline.

### 25.2 COASTAL SITE PLAN REVIEW

All proposed changes to buildings, uses, structures and flood and erosion control structures lying fully or partially within the coastal zone as defined by C.G.S. §22A-94 and 25.1.3 of these regulations shall be subject to Coastal Site Plan Review unless specifically exempted in Sec. 25.2.1 below. No activity for which a Coastal Site Plan is required shall be begun until such plan has been approved by the Commission or, in conjunction with an application for variance, by the Zoning Board of Appeals.

- 25.2.1** The following activities are *exempt* from Coastal Site Plan Review:

*Sections 25.2.1.1 thru 25.2.1.8 deleted and replaced with new Sections 25.2.1.1 thru 25.2.1.7 as amended October 16, 2008, effective November 10, 2008*

- 25.2.1.1** Minor additions to or modification of existing buildings including detached accessory buildings (e.g., garage, utility shed) except when such building or proposed addition or modification is in or within twenty-five feet of the following coastal resources as defined by section 22a-93 of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpments or coastal waters.

- 25.2.1.2 Construction of new or modification to existing structures incidental to the enjoyment and maintenance of residential property including walks, terraces, driveways, *decks*, swimming pools, docks, tennis courts, and detached accessory buildings with footprints not exceeding 200 square feet except: (1) where the proposed construction or modification is in or within 25 feet of the following coastal resources as defined by section 22a-93 of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpment, or coastal waters; or (2) where access along a public beach may be affected; or (3) where required regrading or fill will substantially alter the topography.
- 25.2.1.3 Construction of new or modification of existing on-premise structures including fences, walls (provided they do not meet the definition of shoreline flood and erosion control structure found in Section 25.1.3 of these regulations, pedestrian walks and terraces, decks, underground utilities, essential electric, gas, telephone, water and sewer service lines, septic systems, and other services, signs and other minor structures except: (1) where any of the work or associated activities will occur within 25 feet the following coastal resources as defined by section 22a-93 of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpments, or coastal waters; or (2) where access along a public beach may be affected; or (3) where required regrading or fill will substantially alter the topography.
- 25.2.1.4 Construction of an individual conforming single-family residential structure except when located on an island not connected to the mainland by an existing road bridge or causeway (i.e., on an island without motor vehicle access) or except when such structure is within one hundred feet of the following coastal resources as defined in section 22a-93 of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpments, or coastal waters.
- 25.2.1.5 Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources, except those activities that meet the definition of a shoreline flood and erosion control structure as defined in Section 25.1.3 of these regulations.
- 25.2.1.6 Interior modifications to buildings.
- 25.2.1.7 Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.

### **25.3 PROCEDURES**

- 25.3.1 An application for approval of a Coastal Site Plan shall be filed on a form provided by the Commission and shall be accompanied by a filing fee as provided in Sec. 23 of these regulations.
- 25.3.2 The Commission may, at its discretion, hold a public hearing on the application pursuant to the provisions of C.G.S. §8-3c with respect to Special Exception Permits. If a public hearing is scheduled, the applicant shall comply with all requirements for notification set forth in Section 4.2.5. (*Amended 10/21/10, Effective 12/1/10*).
- 25.3.3 The applicant shall demonstrate that the adverse impacts of the proposed activity, as defined in C.G.S. §22a-93(15), are acceptable and that the proposed activity is consistent with the goals and policies in C.G.S. §22a-92.
- 25.3.4 In determining the acceptability of potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development, the Commission shall:
  - (1) Consider the characteristics of the site, including the location and condition of any of the coastal resources defined in C.G.S. §22a-93(7);
  - (2) Consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and

- (3) Follow all applicable goals and policies stated in C.G.S. §22a-92 and identify conflicts between the proposed activity and any goal or policy.
- 25.3.5** The Commission shall act within the time limitations of C.G.S. §8-7d(b) with respect to site plan approvals. Failure of the Commission to act within the time limitations shall be deemed a denial in accordance with C.G.S. §22a-105(f).
- 25.3.6** The Commission may approve, approve with conditions, modify, or deny the application. Except when the application is denied, the Commission shall make a written finding that the proposed activity with any conditions or modifications (1) is consistent with all the applicable goals and policies in C.G.S. §22a-92; (2) incorporates as conditions or modifications all reasonable measures which will mitigate the adverse impacts of the proposed activity on both coastal resources and the future water-dependent development activities.
- 25.3.7** The Commission shall set forth the reasons for its decision. A copy of the decision shall be sent by certified mail to the applicant within fifteen (15) days after the decision is rendered.
- 25.3.8** Notice of the Commission's decision shall be published pursuant to the provisions of C.G.S. §8-3c with respect to Special Exception Permits.

**25.4** **VIOLATIONS**

In accordance with C.G.S. §22a-108, any activity undertaken within the coastal zone without the required coastal site plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that Section.



*Approved 12/5/91, effective 1/1/92*  
*Modified 11/19/92, effective 12/1/92*  
*Amended 2/18/10, effective 5/17/10 (include R-3, R-4, R-5)*  
*Further amended 10/21/10, effective 12/01/10*

## SECTION 27

### **OPEN SPACE CONSERVATION DISTRICT** **(R-1, R-2, R-3, R-4, R-5, RU-1, RU-2 DISTRICTS)**

**27.1** The Planning and Zoning Commission, upon application in the manner prescribed herein, may designate a specific area in the above districts now designated for single family residential development as an Open Space Conservation District. The intent of such designation is to provide alternatives to residential development presently permitted under existing zoning. Commission approval will be based upon a determination that such designation will be consistent with the goals of the Plan of Development and accomplishes all of the purposes in Sec. 27.1.1 where applicable.

#### **27.1.1** **PURPOSES**

- a) Preserve significant land area for open space, recreational and agricultural purposes in perpetuity.
- b) Encourage more efficient development of land.
- c) Afford greater flexibility of design and placement of buildings and structures.
- d) Preserve and protect exceptional terrain, natural beauty, or sites of historic interest from the insensitive placement of homes, roadways, utilities and appurtenances.
- e) Preserve streams, rivers and ponds as natural resources and to prevent flooding, erosion and water pollution, and protect the quality and quantity of drinking water supplies.
- f) Preserve wetlands, aquifers, topographical or soil features, marine and wildlife habitat or other features having conservation values, including views, vistas, and indigenous vegetation.

#### **27.1.2** **PROCEDURE**

The OSCD is a floating zone to be designated on the Zoning Map only after approval by the Commission of a Development Plan. The approved Development Plan and any conditions attached to it form part of the regulations for the new district. Prior to Commission approval, the Development Plan and a Site Plan shall be submitted to the Advisory Committee on Community Appearance for its comments and recommendations. The Commission acts in its legislative capacity when it approves or denies the zone change application and Development Plan.

#### **27.2** **STANDARDS**

**27.2.1** **Parcel Size.** Five acres is the minimum parcel size that will be considered for an OSCD.

**27.2.2** **Permitted Principal Uses.** The principal permitted uses in an OSCD shall be family dwellings. The dwelling units may be detached or attached in groups of two units.

**27.2.3** **Permitted Accessory Uses.** Accessory uses customary and incidental to a residential use, including buildings used for permitted home occupations; but no accessory building shall be used for residence purposes.

**27.2.4** **Density.** The maximum number of dwelling units permitted in an OSCD shall be calculated as follows:

**27.2.4.1 For currently Undeveloped Land**

**GROSS LAND AREA** less all tidal and inland wetlands and watercourse areas as defined by C.G.S. §22a-36 through 45 inclusive, and all areas with slopes greater than 33%, and 5% of the Gross Land Area (factor for roads) equals the NET LAND AREA.

**NET LAND AREA** divided by the minimum Lot size for the underlying district (R-1, R-2, R-3, R-4, R-5, RU-1, RU-2 as in Secs. 3 and 5 of the Zoning Regulations) plus 20% equals the number of dwelling units allowed, except that the Commission will allow a greater number of dwelling units if the applicant can demonstrate that such would be permitted under conventional subdivision. The maximum number of dwelling units permitted by the Commission may be increased according to the provisions of Section 26 of the Zoning Regulations governing Affordable Housing District. (*Amended 2/18/10, effective 5/17/10*)

**27.2.4.2** On a parcel of land that has received Commission approval for a preliminary or final plan of subdivisions subsequent to November 24, 1986, and none of the approved lots have been conveyed, the maximum density shall be equal to the previously approved lots plus 10%.

**27.2.5 Maximum Coverage.** Maximum Coverage for all Buildings shall not exceed 10% of the **Net Land Area** as defined in Sec. 27.2.4.

**27.2.6 Area and Yard Requirements; Locations and Structures.**

**27.2.6.1** The placement of all principal buildings shall provide for a safe, efficient and harmonious grouping as well as adequate privacy by providing adequate front, side and rear yards subject to the approval of the Commission. Every dwelling unit shall have direct vehicular access to a highway, right-of-way, or service drive, giving access to a public highway.

**27.2.6.2** Structures shall be placed so as to fulfill the objectives of Sec. 27.1.1 to minimize any adverse effect on the environment and to take advantage of meteorological and ecological conditions.

**27.2.6.3** No building shall be erected closer than 50 ft. from any other district.

**27.2.7 Architectural and Building Standards.**

**27.2.7.1** A maximum of two units shall be permitted in attached buildings. Buildings shall be varied in design and placement to avoid a row effect.

**27.2.7.2** Maximum height – 30 feet.

**27.2.7.3** Buildings and other physical improvements within an OSCD shall be designed to be in harmony with the character of Madison as to building materials, color, exterior elevations and placement within the site.

**27.2.7.4** Any plan of development shall consider the use of passive solar energy techniques as per C.G.S. §8-25(b).

**27.2.8 Parking Requirements.** Two parking spaces for each dwelling unit shall be provided. At least one of these spaces shall be a garage. The Commission may require additional parking spaces for guests.

**27.2.9 Buffer Requirements.** Where property to be developed as an OSCD abuts property under conventional zoning and subdivision requirements, the OSCD shall have a 25 ft. minimum buffer which shall be landscaped naturally or through plantings and permanently maintained.

- 27.2.10 Landscaping.** The OSCD project shall be suitably landscaped. A general landscaping plan shall be included as part of the Development Plan and a specific plan submitted as part of the Site Plan. Suitable landscaping, including lawns, is required in all areas not covered by impervious surfaces or natural vegetation. Large trees and stands of mature trees and shrubs are to remain undisturbed where practical and desirable.
- 27.2.11 Open Space Requirements.** For the purpose of this regulation, “open space” is defined as any land that is not a building lot or covered by parking area, driveway, or roadway.
- 27.2.11.1** Area of open space shall not be less than 50% of the gross land area. The Commission may allow less than 50% if this percentage would reduce the number of dwelling units below that permitted under Sec. 27.2.4 or if Affordable Housing under Section 26 of these Regulations is to be developed on the parcel.
- 27.2.11.2** Character of Open Space. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics.
- 27.2.11.3** Disposition and Preservation of Open Space. Open Space land shall be preserved and maintained solely for the purposes specified in Sec. 27.1.1 and in a manner acceptable to the Commission. The method for effectuating such preservation and maintenance may be one of the following:
- a) Establishment of a mandatory homeowner’s association to own and maintain the land in common for the open space purposes intended.
  - b) Transfer of land to the Madison Land Conservation Trust, subject to acceptance.
  - c) Dedication of land to the Town of Madison, subject to acceptance.
  - d) Any other method acceptable to the Commission.
- 27.2.11.4** The Commission shall require the owner or owners of open space land to execute, acknowledge and file in the land records on the Town of Madison such maps and documents as, in the opinion of Town Counsel, will effectively create a trust easement or covenant running with the land which:
- Will be binding on all future owners of the open space land;
  - May be enforced by the adjoining property owners or the Town by appropriate court action for damage or equitable relief;
  - Will assure appropriate maintenance of open space land to the satisfaction of the Commission;
  - Will provide that if maintenance, preservation and/or use of the open space land no longer complies with the provisions of the trust, easement or covenant, the Town may take all necessary action to effect compliance and assess the costs against the owners in default;
  - Will provide that such trust, easement or covenant may not be modified, altered, amended or changed without the written approval of the Commission.
- 27.2.11.5** The open space dedicated shall have a 25 foot access strip in fee to a public or private highway.
- 27.2.11.6** Easements in the dedicated open space may be permitted for community/individual septic systems/wells and for stormwater management structures designed to promote on-site infiltration and/or treatment of runoff.

