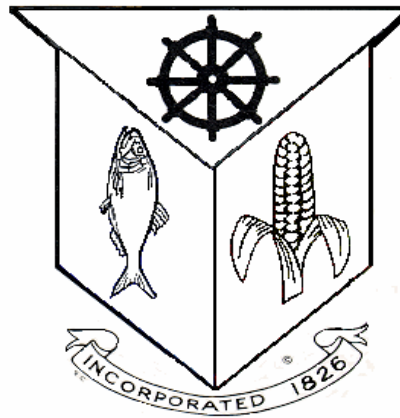


# Town of Madison, Connecticut



## **ZONING REGULATIONS**

## **SUBDIVISION REGULATIONS**

## **ZONING MAP**

*Printed March 13, 2008*

***WITH REVISIONS THROUGH***

*November 10, 2008*

# TOWN OF MADISON, CONNECTICUT

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**2.9 YARD REQUIRED FOR LARGE BUILDINGS**

In any Residence or Rural District, the required front, side and rear yards shall be increased by one foot for every 100 sq. ft. or major fraction thereof of area of the principal building coverage on such lot in excess of 3,000 sq. ft., but this provision shall not require any yard greater than 100 feet in depth or width. *(Amended 1/22/99; effective 2/15/99)*

**2.10 *Section Deleted (Amended 1/22/99; effective 2/15/99)***

**2.11 EXISTING LOTS**

Nothing in these regulations shall prevent the construction of a permitted building or establishment of a permitted use on a lot which, at the time of adoption of these regulations and also at the time of construction, was owned separately from any adjoining lot as evidenced by deed recorded in the land records of the Town of Madison, provided that the lot contains an area of not less than 4,000 sq. ft. and a width of not less than 40 feet and provided that any reduction in required yards shall have been approved by the Zoning Board of Appeals, or on a lot in an approved subdivision.

**2.12 USE OF LAND FOR ACCESS OR PARKING**

The use of land for access to or for parking in connection with a use shall be considered accessory to such use.

**2.13** No planting or other obstruction shall be placed or permitted to grow on any corner lot within the triangle formed by two intersecting street lines and a line connecting points on such street line 20 feet from the intersection in such a manner as to interfere with the vision of drivers approaching the intersection.

**2.14** In any commercial or industrial district, at least one-half of the first 20 ft. in from the front lot line of the front yard (as defined in §19.28) shall be suitably landscaped and shall not be used for parking or display purposes.

**2.15 CHANGE OF USE**

The conversion of a residence use to a permitted commercial use or the changing of one permitted commercial or industrial use for another permitted commercial or industrial use shall be subject to review and approval by the Zoning Enforcement Officer in accordance with §4.2.1, 4.2.2 and 14.7.

**2.16 DRIVEWAYS**

To facilitate access of emergency and service vehicles, driveways servicing buildings placed 100 feet or more from the street line shall be subject to the following requirements:

Cleared driveway width	15 feet
Cleared height	12 feet
Width of permanently improved portion	10 feet
Maximum grade	15%
Centerline radii for horizontal curves	30 feet

**2.17** A minimum setback of 50 feet from critical coastal resource areas as defined in §19.9 of these regulations is required for all buildings except accessory buildings with footprints not exceeding 200 square feet, building additions that do not change the building

footprint, or uncovered decks. (*Approved 12/17/92; effective 4/1/93; amended 10/16/08; effective 11/10/08*)

**2.18** No building permit shall be issued for any new construction, addition, or exterior alteration located

**2.18.1** within any of the areas in which the use is permitted only by Special Exception; or

**2.18.2** in any Commercial Districts in §6.

until the applicant shall have obtained a Special Exception Permit or Site Plan approval pursuant to the provisions of §4.2 through 4.8 or §29 respectively. (*Effective 10/14/86; modified effective 10/30/87*)

**2.19** No addition or alteration of parking areas, or major alteration including removal of or addition to landscaping and/or buffer zone(s) shall be permitted in any of the Commercial Districts under Section 6 until such changes shall have been reviewed by the Advisory Committee on Community Appearance and approved by the Planning and Zoning Commission as required under §6.7 of these Regulations. (*Effective 10/30/87*)

## 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*

- 13.4** Use Variances. The Zoning Board of Appeals shall adhere to the following when application is made for a variance of a permitted or prohibited use under these Regulations or for substitution of nonconforming use in accordance with Section 12.1:
- 13.4.1** Where the use of land, building or other structures is prohibited in a district but is permitted under these Regulations in another district, a variance in connection with such use may be granted only subject to Special Exception approval by the Planning and Zoning Commission.
- 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 refiling 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 (or the actual owners of record if otherwise known to the applicant); the lists shall include map numbers 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 application, including scheduled date, time, and place of public hearing. Evidence of such mailing shall be submitted with the aforementioned list, in the form of United States Post Office Certificates of Mailing.

*Effective 6/15/88*

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

**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.
- 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.