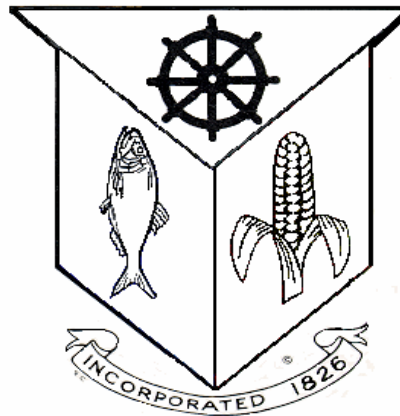


Town of Madison, Connecticut



ZONING REGULATIONS

SUBDIVISION REGULATIONS

ZONING MAP

Printed March 13, 2008

WITH REVISIONS THROUGH

July 10, 2009

SECTION 26A

HOUSING OPPORTUNITY DISTRICT (“HOD”)

26A.1 PURPOSE:

To promote diversity of housing types and housing opportunities in the Town of Madison by providing a Housing Opportunity District (“HOD”) for “affordable housing development” as provided by and pursuant to Section 8-30g of the Connecticut General Statutes, and in accordance with the objectives of the 2000 Madison Plan of Conservation and Development. This HOD provides for the redesignation of certain properties to permit “affordable housing developments” subject to site plan review as provided by Section 29 of these Regulations.

26A.2 PROCEDURE:

A site shall be designated HOD on the Zoning Map of the Town of Madison after review and approval by the Commission of an affordable housing application that includes both a petition for a zone change and application for site plan approval pursuant to Section 8-30g.

26A.3 DEFINITIONS:

26A.3(a): Section 8-30g refers to Section 8-30g of the Connecticut General Statutes.

26A.3(b): “Affordable housing application” shall constitute both a petition for a zone change and application for site plan review and approval of an “affordable housing development” as defined by Section 8-30g.

26A.4 SALE, RESALE OR RENTAL:

A HOD development use shall comply with the sale, resale or rental provisions of Section 8-30g.

26A.5 ADMINISTRATION:

A HOD development use shall be administered as provided by Section 8-30g.

26A.6 STANDARDS:

A HOD development is subject to the review standards of Section 8-30g, and the requirements of Section 26A of these Regulations.

26A.7 MINIMUM REQUIREMENTS FOR A HOD DEVELOPMENT:

26A.7(a): **Minimum parcel area:** Minimum parcel area for a HOD development shall not be less than four (4) acres, and the maximum parcel area shall not be more than five (5) acres. For purposes of calculating Density, as defined in subsection 2sA.7(c), Minimum parcel area shall exclude wetlands and watercourses as defined by C.G.S. §22a-38 which statute is part of the Connecticut “Inland

Wetlands and Watercourse Act”, and shall further exclude slopes in excess of thirty-three (33%) percent.

- 26A.7(b):** **Parcel location:** The parcel for a HOD development shall be located in a Residential Zoning District as provided by these Regulations. The parcel shall not be more than 3,000 feet from a collector road, arterial road and controlled access road, as designated on “Proposed Road Classification, Madison, CT” map, at p. 83, of the Madison Plan of Conservation and Development 2000.
- 26A.7(c):** **Density:** To promote diversity in housing types and housing opportunities as provided by Section 8-30g, a HOD development shall provide for a bonus density whereby 6 dwellings per net acre as provided by Section 26A.7(a) of these Regulations shall be permitted.
- 26A.7(d):** **Maximum bedrooms per dwelling:** Each dwelling in a HOD development shall contain not more than two bedrooms.
- 26A.7(e):** **Maximum number of dwellings per structure:** The maximum number of dwellings per structure shall not be more than four.
- 26A.7(f):** **Building standards:** The following building standards shall govern the design of a HOD development.
- i.** Minimum lot frontage: 200 feet;
 - ii.** Minimum setback from street line: 40 feet;
 - iii.** Minimum setback from side property line: 20 feet;
 - iv.** Minimum setback from rear property line: 30 feet;
 - v.** Maximum number of stories: 2 1/2
 - vi.** Maximum height (to midpoint of pitched roof): 30 feet as defined by Section 19.6 of these Regulations;
 - vii.** Maximum building coverage: 20%;
 - viii.** Maximum impervious surface coverage: 50%; and
 - ix.** Accessory buildings, as defined by Section 19 of these Regulations, shall be permitted as provided by Section 11 of these Regulations.
- 26A.7(g):** **Wastewater disposal:** A HOD development shall be served by public sanitary sewer, or by on-site septic system(s) that comply with the design requirements of the Connecticut Department of Health and Connecticut Department of Environmental Protection, as may be applicable.
- 26A.7(h):** **Parking:** A HOD development shall provide a minimum of two parking spaces per dwelling. At least one parking space per dwelling shall be a garage or covered space.
- 26A.7(i):** **Utilities:** All electric, telephone and cable television utility wires shall be installed underground.
- 26A.7(j):** **Open Spaces:** A minimum of forty percent (40%) of the parcel shall constitute “open spaces” as defined by Section 19.22 of these Regulations.
- 26A.7(k):** **Signage:** Signage shall not exceed two signs as follows:

- i. Maximum aggregate sign size: 48 square feet; and
- ii. Maximum height, freestanding sign: 6 feet.

Signage may be two-sided, one-sided, or a combination of both.

26A.7(l): **Buffer areas:** A minimum 10 foot wide landscaped or natural buffer shall be provided for all rear, side and front lot lines.

26A.7(m): **Public water:** A HOD development shall be served with public water.

26A.8: **Application procedures:** Any person may submit, with the property owner's consent, a petition for a zone change as provided by Section 17 of these Regulations, and an application for site plan approval as provided by Section 29 of these Regulations, to permit a HOD development pursuant to this Section 26A.

26A.9 **Performance and Maintenance Bond for Public Improvements:**
As a condition of approval of a HOD development, the Commission may require a performance bond in an amount sufficient to secure to the Town the actual installation costs of public improvements within two years from the approval date of a HOD development. The Commission may extend the completion date for the 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 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:
1. The design and placement of buildings;
 2. The maintenance of public views;
 3. The design, paving materials and placement of public roadways and passageways;

4. Construction of new landscaped areas and regrading of existing landscaping;
5. Fencing; and
6. 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. 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. 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.

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.