**27.2.12 Road Specifications and Layout**

**27.2.12.1 Private Roads.** Road Construction requirements shall be consistent with the Town of Madison private road standards and design exceptions identified in Sec. 10 of the Madison Subdivision Regulations.

**27.2.12.2 Public Roads.** Design standards for public roads in an OSCD shall be consistent with those set forth in Sec. 9 of the Madison Subdivision Regulations.

**27.3 APPLICATION PROCEDURE (Amended 10/21/10, Effective 12/1/10)**

Petition for a zone change to an OSCD and simultaneous submission of a Development Plan shall be made to the Commission pursuant to the provisions of Sec. 14.1 of these Regulations.

Application shall be in writing on a form provided by the Commission and accompanied by a fee as provided under Sec. 23.1 of these Regulations. The Commission shall hold a public hearing on all OSCD applications. The rezone petition shall include a narrative description of the reasons supporting a change of zone and a generalized time schedule for staging and completion of the development, along with a written explanation of the method of preservation and maintenance of all open space portions of the land.

The application shall include:

- a) A map clearly indicating the area to be reclassified and specifying the present classification and proposed new classification with existing and proposed boundaries;
- b) A list, keyed to the map, of the names and addresses of the record owners of land within, and within 500 feet outside, the area to be affected by such reclassification;
- c) Area computations, by record owner, for all parcels or portions of parcels within, and within 500 feet outside, the area to be affected by such reclassification; and
- d) A complete written description by metes and bounds or courses and distances, of the location of the proposed district boundaries.

After making application and being given assignment for public hearing thereon, the applicant shall mail notification of said pending application to at least one owner of each such property not more than 20 days nor less than 7 days before the date set for public hearing by transmitting the text of the legal notice for the public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificate of Mailing, to the Land Use Office prior to the date of the hearing.

At least twenty (20) days prior to the date of the public hearing and continuously thereafter until the close of the public hearing(s), the applicant shall also post a notice of the hearing on the property for which the application has been filed. Said notice shall be in the form of a freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and shall be clearly legible from the public street. Said sign shall be produced of weather resistant material and shall be professionally lettered with a minimum letter size of two inches (2"). The sign shall not be greater than twenty square feet (20 sq. ft.).

The sign shall contain the following text and the applicant shall fill-in the date and time of the hearing:

“Application pending on this property before the Planning and Zoning Commission / Zoning Board of Appeals. A public hearing is scheduled:

Time:

Date:

Place: Madison Town Campus  
8 Campus Drive

Madison, CT 06443

For information, call (203) 245-5632.”

- 27.3.1** The application shall contain:
- a) Application form containing name and address of applicant; name, address and signature of land owner; name and address of architect, engineer, land planner and landscape architect.
  - b) Development Plan containing all the elements listed in Sec. 27.4
  - c) A statement guaranteeing that legal instruments will be created providing for management of common areas and facilities.
  - d) A statement containing general information regarding provisions for fire protection.
  - e) A proposed phasing plan for the project.
  - f) A traffic impact report.
  - g) An engineering report of waste water and stormwater management proposals.

**27.4 DEVELOPMENT PLAN REQUIREMENTS**

The OSCD Development Plan shall include the following information in schematic form:

- a) All plans shall be at a minimum scale of 1”=100’.
- b) A location map showing the location of the OSCD in relation to surrounding streets and throughfares, existing zoning of surrounding areas, existing land use on the site and surrounding areas within 500 feet.
- c) Name of project, north arrow, date and scale.
- d) A certified boundary survey conforming to the standards of Class A-2.
- e) A topographic survey including contours at 2 foot intervals, flood plain delineations and boundaries of all inland and tidal wetlands and watercourses as defined in C.G.S. §22a-38(15) and (16). The most recent Flood Insurance Rate Map, Town of Madison, may be used.
- f) A master plan with topography which clearly identifies proposed land uses, approximate location of residential lot lines and number of homesites, location and type of proposed accessory and active recreational uses, location, open space, prominent natural environmental features such as large ledge outcroppings, lakes, ponds, streams or swamps, and the proposed location of roads, easements, buffers, public areas, and other major facilities.
- g) A table showing acreage for each category of land use including residential areas, roads, open space, commercial and community/open space support uses, recreation, wetlands and watercourses, slopes greater than 33%, and a table of net residential densities for residential land uses.
- h) Significant wildlife, habitat and significant historical, archaeological or architectural features map.
- i) Soils map.
- j) Vegetation map.
- k) Tidal and inland wetlands and watercourses areas.
- l) Areas having slopes greater than 33% based on a scale of 1”=100’ and a contour interval of 2 feet.
- m) A proposed utility service concept plan including soil test results, electric, telephone, gas, television, sanitary sewers, storm drainage, potable water supply and water supply for fire protection.
- n) Illustrative landscaping plan (exclusive of residential lots) showing landscaped areas, buffers, typical cross-sections, and any special landscape features.
- o) A typical dwelling unit location plan including a siting of individual dwelling units in residential development areas.

- p) Scale elevations, sections, preliminary site plans, renderings, or other illustrations of the visual character and architectural style of the development.

**27.5 SITE PLAN REVIEW AND SUBDIVISION APPROVAL**

After approval of an OSCD rezone and Development Plan, but before issuance of any building permits, Site Plan and, if necessary, Subdivision approval must be obtained.

**27.6 SITE PLAN REVIEW**

The Site Plan shall be prepared by a professional engineer, architect, or landscape architect licensed to practice in the State of Connecticut. The application for Site Plan review shall contain:

- a) A site plan drawn to a scale of not less than 1"=40', showing all development plan contents as listed in Sec. 27.4 as well as the following information as applicable to a particular application:
  - 1) All property lines, both existing and proposed.
  - 2) Contours or ground elevations at two-foot contour intervals.
  - 3) Buildings, structures, signs and outdoor lighting.
  - 4) Roads, driveways, trails and off-street parking and loading spaces.
  - 5) Tidal and inland wetlands and watercourses.
  - 6) Storm drainage, sewage disposal and water supply facilities.
  - 7) Landscaping (including the number and species of trees and/or shrubs and lawn, other landscape features, and natural terrain not to be disturbed).
  - 8) A tabulation of the appropriate area, location and bulk standards.

**27.7 SUBDIVISION PLAN APPROVAL**

An applicant who seeks approval of an OSCD Site Plan which includes a subdivision of land as defined by C.G.S. Sec. 8-18, shall submit, in conjunction with the Site Plan, a subdivision plan for approval by the Commission. Said plan shall include all information required by Sections 6, 7 and 8 of the Madison Subdivision Regulations.

- 27.7.1 Lot lines and house locations or schematic footprints shall be established in an OSCD by subdivision approval, or each phase thereof unless subdivision is not required, in which case the Site Plan shall show house locations or schematic footprints.
- 27.7.2 Application for the approval of the subdivision plan may run concurrently with a Site Plan application for an OSCD. Approval of the Site Plan must either coincide with or precede subdivision approval.

**27.8 SITE PLAN AND SUBDIVISION PHASING**

- 27.8.1 Nothing in these regulations shall preclude an applicant from phasing the development of an OSCD. The applicant may submit a Site Plan or a Subdivision Plan for one or more phases at a time of any approved OSCD Development Plan. The Commission may establish, as a condition of Site Plan approval, time limits for completion of any development or phase of a development.
- 27.8.2 If the posting of municipal improvement bonds is required, such bonding will coincide with project phases.
- 27.8.3 The Commission shall determine from information submitted by the applicant that each project phase can safely and adequately sustain its residential population before granting approval. Accessory uses and private recreational features shall be developed in coordination with the residential development.

**27.9 REVISION OF OSCD DEVELOPMENT PLAN OR SITE PLAN**

**27.9.1 Development Plan.** Any major change in an approved OSCD Development Plan affecting the intent or character of the development, land use pattern, location of roads, or similar substantial changes, shall be reviewed by the Commission. A request for revision of an OSCD Development Plan shall be supported by a written statement demonstrating the reasons the revisions are necessary or desirable. Submission of a new zone change petition is not required.

If the Commission determines the changes will have a substantial effect on adjacent property owners, residents of the OSCD, or the general public, or if it involves an increase in density, the Commission shall cause a public hearing to be held prior to taking action on such changes.

Minor revisions to an OSCD Development Plan may be granted by the Commission staff if, upon review, it is determined that the change does not affect the intent or character of the development. The applicant shall file such revisions with the Commission staff for verification of compliance with the intent of the OSCD and amend the Site Plan as necessary.

**27.9.2 Site Plan.** Any major change to an approved OSCD Site Plan must be reviewed by the Commission before issuance of any building permit or, if construction has commenced, before a Certificate of Zoning Compliance may be issued. Minor changes may be approved by the Commission staff if appropriate, or referred to the Commission.

Landscaping shall be considered as part of the Site Plan and shall be continuously maintained in general conformance with the approved plan.

**27.10 PERFORMANCE AND MAINTENANCE BOND FOR PUBLIC IMPROVEMENTS**

As a condition of approval of an OSCD Development or Site Plan, the Commission may require a performance bond in an amount sufficient to secure to the Town the actual installation cost of public improvements within two years from the approval date of the OSCD Development or Site Plan. The Commission may extend the completion date for public improvements for additional periods as requested in writing by the developer, however, as a condition of such extension the Commission may require an increase in the amount of the bond. (*Section added 11/19/92; effective 12/1/92*)

**27.10.1** Performance and maintenance bonds established by the Commission as a condition of an OSCD Development and/or Site Plan approval shall be posted in accordance with the provisions of Sec. 11 of the Madison Subdivision Regulations.



## SECTION 28

### **HEALTH CARE FACILITIES DISTRICT (HCFD)**

#### **28.1 PURPOSE**

The purpose of the HCFD is to allow the development of institutions that possess the facilities and personnel required to provide varying degrees of health care under medical supervision to the elderly, those with chronic diseases, and convalescent stages.

Such institutions may include, but are not limited to: Nursing or convalescent homes and rest homes with nursing supervision.

#### **28.1.1 PROCEDURE (Amended 10/21/10, Effective 12/1/10)**

The HCFD is a floating zone to be designated on the Zoning Map only after approval by the Commission of a petition for a zone change to HCFD and an HCFD Development Plan. After approval of the HCFD rezone and development plan and before building permits may be issued, Site Plan approval must be obtained. The approved development plan and any conditions attached to it form part of the regulations for the district. Prior to Commission approval, the Development and Site Plans shall be submitted to the Advisory Committee on Community Appearance for its comments and recommendations. The Commission acts in its legislative capacity when it approves or denies the zone change application and development plan.

Application shall be in writing on a form provided by the Commission and accompanied by a fee as provided under Sec. 23.1 of these Regulations. The Commission shall hold a public hearing on all HCFD applications. The rezone petition shall include a narrative description of the reasons supporting a change of zone and a generalized time schedule for staging and completion of the development, along with a written explanation of the proposal.

The application shall include:

- a) A map clearly indicating the area to be reclassified and specifying the present classification and proposed new classification with existing and proposed boundaries;
- b) A list, keyed to the map, of the names and addresses of the record owners of land within, and within 500 feet outside, the area to be affected by such reclassification;
- c) Area computations, by record owner, for all parcels or portions of parcels within, and within 500 feet outside, the area to be affected by such reclassification; and
- d) A complete written description by metes and bounds or courses and distances, of the location of the proposed district boundaries.

After making application and being given assignment for public hearing thereon, the applicant shall mail notification of said pending application to at least one owner of each such property not more than 20 days nor less than 7 days before the date set for public hearing by transmitting the text of the legal notice for the public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificate of Mailing, to the Land Use Office prior to the date of the hearing.

At least twenty (20) days prior to the date of the public hearing and continuously thereafter until the close of the public hearing(s), the applicant shall also post a notice of the hearing on the property for which the application has been filed. Said notice shall be in the form of a

freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and shall be clearly legible from the public street. Said sign shall be produced of weather resistant material and shall be professionally lettered with a minimum letter size of two inches (2"). The sign shall not be greater than twenty square feet (20 sq. ft.).

The sign shall contain the following text and the applicant shall fill-in the date and time of the hearing:

“Application pending on this property before the Planning and Zoning Commission / Zoning Board of Appeals. A public hearing is scheduled:

Time:

Date:

Place: Madison Town Campus  
8 Campus Drive  
Madison, CT 06443

For information, call (203) 245-5632.”

## **28.2 STANDARDS**

- 28.2.1** The HCFD will be considered for the R, RU and LI Districts only in areas where public water is or can be made available.
- 28.2.2** The lot shall be a minimum of eight acres for ninety units or less and ten acres for greater than ninety units and have a minimum area of 2,500 sq. ft. per bed, exclusive of wetlands.
- 28.2.3** Maximum number of beds: 120.
- 28.2.4** Maximum building coverage: 15%.
- 28.2.5** Minimum building setbacks from any property or street line: 100 feet, except 25 feet from a railroad, interstate highway or limited-access connector.
- 28.2.6** Minimum landscaped or natural area as a percentage of total lot area: 75%.
- 28.2.7** Maximum building height: 30 feet.
- 28.2.8** Minimum frontage on a public road: 50 feet.
- 28.2.9** Off-street parking: one space for each two beds to include visitor and employee parking.
- 28.2.10** Architectural design: Building and other physical improvements within the HCFD shall be designed to be in harmony with the character of Madison as to buildings materials, color, exterior elevations, and placement within the site.
- 28.2.11** Buffer requirements: there will be a minimum natural or planted buffer strip of 50 feet between the HCFD and all other adjacent properties, except as reduced by Sec. 28.2.5.
- 28.2.12** Traffic considerations: Sufficient data must be submitted to show that the additional traffic generated by the HCFD can be handled by existing or improved streets and roads and proposed access roadways in such a manner that the public safety and convenience may be adequately served.
- 28.2.13** Landscaping: The HCFD project shall be suitably landscaped with particular emphasis on buffer areas. A general landscaping plan shall be included as part of the development plan.

## **28.3 APPLICATION PROCEDURE**

Petition for a zone change to an HCFD and simultaneous submission of an HCFD Development Plan shall be made to the Commission pursuant to the provisions of Section 14.1 of these regulations. Application shall be made in writing on a form provided by the Commission and shall be accompanied by a fee as provided under Sec. 23.1 of these Regulations. The rezone petition shall include a narrative description of the reasons supporting a change of zone and a generalized time schedule for staging and completion of the development.

## **28.4 DEVELOPMENT AND PLAN REQUIREMENTS**

The HCFD Development Plan shall include the following information in schematic form:

- a) All plans shall be at a minimum scale of 1"=100'.
- b) The application shall provide a location map at a suitable scale, showing the location of the HCFD in relation to the surrounding streets and thoroughfares, existing zoning of the surrounding areas, existing land use of the site and surrounding areas within 500 feet.
- c) The name and address of the applicant; name and address of the landowner; name and address of the applicant's landscape architect; land planner; architect; and engineer.
- d) The name of the project, north arrow, date and scale.
- e) A certified boundary survey conforming to the Standards of Class A-2.
- f) A topographic survey including contours at two-foot intervals, flood-prone delineations and boundaries of all inland and tidal wetlands and watercourses as defined by C.G.S. §22a-38(15) and (16). The most recent USGS Topographical Survey, FEMA, and Flood Insurance Rate Map, Town of Madison, may be used.
- g) A master schematic plan with topography which clearly identifies proposed land uses, location of buildings, open space, prominent natural environmental features such as large ledge outcropping, lakes, ponds, streams or swamps, and the proposed location of roads, easements, buffers, public areas, sewage disposal, storm water and other major facilities.
- h) Soils types.
- i) Tidal and inland wetlands and watercourses areas.
- j) Areas having slopes greater than 25%.
- k) A proposed utility service concept plan including electric, telephone, gas, television, sanitary sewers, storm drainage, potable water supply, and water supplies for fire protection, including an engineering report regarding the disposal of sewage effluent and stormwater drainage.
- l) A written report addressing: (1) provisions for fire protection and (2) traffic impact of the proposed project.
- m) Illustrative Landscaping Plan showing landscaped areas, buffers and typical cross-sections and any special landscape features.
- n) A report on the general character of the soils based on published data and a pilot soil test program which shall include a written report from a professional engineer that addresses the quantity and nature of all septic waste water and provides an analysis of the soil types on the site, their adequacy to handle the expected output, and the potential risk, if any, to nearby aquifers and primary and secondary recharge areas. Waste products other than domestic sewage must also be identified as to content, quantity, and ultimate disposal methods.
- o) Scale elevations, sections, preliminary site plans, renderings, or other illustrations representative of the proposed visual character and architectural style of the development.

## **28.5 SITE PLAN REVIEW**

Prior to issuance of a building permit, a Site Plan shall be approved by the Commission. The plan shall be prepared by a professional engineer, architect or landscape architect licensed to practice in the State of Connecticut. The Site Plan shall conform to the approved Development Plan, shall be accompanied by an application and a fee as provided under Section 23.1 of these Regulations. Any significant changes to the approved Development Plan shall be approved by the Commission prior to Site Plan approval.

### **28.5.1 SITE PLAN APPROVAL**

An applicant who seeks approval of a site plan for an HCFD shall submit the following:

- a) A plan drawn to a scale of not less than 1"=40' for any disturbed areas, showing Development Plan contents as listed in Sec. 28.4 as well as the following information as applicable to a particular application:
- b) All property lines.

- c) Contours or ground elevations at two-foot contour intervals.
- d) Buildings, structures, signs and outdoor lighting.
- e) Roads, driveways, and off-street parking and loading spaces.
- f) Tidal and inland wetlands and watercourses, storm drainage, sewage disposal and water supply facilities.
- g) Landscaping (including the number and species of trees and/or shrubs and lawn, other landscape features and natural terrain not to be disturbed).
- h) A tabulation of the appropriate area, location and bulk standards.

**28.5.2 SITE PLAN AMENDMENTS**

Any major or substantial change to an approved HCFD Site Plan must be reviewed and approved by the Commission before building permits may be issued or, if construction has commenced, before a Certificate of Zoning Compliance may be issued. Minor changes may be approved by the Commission's staff, if appropriate, or referred to the Commission.

Landscaping shall be considered as part of the Site Plan and shall be continuously maintained in general conformance with the approved plan.

*Section adopted June 18, 1992, effective August 1, 1992  
Amended September 19, 1995; effective December 1, 1995  
Section amended October 21, 2010; effective December 1, 2010*

## **SECTION 29**

### **SITE PLAN REVIEW**

**GENERAL:** The use of land, buildings and other structures that is subject to the approval of a site plan and the construction, reconstruction, enlargement, extension, moving, or structural alteration of buildings and other structures, and site development in connection with such use, shall conform to the general standards and special standards herein-after specified. The provisions of this section are applicable to specified uses in all districts and are in addition to other provisions of these regulations applicable to the district in which the use is to be located.

The Planning and Zoning Commission may require a Public Hearing at its discretion. If a public hearing is scheduled, the applicant shall comply with all requirements for notification set forth in Section 4.2.5.

#### **29.1 PROCEDURE**

- 29.1.1** The Commission shall immediately refer the application to the Advisory Committee on Community Appearance for its comments and recommendations. Inland Wetlands Agency approvals shall be pursued by the applicant in the fashion and time frame indicated in the Connecticut General Statutes, as amended.
- 29.1.2** In all cases where these regulations require approval of the site plan, no building permit shall be issued until after the site plan has been reviewed and approved. Permits shall be issued only in conformity with the approved site plan and all construction and site development shall conform to the approved plans.
- 29.1.3** The application shall be approved, modified and approved, or denied within sixty-five (65) days after receipt, unless an extension of time is granted by the applicant. If plans are approved with modifications, revised plans incorporating the modifications shall be submitted to Planning and Zoning prior to issuance of any permits.

#### **29.1.4 Minor Site Plan Review.**

All interior modifications or exterior modifications of less than:

- (a) 100 s.f., or
- (b) 3% of the building coverage up to 1,000 s.f. may be considered minor site modifications subject to reduced site plan requirements.

All exterior changes that require a building permit shall be reviewed by the Advisory Committee on Community Appearance (ACCA). After review by ACCA (if applicable), the Planning and Zoning Administrator may approve the minor site plan modification or refer it to the Planning and Zoning Commission for its action. All site plans or modifications not included above will require action by the Planning and Zoning Commission.

#### **29.2 APPLICATION REQUIREMENTS**

Application for site plan review shall be submitted to the Planning and Zoning Office. Three copies of all plans shall be submitted, along with one 11"x 17" reduction of all plans. All plans shall be prepared, signed and sealed by a professional engineer, architect, or landscape architect as appropriate, licensed to practice in the State of Connecticut, who is responsible for the

information and design. The site plan shall clearly depict the proposed final project inclusive of existing, to be retained, and proposed buildings, structures, and site development. All plans which include the design of roads, detailed drainage systems, sanitary sewer systems and/or water systems shall be prepared, signed and sealed by a licensed professional engineer. Up to six (6) additional copies may be required.

All site plans submitted for Planning and Zoning Commission review shall be no larger than 24" x 36", drawn at an appropriate scale (1" = 50' minimum) and contain the following:

- a) The title of the development, date, revision dates, north arrow, scale, name and address of owner and name and address of applicant if different from owner.
- b) Street and property lines, sidewalks, easements, driveways, rights-of-ways, parking areas with numbers of spaces, surface treatment and loading spaces.
- c) Location and dimensions of all existing and proposed buildings, structures, walls, fences and utility facilities.
- d) Existing and proposed zone designations and/or special designations, a schedule specifying the area of the lot, the amount of the Floor Area, the building ground Coverage, Bulk zoning requirements, and parking calculations.
- e) A location map showing the nearest existing roads in all directions.
- f) A boundary and improvement location survey conforming to the Standards of Class A-2 and prepared by a land surveyor registered in the State of Connecticut.
- g) Location of all existing watercourses, inland and tidal wetlands, coastal resources as defined in C.G.S. §22a-93(7), and 100-year flood plains.
- h) Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed. Plans shall show existing trees of 12-inch caliper or more at breast height, and other existing significant landscape elements.
- i) Location, type, design, shielding, power and hours of operation of all existing and proposed exterior lighting along with an iso-illuminance circle or light level grid lighting plan. All lighting shall be designed to minimize light trespass, glare and uplight.
- j) Location, type, size, and illumination of all signs.
- k) Soil erosion and sediment control and stormwater management plans. (See Book III.)
- l) Construction details for all site improvements.
- m) Two sets of basic architectural plans of proposed buildings and structures at a scale of 1/8" = 1' minimum, including exterior elevations and generalized schematic floor plans, specifying colors, materials, window treatment, and rooftop mechanical equipment.
- n. Existing and proposed contours at maximum two-foot intervals. Engineering plans and calculations on stormwater drainage. The plans and calculations must be prepared by a licensed land surveyor and professional engineer respectively. The Planning and Zoning Commission may waive the requirement of this section "n" upon the recommendation of the Town Engineer.

#### **ADDITIONAL INFORMATION THAT MAY BE REQUIRED**

- o. A written report addressing the traffic impact of the proposed project is required if a State Traffic Commission permit is required or if the Planning and Zoning Commission or the Town Engineer requests one.
- p. Engineering plans and calculations that address the quantity and nature of all waste water to be generated on-site and demonstrate the adequacy on the on-site soils to handle the expected sewage effluent. Waste products other than domestic sewage must also be identified as to content, quantity, and ultimate disposal methods to be used. The plans and calculations must be prepared by a professional engineer. The Planning and Zoning Commission may waive

the requirement of this section “p” upon the recommendation of the Town Engineer or Health Director.

- q. Such additional information as the Commission may deem necessary. The Commission may refer the application for investigation to one or more expert consultants selected by it. Such consultants shall make a report to the Commission within thirty days of such referral. The cost of such consultants shall be paid by the applicant.
- r. When a site plan submission is made for a site that includes an historic structure, or which is adjacent to a Lot that includes an historic structure, or is located in an historic district, or has been identified by the State Historic Preservation Officer or State Archaeologist as historically or architecturally significant, the applicant will identify on the plans the nature and location of the historic or archaeological resource and will indicate what measures are being taken to protect the resource.

### **29.3 PARTIAL WAIVER OF SITE PLAN INFORMATION REQUIREMENTS**

To avoid unnecessary delay and expense for an applicant whose proposed activity is minor in nature and limited in its impact on the surrounding area, the Commission may, at its sole discretion, exempt any application from specific information requirements as set forth in this Section. The exemption may be approved if the Commission finds that the information would not aid the Commission in its determination of the application's compliance with these Regulations. A request for a partial waiver of Site Plan requirements must be submitted in writing by the property owner or owner's agent.

### **29.4 COMPLETE APPLICATIONS**

A complete application shall consist of the application form and fee, together with the required information set forth in this Section. The application shall contain all information required by this Section, the number of copies required, and said information shall have been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with the criteria in these Regulations. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

All documentary evidence in support of the application shall be filed with the Commission and available for public inspection no less than fifteen (15) days prior to the day of the Commission's review of the application or the public hearing or any reconvening thereof. All other persons wishing to present documentary evidence in the proceeding should file such evidence on or before the date of the Commission's review or hearing. Nothing in this Section shall prohibit the Commission, in the exercise of its discretion, from receiving evidence from any person at a later time provided such information is submitted prior to the conclusion of the Commission's review or hearing. The Commission may refuse to consider documentary evidence or other information, including but not limited to any proposed modifications to the applicant's site plans, that is not submitted sufficiently in advance to provide the Commission's members, staff, or consultants a reasonable time to properly review it.

If a plan is revised after the original submission, the new plan shall clearly indicate the revisions and the date thereof on each sheet that has been revised.

### **29.5 REVIEW CONSIDERATIONS**

In reviewing site plans, the Planning and Zoning Commission shall take into consideration the purposes of these regulations, including those of the applicable zoning district, the safety and convenience of the general public and the maintenance of property values. Site plans may be

modified and conditions put on approvals when deemed necessary to meet the following objectives:

**29.4.1** Safe, adequate and convenient vehicular and pedestrian traffic both within and without the site. The Commission shall take into consideration the following features:

- a) Number, location, and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
- b) Visibility in both directions at exit points.
- c) Location, arrangement and screening of off-street parking spaces and truck loading facilities.
- d) The location, arrangement, size and adequacy of landscaping provided for screening of parking areas, buildings, utilities and outdoor storage.

**29.4.2** The protection of environmental quality, landscaping of open space and harmony with existing development. The Commission shall take into consideration the following features:

- a) Arrangement, location, apparent bulk, architectural features, materials, texture and color of proposed buildings and structures. The Commission shall consider the location of structures on the site in relation to development on adjoining properties, open space, topography, and existing vegetation.
- b) The shielding of light, noise, odors, particles or other disturbances which could interfere with the use and enjoyment of neighboring properties.
- c) The housing or screening of mechanical equipment on the roof of a building if visible from any street or any other lot in a manner consistent with the architectural design of the building.
- d) Soil erosion and sediment control and stormwater management plans per Book 3.
- e) The preservation of natural attributes and major features of the site such as wetlands, highly erodible areas, historic structures, major trees, and scenic views both from the site and onto or over the site.
- f) The provision of adequate storm and surface water drainage facilities to drain the site properly while minimizing downstream flooding and protecting water quality.

## **29.6** **SITE PLAN CHANGES**

No deviation shall be made from the terms of any Site Plan Review until a modification of the Site Plan Review shall have been obtained.

Minor changes in the field, encompassing but not limited to such things as minor relocations of a door or windows, pathway, or landscaping, where such changes do not affect the overall plan or concept or critical coastal resources, inland wetlands or watercourses, may be approved by the Planning and Zoning Administrator and a notation placed on the file with the original plan in the office of the Planning and Zoning Commission.

## **29.7** **EXPIRATION**

All work in connection with a Site Plan approval shall be completed within five years after the approval of the Plan and any site not completed within five years (or other time as may be authorized by State statutes) of the date of the Commission's approval will likewise become null and void, and no Certificate of Occupancy will be issued except upon the approval of a new site plan. The completion date may be extended upon request at the discretion of the Commission.

## **29.8** **MAINTENANCE**

**29.8.1** Landscaping, trees and plants shown on an approved site plan shall be planted and maintained in a healthy, growing condition in accordance with accepted horticultural practices throughout the duration of the use. Any landscaping, trees, and plants which

are not so maintained shall be replaced in accordance with the approved plan by the property owner during the next planting season for the particular plant material.

- 29.8.2** Any site development improvement required by the approved site plan shall be maintained by the property owner in good condition throughout the period of the use of the property.



*Section adopted effective September 15, 2003  
Amended June 18, 2009, effective July 10, 2009  
Further amended 10/21/10, effective 12/01/10*

## SECTION 30

### **DOWNTOWN VILLAGE DISTRICT (DVD)**

#### **30.1 AUTHORITY**

These regulations have been adopted pursuant to C.G.S. §8-2 and 8-2j, as amended.

#### **30.2 PURPOSE**

The purpose of this Section 30 of the regulations is to protect the distinctive character, landscape, and historic structures within the Downtown Village District in accordance with the goals set forth in the Madison Plan of Conservation and Development.

#### **30.3 DEFINITIONS**

These definitions are intended to apply only to this Section 30. They are not intended to apply to, or as a means to interpret, the same or similar terms in other sections of these or any other regulations of the Madison Planning and Zoning Commission.

**30.3.1 ACCA.** Advisory Committee on Community Appearance of the Town of Madison.

**30.3.2 Approving Authority.** The Approving Authority shall be the Madison Planning and Zoning Commission, except that, in the case of Minor Site Plan Review pursuant to this §30 and §29.2 of these Regulations, the Approving Authority may be the Planning and Zoning Administrator or such other person or agency as may be specified in §29.2.

**30.3.3 Design Sub-Districts.** The various sections of the District delineated in Section 2 of the Downtown Village District – Design & Landscape Standards, which are a part of these Regulations.

**30.3.4 District or DVD.** The Downtown Village District as delineated on the Zoning Map for the Town of Madison. The Downtown Village District shall be an overlay district, the regulations of which shall be in addition to, and not in lieu of, the regulations applicable to the underlying zone districts.

**30.3.5 Historic District.** Any Historic District in the Town of Madison formally adopted in accordance with CGS Sec. 7-147a et seq.

**30.3.6 Historic District Commission.** Madison Historic District Commission established in accordance with Chapter 15, Article IV of the Code of Ordinances.

**30.3.7 Minor Site Plan Review.** The procedures set forth in Section 29.2 of these Regulations.

**30.3.8 Plan of Conservation and Development.** The Plan of Conservation and Development of the Town of Madison, as it may be amended.

#### **30.4 APPLICABILITY**

**30.4.1** These regulations shall pertain to the following activities:

a) **Major Alterations.** New construction and substantial reconstruction or rehabilitation of properties within the District and in view from public roadways, including but not limited to:

4. The design and placement of buildings;
5. The maintenance of public views;

6. The design, paving materials and placement of public roadways and passageways;
7. Construction of new landscaped areas and regrading of existing landscaping;
8. Fencing; and
9. Replacement of exterior structural surfaces and components, including roofing materials, with materially different surfaces, such as a change from clapboard siding to vinyl or aluminum siding, or from stucco to wood siding, or from slate roof tiles to asphalt shingles.

**b) Minor Alterations.** Activities that are not classified as Major Alterations pursuant to subsection 30.4.1a above, but that may still noticeably affect and change the character and appearance of properties within the District, including but not limited to:

1. Any change to the exterior color of a structure, except as provided in Section 30.4.2;
2. Replacement of hedges on single-family residential properties, and replacement or installment of trees or shrubs on all other properties in areas that are already landscaped;
3. Any exterior change to a building or structure that requires a building permit but is not considered a Major Alteration as defined in Section 30.4.1a) or is not exempt under Section 30.4.2;
4. Site modifications subject to minor site plan review (see Section 29.2), including but not limited to changes in light fixtures, ground surface material, or minor changes to parking as defined in Section 8;
5. Streetscape accessories on Town property, or installed by the Town or a public or private entity on State property.

**30.4.2** These regulations shall not pertain to:

1. Plant material (other than hedges) for landscaping of single-family residential properties;
2. Changes to the color of an existing structure on a single-family residential property, provided that the new color is the same as or very similar to the color of another structure in the Sub-District;
3. Replacement of an exterior surface material, including roofing materials, with a similar material, such as clapboard to clapboard, or shingles to shingles.

## **30.5 REVIEW**

**30.5.1 Procedure.** (*Amended 10/21/10, Effective 12/1/10*) Applications to which this Section 30 is applicable, as specified in Section 30.4, shall be subject to the submission requirements of, and shall follow the procedures outlined in Section 29 of these Regulations, Site Plan Review, except that all applications involving activities classified as Major Alterations under Section 30.4.1a shall require a public hearing, unless waived by the Planning and Zoning Commission. A public hearing may be waived only upon a finding that the proposed alteration will have a minimal impact on the public view or, when the property is within a Historic District, that the public hearing requirement was satisfied during the Certificate of Appropriateness application process. Applications for uses that require a Special Exception shall also be subject to any additional submission requirements and procedures as may be outlined in Section 4 of these Regulations and C.G.S. §8-2 and 8-3c. Applications involving activities classified as Minor Alterations under Section 30.4.1b shall follow the procedures for Minor Site Plan Review, except that all exterior activities shall be referred to ACCA, regardless of whether such activities require a building permit.

After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties within at least 500 feet distant therefrom in all rural zones, and at least 150 feet distant therefrom in all other zones, all as verified from the most current real property records on file in the Office of the Assessor of the Town of Madison. The lists shall include map and lot numbers.

The applicant shall mail notification of said pending application to at least one owner of each such property not more than 20 days nor less than 7 days before the date set for public hearing by transmitting the text of the legal notice for the public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificate of Mailing, to the Land Use Office prior to the date of the hearing.

For any application for which a public hearing is scheduled, at least twenty (20) days prior to the date of the public hearing and continuously thereafter until the close of the public hearing(s), the applicant shall also post a notice of the hearing on the property for which the application has been filed. Said notice shall be in the form of a freestanding sign, facing each adjacent public street, placed no more than thirty feet (30') from the public right-of-way and shall be clearly legible from the public street. Said sign shall be produced of weather resistant material and shall be professionally lettered with a minimum letter size of two inches (2"). The sign shall not be greater than twenty square feet (20 sq. ft.).

The sign shall contain the following text and the applicant shall fill-in the date and time of the hearing:

“Application pending on this property before the Planning and Zoning Commission / Zoning Board of Appeals. A public hearing is scheduled:

Time:

Date:

Place: Madison Town Campus  
8 Campus Drive  
Madison, CT 06443

For information, call (203) 245-5632.”

**30.5.2 Information Required.** The following information, *in addition to the information listed in Section 29 a) through p) and information required by any other applicable sections of these Regulations*, shall be required for applications within the Downtown Village District, unless specifically waived by the Approving Authority:

- a) detailed statement of use;
- b) survey or scaled site plan indicating the locations of all structures on adjacent parcels and the proposed structures and site improvements;
- c) indication of all areas of the proposed development that will be visible from the public way;
- d) streetscape rendering or photo montage of the proposed development and the buildings and site development on either side of it for a distance of at least three hundred (300) feet in each direction;
- e) samples of building, paving and other site materials, including actual colors, not photographic copies;
- f) details for all miscellaneous site structures including, but not limited to, trash containers, planters, mechanical or electrical equipment, furniture, exterior building lights, and signs;

- g) half size sections through all major building trim details;
- h) statement regarding the environmental compatibility of the project;
- i) statement regarding the history of the site.

The Commission may also require a three-dimensional model of the proposed structure when it deems that such is necessary to fully determine compliance with this Section 30.

### **30.6 ADVISORY OPINION**

All applications governed by these Regulations and in view from the public roadway shall be subject to an advisory review and recommendation by ACCA or, for those properties in an Historic District, the Historic District Commission. THE APPLICANT MUST SUBMIT A COPY OF ITS APPLICATION, INCLUDING ALL ASSOCIATED APPLICATION MATERIALS, TO ACCA, OR THE HISTORIC DISTRICT COMMISSION, NO LATER THAN THE DATE IT SUBMITS THE ORIGINAL APPLICATION AND MATERIALS TO THE COMMISSION. ACCA, or the Historic District Commission, shall report to the Approving Authority within thirty-five days of its receipt of such application. This report and recommendation shall be entered into the public record and considered in the decision. The Approving Authority may seek other reports and recommendations in accordance with Section 29 of these Regulations, including, for those properties in the Historic District, a report from ACCA if the report received from the Historic District Commission is deemed insufficient.

### **30.7 APPROVAL**

The Approving Authority shall state on the record the reasons for any decision and, if the Approving Authority denies an application, it shall cite the specific regulations under which the application was denied.

### **30.8 EFFECTIVE DATE**

Except for Minor Site Plan Review decisions that are issued by the Planning and Zoning Administrator, no decisions of the Approving Authority shall be effective until a copy thereof, certified by the Chairman, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision is recorded on the land records.

### **30.9 CRITERIA FOR DETERMINATION**

- 30.9.1 Impact on Public Views.** The Approving Authority shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view.
- 30.9.2 Standards in Other Sources.** The Approving Authority shall follow the Downtown District Design & Landscape Standards as contained in these Regulations and the recommendations of the Plan of Conservation and Development.
- 30.9.3 Statutory Standards.** Applications shall comply with any and all specific standards and criteria set forth in applicable provisions of the Connecticut General Statutes, including but not limited to those in C.G.S. §8-2j, and more specifically including, but not limited to the following: (a) that proposed buildings or modifications to existing buildings are harmoniously related to their surroundings, to the terrain in the Sub-District in which they are located, and to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed building or modification, (b) that all spaces, structures and related site improvements that are visible to the public from public roadways are designed to add to the visual amenities of the area consistent with those of the Design

Sub-District in and around the proposed building or modification, (c) that the color, size, height, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural character and the maintenance of views, historic buildings, monuments and landscaping within the Design Sub-District, and (d) that the removal or disruption of historic traditional or significant structures or architectural elements are minimized.

In addition, all development in the District shall be designed to achieve the following compatibility objectives: (1) the building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the District; (2) proposed streets shall be connected to the existing District road network, wherever possible; (3) open spaces within the proposed development shall reinforce open space patterns of the applicable Design Sub-District in form and siting; (4) locally significant features of the site such as distinctive buildings, vistas or sight lines shall be integrated into the site design; (5) the landscape design shall complement the applicable Sub-District's landscape patterns; (6) the exterior signs, site lighting and accessory structures shall support a uniform architectural theme if a theme exists and shall be compatible with their surroundings; and (7) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the appropriate Design Sub-District.

**30.10 USE**

Uses at any location within the District shall be as permitted in the underlying zoning district.

**30.11 LOT SIZE, SETBACKS, LOT COVERAGE**

Lot size, coverage and yard requirements for any parcel within the District shall be as specified for the underlying zoning district.

**30.12 HEIGHT**

Maximum building height at any location within the District shall be as specified for the underlying zoning district.



## **SECTION 31 FLOATING DESIGN DISTRICT (FDD)**

### **31.1 PURPOSE**

The purpose of this Section 31 is to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the following objectives, while respecting the historical land development patterns of the Town: a) to provide housing for persons who, for example due to age or health, desire more compact residential patterns than are possible with conventional single-lot subdivisions; b) to encourage appropriate and harmonious variety in the physical landscape, to protect, preserve and enhance the natural resources, to encourage and improve the level of amenity and design, and to more effectively promote the health and general welfare of the Town of Madison; c) to provide recreational opportunities for residents of the Town and the region while minimizing adverse impacts on the Town and the neighborhood; and d) to improve the tax base of the Town, provide employment opportunities, encourage attractive commercial environments that meet the needs of Town residents for shopping, services and professional offices.

### **31.2 NATURE OF FLOATING DESIGN DISTRICTS**

Each Floating Design District shall be an overlay zone, which means that the regulations pertaining to the underlying (i.e., previously existing) zone shall continue to apply unless, and only to the extent, specifically modified by regulations developed specifically for the FDD. Such modifications to the underlying regulations may include, without limitation, uses, lot and building dimensions, setbacks, and lot coverages to the extent the Commission finds such modifications appropriate to better reflect the character of the proposed development and the surrounding community. In addition, all construction, development, and uses within an FDD shall be subject to the issuance of a Special Exception Permit. The design of each FDD shall appropriately reflect and protect the character of the site with due consideration for the historic, environmentally sensitive or aesthetic roles of the site in the heritage and landscape of the Town.

### **31.3 PROCEDURE FOR REZONING ONE OR MORE CONTIGUOUS PARCELS OF LAND TO A FLOATING DESIGN DISTRICT**

**31.3.1 SUBMISSION OF PETITION.** Any person or persons may petition (i.e., apply to) the Commission to designate any parcel or any group of contiguous parcels as an FDD, provided, however, that the owner of each such parcel (or a person lawfully authorized to act on behalf of such owner) must sign the petition (i.e., application). When a parcel is owned by more than one person or entity, each such person or entity, or the lawful representative of such person or entity, must sign the petition. A petition for siting an FDD (i.e. zone change) may propose either to use or amend the regulations for a Design District that is already specifically described in these Regulations (i.e., in Section 31A or subsequent sections) or to create an entirely new form of FDD (i.e. special regulations), in which event the petitioner must also propose a new set of zoning regulations specific to the proposed FDD. In addition, whenever special zoning regulations are proposed for an FDD, the petitioner(s) must submit a written list identifying each and every regulation that would be applicable to the underlying zoning district but that would not be applicable to the proposed FDD. Except to the extent

specifically modified by the special regulations, the regulations applicable to the underlying zoning district(s) shall continue to be applicable to the FDD.

In either case, the petitioner(s) must submit to the Commission, as part of the petition: (1) a completed petition form; (2) a complete draft of any special zoning regulations that are proposed to apply to the FDD, in accordance with Section 31.4.1; (3) a map at a scale appropriate to depict the boundaries of the proposed FDD, the boundaries and current owners (as shown on the records of the Madison Assessor) of all parcels within 500 feet of the proposed FDD, and the zoning district designations of all such parcels; (4) a Concept Plan in accordance with Section 31.4.1, showing the proposed development of the property to be located within the FDD; and (5) such fees as may be required by these Regulations (Section 23) or by Town ordinance. The petition form shall include or be accompanied by, at a minimum, the name(s) and address(es) and contact information for the petitioner(s) and the petitioner's agent(s); the name, address and signature of each owner of land within the proposed FDD; a narrative description of the reasons supporting the proposed change of zone; a generalized time schedule for staging and completion of the proposed development; and a written explanation of the proposed method(s) of preservation and maintenance of all portions of the land to be preserved for open space or recreation.

At the time the petition is filed with the Commission, the petitioner(s) must also file with the Town Clerk a copy of the completed petition form, the draft of any special zoning regulations that are proposed to apply to the FDD, and a map at a scale appropriate to depict the boundaries of the proposed FDD, with the Town Clerk. If the petitioner(s) fail to file the required documents at least ten days before the commencement of any public hearing, the Commission shall deny the petition.

**31.3.2 PRE-PETITION CONFERENCE.** Any potential petitioner may submit, and the Commission may informally review and consider, a preliminary Concept Plan and any accompanying draft regulations prior to submission of a formal petition for siting an FDD. This procedure is encouraged to permit both the petitioner and the Commission an opportunity to anticipate, understand and address any problems arising from the proposal. The preliminary Concept Plan and draft regulations should show sufficient information to enable the Commissioners to make a general planning review. The petitioner should submit enough copies of the preliminary plans for each member of the Commission, planning staff, the Town Engineer, and any other Town staff or consultants who would need to review the plans if presented as part of a formal petition for amendment. The Commission will conduct the pre-petition conference as a workshop at a scheduled meeting. No formal public hearing will be scheduled, but the Commission may entertain questions or comments from members of the public. The Commission may schedule a field visit to the site of the proposed development as a part of the preliminary review. Review and comments by the Commission or its members will in no way imply approval of any part of the preliminary Concept Plan or draft regulations.

**31.3.3 REVIEW.** The Commission may consult with public or private consultants to supplement the review by the Town staff. To the extent authorized by Town ordinance, the petitioners may be required to reimburse the Commission for any costs associated with such consultations as part of the fee for processing the petition. The Commission shall limit the scope of any outside expert review to that which is reasonably necessary to make an informed determination of the appropriateness of the proposal to the site and its fulfillment of the purpose and intent of these regulations.

**31.3.4 REFERRALS.** The Commission shall refer any petition to other municipal, regional, state or federal officials or agencies in any manner required by state or federal law. In addition, at least thirty-five days prior to the hearing, the Commission shall (i) refer to the Town's Water Pollution Control Authority any petition that proposes a community sewage disposal system and/or a system that is not a subsurface sewage disposal system, (ii) refer to the Town's Health Department any petition that proposes a subsurface sewage disposal system. The Commission shall also refer any petition to the Advisory Committee on Community Appearance (ACCA). The Commission shall consider all comments received from the above agencies.

**31.3.5 NOTIFICATIONS.** The petitioner(s) shall mail notification of the public hearing to each of the owners of any and all properties located within 500 feet of the boundaries of the proposed FDD. For purposes of determining the names of the owners of such properties, the petitioner shall be entitled to rely on the records of the Town Assessor as of the date on which such notice is mailed. When more than one owner is listed for any one parcel of land, the notice with respect to that parcel need only be sent to the person(s) to whom and the address at which property tax bills are sent for that parcel, as reflected in the records of the Town Tax Collector. All such notices must be mailed not more than twenty (20) nor less than seven (7) days before the date set for hearing. The text of the notices shall be the same as the public hearing notice provided by the Commission. Evidence of such mailing, in the form of U. S. Post Office Certificates of Mailing, shall be submitted to the Zoning Enforcement Officer not less than five (5) days prior to the public hearing date. If the petitioner(s) fail to provide the required evidence of mailing, the Commission shall deny the petition. In addition the applicant shall comply with requirements for posting notice on the property as described in Section 4.2.5 of these Regulations. (*Amended 10/21/10, Effective 12/1/10*).

**31.3.6 CONSIDERATIONS.** In considering a petition for an FDD, the Commission shall be guided by the following considerations:

- a) The recommendations of the adopted Plan of Conservation and Development for the Town of Madison and the Comprehensive Plan as embodied in these Regulations;
- b) The appropriateness of the proposed project in the proposed location and the existing and future character of the neighborhood in which the FDD is to be located. Particular attention shall be paid to the type and density of adjacent residential development, the character and uniqueness of the natural resources of the neighborhood, the character and use of existing roads and infrastructure. The proposed FDD shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties;
- c) The location and character of buildings in relation to one another and to existing or likely adjacent structures. Such location and character shall create a harmonious grouping and shall be compatible with surrounding structures. The Commission shall take into consideration any recommendations from ACCA in making this finding;
- d) Traffic circulation within the site, the amount, access, and location of parking and loading facilities, and the quantity and composition of traffic generated by the proposed uses. Development shall be located so as to provide direct access to existing streets and highways. Traffic loads through existing residential neighborhoods and on minor residential streets shall be discouraged. Vehicular and pedestrian traffic generated by the use or uses, shall not be detrimental to the character of the neighborhood. The proposal shall not require the Town to improve or upgrade existing roads or intersections;

- e) The quality of the historical and natural resources within the proposed zone and the effect the proposal will have on such resources and the uniqueness of animal and plant communities. Conditions of soil, groundwater level, drainage, and topography should be appropriate for both the land and pattern of use intended. The proposed uses shall permit the development of the site without the degradation of valuable natural assets or pollution of lakes, streams, watersheds and/or other water bodies while providing the best possible design of structures and land uses compatible with the shape, size, and topographic and natural character of the site;
- f) The availability of water to the site and adequate disposal of sewage. The characteristics of the soil to accept the effluent in a safe and harmless manner, in the quantities proposed, shall be adequate. Sufficient water shall be available to the site to supply the needs of the proposed uses;
- g) Safeguards to protect adjacent properties and the neighborhood in general. Landscaping and the siting of uses and facilities shall provide adequate protection of adjacent properties, and establishment of the FDD shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- h) The adequacy of Town facilities to accommodate the proposed development;
- i) The economic impact on the Town of Madison with particular attention on the effect on existing public roadways of the proposed development and the likely burden to be placed on educational, recreational, emergency and other services.

### **31.3.7 ADOPTION**

**31.3.7.1 SPECIAL REGULATIONS.** When a petition for siting an FDD includes a request for the adoption of special zoning regulations, the Commission shall act on the proposed special regulations before making any decision on the proposed zone change. The Commission may approve, modify and approve, or deny the proposed special regulations.

**31.3.7.2 ZONE CHANGE (SITING OF FDD).** If the Commission approves the proposed special regulations as presented in the petition, it may proceed immediately to decide on the petition for a zone change. If the Commission modifies and approves the special regulations, the petition for a zone change shall be denied, but the petitioners shall be entitled to resubmit the petition for a zone change in accordance with the modified special regulations, and such petition shall be presented at a new public hearing for which a new public notice shall be published. The Commission may approve or deny the petition for a zone change to an FDD as presented, but it may not modify and approve such proposed change unless the petitioners expressly agree, prior to the close of the public hearing, that the Commission may approve the change of zone either for all or for any portion of the subject property deemed appropriate by the Commission.

**31.3.7.3 PROCEDURE AFTER APPROVAL.** Upon approval, an FDD shall be numbered consecutively, following the last FDD number, and designated accordingly on the Zoning Map. Reference to the Concept Plan and special regulations on file in the Land Records shall also be placed on the Zoning Map. The petitioner(s) shall file a copy of the approved FDD boundary map and description and a copy of the approved special regulations with the Town Clerk no later than ten days after the relevant approval by the Commission. The effective date of the approved amendments shall be no earlier than fifteen days after such approval.

**31.3.7.4 EXPIRATION OF APPROVAL.** Unless a Special Exception Permit is granted for the use of property within the FDD in accordance with Section 31.5 of these Regulations, the approval of an FDD Concept Plan shall expire within two years after the date of approval or, if a judicial appeal is taken from such approval, within two years after the termination of such appeal.

The petitioner may request, and the Commission may grant, two separate one-year extensions of time for the petitioner to receive a Special Exception Permit, provided the petitioner demonstrates to the satisfaction of the Commission that the delay has not been caused by a lack of diligent effort on the part of the petitioner(s) to secure such a Permit. If an application for a Special Exception Permit is filed within the two-year period, or within any period of extension granted by the Commission, the Concept Plan shall be deemed valid during any period in which the Commission is considering such application. Upon the expiration of any such FDD Concept Plan, the Commission may, but shall not be required to, initiate proceedings to rezone the property within the FDD, but the expiration of any such Plan shall not otherwise prevent the filing of an application for approval of a new Concept Plan consistent with the existing FDD.

### **31.4 CONTENT OF PETITIONS FOR ZONE CHANGE (SITING AN FDD)**

**31.4.1 SPECIAL REGULATIONS APPLICABLE TO THE FDD.** As set forth in Section 31.3.1, a petition for siting an FDD may propose either to use or amend the regulations for a Design District that is already specifically described in these Regulations (i.e., Section 31A or subsequent regulations) or to create and establish an entirely new form of FDD. In either case, the petitioner(s) must submit to the Commission, as part of the petition, a complete draft and summary table of any special zoning regulations that are proposed to apply to the FDD. In addition, whenever special zoning regulations are proposed for an FDD, the petitioner(s) must submit a written list identifying each and every regulation that would be applicable to the underlying zoning district but that would not be applicable to the proposed FDD. Except to the extent specifically modified by the special regulations, the regulations applicable to the underlying zoning district(s) shall continue to be applicable to the FDD.

**31.4.2 CONCEPT PLANS FOR THE FDD.** A petition for siting an FDD shall also include a Concept Plan, showing the proposed uses and development layout for the FDD. The Concept Plan must include a written statement from the petitioner(s) regarding the size, impact and appropriateness of the change of zone and its relation to the surrounding neighborhood and zone districts. An engineer, surveyor, architect or landscape architect must prepare the graphic plans. Except for the boundary survey provided under Subsection 31.4.2.1 below, graphic plans may be illustrative, but shall be a realistic representation of the concept. Each Concept Plan shall contain or be accompanied by the information set forth in this Section 31.4.2. The Commission may require additional information.

**31.4.2.1. EXISTING CONDITIONS.** Each Concept Plan shall be at a minimum scale of 1 inch = 100 feet and must include or be based upon a certified boundary survey conforming to Class A-2 accuracy requirements of the land to be included in the district, prepared in accordance with the applicable standards set forth in the Regulations of Connecticut State Agencies, Sections 20-300b-1 through 20-300b-20, as amended. Each Concept Plan shall contain, at a minimum, the following information:

- a) Date, scale, north point, town and state;
- b) Existing topography (which can be a compilation survey) with two-foot contour intervals in areas to be developed or otherwise disturbed and ten-foot contour intervals for areas to remain undisturbed;
- c) Major topographic features (including wooded and open areas, specimen trees, ledge or outcroppings, and soil types); existing structures; existing roads and rights-of-way; flood plain delineations as shown on the most recent Flood Insurance Rate Map; boundaries of all inland and tidal wetlands and watercourses as defined by C.G.S. Sections 22a-29 and 22a-38 as such may be amended; and existing water and/or sewer service within 500 feet of the property boundaries;

- d) All land uses and municipal and zoning boundaries within 500 feet of the site(s);
- e) Existing architectural and structural improvements, including building elevations, footprints and floor areas;
- f) Significant wildlife habitat and significant historical, archaeological and architectural features map;
- g) All currently existing buildings or structures within 100 feet of the boundary lines of the FDD;
- h) Names and addresses of the record owners of land within, and within 500 feet from, the area to be affected by such reclassification, keyed to an appropriate map; in addition, area computations, by record owner, for all lots or portions of lots within, and within 500 feet outside, the area to be affected by such reclassification;
- i) The name and address of the president of any property owner association holding title to any land within, or within 500 feet of, the proposed FDD;
- j) Relevant findings from all site investigations conducted in the area of the proposed FDD.

**31.4.2.2 DEVELOPMENT LAYOUT PLANS.** The Concept Plan shall include one or more preliminary layout plans showing the desired development of the property within the proposed FDD in accordance with the proposed special regulations, the applicable underlying zoning district regulations, and all other applicable zoning regulations. The layout plans must include, at a minimum, the following elements, which may be illustrative and conceptual:

- a) Proposed uses, their locations, both their minimum and maximum gross floor areas allocated for each building and a sample site plan maximizing the building footprint size(s);
- b) General land use areas, identified as permitting one or more of the uses allowable in the proposed FDD;
- c) The shape, size and location of proposed public or private streets, walkways, parking areas, rail lines, easements, planted and treed areas, buffers, signage, lighting and lighting patterns, drainage patterns, open space areas, access locations from connecting roads and driveways within the site to the existing public road system, and amenities, such as parks, meeting spaces, bike paths, pedestrian trails, and public restrooms;
- d) Scale architectural elevations and sections, preliminary site plans, renderings or other illustrations of the visual character and architectural style of the development, and exemplar footprints and floor areas;
- e) Proposed areas for public dedication, such as streets, parks and open spaces, and a plan of development for such areas;
- f) Illustrations and renderings to depict visual aspects of the improved parcels; the Commission may also require a three-dimensional model(s);
- g) A complete written description, by metes and bounds or courses and distances, of the location of the proposed FDD boundaries;
- h) A master plan with topography that clearly identifies proposed land uses, the approximate location of residential homesite lines and number of homesites, the location and type of proposed accessory and active recreational uses, the location of proposed open space, prominent natural environmental features such as large areas of exposed ledge, specimen trees, lakes, ponds, streams or swamps, and the proposed location of roads, easements, buffers, public areas, and other major facilities;
- i) A table showing acreage for each category of land use including residential areas, roads, open space, commercial and community/open-space support uses, recreation, wetlands and watercourses and associated review areas, slopes greater than 25%, parking, bedrooms per dwelling unit, and a table of net residential densities by both dwelling units per acre and bedrooms per acre and floor area ratio (FAR);

- j) Proposed development relative to significant wildlife habitat and significant historical, archaeological and architectural features, existing soils, existing vegetation including tree lines, tidal and inland wetlands and watercourses areas and areas having slopes greater than 25% based on a scale of 1 inch = 100 feet and a contour interval of two feet;
- k) A proposed utility service concept plan including soil test results, electric, telephone, gas, television, sanitary sewers, storm drainage, potable water supply and water supply for fire protection;
- l) Illustrative landscaping plan, showing landscaped areas, buffers, typical cross-sections, and any special landscape features. A more specific and detailed plan and schedule shall be submitted as part of the Site Plan required for approval of a Special Exception Permit;
- m) A typical dwelling unit location plan including a siting of individual dwelling units in residential development areas;
- n) Graphic depictions of architectural style and character;
- o) Typical signage;
- p) Lighting design and light pattern standards.

**31.4.2.3 NARRATIVE DESCRIPTION.** The following information shall be submitted as a narrative text. The Commission may also require that one or more of the following standards be included in a table or graphic format on the Concept Plan:

- a) A statement outlining how the proposed development conforms to the Comprehensive Plan embodied in these Regulations and the adopted Plan of Conservation and Development of the Town; and how the proposal will better utilize the resources of the site to benefit the neighborhood and the Town than would be possible under the requirements of the underlying zone;
- b) A statement outlining how each of the requirements set forth in these Regulations is met, and how each of the criteria for evaluation of the application is satisfied;
- c) Method of determining, by boundary, use, type, or other method, division boundaries of parcels within the district;
- d) If construction is proposed to occur in phases, a statement outlining the expected timetable and the specific uses proposed within each phase;
- e) A statement regarding proposed ownership and management patterns within the FDD, including areas and utilities to be owned by a common interest ownership community, homeowners' association, or other collective entity;
- f) The proportion of the site to be occupied by, and the general location within the property of, each proposed use;
- g) Bulk and density allocations for the above parcels, including:
  1. minimum setbacks;
  2. maximum overall impervious lot coverage and maximum overall building coverage;
  3. maximum building height;
  4. maximum gross square footage;
  5. specifications for allocation and minimum number of parking and loading spaces to specific uses, to be dedicated prior to the time of issuance of certificate of occupancy, and standards for parking dimensions;
  6. where proposed parcels, building floor areas improvements or uses are not dimensioned on the Concept Plan, a formula for determining their dimensions will be provided, and in that case, the conceptual plan will show one example wherein the ratios will be applicable; the percentage of use per building and the floor area ratio for each use and building;
- h) Dimensional and material standards for public and private streets and walkways as desirable to preserve the character of the site;

- i) Description of architectural style and character;
  - j) Signage restrictions, including a unifying theme or style;
  - k) Description of lighting design and light pattern standards;
- l) Principles for public access rights and covenants.

**31.4.2.4 IMPACT STATEMENTS.** Except as provided in subsection f of this Section, the petitioner(s) shall submit the following impact statements with the petition. The impact statements shall specify all assumptions, qualifications and limitations on which they are based, and shall include a sensitivity analysis based on the assumptions utilized in the analysis.

- a) **MUNICIPAL FISCAL IMPACT STATEMENT.** A professional real estate economic analyst with experience in municipal fiscal analyses, shall prepare and submit a statement covering, at a minimum, the following factors:
1. The property and other municipal tax and fee revenue that may be generated;
  2. The municipal expenses and burdens that may be generated, both immediate and long term;
  3. If there are residential components, the anticipated number of school-aged children and the impact on existing and planned schools.;
  4. The impact of ancillary business to be generated in existing business centers by the population of and visitors to the project, and the demand for ancillary development to be generated;

The Commission may require that this report also be provided to the Tax Assessor, Economic Development Commission, and/or such other entity as the Commission deems appropriate for review and comment.

- b) **PUBLIC SAFETY AND TRAFFIC IMPACT STATEMENT.** A licensed Professional Engineer, whose expertise is in traffic and highway topics, shall prepare and submit a traffic analysis covering at a minimum, the following factors:
1. Estimate of the traffic generated by the proposed development and traffic impact on receiving streets;
  2. The impact of the design and road patterns of the development on the surrounding neighborhood and of the proposed traffic on the existing streets;
  3. The feasibility and safety considerations for motor vehicle and pedestrian traffic to be generated and the capacity of proposed parking, intersections, and access highways and public streets to carry the traffic without undue congestion;
  4. The impact of the project on public safety and the need for additional police services;
  5. The impact on fire safety and services and the need for other or specialized equipment or services to be used for fire fighting at the project;
  6. The impact on emergency medical services and need for other or specialized equipment or services.

The Commission may require that this report also be provided to the Town Engineer, the Chief of Police, the Fire Marshal, the Fire Chief, the Emergency Management Director, and/or such other entity as the Commission deems appropriate for review and comment.

- c) **PUBLIC WORKS IMPACT STATEMENT.** A licensed Professional Engineer specializing in site engineering, drainage, and the design of municipal roads, highways, infrastructure and improvements shall prepare and submit a statement—covering, at a minimum, the following factors:

1. The design, construction and capacity of the proposed drainage, utility and other systems for the development and the potential impact on existing public drainage, utility and other systems;
2. The design and shading of proposed lighting;
3. The design and layout of parking and its feasibility and safety for use by the public;
4. The capacity of the wastewater, water and other utility systems proposed to be built and used by the project, including:
  - a. Certification from the public water company, or a licensed Civil Engineer with a specialty in water supply, that a satisfactory system of water supply can be made available and operative for the maximum proposed land uses;
  - b. Certification from a licensed civil engineer with a specialty in sewerage system design that a satisfactory system of sewerage treatment can be made available and operative for the maximum proposed land uses.

The Commission may require that this report also be provided to the Town Engineer, the Chief of Police, the Fire Marshal, the Fire Chief, the Town Health Director, any private utility providers as indicated by the Commission, and/or such other entity as the Commission deems appropriate for review and comment.

- d) **CULTURAL, AESTHETIC OR HERITAGE IMPACT STATEMENT.** A licensed Architect or Landscape Architect experienced in the design and development of historic structures and the evaluation of structures and places for submission to the National or State Registers of Historic Sites and Buildings shall prepare and submit a statement covering, at a minimum, the following factors:

1. The design and placement of buildings, parking, roadways and landscaping;
2. The maintenance of public amenities and the impact on heritage and character of the Town of Madison;
3. The compatibility with public views and character of the surrounding neighborhood;
4. The reinforcement of existing street and building massing patterns and open space patterns, in the vicinity of the development;
5. The protection of and compatibility with locally significant or historic sites, vistas or features;
6. The archeologically significant resources;
7. The maximum massing that may occur under the concept plan demonstrated by a visual 3d image.

The Commission may require that this report also be provided to an architectural or other consultant chosen by the Commission, and/or such other entity as the Commission deems appropriate for review and comment.

- e) **NATURAL AND ENVIRONMENTAL RESOURCES IMPACT STATEMENT.** A licensed or certified professional specializing in relevant environmental matters shall prepare and submit a statement, at a minimum, the following factors:

1. Views and view sheds;
2. Wetlands (inland and/or tidal), aquifers, and watercourses and the maintenance of instream flows;
3. Groundwater, flooding , erosion or sedimentation;
4. Trees, endangered or critical plant species or forms and woodland habitats;
5. Endangered or critical species of animal; natural habitats and the movement of any resident or migratory fish or wildlife species;
6. Land forms, slopes and soils;

7. Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to create extensive detrimental environmental impact;
8. Current agricultural production capability; and
9. Air and water quality or ambient noise and light levels.

The Commission may require that this report also be provided to the Town Engineer, the Zoning Enforcement officer, the Conservation Commission, the Inland Wetlands Agency or Agent, the Tree Warden, and/or such other entity as the Commission deems appropriate for review and comment.

- f) **WAIVER OF IMPACT STATEMENT REQUIREMENTS.** In lieu of submitting one or more of the foregoing Impact Statements, the petitioner(s) may submit a written request for a waiver. The Commission may waive any of the requirements of this Section 31.4.2.4 if it finds that the proposed development plans may still be fully and properly evaluated in the absence of the information that would otherwise be required.

**31.4.2.5 OTHER.** The Commission may require the petitioner to submit, at or before the public hearing thereon, any other information in such form as it may prescribe.

### **31.5 SPECIAL EXCEPTION PERMIT APPROVAL REQUIREMENTS**

Siting an FDD (Zone Change) shall not, in and of itself, constitute the required Special Exception Permit approval for the buildings, structures or other uses proposed in the petition. A separate application for a Special Exception Permit approval must be filed, and such permit and approval must be granted, before such uses may be established. The petitioner(s) may submit such application at the same time as the petition is submitted. The Commission shall follow the procedures set forth in these Regulations for making a decision on the Special Exception Permit application.

If not submitted simultaneously, the Special Exception Permit application shall be filed within two (2) years of the siting of the FDD or, if a judicial appeal is taken from such approval, within two (2) years after the termination of such appeal. The petitioner may request, and the Commission may grant to two separate one-year extensions of time for the petitioner to receive a Special Exception Permit, provided the petitioner demonstrates to the satisfaction of the Commission that the delay has not been caused by a lack of diligent effort on the part of the petitioner(s) to secure such a Permit. If an application for a Special Exception Permit is filed within the two-year period, or within any period of extension granted by the Commission, the Concept Plan shall be deemed valid during any period in which the Commission is considering such application.

Except as hereafter provided, the Commission shall deny any application for a Special Exception Permit for an FDD if the buildings, structures and uses proposed in the application do not substantially conform to the relevant Concept Plan. The Commission may, by the concurring vote of a majority of all Commission members, approve modifications from the Concept Plan if the Commission determines that such modifications would reasonably serve the purposes and goals of Section 31.

**31.5.1 CONDITIONS FOR A SPECIAL EXCEPTION PERMIT.** In addition to the requirements found in Section 4 of these Regulations, the petitioner for such Permit shall provide:

- a) **Performance Bonds.** In connection with any Special Exception Permit issued for uses within an FDD, the Commission shall require performance bonds to insure the completion of all public improvements, as well as the installation and maintenance of any

structures, facilities, or materials needed for control of erosion or sedimentation or for protection or conservation of natural resources or the environment. The Commission may also require evidence of public dedication and acceptance, and/or suitable bonding for acquisition, of public rights of way, road, trail, bikeway and pathway easements, and the submission of conveyance or other legal instruments necessary for the dedication of such areas and ways to the public.

- b) **Deeds.** Any conveyances of land, easements or other property interests for roads, open space, drainage, utilities, parking, or other public purposes, shall be by Warranty Deed, and shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage, lien, restriction or other encumbrance. All such conveyances shall be recorded in the Land Records of the Town of Madison.
- c) **Certification of Suitability for Sewage Disposal and Water Supply.** The petitioner shall provide a letter from the Town Director of Health stating that the premises to which such application relates is suitable for on-site sewage disposal and water supply system.

**31.5.2 DURATION OF PERMIT.** Special Exception Permits issued for any FDD shall be valid for three (3) years from the date of approval or, if any judicial appeal is taken from such approval, for three (3) years from the termination of such appeal. The Commission may also approve a phased construction period, in which event the expiration dates of the Special Exception Permit for each phase shall be established by the Commission at the time it approves the Permit. Upon application, the Commission may grant one (1) extension of any time limit established hereunder for a period of up to one (1) year.



**TOWN OF MADISON, CONNECTICUT**

**SUBDIVISION REGULATIONS**

**BOOK II**

**Effective Date:**

**These Subdivision Regulations shall become effective**

**At Noon, May 6, 1967**

**Printed March 13, 2008  
Amended December 1, 2010**



**TOWN OF MADISON, CONNECTICUT**

**SUBDIVISION REGULATIONS**

In accordance with the provisions of Chapter 126, §8-25 of the General Statutes of Connecticut, 1958 Revision as amended, the Planning and Zoning Commission hereby adopts the following regulations for the resubdivision of land:

**SECTION 1**

**DEFINITIONS**

- 1.1** “Commission” means the Planning and Zoning Commission of the Town of Madison, Connecticut.
- 1.2** “Subdivision” as defined in C.G.S. §8.18 means the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission on April 10, 1953, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes re-subdivision. *Revised December 1, 1977*
- 1.3** “Resubdivision” as defined in C.G.S. §8.18 means a change in a map of an approved or recorded subdivision or resubdivision if such a change **(a)** affects any street layout shown on such map, **(b)** affects any area reserved thereon for public use, or **(c)** diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.
- 1.4** “Road” includes any street, highway, avenue, lane, or rights of way accepted by the Town or other government unit as a highway, including also any private road or other right of way giving access to more than one lot in a subdivision.
- 1.5** “Town” means the Town of Madison, Connecticut.
- 1.6** “Day of Receipt” is defined as the day of the next regular meeting of the Commission or thirty-five days after delivery to the Zoning Office, whichever comes first. *January 1, 1979*
- 1.7** *Section deleted June 17, 1993; effective July 15, 1993*

**SECTION 2**

**COMPLIANCE WITH REGULATIONS**

- 2.1** In accordance with the provisions of C.G.S. §8-25, no subdivision of land shall be made and no land in any subdivision shall be sold or offered for sale until a plan for such subdivision has been approved by the Commission.

- 2.2 In accordance with the provisions of C.G.S. §8.26, no resubdivision of land shall be made and no land in any such resubdivision shall be sold or offered for sale until a plan for such resubdivision has been approved by the Commission after public hearing. *December 1, 1977*
- 2.3 No plan of subdivision or resubdivision once approved by the Commission may be revised without further approval of the Commission except for minor modification in road elevations and drainage as approved by the Town Engineer. *December 1, 1977*. Application for such revision shall be made in writing on a form prescribed by the Commission and shall be accompanied by a fee per Zoning Regulations Section 23. *July 15, 1993*
- 2.4 Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision. Failure to complete all work within such five year period shall result in automatic expiration of the approval and no further lots shall be conveyed. *December 1, 1977*
- 2.5 In accordance with the provisions of the General Statutes of Connecticut, if an application involves land regulated by the Inland Wetlands Agency of the Town, an application shall be submitted to that Agency no later than the day the application is filed for subdivision or resubdivision. *Approved June 17, 1993, effective July 15, 1993*

### SECTION 3

## **GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

- 3.1 All land to be subdivided shall be of such character that each lot intended to be used for residence in such subdivision can be used for residential building purposes without danger to health. Land subject to flooding or with inadequate means of potable water supply and of sanitary sewage disposal shall not be subdivided for residential purposes. Each lot shall contain a building site of at least 32,000 square feet of contiguous area [exclusive of land classified as wetland type of soils as defined in C.G.S. §22a-38(15) and (16)]. In granting or denying approval of any proposed subdivision or parts thereof, the Commission shall consider the impact and consequences of the proposed subdivision on adjacent and/or contiguous land and watercourses and land affected by such watercourses.
- 3.2 All subdivision plans shall make proper provision for water supply, storm water drainage and sanitary sewage disposal with respect to all lots. All subdivision plans shall conform to the requirements of the Zoning Regulations in effect at the date of submission of such plan to the Commission. The Commission, in its discretion, may require lots of a size larger than that required by applicable provisions of the zoning regulations, because of conditions affecting water supply, drainage, or sewage disposal. *June 15, 1978*
- 3.3 All subdivision plans shall be designed and constructed in accordance with Book III of these Regulations. *(Prior Section deleted June 17, 1993; effective July 15, 1993. New section added October 21, 2010; effective December 1, 2010)*

- iii. For all irrevocable letters of credit, the Town shall require that its original form or the exact content of its original form will be used. All irrevocable letters of credit will have an automatic renewal clause in its content with no final expiration date.
  - iv. Any and all costs incurred in checking the financial status of the institution will be at the expense of the contractor/bank prior to the final acceptance of such irrevocable letter of credit.
- 11.3 Bonds shall be executed in accordance with sample forms supplied by the Town, with proper reference made to all maps and plans showing streets, drainage and other improvements covered by the bond, and shall be satisfactory to the Town Counsel as to form, sufficiency and manner of execution.
  - 11.3.1 Bonds secured by a passbook savings account or certificate of deposit shall be accompanied by the savings passbook(s) or certificate of deposit passbook(s) which shall remain in the possession of the Town until final release of the bond.
  - 11.3.2 When bond is secured by a passbook savings account or certificate of deposit, the total amount in any single account or certificate may not exceed the maximum amount per account guaranteed by the Federal Deposit Insurance Corp. Where the total amount of bond required exceeds FDIC coverage for a single account, additional accounts shall be established to ensure that all deposited funds are FDIC insured.
- 11.4 Where bond has been posted and required improvements have not been installed within the terms of such bond, the Town may declare the bond to be in default and require that all improvements be installed regardless of the extent of the building development at the time the bond is declared in default.
- 11.5 Upon written request by the developer and a determination by the Town Engineer that a substantial portion of the public improvements guaranteed by the bond has been completed, the Town Engineer may recommend that the Commission approve partial release(s) of the surety. In no event shall a bond be released below five percent of the amount of the original bond.
- 11.6 Application for acceptance of portions of the total proposed work may be made in writing upon completion of such portions. If such portions are accepted, the maintenance period for the accepted portions will commence as of the date of acceptance and pro-rated reduction in the surety bond or deposit will be allowed as provided for in Sec. 11.8.
- 11.7 Final release of any bond will not be approved until the following conditions have been met:
  - 1) The Town Engineer has certified that all required improvements have been satisfactorily completed.
  - 2) The applicant's engineer or surveyor has certified to the Town Engineer through submission of detailed "as built" plans that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision.
  - 3) All improvements have been accepted by the Town.
  - 4) A maintenance bond as described in Sec. 11.8 has been posted by the applicant.
- 11.8 The developer shall be required to maintain all improvements in a condition satisfactory to the Town Engineer for a period of one year from the date of final acceptance by the Town. Upon final acceptance by the Town, the developer will file with the Selectmen or Commission an acceptable maintenance bond as per the provisions of Sec. 11.2 in the amount of five percent of the original bond amount. The term of this bond shall be one year from the date of final acceptance. Upon receipt and approval of this maintenance bond, the Selectmen or Commission will release the performance bond required by Sec. 11.1.
- 11.9 It is the applicant's responsibility to obtain all necessary permits through State or Federal agencies. Bonds may be increased to cover improvements necessary for said requirements of the State and Federal agencies.

## SECTION 12

### MONUMENTS

- 12.1** All monuments shown on the final plan shall be installed. They shall be of stone or reinforced concrete, not less than four inches square and 30 inches long, with a brass or copper plug or drill hole, or cross marking in the center of the four-inch square, except that the markers indicating lot boundaries may be of iron pipe of one inch inside diameter and three feet long, all set flush with proposed grades.

## SECTION 13

*Section totally revised, approved June 17, 1993  
Effective July 15, 1993*

### VALIDITY

- 13.1** If any part of these regulations, for any reason, shall be held to be invalid, the validity of any other section or remaining portion of these regulations shall not be affected.

## SECTION 14

### GENERAL

The Commission may, by a three-quarters vote of all members, waive the provisions of certain sections of the Subdivision Regulations in cases where (1) in the opinion of the Commission, conditions exist which affect the subject land and are not generally applicable to other land in the area; and/or (2) conditions exist where the strict application of the Subdivision Regulations is either unnecessary or undesirable due to conditions which affect the subject land and are not generally applicable to other land in the area. No waiver shall be granted that would have a significant adverse effect on adjacent property or public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted in each instance.

Waivers which may be granted as follows:

- a) The provisions of Sec. 3.11 pertaining to open space.
- b) The provisions of Sec. 3.6 pertaining to irregularly-shaped lots.
- c) The paved portion of any road may be reduced to not less than 20 feet in width.
- d) The provisions of Sec. 3.4.2 pertaining to the number of rear lots allowed.
- e) Design requirements that are found to be inconsistent with the purpose and requirements of Book III of these Regulations. (*approved October 21, 2010; effective December 1, 2010*)

**BOOK III**

**STORMWATER MANAGEMENT**  
**and**  
**SOIL EROSION and SEDIMENT CONTROL**

**SECTION I: PURPOSE**

Development without proper consideration of stormwater impacts can be a significant source of pollution to Long Island Sound, its tributaries and other waters and aquatic habitats of the State of Connecticut, the Town, and the greater region including Long Island Sound. These waters are valuable natural, economic, recreational, cultural, and aesthetic resources. The protection and preservation of these waters is in the public interest and is essential to the health, welfare and safety of the citizens of the Town. It is, therefore, the purpose of this section to protect and preserve the waters within, and adjacent to, the Town of Madison from nonpoint sources of pollution and flooding impacts through the proper management of stormwater flows and the minimization of pollutants, which includes the introduction of freshwater into tidal salt marshes and estuarine waters where it can cause a decrease in vegetative diversity, wetland productivity and shellfish populations.

Additionally, land-disturbing activities associated with development without proper erosion and sediment control can accelerate soil erosion and sediment deposition resulting in water pollution and damage to residential, agricultural, industrial and recreational land uses, to fish and wildlife and to other resources. It is, therefore, also the purpose of this section to minimize erosion and nonpoint sediment pollution from land being developed and to conserve and protect the land, water air, and other environmental resources of the State of Connecticut, the Town and the greater region.

Stormwater Management Plans and Soil Erosion and Sediment Control Plans submitted to the Town of Madison shall be consistent with the following documents, which are incorporated by reference into these Regulations:

- CT DEP 2004 Stormwater Quality Manual, as it may be amended
- CT DEP 2002 Guidelines for Soil Erosion and Sediment Control, as it may be amended
- CT DOT Drainage Manual, as it may be amended

**SECTION II: DEFINITIONS**

- 1.1** “Development” means any construction or grading activity which results in a disturbed area of more than one-half acre, other than construction of a single-family dwelling or farming activity.
- 1.2** “Disturbed area” means an area where the ground cover is disturbed leaving the land subject to accelerated erosion.

**SECTION III: SOIL EROSION AND SEDIMENT CONTROL PLAN**

- 3.1** No development shall begin until the Soil Erosion and Sediment Control Plan has been approved by the Zoning Enforcement Officer.

**3.2** The application shall contain:

**3.1.1** A statement describing:

- 1) The development
- 2) The schedule for construction and grading activities including:
  - a. start and completion dates;
  - b. sequence of grading and construction activities;
  - c. sequence for installation and/or application of soil erosion and sediment control measures;
  - d. sequence for final stabilization of the project site.
- 3) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- 4) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- 5) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- 6) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

**3.1.2** A site plan showing:

- 1) The location of the proposed development and adjacent properties.
- 2) The existing and proposed topography including soil types, wetlands, watercourses and water bodies.
- 3) The existing structures on the project site, if any.
- 4) The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
- 5) The location and design details for all proposed soil erosion and sediments control measures and storm water management.
- 6) The sequence of grading and construction activities.
- 7) The sequence for installation and/or application of soil erosion and sediment control measures.
- 8) The sequence for final stabilization of the development site.

**3.2.3** Any other information deemed appropriate by the applicant or requested by the Zoning Enforcement Officer.

**SECTION IV: SOIL EROSION AND SEDIMENT CONTROL PLAN APPROVAL AND INSPECTION**

- 4.1** The Zoning Enforcement Officer shall approve the Soil Erosion and Sediment Control Plan for any development which provides adequate soil erosion and sediment controls to protect the health and welfare of the residents of the area.
- 4.2** The Zoning Enforcement Officer shall utilize *The 2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended, in evaluating the Plan.
- 4.3** The Zoning Enforcement Officer shall inspect the development as necessary to insure compliance with the terms and provisions of the approved Plan.

**SECTION V: STORMWATER MANAGEMENT**

- 5.1** All site plans and subdivision plans shall be designed to
  - 5.1.1** Identify and assess existing storm water runoff rates and volumes at the site, based on 10, 25, 50 and/or 100 year storms, as well as downstream flooding and erosion concerns.
  - 5.1.2** Preserve, or improve upon, pre-development hydrologic conditions, including peak discharge, runoff volume, groundwater recharge and natural drainage paths.

- 5.1.3** Reduce the potential for increases in runoff quantity by minimizing impervious surfaces and maximizing infiltration of stormwater runoff; encourage sheet flow from paved areas; and eliminate continuous curbing where possible.
- 5.1.4** Infiltrate stormwater to the greatest extent possible through the use of vegetated depressions, swales, rain gardens and bioretention, and other vegetated drainageways that convey and hold stormwater and provide for a slow recharge to groundwater, where soils permit; employ special care in areas of sensitive groundwater resources such, such as groundwater supply wells, in order to prevent their contamination, and employ special care in areas with soil or groundwater contamination in order to minimize the potential for infiltrated stormwater to mobilize contaminants.
- 5.1.5** Consider watershed based stormwater management strategies to control effectively the cumulative effects of increase in runoff volume and peak flows at critical locations throughout the watershed.
- 5.1.6** Use adequate outlet protection at drainage outfalls to reduce discharge velocities, disperse flow and prevent or reduce downstream erosion.
- 5.1.7** Coordinate construction erosion and sediment control measures with post-construction stormwater management measures.
- 5.1.8** At a minimum, retain on-site the volume of runoff generated by the first inch of rainfall from areas adjacent to, or within 500 feet of, tidal salt marshes and estuarine waters
- 5.1.9** At a minimum, collect and treat the first inch of rain from impervious surfaces so as to trap floating material, oil, litter and other pollutants; control pollutants at their sources to the maximum extent feasible.
- 5.1.10** Protect wetland and watercourse resources from stormwater discharge; do not drain stormwater directly to a wetland or watercourse or to a municipal storm drainage system that drains directly to a wetland or watercourse without adequate stormwater treatment; protect wetlands, watercourses and submerged vegetation from scour.